

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 SEPTEMBER 2022

PROPOSAL OF APPLICATION NOTICE – LAND 750M NORTH EAST OF GARTH FARM,
KIRRIEMUIR ROAD, FORFAR

GRID REF: 344065: 751314

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract:

This report advises Committee that a Proposal of Application Notice (PAN) (ref: [22/00589/PAN](#)) has been submitted in respect of a major development comprising a residential development incorporating 25% affordable homes, open space & landscaping at Land 750M North East Of Garth Farm, Kirriemuir Road, Forfar for Guild Homes (Tayside) Ltd. Committee is invited to identify issues which it would like to see addressed in the planning application that is subsequently submitted.

1. RECOMMENDATION

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

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: [22/00589/PAN](#)) has been submitted which indicates that an application for planning permission is to be submitted for a residential development including 25% affordable housing, roads, access, drainage, landscaping, and open space on land to the west of the ongoing Strathmore Fields development in the northwest of Forfar. The proposed development site would measure around 30 hectares and the land currently comprises open farmland. A plan showing the outline of the site on which the development is proposed is attached at Appendix 1.

- 3.3 The application site relates to an area of ground which has recently been subject to a planning application for 245 dwellings (ref: [21/00857/FULM](#)). An appeal in relation to the deemed refusal of that application was dismissed by a Planning and Environmental Appeals Division (DPEA) Reporter on 18 August 2022 (case: [PPA-120-2059](#)). The applicant's agent has advised the new application will seek to address all issues raised by the Reporter.
- 3.4 The submitted PAN sets out the proposed pre-application consultation (PAC) that the applicant intends to undertake with the local community. The applicant has indicated that an in person engagement event will be held on the 20 October 2022 at the Forfar Community Campus, as well as a virtual event hosted via Microsoft Teams on the 19 October 2022. Information and opportunity for the public to provide comment would also be available via the applicant's website. Details of the proposal and public events are to be served on local Councillors, a number of neighbouring properties and the Forfar Community Council. The consultation activity generally appears to comply with the current legislative requirements for PAC.
- 3.5 The applicant's agent has been advised that a planning application cannot be submitted prior to 22 November 2022 (the date 12 weeks from the submission of the valid PAN).
- 3.6 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. In this respect a number of policies in [TAYplan](#) and in the [Angus Local Development Plan \(ALDP\)](#) will be relevant to the proposal..
- 4.2 TAYplan requires local development plans to identify sufficient land to meet the housing land requirement and to ensure the maintenance of a minimum 5-year effective housing land supply.
- 4.3 ALDP policy 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. It also seeks to safeguard the landscape setting of towns and important features; protect prime quality agricultural land; achieve a high standard of design in all new development; and ensure that new residential development provides a good residential environment for future occupants.
- 4.4 In this case the land is located within the West Angus Housing Market Area (HMA) where there is a housing land requirement for an average 88 homes per year. The land that is subject of the PAN is not allocated for housing in the local development plan and is outside and adjacent to the settlement boundary of Forfar. The agreed 2021 Angus Housing Land Audit identifies a shortfall of 138 units (or 1.6 years' worth of land) in the 5-year effective housing land supply for the West Angus HMA. The shortfall in the 5-year effective housing land supply would be a significant material consideration.
- 4.5 Other policies in TAYplan and the ALDP would be relevant, including those that deal specifically with residential development, amenity, open space, and design quality. General policies that seek to safeguard built, cultural, and natural heritage interests,

and that deal with accessibility, infrastructure and developer contributions would also be relevant to determination of the proposed application.

4.6 In addition, Scottish Planning Policy (SPP) will be relevant, including the criteria it identifies for determining if a proposal contributes to sustainable development.

4.7 In these circumstances 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 the main considerations are likely to be: -

- Acceptability of principle of housing development on a site outwith but adjacent to the development boundary having particular regard to matters including compliance with development plan policy, housing land supply, compatibility with neighbouring uses, and landscape impact including impacts upon the setting of Forfar Loch;
- Acceptability of the loss of prime agricultural land;
- Acceptability of the proposed layout having regard to the number of residential units proposed in terms of density, housing mix, living environment, design quality, and quality of place;
- Acceptability of open space provision and landscaping, including subsequent maintenance;
- 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 development on built and cultural heritage including area of potential archaeological interest;
- The impact of the development on natural habitats and ecology;
- Provision of affordable housing in accordance with relevant policy requirements;
- Drainage impact and SUDS provision;
- Flood Risk;
- Any third party representations that raise material planning issue; and
- The planning history of the site, including the findings of DPEA Reporters in relation to the principle of residential development at this general location;
- Scottish Planning Policy and its support for development that contributes to sustainable development.

4.8 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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DATE: 6 SEPTEMBER 2022

APPENDIX 1: SITE LOCATION PLAN

APPENDIX 2: PLANNING SERVICE PRESENTATION