

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 21 JUNE 2022

PROPOSAL OF APPLICATION NOTICE – LAND AT GLAMIS ROAD AND

WESTFIELD LOAN, FORFAR

GRID REF: 344233: 749697

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract:

This report advises Committee that a Proposal of Application Notice (PAN) (ref: [22/00295/PAN](#)) has been submitted in respect of a major development comprising a proposed residential development, open space and associated infrastructure on land at adjoining Glamis Road and Westfield Loan, Forfar for Muir Homes. Committee is invited to identify issues which it would like to see addressed in the planning application that is subsequently submitted.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

- 3.1 At its meeting on the 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 note requires officers to present a report to committee when a 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 the opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

- 3.2 A PAN (ref: [22/00295/PAN](#)) has been submitted. It indicates that an application for planning permission is to be submitted for proposed residential development, open space and associated infrastructure on land at adjoining Glamis Road and Westfield Loan, Forfar. The proposed development site would measure around 17 hectares and the land currently comprises agricultural land. A plan showing the outline of the site on which the development is proposed is attached at Appendix 1.

- 3.3 The submitted PAN sets out the proposed pre-application consultation (PAC) that the applicant intends to undertake with the local community and the applicant has also indicated that a copy of the PAN was served on Councillors for the Forfar and District Ward, the local MP and MSP, and Royal Burgh of Forfar Community Council. The submitted PAN indicates that a virtual public event was planned for 18 May 2022. The applicant has been advised to carry out additional consultation activity to ensure that they comply with the current legislative requirements for PAC, which would include hosting an accessible project website and a live and interactive web-based consultation.
- 3.4 The applicant's agent has been advised that a planning application cannot be submitted prior to 6 July 2022 (the date 12 weeks from the submission of the valid PAN).
- 3.5 The consultation arrangements are considered to meet with the requirements of the legislation. 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 The land to which the proposal relates is allocated in the Angus Local Development Plan for residential development by Policy F4. That policy states: -

Policy F4: Housing-Westfield

38.8 Ha of land west of Westfield Loan is allocated for residential development of around 300 dwellings in the second phase of the plan (2021 - 2026).

The development should commence at the north of the site with access from Glamis Road. No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.

Development proposals should be in accordance with a masterplan prepared for the site and should include:

- design and site layout which takes account of the existing landscape character, pattern of development and character of neighbouring uses and buildings;*
- the protection of scheduled ancient monuments within the site and how these will be managed;*
- a landscape framework, preserving existing woodland and hedges and setting out structural planting and landscaping within and around the site to enhance biodiversity and to create an appropriate town edge;*
- appropriate developer contributions, towards education infrastructure;*
- the potential for a new distributor road linking Dundee Road and Westfield Loan with Glamis Road, taking account of any potential impact on the A90 junctions (including Lochlands) in conjunction with Angus Council, TACTRAN and Transport Scotland;*
- the provision of open space and SuDS as necessary;*
- opportunities for active travel through improved linkages with the existing path/Green Network; and*
- supporting information including a Flood Risk Assessment, Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan, Contaminated Land Investigation Report and a Transport Assessment which should include assessment of the West Port junction and analysis of the traffic flows and junctions along East and West High Streets.*

Additional land is safeguarded for further residential development in the period beyond 2026. The scale of further land release in the period beyond 2026 will be determined by a future Local Development Plan and may also include:

- *provision of a new Primary School.*
- *an area of land south of Glamis Road for further business / employment development.*

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

- 4.3 The site is identified for residential development but a number of TAYplan policies will be of relevance in determination of the proposed application. These include Policy 2: Shaping Better Places, Policy 4: Homes and Policy 6: Developer Contributions. In addition, the following policies of the Angus Local Development Plan will be relevant: -

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 PV4: Sites Designated for natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- *an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or*

- *there are no alternative solutions; and*
- *there are imperative reasons of overriding public interest, including those of social or economic nature; and*
- *compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.*

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice on the types of appropriate information and safeguards to be provided in support of planning applications.*

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- *the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or*
- *any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and*
- *mitigation and restoration measures are provided.*

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

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

** "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk*

- 4.4 Other policies, including policies that deal with protection of the natural and built environment, access and informal recreation, open space and landscaping, and essential infrastructure, including public roads, education facilities and the public drainage network will also be relevant.
- 4.5 In these circumstances it is considered that the key considerations in relation to the determination of a planning application will be whether the proposal complies with relevant development plan policies or whether there are other material considerations that justify a departure from relevant policies. In this respect key considerations are likely to be: -
- How the proposal relates to a masterplan approach to the development of the wider allocated area;
 - Acceptability of the number of residential units proposed in terms of density and housing mix having regard to development plan policy;
 - Design quality and quality of place;
 - Suitability of the proposed site layout and design of buildings, having regard to matters such as the acceptability of the residential environment that would be created and the impact of the development on neighbouring land uses and properties;
 - Landscape impact;
 - Impact of the development on existing infrastructure and in particular impacts on the roads and drainage networks, the education estate and health infrastructure capacity;

- 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;
 - The impact of the development on natural habitats and ecology with a particular focus on potential impacts on the River Tay SAC;
 - The impact of development on built and cultural heritage including the scheduled ancient monuments present;
 - Acceptability of open space provision and landscaping, including subsequent maintenance;
 - Provision of affordable housing in accordance with relevant policy requirements;
 - Drainage impact and SUDS provision;
 - Flood Risk;
 - Remediation or mitigation of any land contamination;
 - Any third party representations that raise material planning issues.
- 4.6 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, Members are invited to identify any additional matters that they 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 major planning 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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APPENDIX 1: Site Location Plan
APPENDIX 2 : Planning Service Presentation