

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 APRIL 2023

PLANNING APPLICATION – FIELD OPPOSITE WESTFIELD DRIVE WESTFIELD LOAN
FORFAR

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [19/00707/FULM](#) by Muir Homes for a residential development of 159 dwellinghouses including formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure on land opposite Westfield Drive, Westfield Loan, Forfar. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons given in Section 10 of this report.

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 The applicant seeks full planning permission for a residential development of 159 dwellinghouses including formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure on land opposite Westfield Drive, Westfield Loan, Forfar. A plan showing the location and proposed layout of the site is provided at Appendix 1.
- 3.2 The application site extends to some 12.6ha and is located to the south of Glamis Road and to the west of Westfield Loan. Most of the land comprising the site is in agricultural use, but it includes areas of established planting.
- 3.3 The development provides for the erection of 159 dwellings including affordable housing. Two vehicular accesses are proposed and would form a link between Glamis Road and Westfield Loan. A cluster of 33 dwellings would be located at the east of the site in proximity of Westfield Loan; a terrace of 20 dwellings would front Glamis Road; and the remainder of dwellings would be located towards the western extent of the site. The dwellings would consist of one to five bed properties within a combination of flatted, terraced, semi-detached, and detached buildings provided over one, two and three storeys. A combination of in-curtilage, parking court, and on-street vehicle parking is proposed with some dwellings containing integral garages. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage Systems (SUDS) with a SUDS basin located in the northwest corner of the site. Landscape planting is proposed around the perimeter of the site and further

landscaping is also incorporated throughout the development.

- 3.4 The application has been varied to reduce the site area and number of residential units; to amend the layout of the site, including relocation of house plots, alteration to road layouts, boundary enclosures, site levels, and landscaping proposals.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Land that encompasses the application site was allocated for residential development in the Angus Local Development Plan. That allocation was subject of unresolved objections and those objections were considered through examination held by a Scottish Government appointed Reporter. In relation to the allocation of land at Westfield, the Reporter concluded that *'Overall, I do not consider the matters raised in the representations to be insurmountable, but they should be subject to further investigation and assessment as set out in the developer requirements. On this basis, I accept the principle of the development of housing on the allocated site F4'*. The Reporters conclusions in relation to Westfield are set out in full in [Report 277/16](#) Appendix 1 (pg 244 – 247).
- 4.2 A Proposal of Application Notice ([18/00319/PAN](#)) in respect of a proposed residential development, open space and associated infrastructure on land adjoining Glamis Road and Westfield Loan, Forfar was submitted in April 2018. A briefing paper setting out key issues relevant to the consideration of any future planning application was circulated to members of the Development Standards Committee on 29 May 2018. That proposal of application notice includes the land that forms the current planning application site.
- 4.3 A proposal of application notice ([21/00035/PAN](#)) in respect of a residential development of circa 125 units (25% affordable) incorporating formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure at Field Opposite Strathview, Westfield Loan, Forfar was considered by the Development Standards Committee at its meeting on 9 February 2021 (Report No. [30/21](#) refers). Committee noted the key issues identified in that report.
- 4.4 A proposal of application notice ([22/00295/PAN](#)) in respect of a proposed residential development, open space and associated infrastructure on land at adjoining Glamis Road and Westfield Loan, Forfar was considered by the Development Standards Committee at its meeting on 21 June 2022 (Report No. [172/22](#) refers). Committee noted the key issues identified in that report and requested that consideration be given to impact on archaeological features and land contamination (including risk associated with anthrax). That proposal of application notice includes the land that forms the current planning application site.
- 4.5 A proposal of application notice ([22/00692/PAN](#)) in respect of a residential development incorporating 25% affordable homes open space and landscaping on land opposite Westfield Drive Westfield Loan Forfar was considered by the Development Standards Committee at its meeting on 15 November 2022 (Report No. [380/22](#) refers). Committee noted the key issues identified in that report and didn't raise any additional considerations beyond those listed. That notice relates to part of the Angus Local Development Plan allocation identified as F4 located to the south of the current application site. No planning application has been submitted to date.
- 4.6 This application was scheduled to be determined at the meeting of the Development Standards Committee on 13 September 2022 (report [317/22](#) refers). The report was withdrawn from consideration at that meeting at the request of the applicant to allow further amendment of the application.

5. APPLICANTS CASE

5.1 The following documents have been submitted in support of the application: -

- Pre-application Consultation Report
- Design and Access Statement – updated December 2022
- Masterplan Framework (Parts 1 – 12)
- Transport Assessment (Parts 1 – 3)
- Flood Risk Assessment (Parts 1 and 2)
- Noise Impact Assessment – updated 9 December 2022
- School Impact Assessment
- Preliminary Ecological Appraisal
- Archaeological Assessment
- Arboricultural Impact Assessment
- Report on Site Investigation (Parts 1 – 5)
- Construction Environmental Management Plan
- Surface Water Management Plan and Appendices
- Scottish Water Pre-application Enquiry Response
- Softworks Planting Specification
- Planting Maintenance Schedule
- Tree Survey and Constraint Plans
- Tree Protection Plans
- Tree Survey Schedule
- Response(s) to environmental health consultation
- Response to objection from Shoosmiths on behalf of Elite Homes
- Response to SEPA consultations
- Response to request for assessment of impact on health care infrastructure
- Response to road traffic consultation (including parking schedule and swept path layout)
- Health Impact Assessment – updated February 2023
- NPF4 statement

