

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 4 AUGUST 2015

**PROPOSAL OF APPLICATION NOTICE – LAND 100M EAST OF ELECTRICITY SUB STATION,
EAST MUIRLANDS ROAD, ARBROATH**

GRID REF: 362240 : 741524

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. 15/00708/PAN) has been submitted in respect of a Residential Development on a site to the north of Newton Road and to the West of Carlogie Road, Carnoustie. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

It is recommended that Committee notes the key issues identified at this stage and advises of any other issues it considers should be addressed in any planning application that is subsequently submitted.

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

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

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

3. INTRODUCTION

3.1 At its meeting on 19 June 2014, Council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (Report 275/14 refers). A key element of that guidance requires officers to present a report to Committee when a Proposal of Application Notice (PAN) is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and allow Members opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref:15/00708/PAN) has been received. It indicates that an application for planning permission is to be submitted for a Residential Development at land to 100M East Of Electricity Sub Station, East Muirlands Road, Arbroath. The proposed development site measures 9.4 ha (approx.) and currently consists of an agricultural field. A plan showing the outline of the site on which the development is proposed has been submitted. No further details relating to the proposed application have been provided at this stage.

3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with local communities. In this case and the applicant has indicated that they have been unable to send a copy of the PAN on the local Community Council as there is currently no active Community Council for Arbroath and District. The prospective developer has indicated that a public exhibition would be undertaken at a date, time and venue that remain to be confirmed at this time. Legislation does however require the prospective developer to advertise any public consultation in the local press once these details have been confirmed.

- 3.4 The results of the community consultation will be submitted with the subsequent planning application in the form of a pre-application consultation report (PAC Report) as required in regulations.
- 3.5 Members are advised that although there is currently no functioning Community Council in the area in which the site is located, this does not cause any impediment to the prospective developer in proceeding with the proposal of application notice. It has however been suggested to the prospective developer that specific invitations to any proposed consultation event should be sent to parties that neighbour the site on East Muirlands Road and Residents in the Millfield Feus area to the north and occupants of Bottlend Cottages to the east of the site. At this time confirmation was also given that a planning application could not be submitted prior to 12 October 2015 (the date 12 weeks' from the submission of the PAN).

4. BACKGROUND

- 4.1 The site that is subject of the PAN lies outwith but immediately adjacent to the development boundary of Arbroath and it is not specifically allocated for housing in the Angus Local Plan Review. The site has been historically associated with agricultural use and is Class 3.1 (Prime) land capable of producing a wide range of crops. The site is however included in the emerging Proposed Angus Local Development Plan as a new housing allocation (Site A1-Housing-Crudie Acres, East Muirlands Road). Through the ongoing Local Development Plan formulation process objection to the allocation has been received from 4 individuals.
- 4.2 The site is bound to the north by agricultural land associated with Crudie Acres Farm beyond which lies several residential properties located at Denfield. The west of the site is defined by the access track to Crudie Acres Farm and the main electrical sub-station for Arbroath is located in the north west corner of the site. The C51 Arbroath to Hillend Road bounds the east of the site beyond which lies the Arbroath Western Cemetery. The south of the site is part bound by East Muirlands Road beyond which lies existing residential properties and the accesses to Gallowden Avenue, Gallowden Crescent, Alveston Gardens, Roseville Place, Muirton Road, Muirfield Place and Muirlands Crescent.

5. DISCUSSION

- 5.1 In this case the land subject of the Proposal of Application Notice (PAN) is not allocated in the adopted Angus Local Plan Review for residential development however it is identified as a new housing allocation in the emerging Angus Local Development Plan. The main policies that deal with the principle of development of this nature in TAYplan are:

Policy 1A : Settlement Concentration

Strategies, plans, programmes and development proposals shall focus the majority of development in the region's principal settlements as follows:-

Tier 1 settlements have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the regions economy.

