

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 07 AUGUST 2018**

**PLANNING APPLICATION – BALTIC MILL, DENS ROAD, ARBROATH**

**GRID REF: 363932 : 741483**

**REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No 17/01002/FULL for change of use and alteration of vacant former whisky bond to form 24 flats with associated parking, green space and refuse and cycle storage for Cullross Ltd at Baltic Mill, Dens Road, Arbroath. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 The applicant seeks full planning permission for change of use and alteration of a vacant former whisky bond to form 24 flats (8 x 1 bedroom and 16 x 2 bedroom) with associated parking, green space and refuse and cycle storage. A plan showing the location of the site is provided at Appendix 1.

3.2 The site lies to the east of Dens Road near the southern extent of the Dens Road/Wardmill area of Arbroath. The Dens/Wardmill Area sits on low ground that lies adjacent to the Brothock Water. The area lies to the south of the Den of St Vigeans which is an extensive formal and informal recreational area and amenity open space through which the Brothock Water runs. The watercourse runs directly to the east of the site in a southerly direction towards the North Sea where it terminates at Danger Point in the Fit O' the Toon area of the town. The watercourse is culverted under Guthrie Port to the south of the site and the Morrison's Supermarket car park that lies beyond.

3.3 The Dens/Wardmill area is currently in mixed use and a number of land uses within Use Classes 4, 5 and 11 are already located there as well as a number of uses that do not fall within any specific use class such as scrap yards. The existing uses are located in a mix of industrial era buildings and sites that were formerly associated with heavy industry in the 19<sup>th</sup> and early 20<sup>th</sup> Centuries. A number of sites with mid to late 20<sup>th</sup> Century business related and industrial units also exist in the area. The east coast main railway line runs to the west of the area parallel to Dens Road and the Brothock Water. Residential development is located on raised ground to the east and west of the Dens/Wardmill area.

3.4 The site measures around 0.28 ha (2800sqm) and consists of the main former Baltic Mill building and its courtyard area that comprised the main weaving floor of the former mill. Although the original outer walls of the weaving shed remain and contain the courtyard, the weaving shed was granted consent for demolition in 1998 due to its poor state of repair and in order to attempt to stimulate potential for the redevelopment of the more architecturally

important elements of the site. The Mill Manager's house and workshops and the engine shed and chimney stack define the south boundary of the site although these buildings are not subject of this application.

- 3.5 The building is Category A Listed and its significance is derived from its cultural and economic associations as well as its physical structure, being a fire proof iron framed building. The building group includes the last mill chimney in Arbroath. Baltic Mill was originally a power loom linen weaving works and was opened in 1852 by Andrew Lawson. The works closed in 1932 and following the winding up of the firm in 1948 after a period of sharp decline in the Arbroath textiles industry, the building was brought into use as a Whisky Bond. This secondary use ceased in the 1990's and the building has not been in meaningful economic use since. The condition of the building has deteriorated to a state where despite its robust construction; it is now listed on the Buildings at Risk Register for Scotland where it is noted as being in poor condition. The Buildings at Risk entry relevant to the building can be viewed [here](#). Repairs to the roof have however recently been undertaken.
- 3.6 The application has not been subject of variation. The application was subject of neighbour notification and advertised in the local press. A site notice was posted.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Planning application ref: 10/00188/FULL and Listed building Consent ref: 10/00189/LBC were approved on 14 April 2014 and 16 February 2011 respectively. The approved scheme made provision for the erection of sixteen new build flats in the courtyard of the site, the conversion of the main works building to form nineteen flats and the formation of four flats and an office in the Mill Managers House and Engine House. The development was not implemented. Planning application ref: 10/00188/FULL was initially subject to SEPA objection on flood risk grounds, however following the submission of a Flood Risk Assessment, SEPA withdrew its objection.
- 4.2 The Angus Local Development Plan Examination Report dated 03 June 2016 detailed the examination of the Proposed Angus Local Development Plan (published February 2015) by a Scottish Government Reporter. Amongst other things the report included the examination of the proposed designation of the Dens Road/Wardmill Road Area of Arbroath as an Opportunity Site. The proposed designation was subject of two objections including an objection from SEPA. SEPA's concerns related primarily to the current level of flood protection in the area and stated amongst other things that that residential development in the area was unlikely to be supported. SEPA sought modification to the wording of the A3 designation to include a requirement that a feasibility study including Flood Risk Assessment should be undertaken prior to development to assess the potential for channel restoration on the Brothock. Notably, SEPA did not object to the identification of Baltic Mill as a housing site and did not request deletion of reference to residential development as an acceptable use in the Dens Road/Wardmill Road Area. The Reporter concluded that given the concerns regarding history of flooding and the presence of culverts on the [Dens Road/Wardmill Road] site, it was appropriate that an additional requirement should be added to confirm that any flood risk assessment relative to the redevelopment of the wider area should consider the potential for channel restoration. The Reporter recommended that the A3 Opportunity Site designation be modified to include the consideration for channel restoration as part of any Flood Risk Assessment relative to the redevelopment of the wider Dens Road/Wardmill Road area. No other modification was made to the proposed A3 policy by the Reporter. Again, notably, the Reporter did not consider it necessary or appropriate to remove reference to acceptability of residential use in the Dens Road/Wardmill Road area.
- 4.3 Planning application 17/00083/FULL provided for the formation of 24 flats within the Baltic Mill and for the erection of 16 new-build flats within its courtyard. That application was withdrawn prior to determination following objection from SEPA regarding flood risk.
- 4.4 Listed building consent application 17/00082/LBC which provides for Alterations to Redundant Mill building associated with its subdivision to form 24 flats is currently pending consideration. That application is not subject to objection from any party but will not be determined in advance of the current planning application.

## 5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- An Asbestos Survey Report;
- A Design and Access Statement;
- A Noise Impact Assessment;
- A Bat Assessment;
- A Boundary Wall Report
- A Geo- Environmental Interpretive Report;
- A Flood Risk Assessment;
- A Topographical Study;
- A Transport Statement;
- A Conservation Plan;
- Drainage Design Information.

5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

## 6. CONSULTATIONS

6.1 **Scottish Environment Protection Agency** – objection in principle on the grounds of flood risk.

6.2 **Angus Council Roads (Flood Prevention)** – no objection.

6.3 **Angus Council Environmental Health** – no objection in respect of matters relating to land contamination or in respect of noise impacts subject to conditions.