5.2 The design and access statement and reports on the impact or potential impact of the proposed development are summarised at Appendix 2. Those documents and other documents identified above are available to view on the [Public Access](#) system.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – provides general comment in relation to site accessibility and the capacity of the road network to accommodate the development. It indicates no objection to this particular phase of the development but advises that 8 properties do not meet the council's parking standards and not all roads have been assessed as part of the furniture pantechnicon swept path layout. It is indicated that an updated draft Transport Assessment prepared in relation to the wider land allocation has been reviewed, it has not yet been finalised and has not been submitted in support of the planning application. However, that document includes iterations to the traffic impact analysis which accounts for a future design year to 2030 and the draft concludes all assessed junctions, including the West Port signals, are predicted to operate within capacity under all scenarios; inclusive of additional eastbound traffic associated with any potential closure of the A90(T) Lochlands central reservation. The service advise further information should be provided for the provision of a ghost island on the A94 at the site access; details of a scheme for the provision of footways on the south side of Glamis Road and on the west side of Westfield Loan, over the entire site frontages; and arrangements for pedestrians and cyclists to have priority over motor vehicles at road junctions and crossings where internal footpaths and/ or cycle tracks cross proposed internal roads. In relation to drainage and flood risk the proposal should make provision for Natural Flood Management (NFM) measures such as

woodland and wetland creation and further information should be provided to demonstrate that the discharge of surface water to the Halfpenny Burn would not increase the flood risk to the A94 and downstream through Orchardbank. *Additional information in relation to flood risk has been submitted but at time of writing a formal written response has not been provided on the matter by the roads service. However, in discussion, it has confirmed that, having regard to the nature of the issue and the size of the site, the matter could be addressed by planning condition.*

- 6.2 **Angus Council – Environmental Health** – objects to the proposal because of the impact of noise from road traffic and neighbouring land uses on the amenity of future residents. Specifically, the service still has concerns regarding the methodology and completeness of the revised noise impact assessment. The service recommended additional consultation in relation to land contamination and in particular anthrax risk but following that consultation has verbally confirmed it has no objection to the application on the basis of land contamination.
- 6.3 **Angus Council – Landscape Services** – indicates the planting and landscaping could be improved to enhance amenity and biodiversity, the location of the play area in the far north-western corner and the location and scale of the playpark is disadvantageous. The service has indicated that the layout should be amended.
- 6.4 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 39.75 units. The final arrangements for the affordable housing would be subject of further discussions with the applicant.
- 6.5 **Angus Council – Children and Lifelong Learning** – has advised that there is sufficient capacity at local primary and secondary schools and no developer contribution is required from the proposed development.
- 6.6 **SEPA** – has indicated that concerns regarding flood risk have been addressed and offers no objection subject to specified conditions.
- 6.7 **Scottish Water** – no objection.
- 6.8 **Aberdeenshire Archaeological Service** – advise that conditions regarding archaeological mitigation should be attached to any permission that is granted, and that development and planting should avoid the scheduled area.
- 6.9 **Transport Scotland** – no objection. However, it is indicated that this is on the understanding that Angus Council will develop an appropriate scheme of mitigation for the A90 / A932 Dundee Road Lochlands Junction. The mechanism for this mitigation scheme must be agreed with any future applicants before any further part of the F4 site is developed in addition to the residential units covered by this planning application.
- 6.10 **Historic Environment Scotland** – no objection but development and planting should avoid the scheduled monuments and large growing trees species should not be planted within proximity of the scheduled monuments. Scheduled monument consent is likely to be required for new paths within the designated area. Concern is expressed regarding potential impact on scheduled monuments arising from the proposed route of the link road connection between this phase of development and future phases to the south.
- 6.11 **NHS Tayside** – no comment.
- 6.12 **Forfar and Kirriemuir Medical Practices** – no comment.
- 6.13 **Community Council** – no comment.

- 6.14 **Animal & Plant Health Agency** – has advised that it would be involved if any animal carcass is found and needs to be exhumed. In that circumstance a risk assessment would be required to guarantee a safe system to exhume the carcasses.
- 6.15 **NHS Tayside Health Protection Team** – advise the risk to health from potential anthrax is likely to be very low to construction workers and negligible to those who reside in the new development. Should the development extend closer to the suspected burial site it would be prudent to ensure that further soil sampling be undertaken.

7. REPRESENTATIONS

- 7.1 26 letters of representation have been received with 19 raising objection and 7 offering general comment. The letters of representation are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections and are discussed under Planning Considerations: -
- Application is contrary to the development plan
 - Housing land audits indicate that there is a generous supply of housing land and development should not be allowed in advance of January 2021
 - No need for additional housing development and associated loss of agricultural/rural land
 - Concern that the land has been allocated for development despite outstanding issues
 - New housing development should be directed to brownfield sites
 - Application should not be determined in advance of approval of a masterplan
 - Submitted masterplan is unacceptable: amongst other things, it contemplates a greater number of houses than identified by the land allocation; it is not accompanied by detailed assessments; it does not address potential mitigation for Lochlands junction; and it does not consider the requirement for a new primary school or address how that could be delivered
 - Inadequate supporting information and insufficient information submitted to address consultee comments
 - Unacceptable layout and design, including open space provision, that responds poorly to the area
 - Concern regarding noise from neighbouring land uses and resultant compatibility of use/ amenity impacts, combined with concern regarding proposed mitigation to Glamis Road frontage
 - Inadequate or inappropriate provision of affordable housing
 - Adverse impacts upon existing amenity by way of increase noise and light pollution
 - Loss of land for recreational access
 - Adverse impacts on wildlife and habitat
 - Adverse impact on scheduled ancient monuments
 - Inadequate transport assessment, adverse impact on road network and safety, and poor accessibility and junctions
 - Adverse impact on education infrastructure – suggestion that any new primary school provision should be to the north of the town
 - Adverse impact on doctor surgeries
 - Reduction in carbon capture acreage
 - Potential flood risk
 - Land contamination and potential for release of anthrax
 - Potential interference for transmitters and satellite dishes
 - Loss of view
 - Council should notify Scottish Ministers if it is minded to grant planning

