

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 27 SEPTEMBER 2023**

**4 MARKET STREET, BRECHIN**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use to form flatted dwelling, application No 23/00199/FULL, at 4 Market Street, Brechin.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This Report contributes to the following local outcomes contained within the Angus Council Plan:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

**4. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**5. EQUALITY IMPACT ASSESSMENT**

An equality impact assessment is not required.

**6. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**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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Appendix 1 – Submission by Planning Authority

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**ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**

**APPLICATION NUMBER – 23/00199/FULL**

**APPLICANT - Mr B GREIG**

**PROPOSAL & ADDRESS – CHANGE OF USE TO FORM FLATTED DWELLING AT 4  
MARKET STREET BRECHIN DD9 6BA**

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**Angus Council**

<b>Application Number:</b>	23/00199/FULL
<b>Description of Development:</b>	Change of use to form flatted dwelling
<b>Site Address:</b>	4 Market Street Brechin DD9 6BA
<b>Grid Ref:</b>	359706 : 760284
<b>Applicant Name:</b>	Mr B Greig

**Report of Handling****Proposal**

Planning permission is sought for the change of use and alterations to a retail premises to form a flatted dwelling. The retail unit which is subject of the proposal is located in the ground and basement floors of the category B listed 3 storey, Victorian building. The adjacent ground floor unit which is located in the same building is in retail use and the upper floors are in residential use. An established hot food takeaway abuts the property to the immediate north, and the side of a retail unit abuts it to the south, albeit served by a frontage on Swan Street.

The existing window and door openings would be retained, with new windows installed to serve the residential use.

**Amendments**

The drawing entitled Door & Window dated June 2023 supersedes the West/Street elevation shown on drawing 010122 SK2-2B dated January 2022. The revision shows detailed proposals for the new door and windows, as well as clarification on the external finishes proposed.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 21 April 2023 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 25 April 2023.

**Planning History**

22/00026/FULL for full planning permission for the "change of use and alterations to form a flat" was determined as refused on 24<sup>th</sup> October 2022 for the following reasons:-

1. *The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway.*
2. *The proposal is contrary to policies DS3 and PV8 of the Angus Local Development Plan (2016) because the alterations proposed to the listed building would adversely affect its character as a building of special architectural or historic interest, and would not retain and sensitively integrate important features in the property.*

3. *The proposal is contrary to policies DS1 and TC17 of the Angus Local Development Plan (2016) because the proposal is not of a nature appropriate for the location; is contrary to other policies of the local development plan; is not in keeping with the townscape and pattern of development; and the introduction of residential property in this location would not work towards protecting and enhancing the scale and function of the town centre.*

22/00078/LBC for Listed Building Consent for "external and internal alterations to form a flat" was determined as refused on 24<sup>th</sup> October 2022 for the following reason:

1. *The proposal would adversely affect the character and special architectural features and interest of the listed building and therefore is contrary to Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and Policy PV8 of the Angus Local Development Plan (2016).*

Listed Building Consent application 23/00200/LBC for "internal and external alterations" is currently pending consideration.

### **Applicant's Case**

The applicant has provided a supporting statement which aims to address the reasons for the previous refusal of planning permission:

*Planning and Listed Building applications were previously refused having been assessed as being contrary to Policies TC2, DS4, DS3, PV8, DS1 & TC17.*

*This report provides evidence and demonstrates that the proposed flatted dwelling is compatible with surrounding land uses and also provides a satisfactory residential environment by virtue of its location abutting an established food takeaway. The takeaway has been in operation for in excess of 50 years with no complaints.*

*Proposals have been re-designed from the original application in respect of the window and door design and retain the architectural and historic features of the building.*

*Within 70 metres of the application site presently 10 shops are unoccupied all within the street scene:*

- *St David Street – No 14*
- *High Street – No 1, No 5, No 14 & No 18*
- *Swan Street – No 8, No 12, No 13 & No 20*

*The proposals are situated between a hot food takeaway, access from the street to the flatted dwellings above and the rear store of a shop situated in Swan Street deeming the proposed site to be an infill/gap with no other shops along the west/street side of Market Street.*

The applicant notes that there were no objections from roads or archaeology in response to the previous applications.

In response to the objection from Environmental Health, the following comments are offered:

*I have personally carried out regular inspections to check pedestrian and vehicular traffic flow to the existing takeaway in Market Street. This was to check the impact from noise and odour from the takeaway. Opening hours were from 4-00 pm to 10-00 pm and closed on Sunday. The peak time is approximately 6-00 pm. On street parking is not a problem due to the availability of the adjacent public car parking. Noise generated in the vicinity has found to be general traffic noise. The takeaway has been recently renovated and new extraction units installed which terminate to the rear of the property.*

*To conclude, the impacts of noise and odour are seen to be insignificant.*

## Consultations

**Environmental Health (Arbroath)** - has **objected** to the proposal to locate a residential use which directly abuts an established hot food takeaway. It has indicated that insufficient evidence has been provided to demonstrate that a satisfactory level of amenity would be afforded to occupants of the proposed flatted dwelling in terms of the potential for disamenity caused by noise and odour. Environmental health has indicated that, if approved in this location, the proposal could result in impacts on the use/operation of adjoining non-residential uses.

**Community Council** - There was no response from this consultee at the time of report preparation.

**Roads (Traffic)** - no objection.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

## Representations

There were no letters of representation.

## Development Plan Policies

### NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises  
 Policy 2 Climate mitigation and adaptation  
 Policy 7 Historic assets and places  
 Policy 9 Brownfield, vacant and derelict land and empty buildings  
 Policy 14 Design, quality and place  
 Policy 15 Local living and 20 minute neighbourhoods  
 Policy 16 Quality homes  
 Policy 18 Infrastructure first  
 Policy 23 Health and safety  
 Policy 27 City, town, local and commercial centres

### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities  
 Policy DS3 : Design Quality and Placemaking  
 Policy DS4 : Amenity  
 Policy TC2 : Residential Development  
 Policy TC17 : Network of Centres  
 Policy PV8 : Built and Cultural Heritage  
 Policy PV15 : Drainage Infrastructure  
 Policy PV18 : Waste Management in New Development

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

## Assessment

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.

In this case the development plan comprises: -

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

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 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 the conservation area in determining this planning application.

The site is located in the development boundary and within the defined Brechin town centre area. The unit is empty but most recently has been in retail use and sits between a retail use on the ground floor premises to the immediate south, and an established hot food takeaway on the ground floor premises to the immediate north. Policy DS1 states that proposals within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the local development plan.

Development plan policy offers support to proposals which enhance and improve the vitality and viability of town centres, and seeks to protect and enhance their scale and function. ALDP Policy TC17 indicates that support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres. NPF4 Policy 27(f) indicates that development proposals for residential use at ground floor level within town centres will only be supported where the proposal will retain an attractive and appropriate frontage, not adversely affect the vitality and viability of a shopping area or the wider centre; and not result in an undesirable concentration of uses, or 'dead frontages'.

NPF4 Policy 9(d) indicates that development proposals for the reuse of existing buildings will be supported, *taking into account their suitability for conversion to other uses*. NPF4 Policy 14(c) states that developments that are poorly designed, detrimental to the amenity of the surrounding area.... will not be supported. NPF4 Policy 23 indicates that development proposals that are likely to raise unacceptable noise issues will not be supported. It indicates that the agent of change principle applies to noise sensitive development and states that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. In respect of the agent of change principle, NPF4 indicates that *where an application is made for development which is likely to be affected by noise from existing development, the applicant is required to demonstrate both that they have assessed the potential impact on occupants of the proposed development and that the proposed design incorporates appropriate measures to mitigate this impact*.

ALDP Policy DS4 relates to amenity and indicates development will not be permitted where there is an unacceptable adverse impact on the environment or amenity of existing or future occupiers of adjoining or nearby properties. Policy TC2 requires proposals for new residential development to be compatible with current and proposed land uses in the surrounding area, and to provide a satisfactory residential environment for the proposed dwelling.

Angus Council Advice Note 2/2018 relates to proposals for hot food takeaways. While the proposal is for the change of use of a retail premises to residential use, that residential use would be directly abutting an established hot food takeaway use. It is therefore relevant to have regard to the locational guidance which applies in circumstances where a hot food takeaway would be located adjacent to a residential property. The advice note indicates that *within town centre locations, hot food takeaways will not normally be considered acceptable where they occupy premises directly abutting (to any side, immediately or diagonally below) residential properties unless they are within the control (usually owned or leased) of the hot food takeaway proprietor, or it is demonstrated that impacts from noise and odour are not significant*.



The application proposes to introduce a residential use on the ground floor of the property to replace the established retail use of the premises. The proposed residential use would directly abut an established hot food takeaway, which is a use which attracts visiting customers late into the evening and generates odour associated with cooking activities. The adjacent hot food takeaway is not in the control of the applicant. The application is not supported by information to address the agent of change principle to illustrate how the residential property would be impacted by noise or odour generated by the hot food takeaway, which is a requirement of Advice Note 2/2018 where a hot food takeaway and residential use would abut. Environmental health has objected to the proposal, noting that it has not been demonstrated that impacts from noise and odour are not significant.

The applicant has provided information indicating that there is a large number of vacancies within the town centre and suggests this offers support for reuse of the retail premises for residential purposes. It is noted that the property is not within the core retail area and has been vacant for a period of time. It would be desirable to see a vacant town centre property brought back into a purposeful use. The support offered by NPF4 Policy 9(d) for the reuse of vacant buildings is however qualified. It requires account to be had to the suitability of the proposed use. No information has been submitted to address the agent of change principle, and it would not be appropriate to introduce a residential use directly abutting a hot food takeaway in these circumstances, particularly where there is no evidence to demonstrate that the two uses could co-exist. Environmental health also cautions that the introduction of a residential use in the building could impact on the business use of the adjacent takeaway, and accordingly the proposal would not work towards the development plan aim of enhancing and improving the vitality and viability of town centres.

The applicant has not demonstrated that the proposal represents a compatible land use, has not demonstrated that the proposal would provide a satisfactory residential environment, and the proposed residential use could impact on the business use of the adjacent property. The proposal is therefore contrary to NPF4 policies 9, 14, 23 and 27 and ALDP policies DS4, TC2 and TC17.

Moving on to other development plan considerations, policy supports development which does not adversely affect listed buildings and conservation areas. ALDP Policy DS3 requires development proposals to create buildings and places which are distinct in character and identity, where development fits with the character and pattern of development in the surrounding area and retains and sensitively integrates important townscape features.

The application property is a ground floor retail unit which forms the northerly most part of a three-storey mid Victorian corner block with elevations fronting onto Swan Street to the south and Market Street to the west. The building is characterised by retail/commercial uses on the ground floor with residential uses above. The ground floor openings in the property are large and reflect the commercial uses the ground floor was designed to accommodate. While the openings serving the unit at 1 Swan Street have been infilled, the proportions of the openings have been retained which would not prevent the traditional window pattern to be reintroduced in the future. The upper-level window openings on Market Street are more domestic in scale and are ornate, decorative and symmetrical.

HES Guidance on Shopfronts and Signs (Managing Change in the Historic Environment) indicates *where a shopfront was part of the original design of a historic building it may contribute to its architectural quality. If conversion to another use such as residential is deemed acceptable, the work should fully respect the existing shopfront.*

The alterations proposed to the street elevation of the building have been improved since the previously refused planning application. The existing central timber door and large flanking shop window openings would be retained. While new windows would be installed within the shop window openings, the proposed sash and case units would be more sympathetic to the character of the listed building than the windows which were previously proposed; and retaining the original openings would allow traditional style shop window to be reintroduced in future with limited intervention. The physical works proposed would not result in any unacceptable impacts on the character of the listed building or the character and appearance of the conservation area.

The proposal does not raise any significant issues against other policies of the local development plan. It would not unacceptably impact on the natural environment, the residential amenity of other property, and would not impact on access or infrastructure.