6.4 **Aberdeenshire Council Archaeology Service** - no objection subject to a condition.

6.5 **Community Council** – no comment.

6.6 **Angus Council Roads (Traffic)** - no objection.

6.7 **Scottish Water** – no comment.

6.8 **Network Rail** - no objection.

6.9 **Angus Council Parks and Burial Grounds** - no objection.

6.10 **Angus Council Housing** - on the basis that the development is being undertaken on behalf of a Registered Social Landlord (RSL) and that 100% of the site would be affordable, there would be no requirement for a formal agreement to be entered into in respect of affordable housing provision.

6.11 **Historic Environment Scotland** - no objection.

## 7. REPRESENTATIONS

None.

## 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 Given that the application for planning permission affects a listed building and its setting, Section 59 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special or architectural or historic interest which it possesses.

- 8.3 In this case the development plan comprises:-
- TAYplan (Approved 2017)
  - Angus Local Development Plan (Adopted 2016)
- 8.4 The development plan policies relevant to the determination of the application are reproduced at Appendix 3 and have been taken into account in preparing this report.
- 8.5 The Category A Listed Building to which the application relates is described as a power loom linen weaving factory circa 1852 with a slate roof and multi-paned sash and case windows over 4 storeys with a 13 bay triple-pedimented Palladian frontage and a central arched entrance. The key features of the building are its fireproof iron frame construction consisting of two rows of cast iron columns carrying iron beams and brick arched ceilings. A secondary building lies to the south of the main building which was formerly the Mill Manager's house, office, workshops, preparing departments and the engine house and chimney stack. The secondary building is not subject of this application. The courtyard of the building group is contained by the remnant stone walls of the former weaving floor that are between 2.5 – 3 metres in height. The walls are pierced at regular intervals by cast iron brackets and the surrounds for line shaft bevel gearing for the looms that were formerly located within weaving floor.
- 8.6 The proposal would involve the conversion of the main building within the Baltic Works building group to form 24 flats. The formation of a parking area and landscaping would also take place within the courtyard of the building. The proposed development is also subject of a separate listed building consent application (ref: 17/00082/LBC) that remains available to be determined under delegated powers. This application has not been determined to date as it is intended to align the listed building consent with the planning permission should Committee be minded to approve the application.
- 8.7 Policy DS1 in the Angus Local Development Plan (ALDP) states that all proposals will be expected to support the delivery of the Development Strategy. The policy states amongst other things that the focus of development will be sites allocated or otherwise identified for development and that proposals that re-use or make better use of vacant, derelict or under used brownfield land and buildings will be supported where they are in accordance with other relevant policies in the ALDP.
- 8.8 The Development Strategy for Arbroath refers to supporting the redevelopment of vacant, underused and brownfield sites within the defined Development Boundary of Arbroath with specific reference to land at Dens Road/ Wardmill Road. The strategy also seeks to safeguard and enhance the natural and built features that are a key part of the character and identity of the town as well as the management of flood risk along the Brothock Water in order to ensure that new development is not at risk of flooding and does not increase flood risk elsewhere.
- 8.9 The application site is identified as an existing housing site (site A(l)) in the ALDP. In addition, the area in which the site is located is identified in the ALDP as an opportunity site by the A3 designation which provides opportunities for development within Use Classes 4 (business) 5 (general industry) and 11 (leisure) as well as potential residential opportunity.
- 8.10 The site consists of a disused building and its associated courtyard. In this respect the site is by its nature vacant, derelict, under used and brownfield. In addition to this the building and associated land and walls that are the subject of the application are considered to be of national importance and are accordingly categorised as A Listed.
- 8.11 As indicated above this site is specifically identified in the ALDP as an existing housing site and it contributes to the effective housing land supply. Policy TC1 of the ALDP states that land identified for residential development will be safeguarded from development for other uses. Policy DS1 similarly safeguards the site for its identified housing use. It is a brownfield site that contains a vacant building. The principle of housing use on this site is entirely consistent with the ALDP.
- 8.12 Policy TC2 in the ALDP is the main policy consideration in relation to the provision of residential development including the conversion of non-residential buildings. The policy supports new residential development where proposals are compatible with current and proposed land uses, provide a satisfactory residential environment, do not result in unacceptable impacts on the built and natural environment, surrounding amenity, access and infrastructure and include an appropriate mix of house sizes, types and tenures including

affordable housing provision in accordance with Policy TC3. These matters are discussed below.

### **Land use compatibility and amenity considerations**

- 8.13 The site lies between a main railway line to the west and a site where auto salvage takes place to the east. The south of the site is contained by mixed commercial activity with trade counter units located to the south beyond the former Mill Manager's house. The north is contained by former bleach works that have in the recent past been used for commercial activities including carpet sales and a joinery workshop. The site does however lie at the southwest extent of the Dens/Wardmill area where existing residential uses are located in close proximity. In terms of issues of compatibility arising from the proximity of the site to the railway line and the auto salvage yard to the east, the relationship between any housing unit in the site to these existing uses would be similar to the relationship that currently exists between existing housing on Ogilvy Place and the railway and existing housing in Westhaven Gardens and the auto salvage yard. The suitability of the site for housing development has been confirmed through its identification as a housing site in the ALDP.
- 8.14 The site would accommodate 24 flats within the existing building. The Environmental Health Service has indicated no objection in respect of impacts from neighbouring land uses. Conditions are suggested to secure mitigation measures that would ensure no unacceptable noise impacts were experienced by the occupiers of the development. Environmental Health have also assessed the submitted Geo-environmental Interpretive Report regarding ground conditions and is satisfied that no further work in respect of land contamination beyond the measures outlined in that information is required. On-site car parking would be provided along with amenity open space and a drying area. The site would have good accessibility to surrounding services and facilities as well as to the open space at the Brothock Valley which is a short distance to the north. The proposed residential environment would be similar to the type of residential environment that is currently established nearby. Issues regarding flood risk are discussed below.
- 8.15 The site is some distance from neighbouring residential property and the proposal would not affect the occupants of that property. The nature of the proposed use and the surrounding area are such that the proposal would not adversely affect the amenity of occupants of other occupants in the area.
- 8.16 A communal open space of around 640sqm would be provided within the courtyard area of the development. The Parks and Burial Grounds Service has indicated that although the level of open space provision within the site is below the target level for a 24 dwelling development (1458sqm), the constrained nature of the site is such that on-site provision in accordance with the Six Acre Standard is not possible in this instance. Parks and Burial Grounds also confirms that the site is well related to the existing extensive open space provision in the Brothock Valley where there are no immediate plans for open space improvements to which off-site contributions could be directed. Taking account of the nature of the development which is a publicly subsidised regeneration project and the current availability of good quality open space near the site, no off site contribution is sought in this instance.

