

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 FEBRUARY 2021

PLANNING APPLICATION – 40 MARKET STREET, FORFAR, DD8 3EW  
GRID REF: 345955 : 751296

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

**Abstract:**

This report deals with planning application No. [20/00783/FULL](#) for the change of use of an office to a dwelling at 40 Market Street, Forfar by Mr Mike Millar. This application is recommended for approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason 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 Full planning permission is sought for the change of use of an office to form a dwelling at 40 Market Street Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to approximately 420sqm and comprises a 2-storey pitched roof mid-terrace building with a linear grassed area to the rear. The existing office building has a domestic appearance and is currently vacant. The building abuts and fronts Market Street to the north. There is a private pedestrian path which extends under the first floor of the stone and slate building and provides access from Market Street to the rear curtilage of the property. There is no vehicle access or off-street parking available within the site. The site is predominantly surrounded by residential properties with a number of commercial uses in the wider area.
- 3.3 The proposal seeks planning permission for the change of use of the office building to form a 4-bedroom house. There are no external alterations proposed to the building as part of the application. The proposal includes a rear garden area and space for waste storage.
- 3.4 The application has been subject of statutory neighbour notification. This application has not been subject to variation.
- 3.5 This application requires to be determined by committee because the applicant is a senior member of staff in the planning service.

#### **4. RELEVANT PLANNING HISTORY**

There is no planning history which is relevant to the current application.

#### **5. APPLICANT'S CASE**

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

- A Planning Statement - This document provides an overview of the proposal and the site. It notes the office was previously used by a grain merchant but has lain empty for a period of time. The document suggests that, based on the layout of the building it was originally designed to be a dwelling. It confirms there is no proposed change to the exterior of the property and that the existing sash and case windows and the stained-glass stairwell window would be retained. The document states the property has an existing water supply and mains drainage, incoming electricity and mains gas, all of which are to remain unaltered. The statement also notes that it is believed the office had the potential for at least 7 staff, all of whom would have been coming and going throughout the day, and there were a number of regular grain deliveries. It is suggested the proposal would reduce pressure on traffic and parking in the area.
- A copy of a recent sales schedule for the property

5.2 The supporting information is available to view on the Council's [Public Access](#) website.

#### **6. CONSULTATIONS**

6.1 **Angus Council – Roads** – has offered no objection to the proposal.

6.2 **Scottish Water** – has offered no objection and advises there is sufficient capacity at the local water and wastewater treatment works.

6.3 **Forfar Community Council** – there was no response from this consultee.

#### **7. REPRESENTATIONS**

There were no letters of representation received.

#### **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:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The application is not of strategic significance policies of TAYplan are not referred to in this report. The relevant policies of the ALDP are provided in Appendix 2 and have been considered in the preparation of this report.

8.4 Policy DS1 in the ALDP states that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

- 8.5 Policy TC2 deals with all residential development proposals and within development boundaries supports new residential development where the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.
- 8.6 The application site is not allocated or protected for another use. The property has a domestic appearance, has residential property to each side and is within a predominantly residential area. The proposal would be compatible with the surrounding land uses and the reuse of the existing building would be consistent with the character and pattern of development in the surrounding area.
- 8.7 In terms of the residential environment to be provided, the proposal would utilise an existing property which has a sizeable outdoor space. The rear ground at the property would provide acceptable private amenity space for the proposed dwelling. The relationship between the proposal and existing dwellings does not give rise to any significant amenity issues. The proposal would utilise existing window openings and the separation between windows of the proposed dwelling and existing neighbours is similar to the relationship found in the surrounding area. The proposal would not result in an unacceptable level of overlooking to surrounding property. The proposed house would provide an acceptable residential environment and would not result in any significant impact on the amenity of occupants of property in the area.
- 8.8 The development would result in the reuse of the currently vacant building without altering its external appearance. The property is not subject of any special designation for built or natural heritage reasons. The submitted supporting information states the property has an existing water supply and mains drainage which would be utilised as part of the proposal. The proposal would not result in unacceptable impact on the built and natural environment and the reuse of existing building would not result in any significant impact on access, parking, or infrastructure in the area. It does not give rise to any significant issues in terms of other development plan considerations.
- 8.9 The proposal would see a vacant building brought back into a purposeful use. It would provide a good residential environment for future occupants and it would not adversely affect the amenity of others in the area. It would not have any adverse impact on built or natural heritage interests, and it would not result in unacceptable impact on infrastructure. The proposal is of an appropriate scale and nature for the area and complies with the development plan. There are no material considerations that justify refusal of the planning permission.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission 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.

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason:

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

The proposal is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

**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.

**REPORT AUTHOR: KATE COWEY**

**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 1 FEBRUARY 2021**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES

APPENDIX 3: PLANNING SERVICE PRESENTATION