In conclusion, while it would be highly desirable to see an empty town centre property brought back into a purposeful new use; that new use must be suitable and able to coexist with other existing commercial property. A residential use directly abutting a hot food takeaway is contrary to council guidance, and the information submitted does not demonstrate that the proposed residential use could co-exist with the existing hot food takeaway without an unacceptable impact on the amenity of the residential property in respect of noise and odour. Introducing an incompatible land use adjacent to an established hot food takeaway could impact on that business and accordingly the proposal would not protect and enhance the function of the town centre. It follows that the proposal is therefore not of a nature appropriate for this location and is also contrary to ALDP Policy DS1.

The proposal is contrary to the development plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the development plan.

### **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.

### **Decision**

The application is refused

### **Reason for Decision:**

1. The proposal is contrary to policies 9, 14, 23 and 27 of National Planning Framework 4 and policies DS1, DS4, TC2 and TC17 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway; and because the introduction of an incompatible land use in this location would not protect and enhance the function of the town centre.

### **Notes:**

Case Officer: Ben Freeman  
Date: 10 July 2023

## Appendix 1 - Development Plan Policies

### **NPF4 – national planning policies**

#### **Policy 1 Tackling the climate and nature crises**

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### **Policy 2 Climate mitigation and adaptation**

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

#### **Policy 7 Historic assets and places**

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
  - i. building is no longer of special interest;
  - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
  - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
  - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
  - i. architectural and historic character of the area;
  - ii. existing density, built form and layout; and
  - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
  - i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or

- iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
  - i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided;
  - or
  - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
  - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

#### **Policy 9 Brownfield, vacant and derelict land and empty buildings**

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining

whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

#### **Policy 14 Design, quality and place**

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### **Policy 15 Local living and 20 minute neighbourhoods**

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- o sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- o employment;
- o shopping;
- o health and social care facilities;
- o childcare, schools and lifelong learning opportunities;
- o playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- o publicly accessible toilets;
- o affordable and accessible housing options, ability to age in place and housing diversity.

#### **Policy 16 Quality homes**

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability,
- where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - o the proposal is consistent with policy on rural homes; or
    - o the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

**Policy 18 Infrastructure first**

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

**Policy 23 Health and safety**

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.
- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

### **Policy 27 City, town, local and commercial centres**

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and  
 ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

o all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;  
 o the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and  
 o the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:

i. Hot food takeaways, including permanently sited vans;  
 ii. Betting offices; and  
 iii. High interest money lending premises.

d) Drive-through developments will only be supported where they are specifically supported in the LDP.

### Town centre living

e) Development proposals for residential development within city/town centres will be supported, including:

i. New build residential development.  
 ii. The re-use of a vacant building within city/ town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.  
 iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.

f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:

i. retain an attractive and appropriate frontage;  
 ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and  
 iii. not result in an undesirable concentration of uses, or 'dead frontages'.

g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:

i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or  
 ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

## **Angus Local Development Plan 2016**

### **Policy DS1 : Development Boundaries and Priorities**



All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

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

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

### **Policy DS3 : Design Quality and Placemaking**

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

### **Policy DS4 : Amenity**

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or

nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

### **Policy TC2 : Residential Development**

All proposals for new residential development\*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
  - o round off an established building group of 3 or more existing dwellings; or
  - o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

### **Policy TC17 : Network of Centres**

Angus Council will seek to protect and enhance the scale and function of the centres as set out in Table 2 below.

A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people. Support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres.

All development proposals within a Commercial Centre will have to satisfy criteria within Policy TC19 Retail and Town Centre Uses.

### **Policy PV8 : Built and Cultural Heritage**

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### **National Sites**

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### **Regional and Local Sites**

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

### **Policy PV15 : Drainage Infrastructure**

Development proposals within Development Boundaries will be required to connect to the public sewer

where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

#### **Policy PV18 : Waste Management in New Development**

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

**ANGUS COUNCIL**

**PLANNING**

**CONSULTATION SHEET**

PLANNING APPLICATION NO 

<b>23/00199/FULL</b>
----------------------

Tick boxes as appropriate

ROADS

No Objection

Interest  (Comments to follow within 14 days)

Date 

26	04	23
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**

**From:** [Walter K Wyllie](#)  
**To:** [Damian G Brennan](#)  
**Subject:** FW: Planning Application Consultation 23/00199/FULL  
**Date:** 11 May 2023 13:12:14  
**Attachments:** [image001.gif](#)  
[image002.jpg](#)

---

Hi Damian,

One for you.

Cheers,

Walter Wyllie | Planning Officer - Development Standards | Angus Council | [wylliewk@angus.gov.uk](mailto:wylliewk@angus.gov.uk)  
| 01307 492632 | [www.angus.gov.uk](http://www.angus.gov.uk)

-  
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Think green – please do not print this email

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**From:** Louise Akroyd <AkroydL@angus.gov.uk>  
**Sent:** 10 May 2023 14:51  
**To:** Walter K Wyllie <WyllieWK@angus.gov.uk>  
**Cc:** Steven D Thomson <ThomsonSD@angus.gov.uk>  
**Subject:** Planning Application Consultation 23/00199/FULL

Walter

**23/00199/FULL**  
**Change of Use from Retail to Form Flatted Dwelling**  
**4 Market Street, Brechin**

I refer to the above application for the change of use of a ground floor shop into a residential flat and can advise that I have seen the submitted plans and supporting information.

The proposed residential flat will be adjoining a fish and chip shop to one side and an off licence to the other and a previous application for the change of use to a residential flat has been received for this address under planning reference 22/00026/FULL and this application was refused for a number of reasons.

In terms of the Local Development Plan this property is within the town centre location and the Planning Advice Note for hot food takeaways states that;

“Within town centre locations, hot food takeaways will not normally be considered acceptable where they occupy premises directly abutting (to any side, immediately or diagonally below) residential properties unless they are within the control (usually owned or leased) of the hot food takeaway proprietor, or it is demonstrated that impacts from noise and odour are not significant.

Hot food takeaways can generate noise from several sources including

customers within the premises; music sources; extraction fans; customers immediately outwith the premises; and vehicular traffic. These can cause amenity issues and reason for complaints to be submitted to the Council. In town centre locations it would be unreasonable for the Planning Authority to oppose a hot food takeaway which meets the locational advice indicated above, on the grounds of external noise, where some additional disturbance has to be accepted.

However, noise from within the hot food takeaway could be transmitted to adjacent residential properties. Therefore, unless all of the residential properties directly abutting (to any side, immediately or diagonally below) the premises are within the control (usually owned or leased) of the hot food takeaway proprietor, it would be necessary to demonstrate through the submission of a detailed noise impact assessment, including where necessary appropriate mitigation, that the proposed use will not give rise to unacceptable noise impacts."

As the proposed flat will be directly abutting the fish and chip shop it would need to be demonstrated that impacts from noise and odour are not significant.

I have reviewed the supporting information with the current application, however, this does not change my opinion that given the position of the residential flat at ground floor level to the hot food takeaway it would be against locational advice in the above planning note, issues of noise generated immediately outside the premises as well as internally generated noise would need to be considered. The guidance note states that it would be necessary to demonstrate through the submission of a detailed noise impact assessment, including where necessary appropriate mitigation, that the proposed use will not give rise to unacceptable noise impacts from internally generated noise.

However, I am concerned that noise generated immediately outside the premises could seriously impact on residential amenity to future occupants and given that there appears to have been a hot food premises at this location for many years, I am not aware of any planning controls on the hours of use. If a residential development was granted in this location, it could also impact on the business use of the adjoining premises.

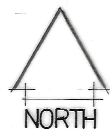
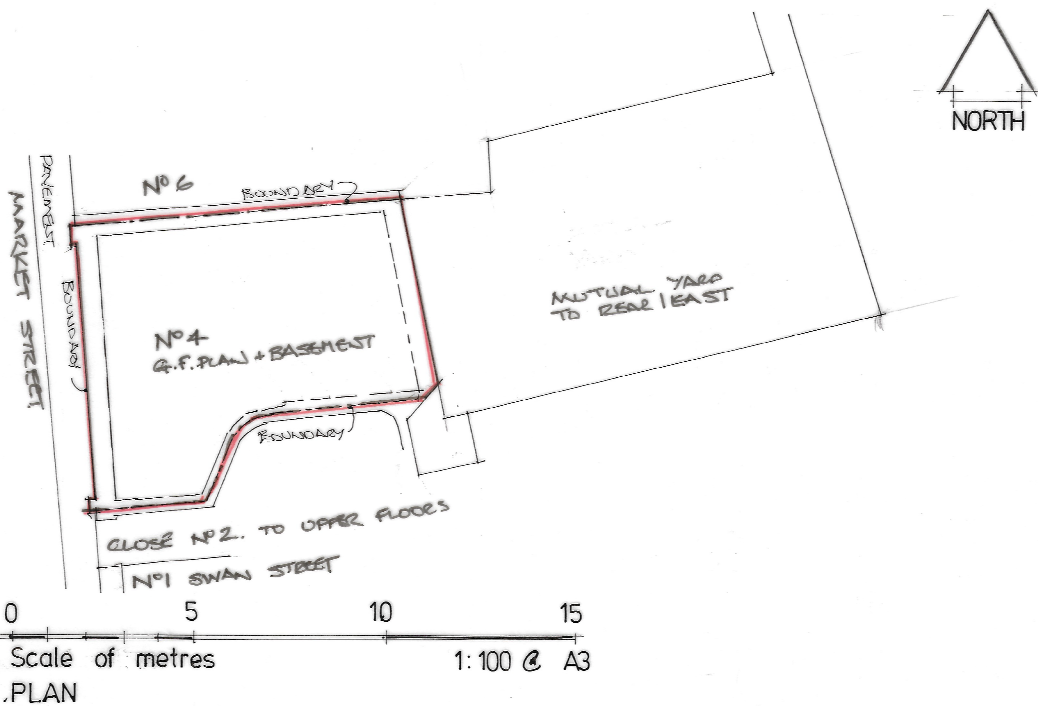
In light of the above, and planning Policy, I can see no option but to object to the residential development on the grounds of noise impacting on future occupants, as while it may be possible to mitigate against internally generated noise, through design and construction, noise from customers generated outside the takeaway, could not be adequately controlled.

If you have any queries, please let me know.

Kind Regards

**Louise Akroyd**

**Environmental Health Officer | Angus Council | Communities | Environmental & Consumer Protection | Angus House, Orchardbank Business Park, Forfar DD8 1AN | 01307 491827 |**



**ACRAIG**  
ARCHITECTURAL  
CONSULTANT



Telephone: (01356) 625500 Email: adc@acraig.co.uk

CHANGE OF USE  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

DRAWING N° 010122-1A/  
SD 1312 21  
SCALE 1:1250 1:100  
DATE JAN. 2022

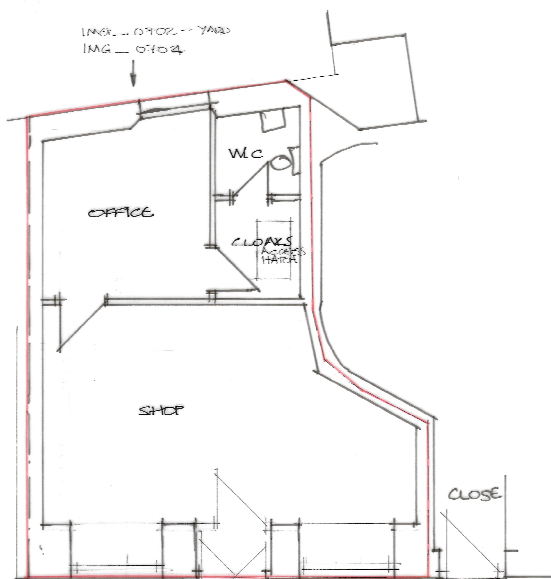


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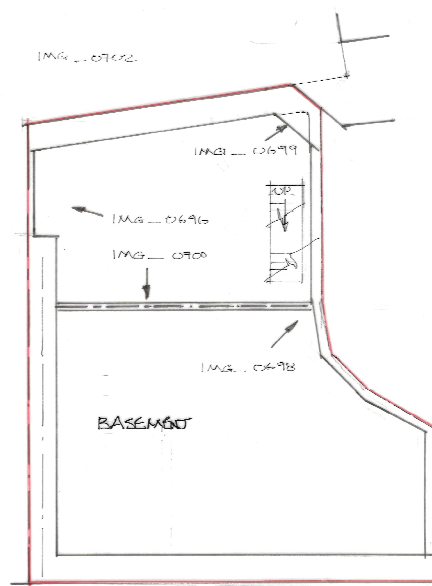
0 50 100 200

SCALE OF METRES 1:1250





PLAN 1:50



BASEMENT 1:50

**ACRAIG**  
ARCHITECTURAL  
CONSULTANT

Telephone: (01356) 625500 Email: acraig@acraig.co.uk

4 MARKET STREET  
BRECHIN D91 6BA

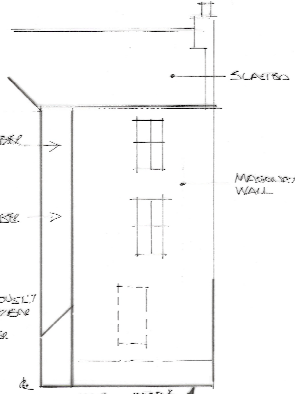
SD (3122) REV.  
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DRAWING OF EXISTING  
REV.