### **Built environment**

- 8.17 Baltic Mill is a Category A Listed Building that is of national importance. The building is effectively an empty shell that is supported by an iron column grid and its outer walls. Vaulted ceilings are supported by the grid on each floor save for the top floor which is notable due to the exposed steel fireproof truss configuration. Some original features remain such as the stone staircase to the south east of the building that is worn down by decades of footfall and small sections of functional Victorian balustrade however the building has been incrementally stripped of assets such as the original stone flag floors over the years that it has remained redundant and semi derelict. What remained of its windows are mainly beyond repair. Until recently the roof cladding was in extremely poor condition and the building was subject to serious water ingress and pigeon infestation. Less robust buildings would not have survived being left in such a condition for such a sustained period. The building is listed in the Buildings at Risk Register for Scotland as a result of the long term neglect that it has suffered. The Conservation Plan is useful in imparting an understanding the significance of the building, its setting and how it would be affected by the proposals.
- 8.18 The proposals would see the building converted to flats. The flats would be built within the structure of the building and no significant structural intervention other than the opening of windows on the east elevation and the removal of various accretions would be required. The

resulting composition would preserve the imposing presence and grand appearance of the building and there would be no effects arising that are considered to be unacceptable or significant. Historic Environment Scotland (HES) has been consulted on the proposal as has Aberdeenshire Council Archaeological Service. Neither consultee offers negative comment on the effects of development on the nationally designated heritage asset or on local archaeology. Conditions are proposed to ensure appropriate detailing and other matters would be regulated through the associated listed building consent application.

- 8.19 This is a prominent landmark building that is well established as a feature of the urban fabric of Arbroath. As matters currently stand the building is mainly notable for its negative impact on the area in which it is located given its visual prominence and current condition. There is no question that the reuse of the building in the manner proposed would improve the built environment of the area.

#### **Natural environment**

- 8.20 In terms of impacts on the natural environment, the building and its curtilage stand within a former heavily industrialised area within the built up area of Arbroath where there are no significant natural heritage interests other than the Brothock Water. Although large areas of open space lie to the north of the Dens/Wardmill Road area, they are too distant to be directly influenced by development on the site. The building to which the application relates does have some limited potential to provide habitat for protected species in the form of bats and for nesting birds. In terms of nesting birds, the site was previously infested with feral pigeons that left a significant legacy of carcasses and guano in their wake. This situation has recently been remedied and the building has been protected against further infestation. A survey for bats has been undertaken. The conclusion of the survey was that as a result of the current condition of the building, its potential as a roost for bats is suboptimal. No evidence of bat activity was found and negligible potential for future use was identified. Potential use as a hibernation roost was ruled out. Since the time of the survey, repair works have been carried out on the roof of the building. There would be no requirements for further works to be undertaken on the roof should planning permission be granted. The roof of the building was the only part of the site that was considered to offer potential as an occasional overnight roost under loose slates. The proposal does not give rise to unacceptable impacts on the natural environment.

#### **Access and infrastructure**

- 8.21 The development could readily be accommodated within the capacity of the existing roads network. Site access from Dens Road is well established and the site is well located for ready access by car, foot and other transport modes to the rest of Arbroath. The site is also well located for access to the primary routes through the town in the form of the A92 and the A933 roads. Main transport hubs in the form of Arbroath Bus station and Arbroath Railway Station are located within around 500 metres of the site. The Roads Service has offered no objection in respect of road safety, traffic and parking impacts.
- 8.22 In terms of potential impacts on other infrastructure, as a proposal that relates to a site that lies within the existing built up area of Arbroath, there is no concern raised in respect of access to water and drainage infrastructure. In terms of impacts on the local schools estate the application relates to a development of affordable housing units a third of which would be single bedroom apartments. Angus Councils published guidance indicates that developer contributions will not be sought in respect of education infrastructure from development comprising affordable housing or from single bedroom units. On that basis no education contributions are sought in this instance.

#### **Affordable housing**

- 8.23 The development is to be undertaken on behalf of a local Registered Social Landlord (RSL) and funds are currently allocated against the development in the Strategic Housing Investment Plan (SHIP). On completion of the development the building would be transferred to the RSL and as such the development as proposed would yield 100% affordable housing which is significantly greater than the 25% figure aimed for by Policy TC3. On the basis that the development would be undertaken in order to meet the specific needs of an RSL, there is no issue in terms of the proposed mix, types or tenure of the units within the development. A condition is proposed to ensure that accommodation is occupied as affordable housing as dispensation in relation to potential developer contributions have been agreed on that basis.