permission

7.3 The following general matters have been raised and are discussed under Planning Considerations: -

- Requirement for mitigation to address noise from industrial premises
- More social housing, and housing that meets the needs of communities is required
- Consideration required of impact on and capacity of infrastructure
- Consideration required of 20-minute neighbourhoods
- Issues associated with road capacity to accommodate the development
- Concern regarding loss of agricultural land and associated impacts of wildlife and habitats
- Existing development has exacerbated flooding
- No objection to the chalet style housing which fronts onto Glamis Road providing this design was controlled by condition (including internal layout) and this would prevent any adverse impacts upon amenity of new residents resulting from noise or restrict the operation of established nearby businesses.

7.4 In addition, a number of procedural matters have been raised and they are addressed at this stage: -

- **The application has been subject of variation beyond the scope permitted by section 32A** – It is not unusual for an application to be subject of variation during the determination process, and the scope of variation in this case is not exceptional. The original application was for a major residential development with associated works, and the varied application is for a major residential development with associated works. Officers are satisfied that the variations that have been made to the application fall within the scope of section 32A.
- **Environmental impact assessment should be required** – the application has been subject of formal screening and it has been determined that environmental impact assessment is not required. The test for environmental impact assessment is if the development is *likely* to have significant effects on the environment, not whether there is the possibility of an impact. Discussion with consultation bodies did not identify likelihood of significant effects. Relevant matters can be appropriately addressed through the planning process.
- **Lawfulness of processing the application without prior approval of a masterplan** – In general terms, an application to develop an area of land can still be received, validated and processed in circumstances where it is in conflict with any relevant development plan, irrespective of the extent of that conflict. There is nothing in the statutory or policy planning framework in Scotland which prevents such an application being made. It is open to a planning authority to choose to approve development that does not accord with a development plan if there are material planning reasons for so doing.
- **Application has been valid for over 3 years** – there is no maximum timeframe for determining applications and the application has been subject to ongoing revisions and discussion.
- **Impacts of potential further development located to the south of the site on land subject to allocation F4 and 22/00692/PAN** – limited details have been provided in relation to any future development on the wider land allocation as part of the aforementioned proposal of application notice. No planning application has been submitted for development on the wider allocated site. Relevant planning considerations are addressed below.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless

material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

- [National Planning Framework 4](#) (NPF4) (Published 2023)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

Principle of development and masterplan

8.5 The application site forms part of a larger area of land that is allocated in the ALDP for residential development (allocation F4 refers). The site comprises prime quality agricultural land and policy general seeks to protect this as an important natural resource. However, this site is within the development boundary for Forfar and the principle of loss of prime land has been considered and accepted through the allocation of the site for development. This site is within the identified development boundary of the town and contributes to the effective housing land supply in the council's housing land audit. Delivery of housing on this site would support the development strategy in the ALDP and that must be balanced against the loss of prime land. NPF4 Policy 16 'quality homes' deals with residential development. Amongst other things, it states that development proposals for new homes on land allocated for housing in LDPs will be supported. While the ALDP was prepared in the context of TAYplan Strategic Development Plan and Scottish Planning Policy 2014, the principle of residential development on this site remains broadly compatible with NPF4. In that respect, the general principle of residential development of the application site is compatible with the development plan.

8.6 The F4 land allocation indicates that 38.8ha of land at Westfield is allocated for a residential development of around 300 dwellings in the period 2021 – 2026. The supporting text indicates that the allocated site has an overall capacity of around 300 units. The allocation indicates that development should commence at the north of the site with access from Glamis Road. It also states that 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. The allocation states that development proposals should be in accordance with a masterplan prepared for the site addressing specified matters.

8.7 The current application proposes 159 dwellings on around 12.6ha of the allocated site. The proposed development is in the northern part of the land allocation and most of the units would be accessed from Glamis Road with 33 accessed from Westfield Loan. The general approach towards the development and the location of an initial phase is in broad accordance with the F4 allocation.

8.8 A masterplan has been submitted in support of the application. That document indicates it has been prepared jointly by those with an interest in the overall land allocation. The document suggests that the site has capacity to deliver around 335 homes on part of the allocated land. This comprises around 170 homes and a local centre in the north, and around 160 homes located at the south. It is indicated that other land within the current allocation has further development potential and would come forward through a future local development plan. The document suggests that the safeguarded land has the potential to deliver significantly more development and would again come forward through future local development plans. It is suggested

that the approach articulated through the document would create a walkable neighbourhood with community facilities within an easy, attractive and safe walk of new and existing residents. A primary street is provided centrally within the concept masterplan, while strategic green corridors connect to the safeguarded land, wider countryside and existing settlement.

