

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 29 MARCH 2016**

**PLANNING APPLICATION – 32 PANMURE STREET, BRECHIN, DD9 6AP**

**GRID REF: 359903 : 760372**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No 15/01074/FULL for the change of use from offices to dwellinghouse at 32 Panmure Street, Brechin, DD9 6AP. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

3.1 The applicant seeks full planning permission for the change of use of these vacant offices to form a dwellinghouse in Panmure Street, Brechin. The premises are currently owned by Angus Council.

3.2 The application site lies within the development boundary of Brechin and is located on the south-eastern side of Panmure Street just outside the town centre and within the conservation area. This is a traditional single-storey stone building dating from the late 19<sup>th</sup> Century and is in a neo-Jacobean design, and is a Listed Building Category C.

3.3 The proposals involve the change of use of these former offices to a 3-bedroom dwellinghouse. There are very few external or internal alterations proposed to change this to a dwelling and there will only be a narrow strip of land associated with the dwellinghouse towards the north-eastern and south-eastern boundaries of the site. There will be no off-street parking associated with the proposed dwellinghouse.

3.4 The planning application was advertised in the Dundee Courier as required by legislation.

3.5 This application requires to be determined by the Development Standards Committee as the property is in ownership of Angus Council and the application has been subject of representation.

**4. RELEVANT PLANNING HISTORY**

4.1 There is no relevant planning history for the application site. There is a current application for listed building consent for the proposed works to the building which will be determined under delegated powers (Appn: 15/01137/LBC applies).

## 5. APPLICANT'S CASE

5.1 The applicant has provided a detailed itinerary of intended works and this is cross-referenced to a photographic study of each room within the building. There is fine architectural detailing throughout the building and, therefore, the submitted study identifies the intentions for each room and what effects, if any, on the architectural detailing.

5.2 The supporting information is available to view on the Council's Public Access system.

## 6. CONSULTATIONS

6.1 **Angus Council – Roads (traffic)** – has no objections to the proposal.

6.2 **Environmental Health** - has no objections to the proposal.

6.3 **Archaeologist** - has no objections to the proposal, but has asked that a photographic survey is carried out prior to development.

## 7 REPRESENTATIONS

7.1 Two letters of representation have been received in objection to the proposal, from the same objector. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.

7.2 The main points of objection are as follows:-

- **Inadequate car parking.**
- **Possible invasion of privacy if building is extended.**

**Comment** – The above matters are discussed under Section 8, Planning Considerations 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

8.3 As the application for planning permission also relates to subjects within a conservation area, Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in determining this application.

8.4 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.5 The development plan policies relevant to consideration of this application are provided in Appendix 2 and have been taken into account in the preparation of this report.

8.6 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic

framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

- 8.7 The application site is located within the settlement boundary of Brechin and, therefore, Policy S1(a) is relevant. It indicates that proposals will generally be supported where they are in accordance with the relevant policies of the local plan. Whilst there are no policies that deal specifically with proposals to convert existing buildings into dwellings the general considerations of Policy SC2 and its requirement that a satisfactory residential environment is created is relevant to the principle of the proposed use. Similarly the development principles identified by Policy S6 and its associated Schedule 1 are relevant in considering the acceptability of the proposed residential use.
- 8.8 In this case the application site comprises an existing building that is located in a mixed use area to the east of the town centre. Ground floor residential properties are not uncommon in this area and a residential use in this property would be compatible with surrounding land uses. The plot comprises little more than the footprint of the building and a small external area but again, this is not uncommon for a town centre property. Proposed physical alterations to the building are limited and I do not consider that the proposed change of use of the building would have any significant adverse impact on the residential amenity and privacy of adjoining housing. The building has an established lawful use and that use in its self would generate a degree of activity that would be similar or potentially greater than the proposed residential use. The building would provide a reasonable level of accommodation and in this respect I am satisfied that it would provide an acceptable residential environment.
- 8.9 In respect of Policy S6 and its accompanying Schedule 1: Development Principles, this identifies a number of factors which are relevant in the determination of this proposal. The proposal would not result in unacceptable amenity impacts for neighbouring property. The proposal provides for the conversion of an existing building which is of some architectural and historic interest with little by way of external alteration and in this respect the proposal does not have a detrimental impact upon the visual amenity of the area. There is no off-street parking proposed as the building does not have sufficient curtilage. However, again this is not an uncommon situation for an existing town centre building and, as indicated above, it would generate a degree of activity by virtue of its existing lawful use. Requiring parking provision in association with conversion of existing buildings would be likely to prevent their reuse and that would not be desirable. The Roads Service has confirmed no objection to the proposal as it relates to conversion of an existing building and whilst I note the concerns raised by the objector regarding parking provision and congestion, for the reasons discussed above I do not consider that this justifies refusal of the current application. The proposal does not give rise to significant issues in terms of the remaining criteria of Schedule 1.
- 8.10 This is a listed building and it is located within the conservation area and the impact of the proposal on the special interest of the building and on the character and appearance of the conservation area must be considered. In this respect, the external form of the listed building would remain unchanged with the only obvious external alteration being on the rear (south-east) elevation where a new door and window would be fitted. This door opening is acceptable in terms of its impact on the special interest of the building and the opening has been positioned to minimise impacts on the internal panelling. A new window would be installed in the would-be bathroom/utility area but the window to be replaced is not original and the applicant proposes to replace this with a timber sash and case unit which would be an acceptable solution. Internal alterations are required but in general terms it is considered that those works could be undertaken in a manner that does not significantly adversely affect the special interest of the listed building. Those works require separate listed building consent and can be controlled through that process. In relation to the conservation area, the general appearance of the building will be unchanged and the positive reuse of an important building will help safeguard the appearance of this part of the conservation area. As noted above, this is a mixed use area where residential accommodation at ground floor level is not uncommon and therefore the proposed change of use would have little impact on the character of the conservation area.