## Flood risk and Flood Resilience

- 8.24 The site lies directly adjacent to the Brothock Water. The consequence of this is that it lies in a medium to high risk (0.5% annual probability or 1:200 year) flood risk area in terms of the National Flood Risk Framework. The A3 Opportunity Site allocation includes amongst other things an assessment of flood risk as a requirement of proposals for the Dens Road/ Wardmill Road area. Policy PV12 relates specifically to the management of flood risk. The policy states a basic presumption against development on functional floodplains that involves land raising resulting in the loss of functional floodplain or which materially increases the probability of flood risk elsewhere. The policy makes provision for the undertaking of flood risk assessments for development in areas that are at medium to high flood risk. Such assessments should demonstrate that flood risk is manageable within and outwith the site, that freeboard allowance of at least 500-600mm can be provided, that flood free access and egress can be provided and where appropriate; that flood resilience would be built into the construction. Policy PV13 relates to flood resilience and adaption and states that development should not require an increase in the provision of or maintenance of flood defences and encourages flood resilience measures such as flood resilient materials and penetrable surface treatments to be built into new development. Scottish Planning Policy states that medium to high risk areas may be suitable for residential development in existing built up areas providing flood protection measures to an appropriate standard either exist, are under construction or are planned in a current flood risk management plan.
- 8.25 A flood risk assessment has been undertaken and submitted by the developer in support of the application. The assessment identifies that whilst the site is well protected due to its contained nature, water from upstream flooding spilling from the channel of the Brothock would result in flooding that would put the site and its access at risk of inundation from flood waters in a 1 in 200 year (+ climate change) event. Available information indicates that in a 1 in 200 year (+ climate change) event the courtyard could be flooded to a depth in the region of between 270mm and 380mm. In order to address this risk mitigation is proposed in the form of an automatic flood gate that would limit flood waters entering the car park. It is also proposed to reinstate the historic levels within the courtyard area.
- 8.26 The flood risk assessment indicates that in a 1 in 200 year (+climate change) event, the individual properties within the development would not be directly affected by flood water. Finished floor levels within the building are set at 9.10m AOD. Available information from a number of flood risk assessments indicates that the 1 in 200 year (+ climate change) event flood levels would range between 8.22m and 8.44m AOD. This would provide freeboard of between 660mm and 880mm. The road level adjacent to the site is in the region of 7.7 – 7.9m AOD with levels generally increasing as you move north on Dens Road. Accordingly in a 1 in 200 year (+ climate change) event flood levels would impede access and egress from the site.
- 8.27 SEPA and the Roads Service, in its capacity as Flood Prevention Authority, have been consulted on the application. The Roads Service has stated no objection to the proposal having taken account of the available information in relation to flood risk, the fact that up-to-date supporting information indicates that individual properties would be clear of predicted flood levels by between 660mm and 880mm freeboard in the 1 in 200 year (+climate change) scenario and the mitigation proposed by the applicant. The Roads Service has also taken account of the published Arbroath Flood Protection Scheme. That scheme is a planned measure in a current flood risk management plan. The Roads Service has indicated it is satisfied that the proposal would not significantly increase flood risk elsewhere.
- 8.28 SEPA has stated an in-principle objection to the proposal on the grounds of flood risk. This objection is primarily on the grounds that SEPA considers the site would become inundated during a 1 in 200 year event; that the change of use of the building to housing would result in increased vulnerability and that safe access and egress would not be possible during such flood event. SEPA highlight that the development proposal would not accord with its latest published guidance. It also indicates that current flood protection measures on the Brothock installed after flooding that occurred in 1977 protect to a 1 in 25 year standard and therefore do not protect the site to an appropriate standard. SEPA also states that as the planned flood protection measures for the Brothock would be designed to a 1 in 200 year standard without climate change allowance, the scheme does not offer a sufficient level of protection. SEPA has suggested that the site be redeveloped to a less vulnerable land use classification in line with its original use.
- 8.29 As indicated the Arbroath Flood Protection Scheme has recently been published. The consultation period closed on 5 July 2018 and 5 valid objections to the scheme were received by the Council. A construction start on the scheme is anticipated in January 2019 subject to

removal of the objections, with a planned construction period of 18 months. The scheme has been designed to a 1 in 200 year level of protection and this level of protection has been agreed as appropriate by SEPA. The scheme is a planned measure in the Local Flood Risk Management Plan. Available information suggests that following construction of the scheme there should be no out of bank flows in the 1 in 200 year event along the reach at Baltic Mill; this suggests that flooding on Dens Road would therefore be unlikely. As stated above, Scottish Planning Policy makes provision for residential development to take place in circumstances where flood protection measures to an appropriate standard are a planned measure in a current flood risk management plan. It is however important to note that protection schemes can reduce flood risk but they cannot eliminate it entirely. It is also relevant to consider that whilst the avoidance of flood risk is undoubtedly the best way to deal with the issue of flooding, in the case of development in existing built up areas, and where it involves redevelopment of historic buildings in particular, flood avoidance is simply not possible and protection and mitigation therefore becomes the next best option.

8.30 In terms of development plan policy, available information suggests that the proposed dwellings that would be formed in the converted building do not appear to be at significant risk of flooding given the existing floor level of the building. The floor level of 9.10m AOD would allow for a freeboard in excess of 600mm. Reinstating previous ground levels within the courtyard area and providing an automatic flood gate would limit potential flood risk within the car park and amenity area. The existing building is of solid construction and appears reasonably resilient. Access and egress to the site would likely be affected in a 1 in 200 year (+climate change) flood event although the applicant has proposed a flood evacuation plan linked to SEPA's Floodline service. The Flood Risk Framework allows for residential development in medium to high risk areas where flood protection measures are a planned measure in a current flood risk management plan. In this case the Arbroath Flood Protection Scheme has been published. It is a planned measure in a flood risk management plan and it is designed to a level that SEPA has indicated is acceptable. Whilst a flood gate is proposed at the site entrance, this specific and localised measure would result in a negligible impact on flooding within the wider catchment. Even if the proposal was not related to the formation of housing, it would be completely understandable and reasonable that any user at the site would seek to prevent flooding from occurring in the courtyard area.

8.31 The site is safeguarded in the ALDP for housing development and conversion of the listed building to accommodate housing units is generally compatible with relevant development plan policy. The proposal does not fully accord with the specific criteria of Policy PV12 principally as access and egress could be impeded in a 1 in 200 year (+climate change) flood event but that situation was known at time of the grant of the previous planning permission and at the time the site was included in the ALDP as a housing site. The construction of the Arbroath Flood Prevention Scheme would reduce potential for flooding on Dens Roads in a 1 in 200 year flood event.

#### **Other considerations**

8.32 This is a category A listed building; it is of national importance. The building has been vacant for a number of years and its condition has deteriorated. It is on the Buildings at Risk Register. The Council has a statutory duty to have special regard to the desirability of preserving the building in the determination of this planning application. It is understood that funding is currently available to allow this development to proceed and this proposal would secure the retention of this nationally important building. If this proposal is unsuccessful the recent history of the building, with no beneficial use and limited investment in its fabric, would suggest that it may continue to sit vacant and further deteriorate. Notwithstanding the historic importance of the building, the continued deterioration of a prominent building would be undesirable. A large vacant building in a highly accessible urban location could in time also give rise to significant issues in terms of public safety. The desirability of securing a new and beneficial use for a Category A listed building in a prominent location close to a town centre is a significant material consideration.