- Dundee Core Area: (Dundee City, Dundee Western gateway, Invergowrie, Monifieth, Tayport/Newport/Wormit, Birkhill/Muirhead) and,
- Perth Core Area: (Perth, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport).

Tier 2 settlements have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's additional development.

Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development which is more about sustaining them.

Policy 1B : Land Release Priorities

Strategies, plans, programmes and development proposals shall prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each

category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings).

Sequential Approach

1. *Land within principal settlements.*
2. *Land on the edge of principal settlements.*
3. *Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.*

Policy 5A ; Build Rates, HMA Shift

Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of five years effective land supply at all times, and work towards the provision of a seven years supply of effective housing land by 2015, to support economic growth. Land should be allocated within each Housing Market Area (Proposal 2) through Local Development Plans to provide an effective and generous supply of land to assist in the delivery of in the order of 26,000 units up to year 2024 across TAYplan. Average annual build rates are illustrated. In the period 2024 to 2032 in the order of 17,400 units may be required. To assist the delivery of these build rates, Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.*

- *in serious cases of appropriately evidenced environmental or infrastructure capacity constraints, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.*
- *ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.*

- 5.2 In relation to the Angus Local Plan Review the site is not allocated for housing development and it lies outwith but adjacent to the Arbroath development boundary. As such Policy S1 of that Plan is relevant and it states: -

Policy S1 : Development Boundaries

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

- 5.3 As the existing use of the site is agricultural and the land in question is Class 1 (Prime), Policy ER30 would also be relevant. Policy ER30 safeguards prime agricultural land from permanent loss unless it is allocated for alternative uses in the Local Plan Review or its development would be essential to the implementation of Local Plan Strategy. The policy states:-

Policy ER30 : Agricultural Land

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

- 5.4 As the proposal relates to the erection of housing in the countryside Policy SC6 would be relevant. The policy states:-

Policy SC6 : Countryside Housing – New Houses

(a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.

(b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.

(c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

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

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

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

- 5.5 In these circumstances it is considered that the key issues in relation to the determination of a subsequent planning application will be whether the proposal complies with development plan policy or whether there are other material considerations that justify a departure from that policy. In this respect key issues are likely to be: -

- whether there is a proven public interest and social, economic or environmental considerations that confirm there is an overriding need for the development which cannot be met within the development boundary;
- whether there is a shortfall in the 5-year supply of effective housing land supply in the Arbroath/ East Angus Housing Market Area that would justify development of the proposed scale at the proposed location;
- whether the proposal to develop housing on unallocated prime agricultural land is essential for implementation of the Local Plan strategy;
- acceptability of the number of residential units proposed having regard to development plan policy in respect of countryside housing;
- impact of development on existing infrastructure, in particular impacts on the roads and drainage networks and the education estate;
- the identification and mitigation of flood risk from known fluvial and surface water extents including the potential for the enhancement of the Hercules Den Burn to contribute to natural flood management;
- the impact of the development on natural habitats and ecology;
- landscape impact and visual impact;

- impact on potential local archaeological assets;
- acceptability of the proposed access arrangements for pedestrians, cyclists, public transport and other motor vehicles and the suitability of access and transportation provision in the area generally including examining opportunities for active transport through linkages with the existing path network,
- acceptability of open space provision and landscaping, including subsequent maintenance and the creation of new green infrastructure to form a landscape edge to the town;
- suitability of the proposed site for residential development taking account of matters such as layout and design of buildings, the acceptability of the residential environment that would be created and the impact of the development on neighbouring land uses and properties as appropriate;
- provision of affordable housing in accordance with relevant policy requirements;
- the potential for the development to be prejudicial to the plan making process having regard to factors such as the Proposed Angus Local Development Plan and its stage in the plan making process.

5.6 Whilst other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional matters that it would wish to see addressed.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

7. OTHER IMPLICATIONS

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

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

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

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Appendix 1 : Location Plan

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