- 8.11 In terms of other material considerations, the third party has raised concern regarding impact on residential amenity by virtue of possible future alteration or extension of the building. However, the planning application must be considered on the basis that it has been submitted and I am satisfied that the development as proposed would not have a significant adverse impact on the amenity of neighbours. Notwithstanding that, permitted development rights are limited as the property is located within a conservation area and therefore planning permission would likely be required for any significant alteration to the building.
- 8.12 In conclusion, the proposal would result in the conversion of a vacant listed building within a conservation area to a dwelling in a manner that is compatible with relevant development plan policy. The reuse of the building would help safeguard its future and the proposal would respect the character and appearance of the conservation area and will retain the special interest of the listed building. I recognise the concerns raised by the third party but there are no material considerations that justify refusal of the planning application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

That the proposal would provide for the conversion of a vacant listed building within a conservation area to a dwellinghouse, in a manner that is compatible with relevant development plan policies. The proposal would secure the reuse and long-term future of the listed building in a manner that would not have an adverse impact on its special interest or on the character and appearance of the conservation area. There are no material considerations that justify refusal of the planning application.

### **Conditions:**

1. That, prior to the commencement of works, a photographic survey of all elevations of the building and the interior of the building, including any unusual features, shall be submitted for the approval of this planning authority and the Aberdeenshire Council Archaeology Service, and this survey shall be digital (jpeg, tiff, pdf) and be submitted by e-mail, on CD or via online file sharing services and shall be clearly marked with place name for identification, national grid reference and planning reference and the approved photographic survey shall be deposited with the Aberdeenshire Council Archaeology Service for addition into the local sites and monuments record.

*Reason: In order to ensure a historic record of the building.*

**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: 15 March 2016**

**Appendix 1 : Location Plan**  
**Appendix 2 : Relevant Development Plan Policies**

## **Appendix 2 : Relevant Development Plan Policies**

### **Angus Local Plan Review 2009**

#### **Policy S1 : Development Boundaries**

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### **Policy S6 : Development Principles (Schedule 1)**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

##### Schedule 1 : Development Principles

###### Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

###### Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

###### Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

###### Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency

(SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

#### Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### **Policy SC2 : Small Sites**

Proposals for residential development on small sites of less than 5 dwellings within development boundaries should provide a satisfactory residential environment taking account of the following:-

- compatibility with established and proposed land uses in the surrounding area;
- plot sizes compatible with those in the area;
- provision of at least 100m<sup>2</sup> private garden ground ; and
- maintenance of residential amenity and privacy of adjoining housing.

Proposals will also be required to take account of the provisions of Policy S6 : Development Principles.

#### **Policy ER12: Development Affecting Conservation Areas**

Development proposals within conservation areas or affecting the setting of such areas will be supported where they:

- (a) respect the character and appearance of the area in terms of:
  - density, scale, proportion and massing;
  - layout, grouping and setting;
  - design, materials and finish;
- (b) contribute positively to the setting of the area and maintain important views within, into or out of the area;
- (c) retain particular features which contribute to the character and appearance of the area;
  - open spaces;
  - walls and other means of enclosure;
  - ground surfaces;
  - natural features such as trees and hedgerows;
  - accord with the Character Statement for the area.

#### **Policy ER15: Change of Use, Alterations and Extensions to Listed Buildings**

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.