- 8.9 The masterplan document indicates that it has been informed by a landscape and visual appraisal, and that a transport assessment has been undertaken which shows that the allocation F4 has the capacity for 300 residential units. It indicates that Transport Scotland has confirmed that 175 units would be acceptable using an access from Glamis Road. The masterplan shows further potential access points on Westfield Loan which may be capable of accommodating an additional 125 homes. It is indicated that the junctions have not been tested, but if any or all were not acceptable to Transport Scotland the housing could be directed through the allocation towards Glamis Road.
- 8.10 Planning Advice Note 83 provides guidance on master planning. It indicates that an effective masterplan should explain how a site, or series of sites, will be developed, describing and illustrating the proposed urban form in three dimensions. It should show how that form will achieve the intended vision for the place, and how a distinct and appropriate character will be created. It should also describe how the project will be implemented through a delivery strategy which sets out phasing, timing and funding. It indicates that site appraisal and understanding is key to the preparation of an effective masterplan. In relation to Westfield the Reporter that considered objections to the ALDP stated that *'The large area of land release at Westfield warrants a masterplanned approach. As the site appears constrained in the short term and subject to further detailed assessment, the later phasing is a sensible approach.'* The Reporter also stated *'The primary concern of the council in the development of Westfield relates to its potential impact on the A90 road junctions. The allocation of site F4 has therefore been held back until the second phase of the plan, in order that a full assessment of the potential impact on the road junctions can be completed and any resulting mitigation agreed. The submission of a transport assessment and masterplan for the site will ensure that these matters are given adequate assessment and scrutiny.'*
- 8.11 In this case the general approach to the masterplan is to indicate that detailed studies and assessment will be provided with future planning applications. The submitted masterplan has largely been prepared in the absence of detailed technical assessments to justify the proposed approach, and specifically to demonstrate the suggestion that the site can accommodate significantly more homes than the 300 set out in the land allocation. This has implications in terms of understanding how development on this part of the site would fit into the wider development and it provides no clarity on when new infrastructure or mitigation would be required or how that would be delivered.
- 8.12 The masterplan does not include *a full assessment of potential impact on the road junctions* and no mitigation has been agreed in relation to the A90 Lochlands junction as anticipated by the Reporter. The masterplan advocates provision of further vehicular access points on Westfield Loan to serve the remainder of the allocated land. However, it is understood that Transport Scotland would not accept further accesses on Westfield Loan without mitigation at the A90 Lochlands junction. The masterplan suggests that in such circumstance all development traffic would use the proposed Glamis Road junction. This approach would have implications in terms of the layout and design of this phase of the development, and it could have implications for the deliverability of the remainder of the allocated land. Specifically, the council's roads service has indicated that it would require two access points on Glamis Road and no provision is made for that within the current application or in the masterplan and there is no indication that this would be achievable. There are technical constraints regarding the location of any such access given the presence of

existing junctions on Glamis Road and the location of the scheduled monument within the site. In addition, Historic Environment Scotland has raised concern regarding the route of the future 'link road' between the northern and southern sections of the allocation and its potential impact on the scheduled monument. Halfpenny Burn is located to the west of the monument and the burn, and any associated flood extents, might affect scope for realignment of that route. Constraints associated with noise from neighbouring land uses are discussed further below.

- 8.13 The applicant has undertaken further work in terms of preparation of a masterplan document, but that has not been subject of any process that would lead to its adoption as supplementary planning guidance or its endorsement as a material planning consideration. The updated masterplan has not been submitted as part of the current planning application. The current planning application is not consistent with the submitted masterplan not least as it proposes new houses on an area of land that is not identified as a development area in the masterplan to the south of Glamis Road.
- 8.14 In these circumstances, while the principle of development on this part of the site is compatible with development plan policy, the masterplan submitted in support of the application is not considered to provide a sound basis for determination of the application having regard to the desirability of coordinating development of the F4 allocation and wider safeguarded land.

Compatibility of land use, design quality, and provision of a satisfactory residential environment

- 8.15 Development plan policy requires new residential development to be compatible with current and proposed land uses in the surrounding area, and to provide a satisfactory environment for residents. The broad principle of the acceptability of residential development at this site has been established by the ALDP land allocation. However, the land allocation requires the design and layout of the development to take account of neighbouring land uses. NPF4 policy indicates that development proposals that are likely to raise unacceptable noise issues will not be supported.
- 8.16 Creating successful quality places underpins the development plan policy framework. The councils design and placemaking supplementary guidance sets out design requirements for new development proposals. These draw upon the positive elements and characteristics of successful places in Angus. These attributes include an outward facing perimeter block structure where the frontage of buildings face streets and public spaces, paths and open space areas are connected, overlooked, and feel safe to use, and where car parking does not dominate the street scene or diminish place quality.
- 8.17 The site is bound to the north by the A94 public road and Orchardbank industrial estate beyond. A main access to the industrial estate sits opposite the site around the mid-point of the site frontage, and yard areas and parking associated with industrial uses front Glamis Road and take access from it in the vicinity of the application site. Officers have previously expressed concerns regarding the layout of the proposed development having regard to its proximity to neighbouring noise generating uses and incompatibility with the council's policies that seek to ensure provision of quality places and good living environment ([report 317/22 refers](#)).
- 8.18 The application has been subject of variation and a revised design solution, and an updated noise impact assessment has been submitted. The revised proposal addresses some of the design shortcomings identified with the previous iteration. It provides a wider range of house types that include single storey buildings, and the western extent of the site has been altered to reduce the prominence of car parking. The revised noise impact assessment has regard to traffic noise and noise from the industrial estate. The assessment suggests that accepted noise limits within the

proposed dwellings can be met subject to the provision of appropriate mitigation. That mitigation involves the provision of a continuous building facade along the Glamis Road frontage of the site, and a requirement for the dwellings that would form the façade to have non-habitable rooms on their north facing elevations. It would also require provision of acoustic fencing or walls within the development.