- 8.33 The objection from SEPA is also a material consideration. SEPA states as a matter of principle that the proposal does not comply with its current policy on flood risk. However, it is relevant to consider that planning permission was previously granted in April 2014 for a residential development at this site which included conversion of the existing building to flats along with the erection of new-build flatted dwellings within the courtyard area. That proposal provided for 39 residential units. The flood risk assessment undertaken at the time predicted a 1 in 200 year (+ climate change) flood level of 8.34m AOD. SEPA considered that level of flood risk acceptable and withdrew an objection to that application allowing permission to be granted. The flood risk assessment submitted with the current application predicts a flood level of 8.22m AOD; 0.12m below the level SEPA previously found acceptable for a larger scheme that included new-build development. A recent assessment undertaken on behalf of the Council in support of the Arbroath Flood Prevention Scheme estimates a flood level of 8.44m AOD; 0.12m above the level that SEPA previously considered acceptable.
- 8.34 Whilst there is some variation in predicted flood levels, the physical characteristics of the site have not changed significantly in the period since the previous permission was granted and the relationship between the site and the Brothock Water is unchanged. This proposal differs from that which SEPA previously found acceptable predominantly on the basis that the new-build element within the courtyard is no longer proposed. The current application provides solely for the conversion of the Category A listed building and the number of units has been reduced to 24. The predicted flood level may be 0.12m higher or 0.12m lower than the level SEPA previously found acceptable but any such difference is considered relatively minor and does not appear to justify an entirely different approach to the acceptability of the principle of residential development within the existing building. There has been no material change in understanding of flood risk at the site. What has changed is that there is now a published flood prevention scheme that is likely to reduce flood risk at the site and that would reduce potential for access and egress to be impeded in a 1 in 200 year flood event.
- 8.35 It must be borne in mind that this site is identified as a housing site in a current and up-to-date development plan. SEPA did not object to the inclusion of that site within that development plan. The current developer has progressed this proposal in the knowledge that SEPA had previously withdrawn objection to development of the site and on the basis of its identification in the ALDP. Investment decisions by the developer have been made that are reflective of the understanding that the site was a deliverable housing site and the Council has agreed to prioritise the site for Scottish Government grant funding. Planning legislation makes it clear that decisions on planning applications should be made in accordance with the development plan unless there are material considerations that justify otherwise. In this case the site is identified for residential development in an up-to-date development plan and the understanding of flood risk in the area has not changed materially in the period since that plan was adopted.
- 8.36 The Flood Prevention Authority that has been directly involved in producing the Arbroath (Brothock Water) Flood Prevention Scheme is satisfied that damage to individual flats within the building would be unlikely to occur in a 1 in 200 year (+ climate change) event and the likelihood of damage to property within the courtyard could be reduced if proposed measures are put in place and maintained. Flood water on Dens Road would not be completely impassable although access and egress would be impeded to some degree during a flood event. Available information indicates that the construction of the Arbroath Flood Prevention Scheme would largely eliminate flooding on Dens Road in a 1 in 200 year event.
- 8.37 In conclusion, the application site is a safeguarded housing site in the ALDP. The ALDP is up-to-date and it merits considerable weight in the decision making process. The current proposal involves conversion of a vacant Category A listed building to residential accommodation. That building sits close to the Brothock Water and is in an area that is at medium to high risk of flooding. Development of the site is broadly compatible with Policy PV12 although full compliance is not possible as flood free access and egress cannot be assured but that is inevitably the case for any development on the site and that situation was known when the site was reserved for housing development in the ALDP. The Flood Prevention Authority is satisfied that the flood risks associated with the development are manageable subject to stated measures being put in place. There is a published flood prevention scheme for Arbroath and construction of that scheme would reduce flood risk and reduce the potential for access and egress to be impeded in a 1 in 200 year flood event. The principle of residential development is consistent with the ALDP.

- 8.38 SEPA has objected to the application and the decision to recommend conditional approval contrary to SEPA's advice is not taken lightly. However, account is taken of the fact that a previous scheme for a more intensive form of residential development on this site was previously granted planning permission in April 2014. That permission has now expired but when it was granted SEPA indicated that it found the flood risk associated with that development to be acceptable. It specifically withdrew an objection to that application. There has been no material change in understanding of flood risk at the site in the intervening period. What has changed is that there is now a published flood prevention scheme that is likely to reduce flood risk at the site.
- 8.39 One of the functions of the Development Plan is to offer a degree of certainty to developers in making investment decisions. As stated previously in this report, the site is identified as an existing housing site in the ALDP on account of the previous planning permission that was not subject to objection from SEPA. It is understood that the applicant has pursued the site on that basis. Angus Council has committed funding to the scheme in the Strategic Housing Investment Plan and it is understood that a housing association has drawn-down some of that funding. Should the development now not be allowed to come forward it is possible that the Scottish Government would reclaim the grant already paid out.
- 8.40 Relevant authorities have a shared duty to promote sustainable flood risk management when exercising their flood related functions. It is however also incumbent on such authorities to work together to bring about positive outcomes in situations where sites do not fit neatly into a general approach. The duties relevant to flood prevention need to be weighed and balanced with other duties and obligations placed on the Council. One such duty as highlighted above is to consider the desirability of preserving listed buildings when making planning decisions. It is also incumbent upon planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal would provide for the beneficial reuse of a nationally important built heritage asset as well as the provision of much needed affordable housing. It is difficult to envisage a positive future for the listed building if housing use is not allowed.
- 8.41 The site is located in an area where there is a medium to high risk of flooding but it is identified for housing development in the ALDP and its redevelopment would secure the appropriate re-use of a category A listed building which is on the Buildings at Risk Register. Impacts associated with flooding can be appropriately managed to the satisfaction of the Flood Prevention Authority and there are planned measures in a current flood risk management plan that would reduce flood risk at the site and reduce potential for access and egress to be impeded. The proposal is broadly compatible with development plan policy and there are no material considerations that justify refusal.
- 8.42 The application is recommended for approval contrary to the advice of a Government Agency. As such should Committee agree with the recommendation to approve the development subject to conditions, the application would be notifiable to Scottish Ministers under the provisions of the Town and Country Planning (Notification Of Applications) (Scotland) Direction 2009.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, 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 recommendation 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 the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The site is located in an area where there is a medium to high risk of flooding but it is identified for housing development in the ALDP and its redevelopment would secure the appropriate re-use of a category A listed building which is on the Buildings at Risk Register. Impacts associated with flooding can be appropriately managed to the satisfaction of the Flood Prevention Authority and there are planned measures in a current flood risk management plan that would reduce flood risk at the site. The proposal is broadly compatible with development plan policy and there are no material considerations that justify refusal.

