

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 21 JUNE 2022

PROPOSAL OF APPLICATION NOTICE – LAND AT NEWTYLE ROAD,

MUIRHEAD

GRID REF: 333994: 734705

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract:

This report advises Committee that a Proposal of Application Notice (PAN) (ref: [22/00294/PAN](#)) has been submitted in respect of a major development comprising a residential development of up to 90 houses, a farm shop, orchard, open space, SUDS, formation of access on B954, and footpath link to core path on land at Newtyle Road, Muirhead 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: [22/00294/PAN](#)) has been submitted. It indicates that an application for planning permission is to be submitted for a proposed residential development of up to 90 houses, a farm shop, orchard, open space, SUDS, formation of access on B954, and footpath link to core path on land at Newtyle Road, Muirhead. The proposed development site would measure around 6.6HA 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 Monifieth and Sidlaw Ward, the local MP and MSP, and Muirhead, Birkhill and Liff Community Council. The submitted PAN indicates that a virtual public event was planned for 25 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. They have also been advised to notify neighbours in the vicinity of the development.
- 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 will be 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. Therefore, compatibility with the development plan will be a key issue in relation to any planning application that is submitted for the development of this land.
- 4.2 The Development Plan consists of TAYplan and the Angus Local Development Plan (ALDP). The release of development land is addressed by the Development Plan. In this regard, TAYplan Policy 1 suggests that the majority of the region's additional development over the plan period should be directed to tier 1 principal settlements (including Birkhill & Muirhead) and that land within settlements should be prioritised ahead of sites on the settlement edge, with priority being given to the use of previously developed land. TAYplan Policy 4 requires local development plans to identify sufficient land to meet the housing land requirement (set at 77 homes per year for the South Angus Housing Market Area (HMA)), and to ensure the maintenance of a minimum 5-year effective housing land supply. The South Angus HMA includes Carnoustie, Monifieth and surrounding landward areas including Muirhead and Birkhill. ALDP policy DS1 (development boundaries and priorities) gives support for development on allocated sites, and allows development outwith but contiguous with a development boundary only where there is a public interest and social, economic, environmental and operational considerations confirm that there is a need for the proposed development that cannot be met within a development boundary. In addition, ALDP policy TC1 (housing land supply/release) indicates that where the annual housing land audit identifies a shortfall in effective land supply, the council will work with relevant parties to bring forward additional land. The policy indicates early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective, 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.
- 4.3 In this case the land that is subject of the PAN is not allocated for development in the ALDP. The land lies outwith, but adjacent to the Development Boundary of Birkhill and Muirhead. The main policies that deal with the principle of development of this nature in [TAYplan](#) are: -

Policy 1 Location Priorities

Principal Settlement Hierarchy

Strategies, plans, programmes and development proposals shall focus the majority of development in the region's principal settlements as shown on Map 1 (opposite):

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

- *Within Dundee Core Area in the principal settlements of Dundee City; including Dundee Western Gateway, and Invergowrie, Monifieth, Tayport/Newport/Wormit, Birkhill/Muirhead; and,*

- *Within Perth Core Area in the principal settlements of Perth City, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport.*

Tier 2 principal settlements which have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development; and,

Tier 3 principal settlements which have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the additional development.

B. Sequential Approach

Strategies, plans and programmes shall prioritise land release for all principal settlements using the sequential approach in this Policy; shall prioritise within each category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings); and shall ensure that such land is effective or expected to become effective in the plan period, and that a range of sites is made available, as follows:

1. *Land within principal settlements; then,*
2. *Land on the edge of principal settlements; then,*
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.*

C. Outside of Principal Settlements

Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that it can be accommodated and supported by the settlement, and in the countryside; that the development genuinely contributes to the outcomes of this Plan; and, it meets specific local needs or does not undermine regeneration of the cities or respective settlement.

Proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.

D. Green belts

1. *Local Development Plans shall continue the implementation of green belt boundaries at both St Andrews and Perth to preserve their settings, views and special character including their historic cores; protect and provide access to open space; assist in safeguarding the countryside from encroachment; to manage long term planned growth including infrastructure on Map 10 and Strategic Development Areas in Policy 3; and define the types and scales of development that are appropriate within the green belt based on Scottish Planning Policy.*

Policy 4: Homes

Local Development Plans shall:

A. plan for the average annual housing supply targets and housing land requirements illustrated in Map 4 to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is of 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement.*

B. identify land which is effective or expected to become effective to meet the housing land requirement in Map 4 for each housing market area up to year 10 from the predicted date of adoption. In so doing they will ensure a minimum of 5 years effective land supply at all times.

C. 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. For the whole of the TAYplan area this will be an approximate ratio of 25% affordable to 75% market homes but may vary between housing market areas and Local Authorities.