- 8.19 Notwithstanding previously expressed concern regarding potential impact of road traffic and industrial noise on the proposed houses, the revised layout now proposes dwellings closer to the road and the industrial estate. The council's environmental health service has reiterated concern regarding the methodology and assumptions used to undertake the noise assessment and remains concerned that resultant noise impact is likely to be understated. The service is concerned that if noise impact is understated, the acceptability of the proposed mitigation cannot be confirmed, and there is potential for residential amenity of occupants of the houses to be compromised. In such circumstance complaint may be made about noise, including noise associated with operations and activity at the nearby industrial estate. The environmental health service has objected to the proposal for those reasons.
- 8.20 In addition, the proposed terrace on the Glamis Road frontage does not follow the perimeter block arrangement advocated by the council's design policies. The terrace would have back garden areas fronting onto the roadway within the site that bounds a large area of open space which comprises a scheduled monument. While it is indicated that landscaping would be provided to screen the rear garden areas, this would reduce natural surveillance of the public realm and experience indicates that there would be pressure for screen fences and walls around rear garden areas to increase privacy. The majority of houses immediately to the east of the scheduled monument would have rear elevations or private garden areas facing the resultant open space area, and most houses on the Westfield Loan frontage would have rear elevations or private garden areas facing the public road.
- 8.21 The council's design and placemaking supplementary guidance indicates that developments should provide a variety of plot widths and sizes and a mix of building types, design, size and height to create visual interest. In large developments it indicates that a range of private garden sizes should be provided, but generally the private amenity space should be no smaller than the floor area (all floors) of the house, while new build flats should be provided with a minimum of 25sqm per flat. It further indicates that to make places sustainable and adaptable, proposals should provide a mix of dwelling types and sizes to meet a range of housing needs. It also requires proposals to make provision for car parking in accordance with council standards in a manner that does not detract from the character and visual quality of the place. In this case, a range of plot sizes would be provided, and all dwellings would have a private outdoor area. While some, particularly, the terraced properties, do not meet the recommended minimum private outdoor standard, the broad range throughout the site would meet a range of needs. The proposal includes a range of detached, semi-detached, and terraced buildings, including flatted dwellings, provided over one and two storeys. A range of parking solutions are proposed, and it is indicated that front garden areas would be enclosed by hedging. The provision of hedges to define front gardens would help reduce the prominence of front garden car parking and would be acceptable provided they were part of an overall landscape maintenance scheme that would secure their long-term retention.
- 8.22 The proposal provides a range of house types, and the general design of the buildings is appropriate for the location. The position of houses and their relationship to neighbouring property exceeds the council's spatial standards and while the amenity of occupants of neighbouring property would change, the impacts would not be unacceptable when measured against established standards. There are large areas of open space and in some locations proposed houses would front onto those areas providing natural surveillance. The layout allows for the retention of some trees and hedgerows and provision of SUDs, open space, additional planting and

pedestrian linkages. While individually these are positive attributes, they are not utilised or integrated in the overall design to support biodiversity and green network opportunities.

- 8.23 The proposal provides for a play area in the northeast corner of the site, but the council's parks service has indicated that it is poorly located for the overall development as it is some distance from the western and southern part of the development. In addition, it is located adjacent to two busy roads where there would be safety concerns and where it would be exposed to noise and traffic pollutant emissions. The service suggests that the play area is very small and hemmed in and indicate it should be relocated to a more central location within the development. In some circumstances, particularly where a development site is particularly constrained, there might be justification to accept some compromise in the quality of play area provision, this is a large greenfield site and such justification for compromise does not exist. A new residential development of the nature proposed should provide high-quality play areas and spaces for children and the need for that is emphasised by NPF4. In general terms the play area is poorly located and opportunity to co-locate it with other sizeable areas of open space within the development to provide a more appropriate provision and layout have not been maximised.
- 8.24 While areas within the development reflect the general policy requirement for an outward facing perimeter block layout, and some areas of new open space would benefit from natural surveillance from the new properties, there are significant areas where the layout provides for private garden areas to form the main interface with the public realm in prominent locations. This is not consistent with the supplementary guidance which seeks to promote outward facing perimeter block development and it is not consistent with the policy aim of creating successful places set out in the development plan. The policy aim has been supported by appeal reporters in recent decisions on other large housing sites in Angus.
- 8.25 While there is conflicting evidence regarding the potential impact of noise from neighbouring land uses and the likely success of any mitigation, there is little justification for locating dwellings close to those noise generating uses. The proposed development site forms part of a larger area in the region of 39ha that is allocated for a residential development of around 300 homes. That larger area is sizeable, and it is greenfield in nature. There is no specific justification for the number of residential units proposed on this part of the larger allocated site or for the layout that has been provided. There appears no reason why a development on the site could not be designed in a manner that is fully compliant with development plan design policy and that locates houses further from neighbouring noise generating uses to avoid potential for amenity of occupants of houses to be compromised. Orchardbank is a key employment location in the town, and it would be undesirable to allow the construction of houses in unnecessarily close proximity where that could lead to potential noises issues in the future and potential constraint on employment related activity.
- 8.26 The applicants have stated that the *'F4 allocation for 300 units looks sizeable, however there are numerous physical constraints on the site'*. They have previously expressed concern that to amend the layout to *'design out'* the need for noise mitigation would write off a significant element of the site and suggest this would not be consistent with delivering the housing numbers on the allocated housing site. That apparent concern about the ability to deliver the 300 homes on the allocated site is not entirely consistent with the masterplan which suggests that significantly more than 300 homes could be delivered on the allocated land.
- 8.27 The proposal provides a layout and design that responds poorly to the site and its surroundings. The layout and design do not comply with the council's design and placemaking supplementary guidance in a number of significant respects and there is