### **Conditions**

1. That the 24 dwelling units hereby approved shall only be used as affordable housing as defined in Scottish Planning Policy 2014 and shall be delivered in accordance with a delivery package as defined in Angus Councils Developer Contributions and Affordable Housing Supplementary Guidance (December 2016) to be formulated in consultation with Angus Council Housing Service prior to the commencement of development. The housing hereby approved shall thereafter be delivered in accordance with the agreed delivery package.

*Reason: The development proposal has been considered on the basis that the development would be undertaken on behalf of a Registered Social Landlord and as such allowances have been made in respect of the necessity to meet developer contribution requirements in accordance with provisions that are made for waiving some contributions for affordable housing development contained in the Angus Council Developer Contributions and Affordable Housing Supplementary Guidance (December 2016).*

2. That no development in connection with the permission shall take place unless a Level 2 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the Planning Authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the Planning Authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

*Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.*

3. That prior to the commencement of development full details of windows and external doors to be used within the development shall be submitted for the further written approval of the planning authority. The details shall include:

- Details of window profiles including the dimensions of glazing bars and astragals.
- The method of opening. Top hung or outward opening windows will not be considered appropriate on any window type.
- The proposed method of ventilation.
- Details of the acoustic performance of the windows and doors.

The windows and doors shall thereafter be installed in complete accordance with the approved details.

*Reason: In the interests of the visual amenity of the development residential amenities of potential occupiers of the development.*

4. That no development in connection with the permission shall take place until a scheme detailing the proposed means of ventilation of all dwellings has been submitted to and approved in writing by the Planning Authority. The submitted scheme shall detail the specification of a mechanical ventilation system designed in accordance with BRE Digest 398 or other standard agreed with the planning authority in consultation with Environmental Health. The ventilation system shall enable each dwelling to be adequately ventilated without the need for opening windows thus minimising noise ingress.

Thereafter the approved scheme of ventilation shall be installed in accordance with the approved details prior to the occupation of any dwellings within the development

*Reason: In order to allow potential occupants of the development the option to ventilate their dwelling with the windows shut in the interests of residential amenity.*

5. That no development in connection with the permission shall take place until details of the following have been submitted to and approved in writing by the Planning Authority:
- The specification of rainwater goods and the precise details and location of any soil pipes and external plumbing works required including gas pipework;
  - Full details of the proposed positioning of all ventilation extracts indicating the location numbers and design of ventilators.
  - Full details of any flues and extractors that would be required including numbers location and design;
  - The type of mortar to be used in re-pointing work;
  - The details of any stone or other materials to be used in up building, infilling, window formation and stone repairs and the methodology for loose stone removal;
  - The precise details and the location of connections to telecommunications networks including any proposed television aerials or microwave antennae;

The development shall be carried out in complete accordance with the approved details.

*Reason: In the interests of the character and appearance of the Listed Building.*

6. That no development in connection with the permission shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- (i) A scheme of shrub planting in order to delineate the proposed amenity open space from hard landscaped and parking areas;
  - (ii) A schedule of plants to comprise species, plant sizes and proposed numbers and density including flowering medium height amenity species trees;
  - (iii) Provision for outdoor seating;
  - (iv) The design and materials of all hard landscaping;
  - (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All landscaping works shall thereafter be carried out in complete accordance with the approved scheme and in accordance with the agreed completion timescale. Any plants which within a period of 5 years from the completion of the development are in the opinion of the Planning Authority, dead, dying, severely damaged or seriously diseased shall be replaced by plants of a similar size and species or suitable agreed alternatives.

*Reason: To ensure the implementation of a satisfactory scheme of landscaping that will afford residents within the development an appropriate level of outdoor amenity.*

7. That no development in connection with the permission shall take place unless a scheme of flood mitigation measures that accord with the mitigation measures identified at Section 7 of the Geo-environmental Assessment of Baltic Mill, Dens Road, Arbroath Flood Risk Assessment dated November 2017 by Fairhurst has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. That scheme shall include timescales for provision of the relevant mitigation measures as well as proposals to ensure ongoing management and maintenance. The approved mitigation measures shall be provided in accordance with the timescales set out in the approved scheme and permanently retained thereafter.

*Reason: In order that the planning authority may verify the acceptability of flood mitigation and management measures and to ensure their subsequent implementation.*

**KATE COWEY**  
**SERVICE LEADER - PLANNING & COMMUNITIES**

**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.

**REPORT AUTHOR: KATE COWEY**

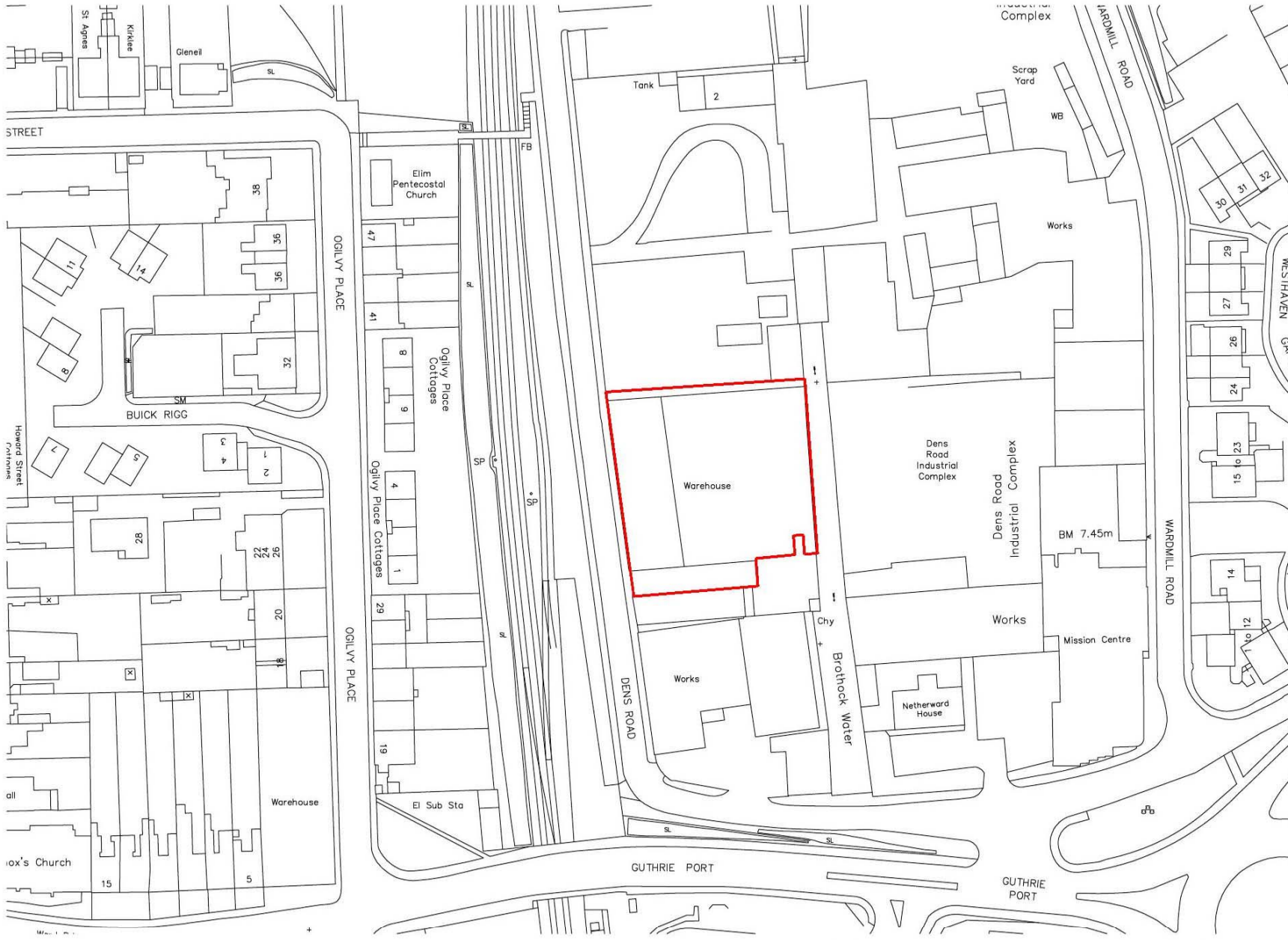
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 27 JULY 2018**

