

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 DECEMBER 2021

PROPOSAL OF APPLICATION NOTICE  
LAND AT ELLIOT INDUSTRIAL ESTATE ARBROATH

GRID REF: 362232 : 739759

REPORT BY SERVICE LEAD - PLANNING & SUSTAINABLE GROWTH

**Abstract:**

This report advises Committee that a Proposal of Application Notice (ref. [21/00893/PAN](#)) has been submitted in respect of a major development comprising a retail development, drive-thru commercial units and ancillary development including access, drainage, landscaping, car parking and other associated works on land at Elliot Industrial Estate, Arbroath for TJ Morris Ltd. 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 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 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 will 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. [21/00893/PAN](#)) has been received. It indicates that an application for planning permission is to be submitted for a retail development, drive-thru commercial units and ancillary development including access, drainage, landscaping, car parking and other associated works on land at Elliot Industrial Estate, Arbroath. The proposed development site measures around 3.37ha and consists of previously developed land that is locally known as the Metal Box Factory site latterly Presentation Products. The site has been cleared of buildings. A plan showing the outline of the site on which the development is proposed has been submitted and is

attached at Appendix 1. No further details relating to the proposed application have been provided at this stage. Committee will be aware that this site benefits from an extant planning permission (Appn: [18/00975/FULM](#) and Reports [347/19](#) and [409/19](#) refer) that allows for a retail development, comprising food and non-food units (Class 1), drive thru units (Class 3 and Sui Generis) and ancillary development including access, drainage, landscaping and other associated works.

- 3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with the local community and the applicant has indicated that a copy of the PAN was served on the MP and MSPs for the Arbroath area, local councillors, and the Royal Burgh of Arbroath Community Council. The submitted PAN indicates that all documents pertaining to the development will be published on a publicly accessible website and a live and interactive web-based consultation event will be undertaken on 12 January 2022 between the hours of 1500 and 1900.
- 3.4 The applicant's agent has been advised that a planning application cannot be submitted prior to 7 February 2022 (the date 12 weeks from the submission of the valid PAN).
- 3.5 Scottish Government has put in place legislation to temporarily suspend the requirement for a public event in relation to Pre-Application Consultation (PAC). Government has also published guidance on how pre-application consultation should be undertaken without the need for public gatherings. The proposed consultation arrangements are considered to meet with the requirements of the temporary legislation. It is however recommended that the live and interactive web-based consultation event comprise a live video webinar with associated chat functionality. The results of the community consultation will be submitted with any subsequent major planning application in the form of a PAC Report as required by Development Management Regulations.

#### **4. DISCUSSION**

- 4.1 Committee is aware that planning legislation requires decisions in respect of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 In this case the land subject of the 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.*

- 4.3 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*

- 4.4 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*

- 4.5 Other policies in TAYplan and the ALDP will be relevant, including those that deal specifically with design quality, protection of amenity, natural and built environment, access and infrastructure.
- 4.6 In addition to policy considerations, it will be necessary to have regard to other material considerations. In this case the extant planning permission that provides for retail development on this site will be a relevant matter in considering the proposal set out in the PAN. The extent of retail floor space and format of retail offering that is proposed by this development is unknown at this stage. An alternative form of retail development could give rise to different retail and economic impacts than those associated with the previously approved scheme. Information will be sought to

address those matters and that information will be relevant to the determination of the application.

4.7 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 in the determination of any subsequent planning application are likely to be: -

- Whether there is a proven public interest and social, economic or environmental considerations that confirm there is a justification for the use of allocated employment land for major retail development which cannot be met by alternative sites;
- Acceptability of the mix of land uses and location of development having regard to relevant development plan policies, in particular issues related to town centre and general retail impacts, the suitability of site for large-scale retail park development and justification and rationale for site selection;
- The acceptability of impacts on the amenities of existing properties and neighbouring land uses;
- Built environment considerations, including the acceptability of the proposed layout and design of buildings and open space as assessed in the context of the council's approved [Supplementary Guidance on design quality and placemaking](#);
- Natural environment considerations, including the impact on habitats and species and the acceptability of landscaping provision, including subsequent maintenance;
- Acceptability of the proposed access arrangements for pedestrians, cyclists, and motor vehicles, and the suitability of access and transportation provision in the area generally;
- Impact of development on existing infrastructure, in particular impacts on the roads and drainage networks;
- Potential issues related to flood risk and the establishment of satisfactory drainage arrangements;
- Potential issues related to land contamination;
- Any opinions expressed on the proposal by statutory and non-statutory consultation bodies;
- The planning history of the site, including the terms of the extant planning permission that allows for large-scale retail on the site; and,
- Any third-party representations that raise material planning issues.

4.8 While 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 and that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional material planning considerations that it would wish to see addressed.

## 5. OTHER IMPLICATIONS

The human rights implications associated with the proposal will be considered in the determination of any subsequent application for planning permission.

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

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**DATE: 6 DECEMBER 2021**

**APPENDIX 1: LOCATION PLAN**

**APPENDIX 2: PLANNING SERVICE PRESENTATION**