no justification for that on a large greenfield site. This conflict with policy could readily be avoided through the design process, particularly in circumstances where the overall land allocation for 300 houses measures around 39ha. The development would not provide a good living environment for future residents; it would not be safe and pleasant, or welcoming and it is contrary to policies 14, 20, 21 and 23 of NPF4 and policies DS3, DS4, TC2, and allocation F4 of the ALDP.

Built, cultural, and natural heritage

- 8.28 The application site includes scheduled ancient monuments and those are of significant value. Historic Environment Scotland (HES) has indicated that it does not object to the application but has advised that development and planting is unlikely to be approved within the scheduled areas. Discrepancy between various drawings submitted in relation to the proposed general layout and landscaping is identified. HES has also indicated that the formation of paths within the scheduled areas may be acceptable but would require scheduled monument consent. Concern is expressed regarding the proposed future road link between the application site and the southern part of the allocated site, and the potential for that to impact on scheduled monuments. The council's archaeological advisor has provided similar advice as HES in relation to the scheduled areas. It has advocated the provision of a 10-metre buffer around the scheduled areas to accommodate planting and has suggested conditions that should be imposed if planning permission is granted. On the basis of available advice, the proposal is unlikely to give rise to unacceptable impacts on the built heritage interests subject to appropriate conditions, but there are also outstanding issues regarding the proposed link road to the south of the site and its potential impact on scheduled monuments. In general terms, the scheduled monument at the north of the site would be defined by roads and the rear or side elevations of proposed houses.
- 8.29 The proposed development would result in landscape change, and it would be visible from the public road network, core paths, and surrounding public areas. However, that change has been accepted through allocation of the site for residential development in the ALDP. The application site sits on a lower part of the overall land allocation and therefore its visual impact in terms of the wider area and setting of Forfar is limited. New built development would generally be seen in the context of existing development in the wider area, and the land could be developed in a manner that would not give rise to unacceptable landscape or visual impact. However, issues associated with the design of the proposal are identified above.
- 8.30 The applicants have submitted information in relation to the ecological value of the site and it indicates the proposal would not give rise to any significant impact on natural heritage interests. The site is not subject of any natural heritage designation and there is no information to indicate that it is of significant habitat value for protected species. Mitigation measures could be deployed to minimise adverse impacts. The various plans regarding landscape proposals submitted with the application are not entirely consistent with the site plan and the arboricultural assessment has not been updated to reflect the changes made to the overall layout. While some trees and hedgerows would be retained, it is possible that important trees, including those at the northern extent of Westfield Loan would have to be removed to facilitate the development. The roads service has indicated that a footway should be provided along the Westfield Loan frontage of the site and in the context of the current proposed layout, it is difficult to imagine that could happen without loss of existing trees and stone dykes that are of some habitat value. New planting could be provided but that would take time to establish.
- 8.31 The proposed SUDS basin has been designed as a swale. Consultation responses have suggested opportunities to further improve biodiversity and to reduce flood risk elsewhere should be explored in this area. There would be potential to improve habitat value of the SUDS basin and to improve planting within the site to enhance

biodiversity and amenity. The site is predominantly productive agricultural land and there is no reason to consider the proposal would give rise to unacceptable impacts on natural heritage interests. Opportunity for significant biodiversity improvement is not demonstrated, but enhancement could be secured by condition.

- 8.32 Overall, while the proposal does not give rise to significant impact in terms of relevant interests, the proposed layout does not maximise opportunity to integrate the scheduled monuments as linked green infrastructure and enhance their setting.

