



Case reference	NA-ANG-011
Application details	Change of Use and Alteration of Vacant Former Whisky Bond to form 24 Flats With Associated Parking, Green Space and Refuse and Cycle Storage
Site address	Baltic Mill Yard Dens Road Arbroath
Applicant Determining Authority Local Authority Area	Cullross Ltd Angus
Reason(s) for notification	Objection by Government Agency (SEPA)
Representations	Nil
Date notified to Ministers Date of recommendation	10 August 2018 29 August 2018
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission (17/01002/FULL) is being sought for a change of use and alteration of a vacant former whisky bond to form 24 flats with associated parking, green space and refuse and cycle storage.
- The site lies to the east of Dens Road in Arbroath and sits on low ground that lies adjacent to the Brothock Water (see figure 1). The watercourse runs directly to the east of the site in a southerly direction. The watercourse is culverted to the south side of the site and the supermarket car park that lies beyond.
- The site is 0.28 ha and consists of the main former Baltic Mill building and its courtyard area that comprised the main weaving floor of the former mill. 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 site is identified in the adopted 2016 Angus Local Development Plan for housing.

EIA Development:

- The Council in their notification to Scottish Ministers highlighted that no EIA was required as the proposed development does not fall within Schedule 2 of the EIA regulations.

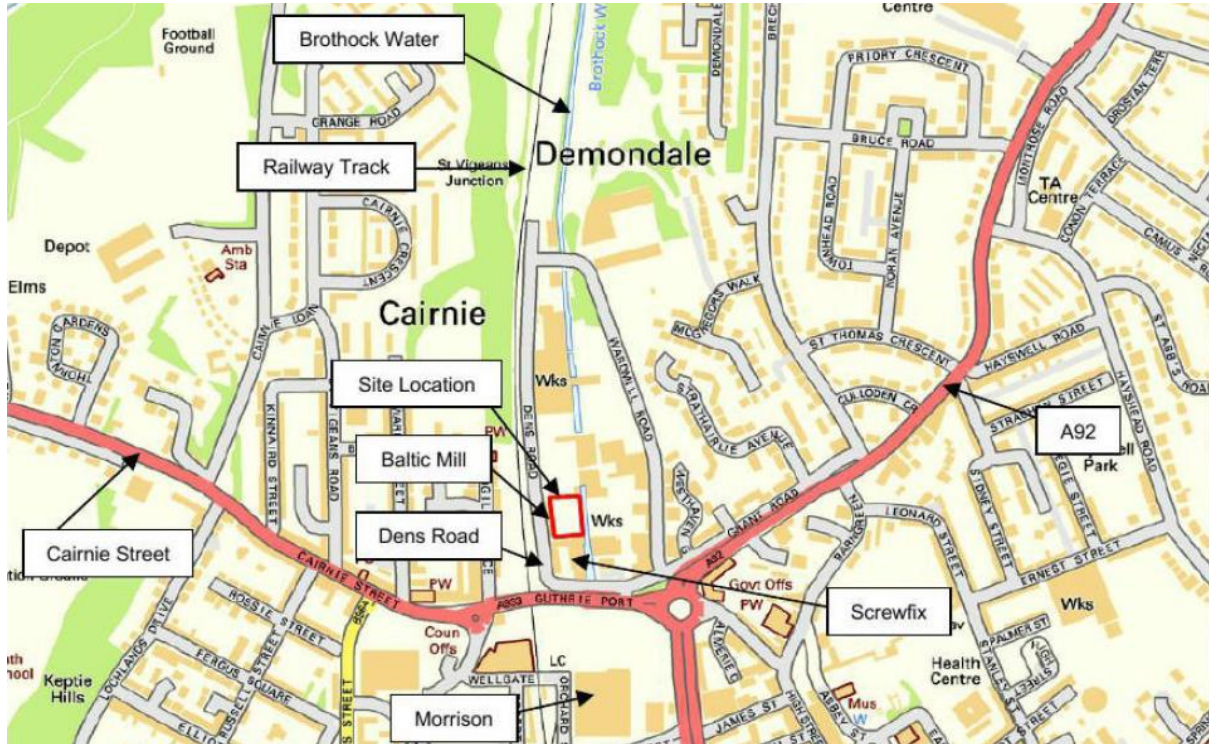


Figure 1 - Site Location and Surrounding Context (Submitted by Developer)

Consultations and Representations:

SEPA

The Scottish Environmental Protection Agency (SEPA) object on the grounds of flood risk as the site will be flooded during a 0.5% (1 in 200 year) annual probability flood event.

Council's Flood Prevention Authority

The Council's Flood Prevention Authority (FPA) have stated that after taking account of the information in relation to flood risk, they have no objection to the proposal and are satisfied the proposal would not significantly increase flood risk elsewhere.

Scottish Government Flooding Policy Team

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

Other

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

Assessment:

1. As SEPA object on flood risk grounds, the application has been notified to Ministers to ascertain whether there are any issues of national importance which warrant them calling in the application for their own determination.
2. SEPA have objected in-principle to the proposal on the grounds of flood risk, stating that the proposal would not accord with its latest published guidance. SEPA say this is because the site would become flooded during a 1 in 200 year flood event; the change of use from a vacant warehouse to residential dwellings will result in an increase in vulnerability as it will introduce new risk receptors, who are more vulnerable to the effects and impacts of flooding; and that safe access and egress would not be possible during such a flood event.
3. SEPA also state that the planned Arbroath Flood Protection Scheme (AFPS) which Angus Council anticipate will start construction in January 2019 will not offer a sufficient level of protection for the site. SEPA say this is because protection measures for the Brothock Water would be designed to a 1 in 200 year without climate change allowance standard, rather than the 1 in 200 year plus climate change allowance standard that SEPA deem sufficient. Therefore, SEPA have suggested that the site be developed to a less vulnerable land use classification, in line with the sites original use.
4. In the committee report, the Council acknowledge SEPA's concerns that the site is in a medium to high risk flood area. However, they argue that a number of other key factors also have to be considered.
5. Firstly, the Council highlight that the Flood Prevention Authority (FPA), are satisfied that, if the proposed mitigation measures are put in place and maintained then damage to individual flats within the building would be unlikely, and the likelihood of damage to property within the courtyard would be reduced in a 1 in 200 year flood event.
6. Secondly, the Council acknowledge in the committee report that although the proposal does not fully comply with the LDP flooding policy, as it is not possible to ensure flood free access and egress. The Council have considered this and conclude that this would be the case for any development on the site and that this was known when the site was reserved for housing in the LDP.
7. Thirdly, the Council highlight that the building is a category A listed building that is of national importance and is on the Buildings at Risk Register, as it has been vacant for a number of years and its condition has deteriorated. In the committee report, the Council highlight that a significant material consideration is their statutory duty to have special regard to the preservation of the building in the determination of this planning application.

8. The Council are overall satisfied that the application is in accordance with the up-to-date Angus LDP and that the FPA are satisfied that the flood risks associated with the development are manageable, subject to the stated measures being put in place.
9. SPP states that areas with medium to high flood risk, in built up areas may be suitable for residential development, provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction or are a planned measure in a current flood risk management plan.
10. The Scottish Government Flood Policy Team do highlight that they have some slight concerns about what would happen to the development if the Arbroath flood protection scheme didn't progress, as it is yet to be fully confirmed. But overall, they are of the view that Angus Council have assessed the issue of flooding quite comprehensively and they do not believe that this application raises any issues of national importance that would warrant intervention by Scottish Ministers.
11. In light of the above information, it is not considered that this proposal raises issues of national importance to warrant intervention by Scottish Ministers

Decision/Recommendation:

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