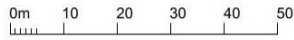
APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES



**KEY**  
— PLANNING APPLICATION BOUNDARY



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PROJECT	Baltic Mill Residential Development	JOB No.	6125	DRAWING No.	PL(0)0000	REVISION	-
TITLE	Location Plan	SCALE	1:1000 @ A3	DRAWN BY	SH	CHECKED BY	RF
CLIENT	Cullross Ltd	STATUS	PLANNING	DATE		DATE	05.12.2016

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## Appendix 2 – Summary of Applicant Supporting Information

**The Asbestos Survey Report** contains the findings of an asbestos Refurbishment survey carried out at the site to enable the developer to comply with CAR2012. The aim of the survey is to locate, identify and assess asbestos containing materials in the existing building. The report contains findings and recommendations on how to deal with asbestos containing materials found in the inspection of the building prior to development taking place.

**The Design and Access Statement** describes the design principles and concepts that have been applied to the development and describes how issues relating to access to the development for disabled people have been addressed. The statement describes that a full accessible entrance would be provided at the rear of the building whilst disabled access to upper floors would be facilitated by an 8 person passenger lift to be fitted within the existing lift shaft.

**The Noise Impact Assessment (NIA)** presents the results of a road traffic, rail traffic and industrial noise impact assessment for the proposed development. The report assesses the suitability of the site for residential development in accordance with PAN/1 2011 “Planning and Noise” and the methodology set out in the associated web-based Technical Advice Note (TAN). It is highlighted that noise measurements were carried out in accordance with BS 7445-1 2003 “Description and measurement of environmental noise – Part 1: Guide to quantities and procedures”, the Calculation of Road Traffic Noise (CRTN) 1988 shortened measurement procedure and the Calculation of Railway Noise (CRN) 1995 methodology.

The NIA predicts that using Pilkington published data it has been calculated that for the refurbished building 10/12/6.4mm glazing is needed at the western façade, 10/12/6mm at both the northern and southern façades and 6/12/6mm at the eastern façade in order to achieve appropriate internal noise criteria. The NIA further states that given that the ambient noise levels measured result in internal noise levels just exceeding the set criteria with open windows, and that nearby business units do not operate during night time hours when the background noise is at its lowest, it is expected that the closed window mitigation proposed will sufficiently reduce the measured ambient noise to acceptable levels. In addition, since closed window mitigation is required the use of alternative ventilation methods such as trickle vents or a whole building Mechanical Ventilation and Heat Recovery (MVHR) system is necessary.

**The Bat Assessment** details the inspection of the Baltic Mill building for potential for, or evidence of, use by bats. It is highlighted that the bat inspection is necessary to ensure consideration of the wellbeing of bats in compliance with European and domestic legislation designed to protect the species and to determine whether the buildings have potential for, or exhibit evidence of, use by bats. No evidence was found of bats using the buildings and negligible potential for future use was identified. The report highlights that the building offers suboptimal roosting conditions for bats at present due to its variable internal temperature and intermittent water ingress.

**The Boundary Wall Report** gives a brief description of the current condition of the walls containing the courtyard of the site and the nature of remedial works required to ensure continued protection from water ingress.

**The Geo- Environmental Interpretive Report** details a review of ground investigation data relevant to the current planning boundary and a recent 2017 supplementary phase of ground investigation. These include all previous monitoring undertaken at the site and the Quantitative Risk Assessments undertaken to update the Conceptual Site Model for the proposed residential development site. The report takes account of relevant factors such as contaminated soils, groundwater, the surface water environment, ground/gas vapours, radon, water supply pipework, buried concrete and boreholes. The report concludes that there is no risk to the development or end-users from land contamination and as such a Remediation Statement will not be required for the development.

**The Flood Risk Assessment (FRA)** evaluates the current proposals with regard to flood risk and identifies potential flood risk to, and from, the development site. The FRA details the assessment of the development potential of the site with regards to flood risk in line with the Scottish Planning Policy (SPP) and Scottish Environment Protection Agency (SEPA) Technical Flood Risk Guidance for Stakeholders and includes an analysis of the Brothock Water to define the specific flood risk posed to the site from this adjacent watercourse.