Infrastructure and accessibility

- 8.33 The site has reasonable accessibility to nearby shops and services, there are established footpath links in the area to primary and secondary schools, and it is on a bus route. Its general accessibility and associated suitability for residential development has been established through its allocation in the ALDP. The location of the site is generally compatible with the principle of accessible neighbourhoods.
- 8.34 Transport Scotland and the roads service have indicated no objection in principle to development on this part of the wider land allocation. The roads service has identified that further information in relation to a number of details would be required before the final layout is approved and has identified that other matters could be addressed by planning conditions. It has suggested that a footway should be provided to the south of Glamis Road along the site frontage, and that could be provided as a cycleway having regard to likely future usage. It has also suggested that a footway is provided along the site frontage to the west of Westfield Loan, but no provision is made for that in the submitted layout. Such provision would be desirable but in the context of the proposed layout this would likely result in the loss of existing trees and stone walls. However, amendment to the layout could provide for such footway provision within the site, set back from the roadway, overlooked by front elevations of houses, and in a manner that would reduce potential for loss of existing landscape features. That approach could deliver the pedestrian linkage sought by the roads service and address issues of conflict with the council's design guidance highlighted above.
- 8.35 Transport Scotland has indicated that while it does not object to the planning application, this is on the basis that an appropriate scheme of mitigation for the A90 Lochlands junction would be provided, and that the mechanism for this mitigation scheme would be agreed before any further part of the F4 site is developed. It is further understood that Transport Scotland would be unlikely to accept further development that relied upon access on Westfield Loan without that mitigation, and this has potential implications for the masterplan and for the development of this site as detailed above.
- 8.36 The council's developer contributions and affordable housing supplementary guidance indicates that new residential development will be required to make contribution towards provision of increased capacity at Forfar Academy and Langlands Primary School. However, the applicant has provided a school impact assessment and it indicates pupils from the development could be accommodated within both schools without requirement for extension or reconfiguration. The council's children and lifelong learning service has indicated there is sufficient capacity at primary and secondary schools to accommodate children that might be anticipated from the development.
- 8.37 The supplementary guidance indicates that contributions may be required towards the A90 junctions (including Lochlands) on the strategic road network and the West Port junction on the local road network where impacts are identified. Contribution from this site might be appropriate where mitigation is required in association with the delivery of the F4 land allocation. The current masterplan does not allow any such requirement to be identified or quantified. However, contribution from this development in isolation is not required.

- 8.38 The supplementary guidance does not identify any specific requirement for further developer contribution in relation to this site.

Flood risk and drainage

- 8.39 The proposed houses would connect to the public sewer for foul drainage and to the public water supply. Scottish Water has indicated no objection and this approach is consistent with development plan policy. It is indicated that surface water would be addressed by SUDS and this is compatible with development plan policy.
- 8.40 A flood risk assessment has been submitted and reviewed by SEPA and the council's roads service in its capacity as flood prevention authority. The council's roads service has indicated that the proposal should make provision for Natural Flood Management (NFM) measures such as woodland and wetland creation to reduce potential for flooding in the vicinity of the A94. SEPA initially objected to the application as a number of properties would be subject to flood risk but identified measures that could be deployed to allow its objection to be removed. The applicant has indicated an intention to adopt an identified mitigation strategy and has recently submitted information to address SEPA's objection. It is relevant to note that the proposed mitigation would require amendment of ground levels outwith the revised application boundary, but that could be controlled by means of an appropriately worded planning condition. SEPA has confirmed that it no longer has objection to the application subject to appropriate conditions. The roads service has confirmed verbally that, if necessary, further mitigation could be provided within the application site and any outstanding issues regarding potential flooding in the vicinity of the A94 could be addressed by condition.

Affordable housing

- 8.41 Development plan policy and associated supplementary guidance indicates that 25% of the total number of residential units should be provided as affordable housing. The applicant has indicated that this requirement would be met with 40 of the 159 dwellings identified as affordable housing. The council's housing service initially advised that the type of housing proposed did not meet current requirements for affordable housing in the area. They had since advised final arrangements for the affordable housing would be subject of further discussions with the applicant.

Other development plan matters

- 8.42 The applicant has provided a report of site investigation document and it considers the suitability of the land having regard to possible ground conditions and contamination. The document recognises that an area of land to the south of the planning application site was used in connection with the burial of anthrax. It indicates that sampling was undertaken to test for the presence of anthrax in the area surrounding the woodland area to the south and west of Westfield Loan. The document advises that anthrax was not detected in any of the eight soil samples analysed. The document does not identify any significant issues in relation to contamination and ground gas emissions.
- 8.43 The council's environmental health service has reviewed the proposal and the submitted assessment and has confirmed it is satisfied that development on this site does not pose a significant risk to potential receptors from land contamination. The Animal & Plant Health Agency and NHS Tayside Health Protection Team have both been consulted in relation to issues associated with anthrax risk at the site but neither has offered objection. The NHS Tayside Health Protection Team advise that the risk to health from potential anthrax is likely to be very low to construction workers and negligible to those who reside in the new development. The Animal & Plant Health Agency has advised that risk assessment would be required if any

animal carcasses need to be removed to ensure safe disposal. However, available information indicates that the anthrax burial area is around 80m south of the application site and is separated from it by existing built development.

- 8.44 TAYplan 2017 identified a housing land requirement for Angus of 3420 units over a 10-year period with a requirement for 880 units over that period in the West Angus Housing Market Area (HMA). However, TAYplan no longer forms part of the development plan and it has been replaced by NPF4. NPF4 identifies a 10-year minimum all-tenure housing land requirement of 2550 units which is significantly lower than the requirement identified by TAYplan or the requirement contained in the ALDP. The council's 2022 housing land audit identifies an established housing land supply across Angus capable of delivering around 3256 dwellings with notional programming estimating that around 1,975 new homes are likely to be constructed in the period 2022-2027. This suggests that the housing land requirement identified by NPF4 is likely to be exceeded. The F4 land allocation (which includes the application site) forms part of the identified effective land supply and notional programming suggests the site could deliver around 165 new homes in the period to 2027.
- 8.45 The proposal does not give rise to significant issues in terms of other development plan policy.

Development plan conclusion

- 8.46 The application site forms part of a larger area of land that is allocated for residential development in the period 2021- 2026. The principle of residential development on the site is compatible with and attracts strong support from development plan policy. However, for the reasons set out above, the detailed layout and design of the proposal is not compatible with relevant policy and supplementary guidance and would not deliver quality places, spaces and environments. Overall, the proposal is contrary to development plan policy.