D. have the flexibility, in serious cases of appropriately evidenced environmental or infrastructure capacity constraints that cannot be practically and cost-effectively overcome, and where no suitable alternative sites exist that are compliant with the spatial strategy of this plan, to provide for up to 10% (15% for Highland Perthshire) of the housing land requirement for one market area to be shared between one or more neighbouring housing market areas within the same authority, whilst taking account of meeting needs in that housing market area.

E. for Dundee City only, have the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4.

F. ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.

Footnote

*A. *Average build rates are illustrated annually to assist the understanding of what the scale of housing is for communities. These are only averages and the period in which these build rates should be achieved is over the first 12 years of the Plan, not annually. It is anticipated that within the first 12 year period build rates will be lower than the average in the early period and greater in the later period. These figures include Strategic Development Areas and affordable housing. They have been informed by the TAYplan-wide Joint Housing Need and Demand Assessment (2013) and work set out in Topic Paper 2: Growth (2015).*

- 4.4 The site is not allocated for housing development in the [Angus Local Development Plan](#) (ALDP) and as identified above, it lies outwith but adjacent to the Birkhill and Muirhead development boundary. As such Policy DS1 of the Local Development Plan is relevant. 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*

- 4.5 As the proposal relates to the erection of housing in the countryside Policy TC2 is relevant. The policy states: -

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.*

- 4.6 The proposal includes the development of a farm shop. As such, policies TC15, TC19 and TC20 are relevant. Those policies state:

Policy TC15 : Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- o *there are no suitable or viable sites available within an employment land allocation or existing employment area; or*
- o *the use is considered to be acceptable in that location; and*
- o *there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- o *the criteria relating to employment development within development boundaries are met;*
- o *the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and*
- o *the proposal constitutes rural diversification where:*
- o *the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or*

o the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

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:*

- o *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;*
- o *does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;*
- o *tackles deficiencies in existing provision, in qualitative or quantitative terms; and*
- o *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 uses⁸ 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.*

Policy TC20 Local Convenience Shops and Small Scale Retail

Within development boundaries, proposals for the development and improvement of local convenience shops will not be subject to the sequential approach. Such proposals will be supported where they are not detrimental to the surrounding amenity and are in keeping with the townscape and pattern of development. Preference will be given to development proposals which effectively reuse or redevelop vacant or derelict land.*

Outwith development boundaries, proposals for small scale retail development (around 500m2) will only be supported where the proposal constitutes rural diversification and is ancillary to tourism, agricultural, equestrian, horticultural or forestry operations and where the proposal:

- *does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;*
- *is of a scale and nature in keeping with the character of the local landscape and pattern of development; and*
- *is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.*

Where planning permission is granted, conditions may be attached limiting the range of goods which can be sold.

**A local convenience shop is broadly defined as retailing drinks, tobacco, newspapers, magazines, food and confectionary which are purchased regularly for relative immediate consumption and measure 500 m2 gross floorspace or less and are located outwith defined town centre boundaries as identified within the Proposals Maps.*

- 4.7 The land is identified as Class 3.1 (Prime) in terms of its capability for agriculture. As such Policy PV20 is relevant. The policy States:

Policy PV20: Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- *support delivery of the development strategy and policies in this local plan;*
- *are small scale and directly related to a rural business or mineral extraction; or*
- *constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.*

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

- 4.8 Other policies in TAYplan and the ALDP will be relevant, including those that deal specifically with residential development and design quality; protection of amenity; natural and built environment; access; infrastructure and developer contributions.

- 4.9 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 currently sufficient housing land in the South Angus Housing Market Area to meet effective housing land requirements as identified by the Development Plan. Recent appeal decisions within that housing market area that concluded, amongst other matters, there was sufficient housing land in the South Angus Housing Market Area to meet the minimum five-year effective housing land requirement will be of some relevance;
- 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 existing settlement boundaries;
- Whether the proposal to develop housing on unallocated prime agricultural land is essential for implementation of the local development plan strategy;
- The suitability of the location for retail development having regard to potential impacts on the town centre;
- Suitability of the residential environment that would be created for occupants of the proposed residential units;
- The acceptability of impacts on residents 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 open space and 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, health care provision and the education estate having regard to the council's approved [Supplementary Guidance on developer contributions and affordable housing](#);
 - Provision of affordable housing having regard to the council's approved [Supplementary Guidance on developer contributions and affordable housing](#);
 - Any opinions expressed on the proposal by statutory and non-statutory consultation bodies; and
 - Any third-party representations that raise material planning issues.
- 4.10 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 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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DATE: 13 JUNE 2022

APPENDIX 1: Site Location Plan
APPENDIX 2 : Planning Service Presentation