The FRA highlights that the access and egress routes for the site are potentially at risk of flooding from the Brothock Water, and suggests a number of mitigation measures will need to be implemented to reduce the risk to occupants. The FRA highlights that the proposed dwellings, within the Baltic Mill Building are not at risk of flooding during any of the scenarios considered as part of the hydraulic

modelling and that all of the anticipated flood levels are significantly below the finished floor levels providing a freeboard allowance of greater than 600mm. Proposed mitigation measures specified include a number of measures to ensure that residents are evacuated from the building in sufficient time for them to move to a place of safety before the surrounding road network is inundated in a flood event. These measures include the use of a Flood Evacuation Plan; this that highlights associated flood risk near the site that would be prompted by SEPA's Floodline system. Residents could be automatically signed-up to the service as part of any leasehold agreement, so they receive live flood messages for their area which will let them know of any flood events likely to occur which would give residents enough notice to allow them to get to safety. The Flood Evacuation Plan would outline which area of higher ground residents should evacuate to in the event of a flood and what following actions should be taken. In addition, the FRA highlights that as the car park is at risk of flooding, automatic flood gates could be installed on the entry gates to the courtyard. This would limit flood waters entering the car park and possibly limit the amount of reparation needed after a flood event. Flood gates would be automatic, minimising the amount of user/occupant intervention required and meaning that the potential for a failure of deployment would also be minimised. It is also recommended that some of the operations proposed by the Councils Flood Protection Scheme are implemented during development and that historic levels in the courtyard are reinstated.

The FRA also highlights that there is a planned measure in a current flood risk management plan which will prevent the site being flooded by 1 in 200 year flood events. The FRA concludes that taking this into account combined with additional mitigation measures that are being incorporated in the meantime which would not increase the risk to existing properties, the historic listed Baltic Mill Building is considered suitable for the proposed redevelopment and renovation.

**The Topographical Study** consists of a photographic survey of the site combined with levels survey drawings and elevations. The information is relevant to recording and understanding current site levels and conditions.

**The Transport Statement (TS)** describes the traffic and transport characteristics of the proposed housing association residential development on the site. The statement considers the development in the context of relevant transportation policies taking account of development characteristics, access strategy, parking strategies (car and cycle), supporting transport networks (pedestrian, cycle and public transport; and access to services.

The TS highlights that the site sits within an established urban area and as such it has good links to a range of local facilities and public transport networks ensuring that future residents would not be reliant on the use of the private car to access shops, schools, healthcare and other day to day services. On that basis, it is concluded that the proposal accords with a range of both national and local sustainable transport policies. The TS further highlights that the proposal will not generate significant traffic movements given its housing association function and the availability of local services that can be accessed on foot or by cycle. It is also indicated that the proposal complies with Angus Council parking standards as set out in the National Road Development Guide. The TS concludes that the proposed residential development is considered to be acceptable from traffic and transport perspectives.

**Conservation Plan** seeks to inform the conservation, repair, management and alterations of the designated historic asset. The plan assesses what makes the historic building, including its setting, important in national terms and makes an assessment of the cultural-heritage significance of the individual elements and the historic asset as a whole. The plan also lays out conservation policies and individual recommendations that enable the cultural-heritage significance to be retained, revealed, enhanced or at least impaired as little as possible. The document highlights that its purpose is not simply to suggest constraints on future action but to help to identify areas and elements which can be adapted or developed. The plan contains a series of recommended actions to be incorporated in the conversion and in the post development phase.

**The Drainage Design Information** consists of drainage layouts and detailed sections and calculations for the purposes of verifying that proposed drainage arrangements are appropriately designed. A Drainage Impact Assessment response from Scottish Water is also contained in the submitted drainage information. The response does not highlight any significant issues with the drainage proposals for the site.



## **Appendix 3 – Development Plan Policies**

### **Angus Local Development Plan**

#### **A3 Opportunity Site - Wardmill/Dens Road**

The Dens Road/Wardmill Road area of Arbroath provides an opportunity for Class 4 (business), Class 5 (general industrial) and Class 11 (leisure). Residential use may also be acceptable.

Development proposals should take account of existing activities and should include:

- provision of access and circulation within the area and onto Guthrie Port;
- opportunities for active transport through linkages with the existing path network;
- an assessment of the effect of development on the A listed Baltic Mill;
- an assessment of the quality of the amenity of any proposed housing and compatibility with established uses; and
- supporting information including a Flood Risk Assessment which considers the potential for channel restoration, Drainage Impact Assessment, Transport Assessment and a Contaminated Land Investigation Report.

Adaptation measures and resilience to flooding through construction techniques and mitigation should be incorporated into design appropriate to proposed development type.

#### **Policy DS1 : Development Boundaries and Priorities**

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy DS2 : Accessible Development**

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for

- use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

### **Policy DS3 : Design Quality and Placemaking**

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

### **Policy DS4 : Amenity**

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

### **Policy DS5 : Developer Contributions**

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- Education;
- Community Facilities;
- Waste Management Infrastructure; and
- Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

### **Policy TC1: Housing Land Supply / Release**

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over two phases of the plan: 2016-21 and 2021-26. However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.

The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

To support delivery of a generous supply of effective housing sites and introduce additional flexibility Angus Council will support proposed residential development on appropriate sites as set out in Policy TC2 Residential Development Principles.

To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses. The continued effectiveness of sites will be monitored through the annual Housing Land Audit process.

Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or noneffective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other housing sites may be supported where they are consistent with the policies of the plan.

## **Policy TC2 : Residential Development**

All proposals for new residential development\*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)\*\*; fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

## **Policy TC3 : Affordable Housing**

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- local housing needs (set out in the current Housing Needs and Demand Assessment);
- physical characteristics of the site;
- development viability; and
- availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

### **Policy PV2 : Open Space Protection and Provision within Settlements**

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided\*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

\*In line with the Six Acre Standard (National Playing Fields Association)

### **Policy PV5 : Protected Species**

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

#### **European Protected Species**

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

#### Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

#### **Policy PV8 : Built and Cultural Heritage**

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

#### **Policy PV12 : Managing Flood Risk**

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

### **Policy PV13 : Resilience and Adaptation**

Development should not require an increase in the provision and / or maintenance of flood defences.

To increase resilience to the effects of climate change such as flood and drought, extreme weather events and rising sea levels Angus Council may require development proposals to incorporate adaptation measures including:

- use of flood resistant materials and construction techniques;
- removal of culverts and other engineering works where opportunity arises and avoidance of development over or requiring new culverts or other unnecessary engineering works unless there is no practical alternative;
- minimising the area of impermeable surfaces by using permeable surfaces where possible for car parking and hard landscaping and where appropriate, green roofs and green infrastructure; and
- natural flood management measures which reduce water flow and enhance biodiversity and the quality of the water environment. Such schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.