Other material considerations

- 8.47 In addition to the matters covered by development plan policy, it is necessary to have regard to other material planning considerations. In this case those are relevant planning issues raised in supporting information and in letters of representation to the application in so far as they are not addressed in the discussion above, and relevant planning history in the wider area.
- 8.48 Interested parties have raised concern regarding the principle of residential development at this site, and that matter is discussed above. However, the release of greenfield land for construction of new homes is required to meet housing land requirements and this site is allocated for residential development in the ALDP. The allocation was subject of examination and supported by a Scottish Government appointed Reporter. It is not unusual or inappropriate for sites to be allocated subject to a requirement that specific matters are addressed through subsequent process.
- 8.49 Parties have commented that the proposal is contrary to development plan policy. While the principle of residential development on the application site is compatible with development plan policy, the detail of this proposal is contrary to policy and associated guidance for the reasons set out above. The proposed development would generally meet the council's spatial standards for a development of this nature and the proposed houses are not unattractive. However, for the reasons set out above, the proposed layout does not respond well to the character of the surrounding area and does not comply with the council's design policies. Private areas associated with the houses would form the interface with the public realm at various locations across the site; the play area is poorly integrated in the development; and the resultant layout is such that residents of properties would not enjoy a high standard of amenity by virtue of noise and/or associated mitigation. Accordingly, the proposal

would not be safe and pleasant or welcoming and it would not support good design and meet the qualities of successful places.

- 8.50 There are issues with the masterplan submitted in support of this application. It has been prepared largely in the absence of supporting assessments to justify the proposed approach, and specifically to justify the suggestion that the site can accommodate significantly more homes than anticipated by the land allocation. That has implications in terms of understanding how development on this part of the site would fit into the wider development and it provides no clarity on when new infrastructure or mitigation would be required or how that would be delivered.
- 8.51 The council's developer contributions and affordable housing supplementary guidance does not identify a requirement for new residential development to make contribution towards healthcare infrastructure in Forfar. No objection or concern has been raised in relation to this application by NHS Tayside or local health care providers and the additional population from this allocated site was a known factor when relevant parties were consulted on the developer contribution supplementary guidance. There is no evidence to suggest that there is not adequate infrastructure to meet the needs of the development. The masterplan does not demonstrate what infrastructure or mitigation would be required to facilitate additional residential development on the remainder of the allocated F4 site or on the larger area of safeguarded land.
- 8.52 There is no evidence that residential development on this site would adversely affect telecommunications or other technological communications. Loss of view is not a material planning consideration and the principle of residential development on the site has been established through the local development plan process.
- 8.53 The ALDP land allocation identifies that access should be taken from Glamis Road and the roads service has indicated that the general nature of the proposed access arrangements are acceptable. SEPA and the council's roads service raised concern regarding potential flood risk, but that matter is now addressed. There is no evidence to suggest that the proposal would increase flood risk outwith the site.
- 8.54 The council does not have a financial interest in this development. The principle of large-scale residential development on this site is compatible with development plan policy. While there are issues associated with the detail of the proposal such that it does not comply with specific policies, it does not represent a significant departure from the development plan. There is no requirement for Scottish Ministers to be notified of any intention to approve the application.
- 8.55 The planning history of the wider area is of some relevance in so far as it aids understanding of application of planning policy. Recent appeal decisions at [Gowanbank, Forfar](#), [Garth Farm, Forfar](#), and [Panbride Road, Carnoustie](#) indicate strong support for the council's design and placemaking supplementary guidance and its promotion of outward facing perimeter block development that avoids private garden areas and rear elevations of dwellings forming the main interface with public areas. It is relevant to note that following challenge of the Reporters decision, the Garth Farm appeal has been remitted to the DPEA for redetermination.

Conclusion

- 8.56 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises of National Planning Framework 4 and Angus Local Development Plan. Scottish Planning Policy and TAYplan no longer apply.
- 8.57 In this case, the proposal relates to a housing development on an allocated housing site which would contribute to meeting the 10-year local housing land requirement as

prescribed by NPF4. There is a strong public interest in ensuring that this requirement is met, and this is best achieved by providing homes in appropriate locations such as on land allocated for that specific purpose. However, there is also a strong public interest in ensuring that new development is of a high design standard and that it provides a good living environment for future residents. For the reasons set out above, it is apparent that this proposal has significant design failings, and it would not provide a good living environment for future residents by virtue of noise and associated mitigation requirements and their impact on design quality. A development of overall poor design quality that does not provide an acceptable residential amenity for future residents is not what development plan policy seeks to deliver. The long-term harm which would be associated with the proposal outweighs any benefits of contributing to the local housing land requirement. The proposal is contrary to development plan policy and there are no material considerations that justify approval of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

10. CONCLUSION

It is recommended that the application be refused for the following reasons: -

1. The application is contrary to policies 14, 20, 21 and 23 of National Planning Framework 4 and policies DS3, DS4, TC2 and F4 of the Angus Local Development Plan and its associated supplementary guidance as the layout and design of the development does not deliver a high design standard that contributes positively to the character and sense of place of the area and as it would not provide an acceptable residential amenity or environment for future residents.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

REPORT AUTHOR: JILL PATERSON
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 10 APRIL 2023

APPENDIX 1: LOCATION PLAN/ SITE LAYOUT PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING ASSESSMENTS
APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES