

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 OCTOBER 2018

**PROPOSAL OF APPLICATION NOTICE – FACTORY SITE
ELLIOT INDUSTRIAL ESTATE
ARBROATH**

GRID REF: 362235 : 739763

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. 18/00628/PAN) has been submitted in respect of a proposed retail development, including food and non-food retail, drive through units and ancillary development including access, drainage and landscaping at Factory Site, Elliot Industrial Estate, Arbroath. 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 by 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 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 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.18/00628/PAN) was received. It states an intention to submit a major planning application for a proposed retail development, including food and non-food retail, drive through units and ancillary development including access, drainage and landscaping at Factory Site, Elliot Industrial Estate, Arbroath, DD11 2PT. The indicated potential development site measures 3.37ha (approx.) and currently consists of previously developed land that is locally known as the Metal Box Factory site latterly Presentation Products. The site has recently been cleared of buildings. 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 set out the proposed consultation that the applicant intended to undertake with the local community and the applicant's agent indicated that a copy of the PAN was served on local Elected Members, and relevant Holyrood and Westminster elected representatives as well as the Royal Burgh of Arbroath Community Council. A public meeting was held at Hospitalfield House on 20 September 2018.
- 3.4 The applicant's agent has received confirmation that a planning application could not be submitted prior to 23 October 2018 (the date 12 weeks from the submission of the valid PAN).
- 3.5 The results of the community consultation is required to be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as set out in regulations should a major planning application be forthcoming.

4. BACKGROUND

- 4.1 The site that is subject of the PAN lies within the development boundary of Arbroath and is accessed from the Dundee Road section of the A92 Road. The site lies to the immediate north of the road and to the immediate southwest of the existing Westway Retail Park. The Elliot Caravan Park lies to the southwest of the site. Elliot Industrial Estate lies beyond the raised beach to the north. Beyond the A92 lies the East Coast main railway and West Links.
- 4.2 The site has been historically associated with industrial uses within Use Class 5 (General Industry) and is currently free from significant features.

5. DISCUSSION

- 5.1 In this case the land subject of the Proposal of Application Notice (PAN) is allocated in the adopted Angus Local Development Plan as an existing employment site. Such sites are generally reserved for uses within Use Classes 4 (Business), 5 (General Industry) and 6 (Storage or Distribution) as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. Development proposals relevant to such allocations need to be assessed in the context of Policy TC14 in the Angus Local Development Plan which states:

Policy TC14: Employment Allocations and Existing Employment Areas

Within employment land allocations and existing employment areas, planning permission will be granted for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. In these locations, other uses may be supported if it is demonstrated that:

- 1. The proposal is complementary or ancillary to an existing or proposed employment use; or*
- 2. The loss of the site would not undermine the provision of employment land in Angus, or land which may be important to retain due to its individual characteristics, regardless of the amount of employment land available; and*
- 3. The proposal would not undermine the operation of existing or proposed employment uses on the whole allocation or existing employment area; and*
- 4. There is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and*
- 5. If relevant, the proposal is in accordance with Policy TC19 Retail and Town Centre Uses.*

To meet the requirements of points 1, 2 and 3, evidence shall be submitted with the planning application to identify the length of time the site has been marketed for employment use; the forms of marketing undertaken; the inter-relationship of the site with adjacent employment land, and with strategic and local transportation infrastructure; and potential impacts of the future use and occupation of adjacent employment land.

- 5.2 As the site lies within the development boundary of Arbroath, Policy DS1 is relevant. The policy seeks amongst other things to safeguard sites identified in the ALDP for the uses set out unless alternative proposals will not undermine the provision of a range of sites to meet the development needs of the plan area. The policy states:

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*

- 5.3 The proposal relates primarily to the erection of a major retail development on a brownfield site. Policies TC17 and TC19 are relevant. Policy TC17 seeks to protect and enhance the scale and functions of town centres and applies a 'town centres first' approach to retail development in Angus. Policy TC19 aims to ensure that town centres continue to be the focus for retail and other town centre uses and applies a sequential approach to the assessment of retail and town centre uses. The policy only offers support for major retail development on out of centre sites where there will be no significant impact on the vibrancy, vitality and viability of any town centre. The policies state:

Policy TC17: Network of Centres

Angus Council will seek to protect and enhance the scale and function of the centres as set out in Table 2 below.

A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people. Support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres.

All development proposals within a Commercial Centre will have to satisfy criteria within Policy TC19 Retail and Town Centre Uses.

Policy TC19: Retail and Town Centre Uses

Proposals for retail and other town centre uses over 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres (including in out of town*

locations) will be required to submit relevant assessments (including retail/town centre impact and transport assessments) and demonstrate that the proposal:

- has followed a sequential approach to site selection, giving priority to sites within the defined town centre before edge of centre, commercial centre or out of centre sites which are, or can be made accessible;
- does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- tackles deficiencies in existing provision, in qualitative or quantitative terms; and
- is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for retail and other town centre uses under 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres may be required to submit relevant assessments (including retail / town centre impact, transport and sequential assessments) where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus.

**Town centre uses include commercial leisure, offices, community and cultural facilities.*

5.4 Other policies in the Angus Local Development Plan will be relevant, including those that deal with matters such as accessibility, design, amenity and infrastructure.

5.5 In these circumstances it is considered that the key determining issues in relation to a subsequent planning application for the development proposed are likely to be: -

- Compatibility with development plan policy, including the use of allocated employment land for major retail development;
- Suitability of site for large-scale retail park development and justification and rationale for site selection;
- Town centre impacts and retail impact generally;
- Accessibility of the site;
- Traffic impacts;
- Amenity impacts and impacts from noise from fixed plant and cooking odour.
- Flood risk and the establishment of satisfactory drainage arrangements;
- Economic considerations;
- Site conditions and land contamination;
- Landscaping and Design;
- Planning History relevant to similar forms of development in the immediate area;
- Any third party representations that raise material planning issues.

5.6 A significant issue in relation to an application for large-scale retail development at this location would be impact of the development on the vitality and viability of town centres. Consideration of such impact is normally informed through the provision of a Retail Impact Assessment. These can be complex and Committee is advised that specialist consultants may be engaged by the Planning Service to review any Retail Impact Assessment submitted in support of a future planning application.

5.7 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. Any costs associated with engaging consultants to review information submitted with a future application will be met from the Planning Service revenue budget.

7. OTHER IMPLICATIONS

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

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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