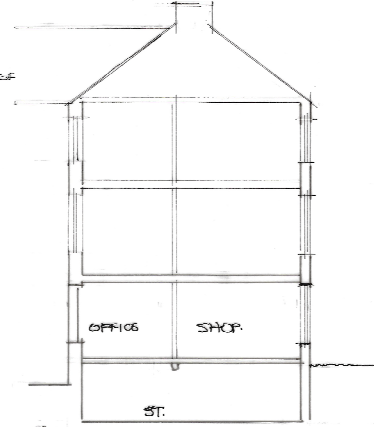
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  - IMG\_0694 EAST ELEVATION
  - IMG\_0697 YARD AT REAR/EAST
  - IMG\_0696 NORTH EAST CORNER
  - IMG\_0698 BEAM AT BASEMENT
  - IMG\_0699 SOIL PIPE - SOUTH YARD
  - IMG\_0700 BASEMENT



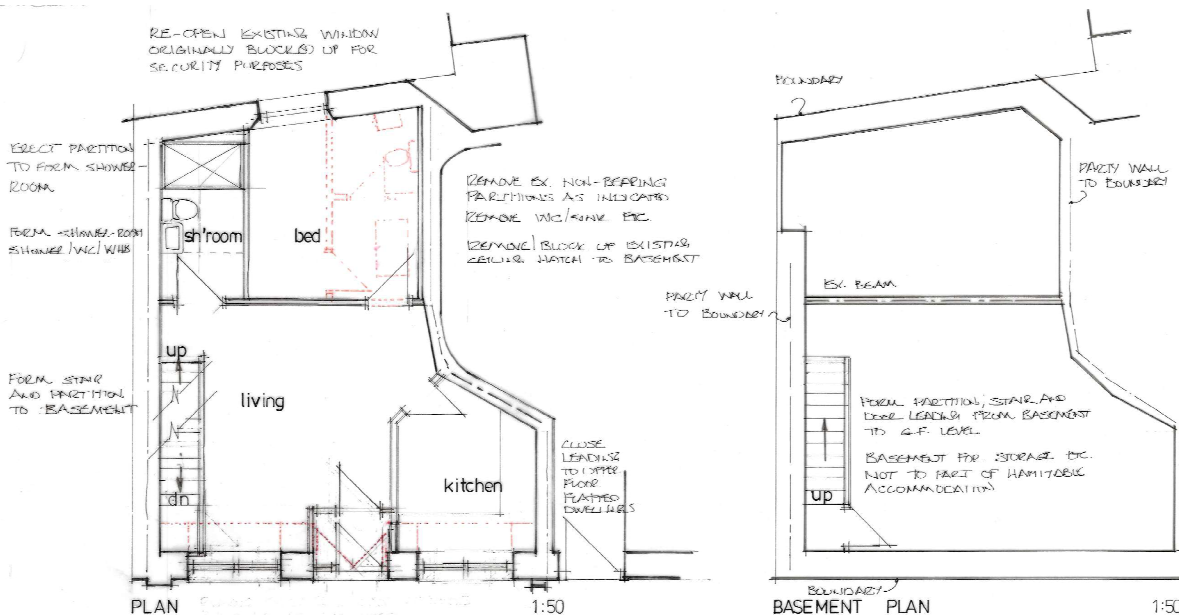
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SCALE OF METRES 1:100



EAST ELEVATION 1:100  
SCALE OF METRES 1:50



CROSS SECTION 1:100

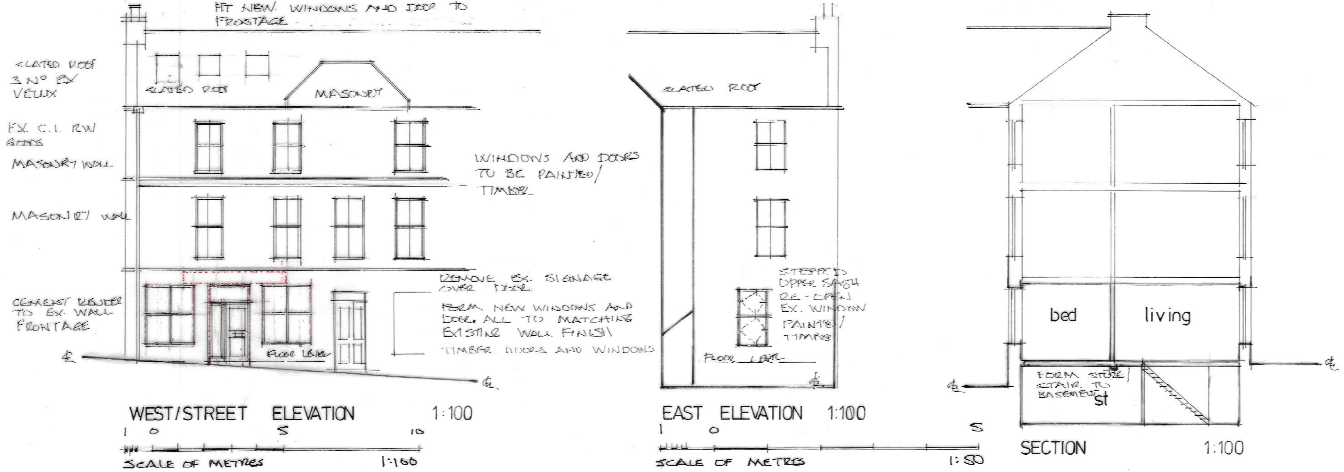


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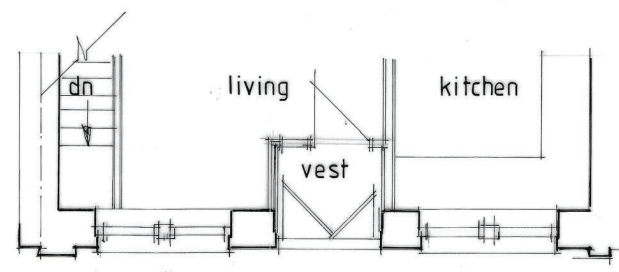
**CHANGE OF USE**  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

DRAWING Nº 010122SK2 - Z B  
SD 131221  
SCALE 1:50 1:100  
DATE JAN. 2022





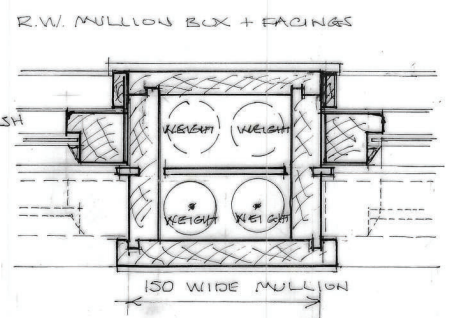
WEST/STREET ELEVATION 1:100  
SCALE OF METRES



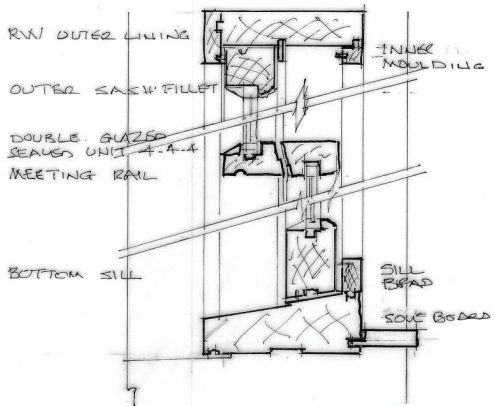
PART G.F. PLAN 1:50  
SCALE OF METRES



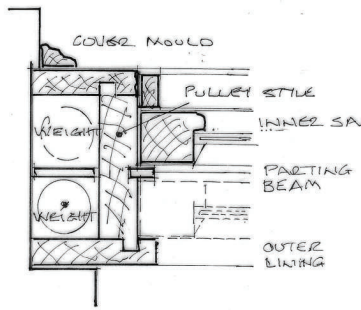
WINDOW DOOR 1:20  
SCALE OF METRES



MULLION BOX N.T.S.



WINDOW HEAD/MEETING/SILL DEMONSTRATIVE DE TAILS



PULLEY BOX

CHANGE OF USE  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

DRAWING DOOR & WINDOW  
SD 1312 21  
SCALE 1:20 1:50 1:100  
DATE JUNE 2023

WINDOWS:  
REDWOOD SASH AND CASE, WINDOWS  
CENTRAL MULLION BOX IN REDWOOD  
TIMBER SILL  
DOUBLE GLAZING 4-4-4

DOORS:  
REDWOOD FRAME  
REDWOOD DOORS WITH MOUNDINGS  
TO MATCH EXISTING  
HIGH LEVEL GLAZED PANELS  
OVER DOORS  
BLACK JAPANESE IRONMONGERY

DIMENSIONS TO BE CHECKED  
ON SITE PRIOR TO FABRICATION

DOORS AND FRAMES:  
TO BE GLOSS PAINTED EXTERNALLY



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND)  
REGULATIONS 2013

**PLANNING PERMISSION REFUSAL**  
**REFERENCE : 23/00199/FULL**

To **Mr B Greig**  
**c/o A Craig Architectural Consultant**  
**7 Bearehill Gardens**  
**Brechin**  
**DD9 6LW**

With reference to your application dated 10 April 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change of use to form flatted dwelling at 4 Market Street Brechin DD9 6BA for Mr B Greig**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

- 1 The proposal is contrary to policies 9, 14, 23 and 27 of National Planning Framework 4 and policies DS1, DS4, TC2 and TC17 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway; and because the introduction of an incompatible land use in this location would not protect and enhance the function of the town centre.

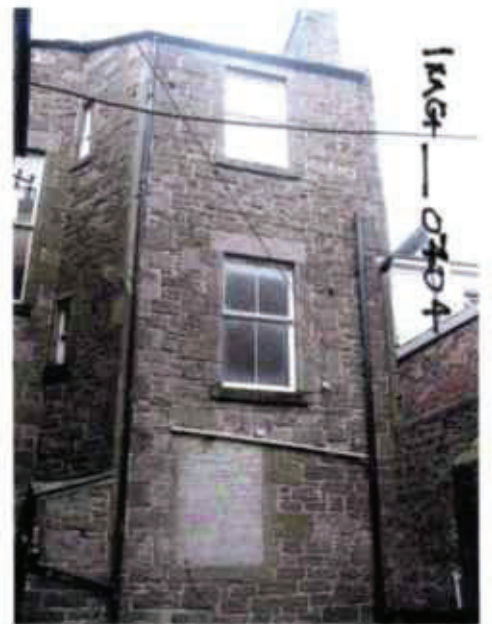
**Amendments:**

- 1 The drawing entitled Door & Window dated June 2023 supersedes the West/Street elevation shown on drawing 010122 SK2-2B dated January 2022. The revision shows detailed proposals for the new door and windows, as well as clarification on the external finishes proposed.

**Informatives:**

Dated this **13 July 2023**

Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN



A MARKET STREET  
BRCELIN  
PHOTOGRAPHS

**4 MARKET STREET, BRECHIN, DD9 6BA**

**FORMATION OF FLATTED DWELLING HOUSE**

**SUPPLEMENTARY INFORMATION**

**MARCH 2023**

**LOCATION:**

Proposed alterations to property at 4 Market Street, Brechin, DD9 6BA – 128 and formerly 612

Surrounding Properties: Angus Council Goad Code Numbers – Taken from Brechin Central Area Survey 2014 and 2017

1 Market Street – Vacant Public House - 608

3 Market Street –access to flatted dwellings at upper floor levels

5 Market Street – Hairdresser – 606

7 Market Street – access to flatted dwellings at upper floor levels

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2 Market Street - flatted dwellings in 2 levels known as 2 Market Street, Brechin situated over 4 Market Street.

4 Market Street – proposed flatted dwelling

6 Market Street – Fast Food Take-away with flatted dwelling over. 619

AC10



FRONT ELEVATION



REAR ELEVATION

## **EXISTING ACCOMMODATION:**

Comprising: Basement storage, shop frontage, office and W.C. compartment

## **PROPOSALS:**

Change of Use to form flatted dwelling house at No 4 Market Street, Brechin.

Formation of vestibule, living room, kitchen, bedroom and shower room at ground floor level and access to basement storage.

Alterations to door and window arrangements.

Removal of signage

## **ADDITIONAL INFORMATION**

Planning and Listed Building applications were previously refused having been assessed as being contrary to Policies TC2, DS4, DS3, PV8, DS1 & TC17.

This report provides evidence and demonstrates that the proposed flatted dwelling is compatible with surrounding land uses and also provides a satisfactory residential environment by virtue of its location abutting an established food takeaway. The takeaway was been in operation for in excess of 50 years with no complaints.

Proposals have been re-designed from the original application in respect of the window and door design and retain the architectural and historic features of the building.

Within 70 metres of the application site presently 10 shops are unoccupied all within the street scene.

The proposals are situated between a hot food takeaway, access from the street to the flatted dwellings above and the rear store of a shop situated in Swan Street deeming the proposed site to be an infill/gap with no other shops along the west/street side of Market Street.



**CONSULTATIONS:****Roads Departments:**

- Previous Planning Application Ref: 22/00026 & Listed Building Consent Application Re: 22/00078 LBC had no objection to the proposals

**Archaeology Service:**

- Confirm that no archaeological mitigation is required to previous Planning Application Ref: 22/00026 & Listed Building Consent Application Re: 22/00078 LBC

**GENERAL NOTES****Environmental Health:**

I have personally carried out regular inspections to check pedestrian and vehicular traffic flow to the existing takeaway in Market Street.

This was to check the impact from noise and odour from the takeaway.

Opening hours were from 4-00 pm to 10-00 pm and closed on Sunday.

The peak time is approximately 6-00 pm.

On street parking is not a problem due to the availability of the adjacent public car parking.

Noise generated in the vicinity has found to be general traffic noise.

The takeaway has been recently renovated and new extraction units installed which terminate to the rear of the property.

To conclude, the impacts of noise and odour are seen to be insignificant.

**Un-occupied shop premises:**

At present the following shop premises within 70 metre radius of the application site are unoccupied.

Namely:

St David Street – No 14

High Street – No 1, No 5, No 14 & No 18,

Swan Street – No 8, No 12, No 13 & No 20

Giving a total including the application site of 10 unoccupied shop premises within a 70 metre radius.

## CONCLUSION:

### Policies:

**Policy TC2** - Demonstrates that the proposed use is compatible use with the residential use of surrounding properties and provides the provision of affordable housing **Policy TC3**

**Policy DS4** – The application will not affect the impact of air quality, noise and vibration levels, levels of light pollution, levels of odours and dust, refuse collection/storage and recycling which can be provided within the property, the effect and timing of traffic movement will not change and residential amenity will be improved by the proposals.

**Policy DD3 & Policy PV8** – The appearance of the building will not be affected and will respect the architectural and historic interest of the building

**Policy DS1 & Policy TC17** – Will not affect the local development plan nor affect the landscape

The existing premises are currently situated around residential properties.

Car parking is readily available.

Brechin Town centre covers High Street, St David Street, Swan Street, Market Street, Panmure Street and Clerk Street. Within a radius of 70 metres the application site presently has 10 No unoccupied shop premises

The core retail area has need for further retail units and Market Street is out-with this area.

At present 10 shops are unoccupied in this area.

The proposals are in keeping with surroundings.

The impacts of noise and odour are seen to be insignificant

Due to the congested number of unoccupied premises in the area, along with the revised design, and character of the building the application should be supported.

**A** CRAIG ARCHITECTURAL CONSULTANT

e-mail: [adc@adcraigco.uk](mailto:adc@adcraigco.uk)

Tel: 01356 625500

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW –**

**DWELLNG AT 4 MARKET STREET, BRECHIN**

**APPLICATION NO 23/00199/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

<b>ITEM 1</b>	Notice of Review
<b>ITEM 2</b>	Statement of Appeal
<b>ITEM 3</b>	Handling Report
<b>ITEM 4</b>	Refusal Decision Notice
<b>ITEM 5</b>	Location Plan, Elevations etc
<b>ITEM 6</b>	Photographs



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100622660-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation: A CRAIG ARCHITECTURAL CONSULTANT

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \* Alex. Building Name:

Last Name: \* Craig Building Number: 7

Telephone Number: \* 01356 625500 Address 1 (Street): \* BEAREHILL GARDENS

Extension Number:  Address 2:

Mobile Number:  Town/City: \* BRECHIN

Fax Number:  Country: \* SCOTLAND

Postcode: \* DD9 6LW

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Muirside of Kinnell"/>
First Name: *	<input type="text" value="B"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Greig"/>	Address 1 (Street): *	<input type="text" value="Muirside of Kinnell"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Arbroath"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD11 4UQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 MARKET STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BRECHIN"/>
Post Code:	<input type="text" value="DD9 6BA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="760284"/>	Easting	<input type="text" value="359704"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use to form Flatted Dwelling

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The existing premises are currently situated around residential properties with car parking available. Within a radius of 70 metres the application site currently already has 10 unoccupied shop premises. The core retail area has no need for further retail units, the proposals are in keeping with the surroundings and the impacts of noise and odour seem to be insignificant. Listed Building consent has been granted and the application should be supported.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning Permission Refusal, Location Plan, Drawing of Existing, Drawings, Planning Notes, Photographs,

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00199/FULL

What date was the application submitted to the planning authority? \*

10/04/2023

What date was the decision issued by the planning authority? \*

13/07/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alex. Craig

Declaration Date: 08/08/2023



**4 MARKET STREET, BRECHIN, DD9 6BA**

**FORMATION OF FLATTED DWELLING HOUSE**

**SUPPLEMENTARY INFORMATION**

**MARCH 2023**

**LOCATION:**

Proposed alterations to property at 4 Market Street, Brechin, DD9 6BA – 128 and formerly 612

Surrounding Properties: Angus Council Goad Code Numbers – Taken from Brechin Central Area Survey 2014 and 2017

1 Market Street – Vacant Public House - 608

3 Market Street –access to flatted dwellings at upper floor levels

5 Market Street – Hairdresser – 606

7 Market Street – access to flatted dwellings at upper floor levels

9 Market Street – Hairdresser – 606

2 Market Street - flatted dwellings in 2 levels known as 2 Market Street, Brechin situated over 4 Market Street.

4 Market Street – proposed flatted dwelling

6 Market Street – Fast Food Take-away with flatted dwelling over. 619



**FRONT ELEVATION**



**REAR ELEVATION**

**EXISTING ACCOMMODATION:**

Comprising: Basement storage, shop frontage, office and W.C. compartment

**PROPOSALS:**

Change of Use to form flatted dwelling house at No 4 Market Street, Brechin.

Formation of vestibule, living room, kitchen, bedroom and shower room at ground floor level and access to basement storage.

Alterations to door and window arrangements.

Removal of signage

**ADDITIONAL INFORMATION**

Planning and Listed Building applications were previously refused having been assessed as being contrary to Policies TC2, DS4, DS3, PV8, DS1 & TC17.

This report provides evidence and demonstrates that the proposed flatted dwelling is compatible with surrounding land uses and also provides a satisfactory residential environment by virtue of its location abutting an established food takeaway. The takeaway was been in operation for in excess of 50 years with no complaints.

Proposals have been re-designed from the original application in respect of the window and door design and retain the architectural and historic features of the building.

Within 70 metres of the application site presently 10 shops are unoccupied all within the street scene.

The proposals are situated between a hot food takeaway, access from the street to the flatted dwellings above and the rear store of a shop situated in Swan Street deeming the proposed site to be an infill/gap with no other shops along the west/street side of Market Street.

## **CONSULTATIONS:**

### **Roads Departments:**

- Previous Planning Application Ref: 22/00026 & Listed Building Consent Application Re: 22/00078 LBC had no objection to the proposals

### **Archaeology Service:**

- Confirm that no archaeological mitigation is required to previous Planning Application Ref: 22/00026 & Listed Building Consent Application Re: 22/00078 LBC

## **GENERAL NOTES**

### **Environmental Health:**

I have personally carried out regular inspections to check pedestrian and vehicular traffic flow to the existing takeaway in Market Street.

This was to check the impact from noise and odour from the takeaway.

Opening hours were from 4-00 pm to 10-00 pm and closed on Sunday.

The peak time is approximately 6-00 pm.

On street parking is not a problem due to the availability of the adjacent public car parking.

Noise generated in the vicinity has found to be general traffic noise.

The takeaway has been recently renovated and new extraction units installed which terminate to the rear of the property.

To conclude, the impacts of noise and odour are seen to be insignificant.

### **Un-occupied shop premises:**

At present the following shop premises within 70 metre radius of the application site are unoccupied.

Namely:

St David Street – No 14

High Street – No 1, No 5, No 14 & No 18,

Swan Street – No 8, No 12, No 13 & No 20

Giving a total including the application site of 10 unoccupied shop premises within a 70 metre radius.

## **CONCLUSION:**

### **Policies:**

**Policy TC2** - Demonstrates that the proposed use is compatible use with the residential use of surrounding properties and provides the provision of affordable housing **Policy TC3**

**Policy DS4** – The application will not affect the impact of air quality, noise and vibration levels, levels of light pollution, levels of odours and dust, refuse collection/storage and recycling which can be provided within the property, the effect and timing of traffic movement will not change and residential amenity will be improved by the proposals.

**Policy DD3 & Policy PV8** – The appearance of the building will not be affected and will respect the architectural and historic interest of the building

**Policy DS1 & Policy TC17** – Will not affect the local development plan nor affect the landscape

The existing premises are currently situated around residential properties.

Car parking is readily available.

Brechin Town centre covers High Street, St David Street, Swan Street, Market Street, Panmure Street and Clerk Street. Within a radius of 70 metres the application site presently has 10 No unoccupied shop premises

The core retail area has need for further retail units and Market Street is out-with this area.

At present 10 shops are unoccupied in this area.

The proposals are in keeping with surroundings.

The impacts of noise and odour are seen to be insignificant

Due to the congested number of unoccupied premises in the area, along with the revised design, and character of the building the application should be supported.

**A** CRAIG ARCHITECTURAL CONSULTANT

e-mail: [adc@adcraigco.uk](mailto:adc@adcraigco.uk)

Tel: 01356 625500

## Angus Council

<b>Application Number:</b>	23/00199/FULL
<b>Description of Development:</b>	Change of use to form flatted dwelling
<b>Site Address:</b>	4 Market Street Brechin DD9 6BA
<b>Grid Ref:</b>	359706 : 760284
<b>Applicant Name:</b>	Mr B Greig

## Report of Handling

### Proposal

Planning permission is sought for the change of use and alterations to a retail premises to form a flatted dwelling. The retail unit which is subject of the proposal is located in the ground and basement floors of the category B listed 3 storey, Victorian building. The adjacent ground floor unit which is located in the same building is in retail use and the upper floors are in residential use. An established hot food takeaway abuts the property to the immediate north, and the side of a retail unit abuts it to the south, albeit served by a frontage on Swan Street.

The existing window and door openings would be retained, with new windows installed to serve the residential use.

### Amendments

The drawing entitled Door & Window dated June 2023 supersedes the West/Street elevation shown on drawing 010122 SK2-2B dated January 2022. The revision shows detailed proposals for the new door and windows, as well as clarification on the external finishes proposed.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 21 April 2023 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 25 April 2023.

### Planning History

22/00026/FULL for full planning permission for the “change of use and alterations to form a flat” was determined as refused on 24<sup>th</sup> October 2022 for the following reasons:-

1. *The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway.*
2. *The proposal is contrary to policies DS3 and PV8 of the Angus Local Development Plan (2016) because the alterations proposed to the listed building would adversely affect its character as a building of special architectural or historic interest, and would not retain and sensitively integrate important features in the property.*

- 3. The proposal is contrary to policies DS1 and TC17 of the Angus Local Development Plan (2016) because the proposal is not of a nature appropriate for the location; is contrary to other policies of the local development plan; is not in keeping with the townscape and pattern of development; and the introduction of residential property in this location would not work towards protecting and enhancing the scale and function of the town centre.*

22/00078/LBC for Listed Building Consent for “external and internal alterations to form a flat” was determined as refused on 24<sup>th</sup> October 2022 for the following reason:

- 1. The proposal would adversely affect the character and special architectural features and interest of the listed building and therefore is contrary to Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and Policy PV8 of the Angus Local Development Plan (2016).*

Listed Building Consent application 23/00200/LBC for “internal and external alterations” is currently pending consideration.

### **Applicant’s Case**

The applicant has provided a supporting statement which aims to address the reasons for the previous refusal of planning permission:

*Planning and Listed Building applications were previously refused having been assessed as being contrary to Policies TC2, DS4, DS3, PV8, DS1 & TC17.*

*This report provides evidence and demonstrates that the proposed flatted dwelling is compatible with surrounding land uses and also provides a satisfactory residential environment by virtue of its location abutting an established food takeaway. The takeaway has been in operation for in excess of 50 years with no complaints.*

*Proposals have been re-designed from the original application in respect of the window and door design and retain the architectural and historic features of the building.*

*Within 70 metres of the application site presently 10 shops are unoccupied all within the street scene:*

- St David Street – No 14*
- High Street – No 1, No 5, No 14 & No 18*
- Swan Street – No 8, No 12, No 13 & No 20*

*The proposals are situated between a hot food takeaway, access from the street to the flatted dwellings above and the rear store of a shop situated in Swan Street deeming the proposed site to be an infill/gap with no other shops along the west/street side of Market Street.*

The applicant notes that there were no objections from roads or archaeology in response to the previous applications.

In response to the objection from Environmental Health, the following comments are offered:

*I have personally carried out regular inspections to check pedestrian and vehicular traffic flow to the existing takeaway in Market Street. This was to check the impact from noise and odour from the takeaway. Opening hours were from 4-00 pm to 10-00 pm and closed on Sunday. The peak time is approximately 6-00 pm. On street parking is not a problem due to the availability of the adjacent public car parking. Noise generated in the vicinity has found to be general traffic noise. The takeaway has been recently renovated and new extraction units installed which terminate to the rear of the property.*

*To conclude, the impacts of noise and odour are seen to be insignificant.*

## **Consultations**

**Environmental Health (Arbroath)** - has **objected** to the proposal to locate a residential use which directly abuts an established hot food takeaway. It has indicated that insufficient evidence has been provided to demonstrate that a satisfactory level of amenity would be afforded to occupants of the proposed flatted dwelling in terms of the potential for disamenity caused by noise and odour. Environmental health has indicated that, if approved in this location, the proposal could result in impacts on the use/operation of adjoining non-residential uses.

**Community Council** - There was no response from this consultee at the time of report preparation.

**Roads (Traffic)** - no objection.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

## **Representations**

There were no letters of representation.

## **Development Plan Policies**

### **NPF4 – national planning policies**

Policy 1 Tackling the climate and nature crises  
Policy 2 Climate mitigation and adaptation  
Policy 7 Historic assets and places  
Policy 9 Brownfield, vacant and derelict land and empty buildings  
Policy 14 Design, quality and place  
Policy 15 Local living and 20 minute neighbourhoods  
Policy 16 Quality homes  
Policy 18 Infrastructure first  
Policy 23 Health and safety  
Policy 27 City, town, local and commercial centres

### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy TC17 : Network of Centres  
Policy PV8 : Built and Cultural Heritage  
Policy PV15 : Drainage Infrastructure  
Policy PV18 : Waste Management in New Development

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

## **Assessment**

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.

In this case the development plan comprises: -

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



The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 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 the conservation area in determining this planning application.

The site is located in the development boundary and within the defined Brechin town centre area. The unit is empty but most recently has been in retail use and sits between a retail use on the ground floor premises to the immediate south, and an established hot food takeaway on the ground floor premises to the immediate north. Policy DS1 states that proposals within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the local development plan.

Development plan policy offers support to proposals which enhance and improve the vitality and viability of town centres, and seeks to protect and enhance their scale and function. ALDP Policy TC17 indicates that support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres. NPF4 Policy 27(f) indicates that development proposals for residential use at ground floor level within town centres will only be supported where the proposal will retain an attractive and appropriate frontage, not adversely affect the vitality and viability of a shopping area or the wider centre; and not result in an undesirable concentration of uses, or 'dead frontages'.

NPF4 Policy 9(d) indicates that development proposals for the reuse of existing buildings will be supported, *taking into account their suitability for conversion to other uses*. NPF4 Policy 14(c) states that developments that are poorly designed, detrimental to the amenity of the surrounding area.... will not be supported. NPF4 Policy 23 indicates that development proposals that are likely to raise unacceptable noise issues will not be supported. It indicates that the agent of change principle applies to noise sensitive development and states that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. In respect of the agent of change principle, NPF4 indicates that *where an application is made for development which is likely to be affected by noise from existing development, the applicant is required to demonstrate both that they have assessed the potential impact on occupants of the proposed development and that the proposed design incorporates appropriate measures to mitigate this impact*.

ALDP Policy DS4 relates to amenity and indicates development will not be permitted where there is an unacceptable adverse impact on the environment or amenity of existing or future occupiers of adjoining or nearby properties. Policy TC2 requires proposals for new residential development to be compatible with current and proposed land uses in the surrounding area, and to provide a satisfactory residential environment for the proposed dwelling.

Angus Council Advice Note 2/2018 relates to proposals for hot food takeaways. While the proposal is for the change of use of a retail premises to residential use, that residential use would be directly abutting an established hot food takeaway use. It is therefore relevant to have regard to the locational guidance which applies in circumstances where a hot food takeaway would be located adjacent to a residential property. The advice note indicates that *within town centre locations, hot food takeaways will not normally be considered acceptable where they occupy premises directly abutting (to any side, immediately or diagonally below) residential properties unless they are within the control (usually owned or leased) of the hot food takeaway proprietor, or it is demonstrated that impacts from noise and odour are not significant*.

The application proposes to introduce a residential use on the ground floor of the property to replace the established retail use of the premises. The proposed residential use would directly abut an established hot food takeaway, which is a use which attracts visiting customers late into the evening and generates odour associated with cooking activities. The adjacent hot food takeaway is not in the control of the applicant. The application is not supported by information to address the agent of change principle to illustrate how the residential property would be impacted by noise or odour generated by the hot food takeaway, which is a requirement of Advice Note 2/2018 where a hot food takeaway and residential use would abut. Environmental health has objected to the proposal, noting that it has not been demonstrated that impacts from noise and odour are not significant.

The applicant has provided information indicating that there is a large number of vacancies within the town centre and suggests this offers support for reuse of the retail premises for residential purposes. It is noted that the property is not within the core retail area and has been vacant for a period of time. It would be desirable to see a vacant town centre property brought back into a purposeful use. The support offered by NPF4 Policy 9(d) for the reuse of vacant buildings is however qualified. It requires account to be had to the suitability of the proposed use. No information has been submitted to address the agent of change principle, and it would not be appropriate to introduce a residential use directly abutting a hot food takeaway in these circumstances, particularly where there is no evidence to demonstrate that the two uses could co-exist. Environmental health also cautions that the introduction of a residential use in the building could impact on the business use of the adjacent takeaway, and accordingly the proposal would not work towards the development plan aim of enhancing and improving the vitality and viability of town centres.

The applicant has not demonstrated that the proposal represents a compatible land use, has not demonstrated that the proposal would provide a satisfactory residential environment, and the proposed residential use could impact on the business use of the adjacent property. The proposal is therefore contrary to NPF4 policies 9, 14, 23 and 27 and ALDP policies DS4, TC2 and TC17.

Moving on to other development plan considerations, policy supports development which does not adversely affect listed buildings and conservation areas. ALDP Policy DS3 requires development proposals to create buildings and places which are distinct in character and identity, where development fits with the character and pattern of development in the surrounding area and retains and sensitively integrates important townscape features.

The application property is a ground floor retail unit which forms the northerly most part of a three-storey mid Victorian corner block with elevations fronting onto Swan Street to the south and Market Street to the west. The building is characterised by retail/commercial uses on the ground floor with residential uses above. The ground floor openings in the property are large and reflect the commercial uses the ground floor was designed to accommodate. While the openings serving the unit at 1 Swan Street have been infilled, the proportions of the openings have been retained which would not prevent the traditional window pattern to be reintroduced in the future. The upper-level window openings on Market Street are more domestic in scale and are ornate, decorative and symmetrical.

HES Guidance on Shopfronts and Signs (Managing Change in the Historic Environment) indicates *where a shopfront was part of the original design of a historic building it may contribute to its architectural quality. If conversion to another use such as residential is deemed acceptable, the work should fully respect the existing shopfront.*

The alterations proposed to the street elevation of the building have been improved since the previously refused planning application. The existing central timber door and large flanking shop window openings would be retained. While new windows would be installed within the shop window openings, the proposed sash and case units would be more sympathetic to the character of the listed building than the windows which were previously proposed; and retaining the original openings would allow traditional style shop window to be reintroduced in future with limited intervention. The physical works proposed would not result in any unacceptable impacts on the character of the listed building or the character and appearance of the conservation area.

The proposal does not raise any significant issues against other policies of the local development plan. It would not unacceptably impact on the natural environment, the residential amenity of other property, and would not impact on access or infrastructure.

In conclusion, while it would be highly desirable to see an empty town centre property brought back into a purposeful new use; that new use must be suitable and able to coexist with other existing commercial property. A residential use directly abutting a hot food takeaway is contrary to council guidance, and the information submitted does not demonstrate that the proposed residential use could co-exist with the existing hot food takeaway without an unacceptable impact on the amenity of the residential property in respect of noise and odour. Introducing an incompatible land use adjacent to an established hot food takeaway could impact on that business and accordingly the proposal would not protect and enhance the function of the town centre. It follows that the proposal is therefore not of a nature appropriate for this location and is also contrary to ALDP Policy DS1.

The proposal is contrary to the development plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the development plan.

### **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.

### **Decision**

The application is refused

### **Reason for Decision:**

1. The proposal is contrary to policies 9, 14, 23 and 27 of National Planning Framework 4 and policies DS1, DS4, TC2 and TC17 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway; and because the introduction of an incompatible land use in this location would not protect and enhance the function of the town centre.

### **Notes:**

Case Officer: Ben Freeman  
Date: 10 July 2023

## **Appendix 1 - Development Plan Policies**

### **NPF4 – national planning policies**

#### **Policy 1 Tackling the climate and nature crises**

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### **Policy 2 Climate mitigation and adaptation**

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

#### **Policy 7 Historic assets and places**

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
  - i. building is no longer of special interest;
  - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
  - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
  - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
  - i. architectural and historic character of the area;
  - ii. existing density, built form and layout; and
  - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
  - i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or

- iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
  - i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided;or
  - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
  - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

#### **Policy 9 Brownfield, vacant and derelict land and empty buildings**

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining

whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

#### **Policy 14 Design, quality and place**

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### **Policy 15 Local living and 20 minute neighbourhoods**

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

o sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;

o employment;

o shopping;

o health and social care facilities;

o childcare, schools and lifelong learning opportunities;

o playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;

o publicly accessible toilets;

o affordable and accessible housing options, ability to age in place and housing diversity.

#### **Policy 16 Quality homes**

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability,
- where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - o the proposal is consistent with policy on rural homes; or
    - o the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

### **Policy 18 Infrastructure first**

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

### **Policy 23 Health and safety**

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.
- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.



j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

### **Policy 27 City, town, local and commercial centres**

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and  
ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

o all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;

o the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and

o the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:

i. Hot food takeaways, including permanently sited vans;

ii. Betting offices; and

iii. High interest money lending premises.

d) Drive-through developments will only be supported where they are specifically supported in the LDP.

### Town centre living

e) Development proposals for residential development within city/town centres will be supported, including:

i. New build residential development.

ii. The re-use of a vacant building within city/ town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.

iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.

f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:

i. retain an attractive and appropriate frontage;

ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and

iii. not result in an undesirable concentration of uses, or 'dead frontages'.

g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:

i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or

ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

## **Angus Local Development Plan 2016**

### **Policy DS1 : Development Boundaries and Priorities**

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

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

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

### **Policy DS3 : Design Quality and Placemaking**

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

### **Policy DS4 : Amenity**

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or

nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

### **Policy TC2 : Residential Development**

All proposals for new residential development\*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

### **Policy TC17 : Network of Centres**

Angus Council will seek to protect and enhance the scale and function of the centres as set out in Table 2 below.

A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people. Support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres.

All development proposals within a Commercial Centre will have to satisfy criteria within Policy TC19 Retail and Town Centre Uses.

### **Policy PV8 : Built and Cultural Heritage**

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

### **Policy PV15 : Drainage Infrastructure**

Development proposals within Development Boundaries will be required to connect to the public sewer

where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

#### **Policy PV18 : Waste Management in New Development**

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

## ANGUS COUNCIL



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND)  
REGULATIONS 2013

PLANNING PERMISSION REFUSAL  
REFERENCE : 23/00199/FULL

To **Mr B Greig**  
**c/o A Craig Architectural Consultant**  
**7 Bearehill Gardens**  
**Brechin**  
**DD9 6LW**

With reference to your application dated 10 April 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change of use to form flatted dwelling at 4 Market Street Brechin DD9 6BA for Mr B Greig**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

- 1 The proposal is contrary to policies 9, 14, 23 and 27 of National Planning Framework 4 and policies DS1, DS4, TC2 and TC17 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposed flatted dwelling is either compatible with surrounding land uses or would provide a satisfactory residential environment by virtue of its location abutting an established hot food takeaway; and because the introduction of an incompatible land use in this location would not protect and enhance the function of the town centre.

**Amendments:**

- 1 The drawing entitled Door & Window dated June 2023 supersedes the West/Street elevation shown on drawing 010122 SK2-2B dated January 2022. The revision shows detailed proposals for the new door and windows, as well as clarification on the external finishes proposed.

**Informatives:**

Dated this **13 July 2023**



Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

## Planning Decisions – Guidance Note

**Please retain – this guidance forms part of your Decision Notice**

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

**Please read the notes carefully to ensure effective compliance with the new regulations.**

### DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## PLANNING DECISIONS

### Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
<b>Development Standards Committee/Full Council</b>	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b>
<b>Delegated Decision</b>	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<b>Local Review Body – See details on attached Form 2</b>
<b>Other Decision</b>	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b>

## NOTICES

### **Notification of initiation of development (NID)**

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

### **Notification of completion of development (NCD)**

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

### **Display of Notice while development is carried out**

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

Telephone 03452 777 780  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)





# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

## The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

## The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided through  
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# PLANNING

## Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

**Q.1 I was given the advice and help I needed to submit my application/representation:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.2 The Council kept me informed about the progress of the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.3 The Council dealt promptly with my queries:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.4 The Council dealt helpfully with my queries:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.5 I understand the reasons for the decision made on the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.6 I feel that I was treated fairly and that my view point was listened to:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

**Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?**

<b>Very satisfied</b>	<b>Fairly satisfied</b>	<b>Neither Satisfied nor Dissatisfied</b>	<b>Fairly Dissatisfied</b>	<b>Very Dissatisfied</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OUTCOME:** Outcome of the application:

**Q.8 Was the application that you had an interest in:-**

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.  
Thank you for taking the time to complete this form.



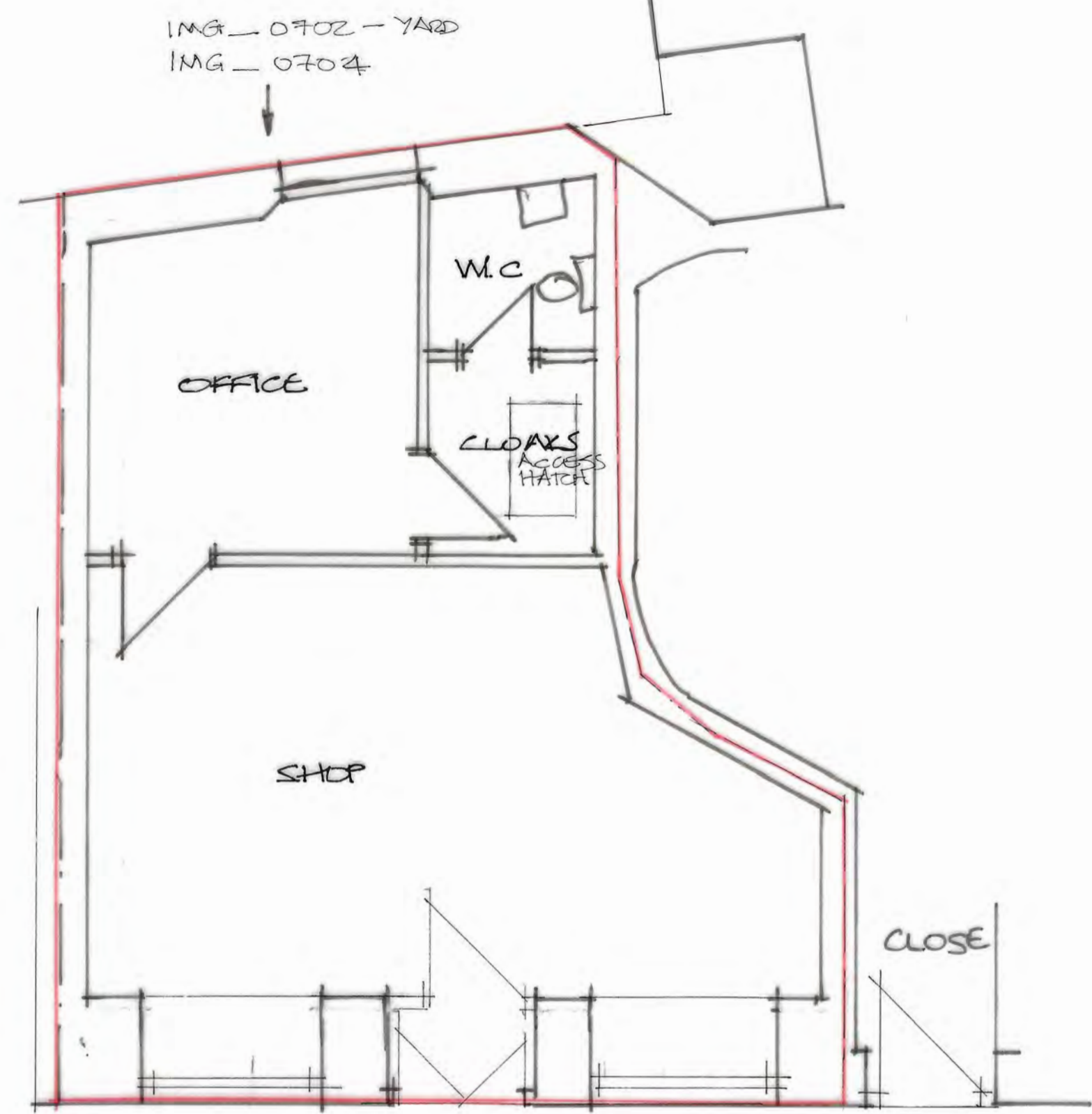
4 MARKET STREET  
BRECHIN DD9 6BA

SD. [BIZZ] REV.  
SCALE 1:100 1:50

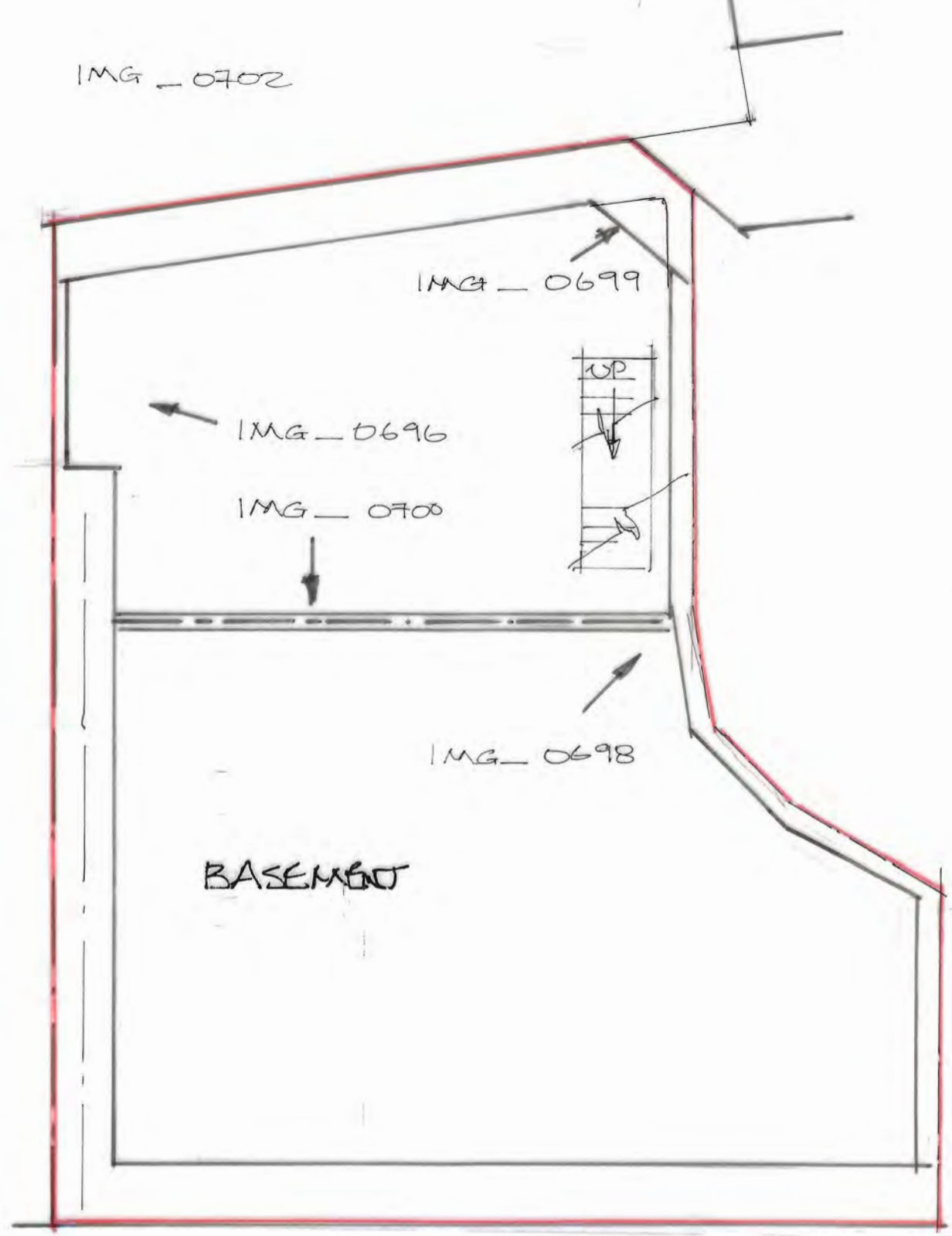
DRAWING OF EXISTING  
REV.

PHOTOGRAPH LOCATIONS

- IMG\_0705 WEST ELEVATION
- IMG\_0704 EAST ELEVATION
- IMG\_0702 YARD AT REAR/EAST
- IMG\_0696 NORTH EAST CORNER
- IMG\_0698 BEAM AT BASEMENT
- IMG\_0699 SOIL PIPE - SOUTH EAST
- IMG\_0700 BASEMENT



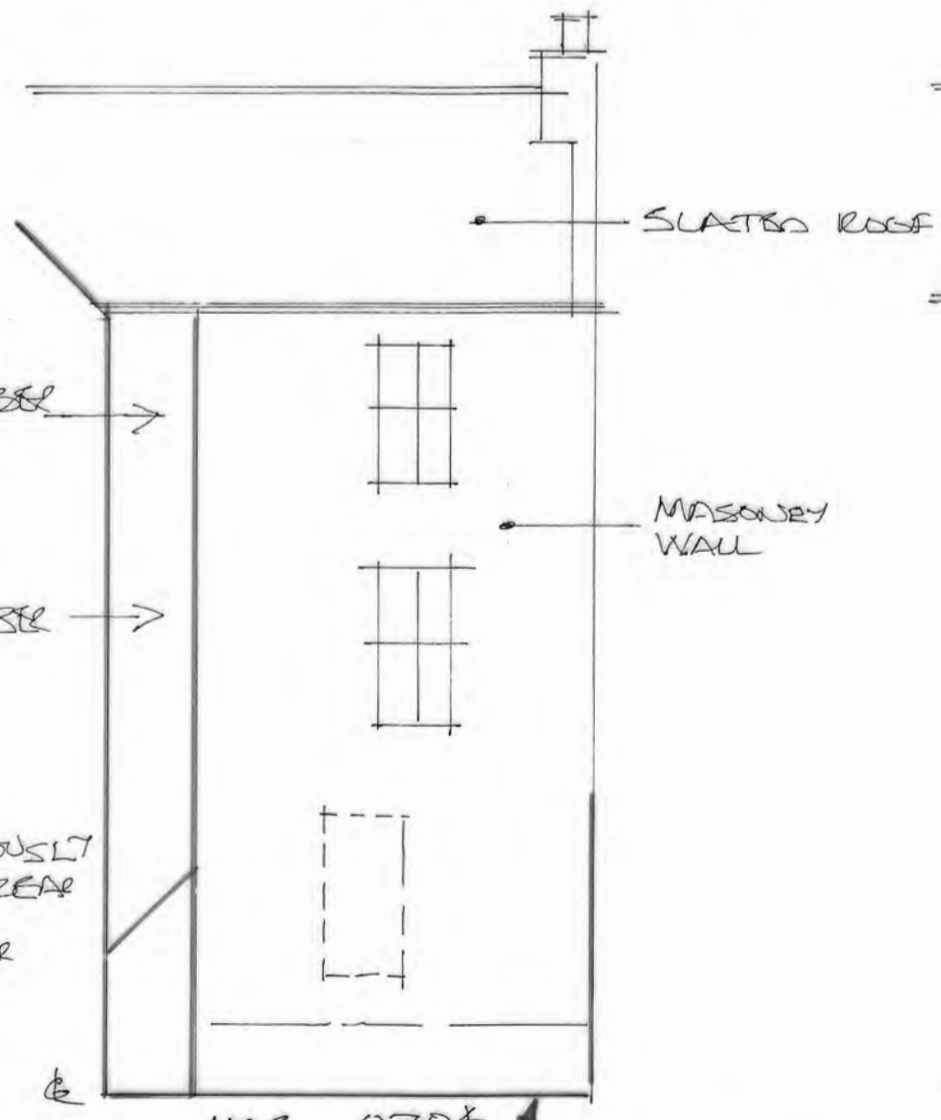
PLAN 1:50



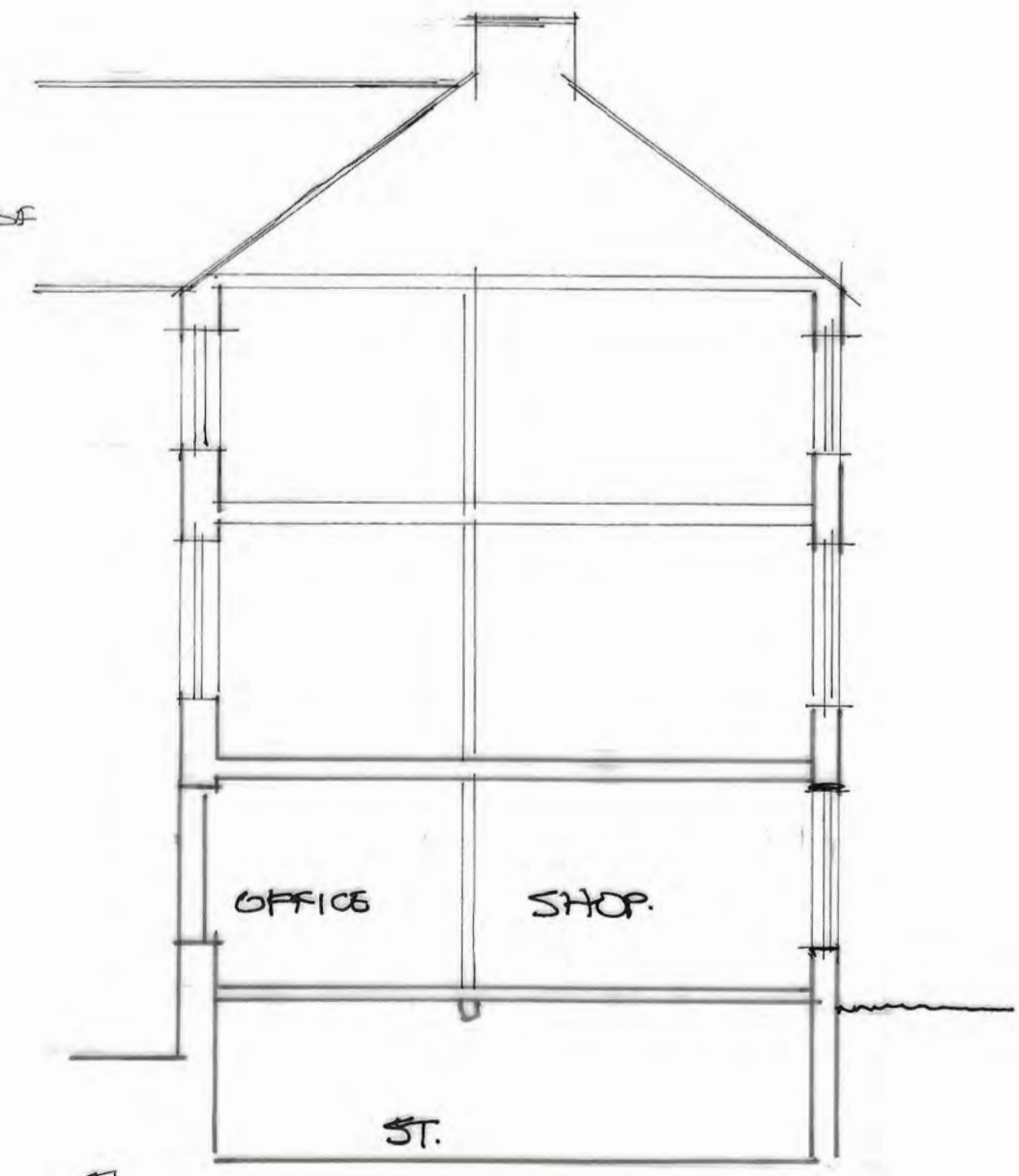
BASEMENT 1:50



WEST STREET ELEVATION 1:100  
SCALE OF METRES 1 0 5 10



EAST ELEVATION 1:100  
SCALE OF METRES 1 0 5



CROSS SECTION 1:100

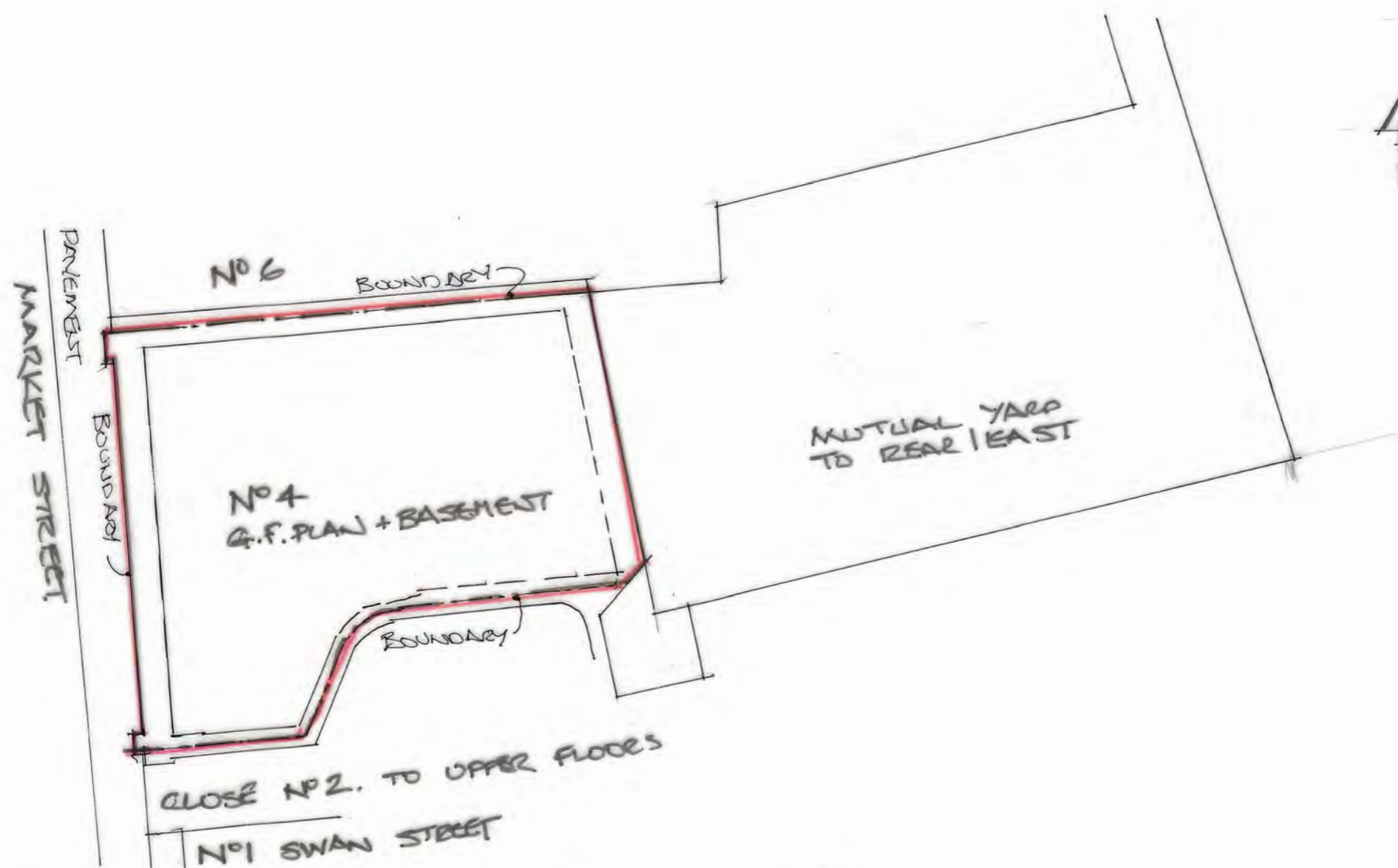
**ACRAIG**  
ARCHITECTURAL  
CONSULTANT



Telephone: (01356) 625500 Email: adc@adcraig.co.uk

CHANGE OF USE  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

DRAWING N° 010122-1A/  
SD 1312 21  
SCALE 1:1250 1:100  
DATE JAN. 2022





CHANGE OF USE  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

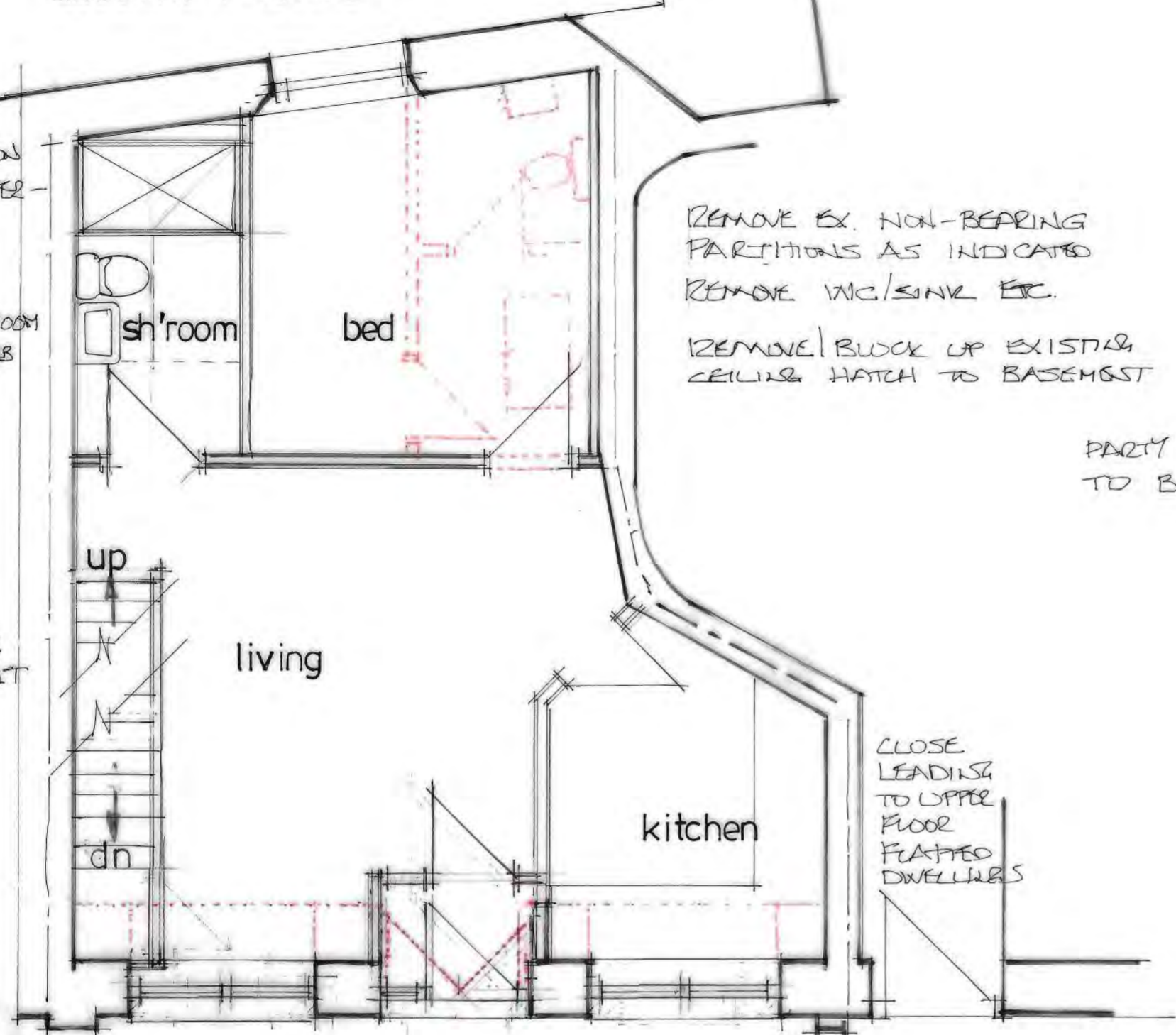
DRAWING Nº 010122 SK2 - 2.B  
SD 131221  
SCALE 1:50 1:100  
DATE JAN. 2022

RE-OPEN EXISTING WINDOW  
ORIGINALLY BLOCKED UP FOR  
SECURITY PURPOSES

ERECT PARTITION  
TO FORM SHOWER  
ROOM

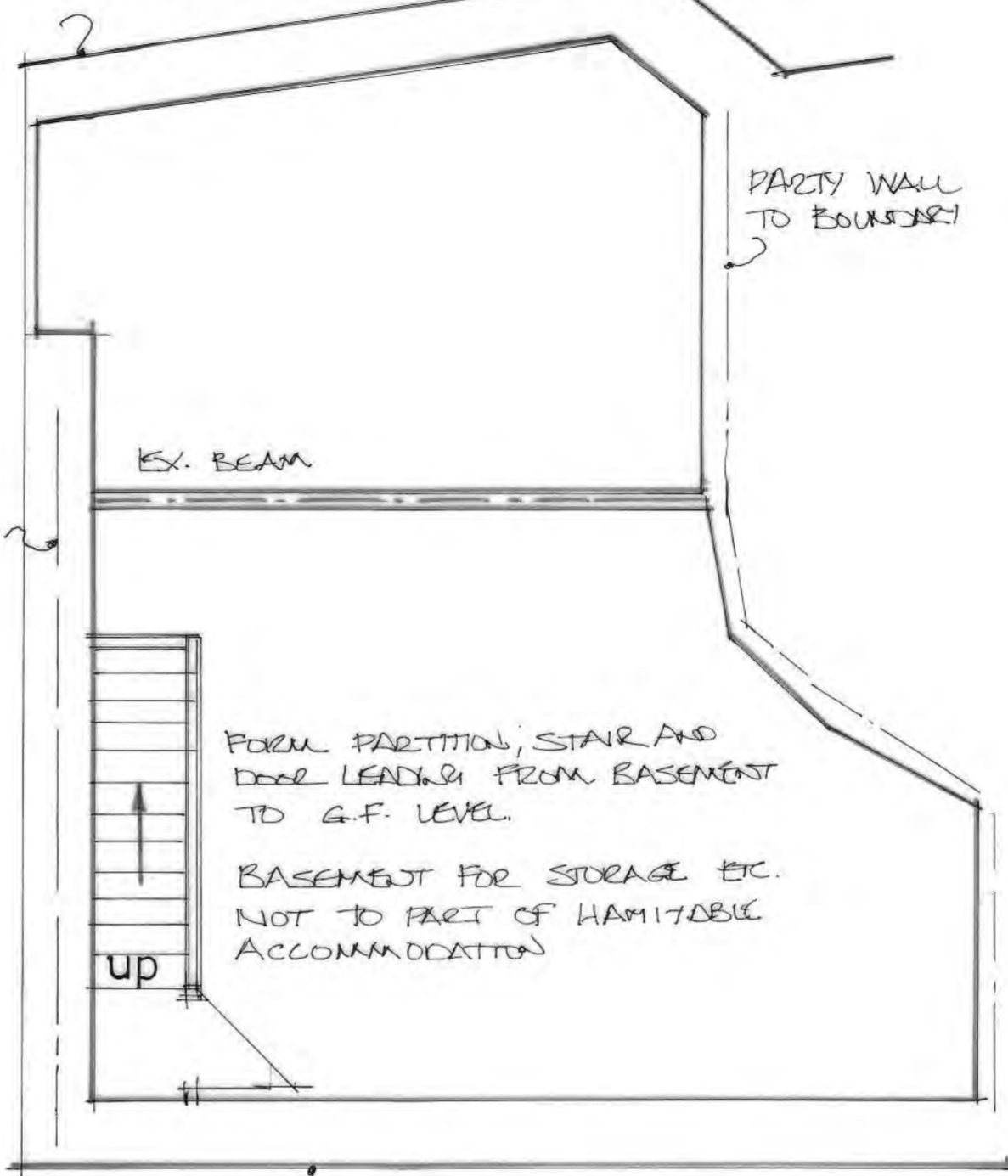
FORM SHOWER-ROOM  
SHOWER/WC/WIB

FORM STAIR  
AND PARTITION  
TO BASEMENT



PLAN 1:50

BOUNDARY



BASEMENT PLAN 1:50

FIT NEW WINDOWS AND DOOR TO  
FRONTAGE

SLATED ROOF  
3 NO EX  
VEUX

EX. C.I. RW  
GOODS

MASONRY WALL

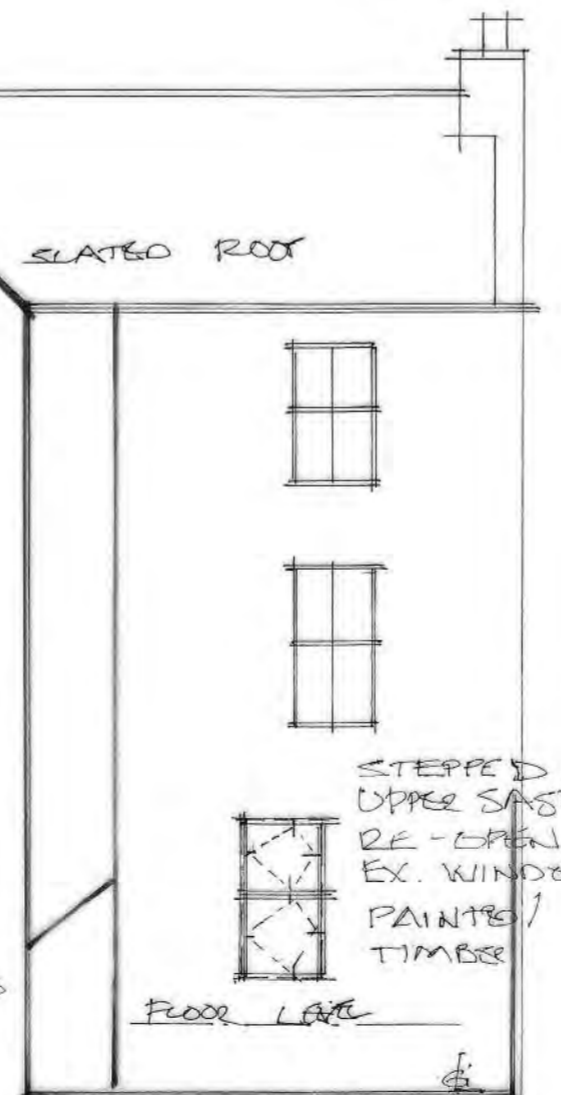
MASONRY WALL

CEMENT REVERE  
TO EX. WALL  
FRONTAGE

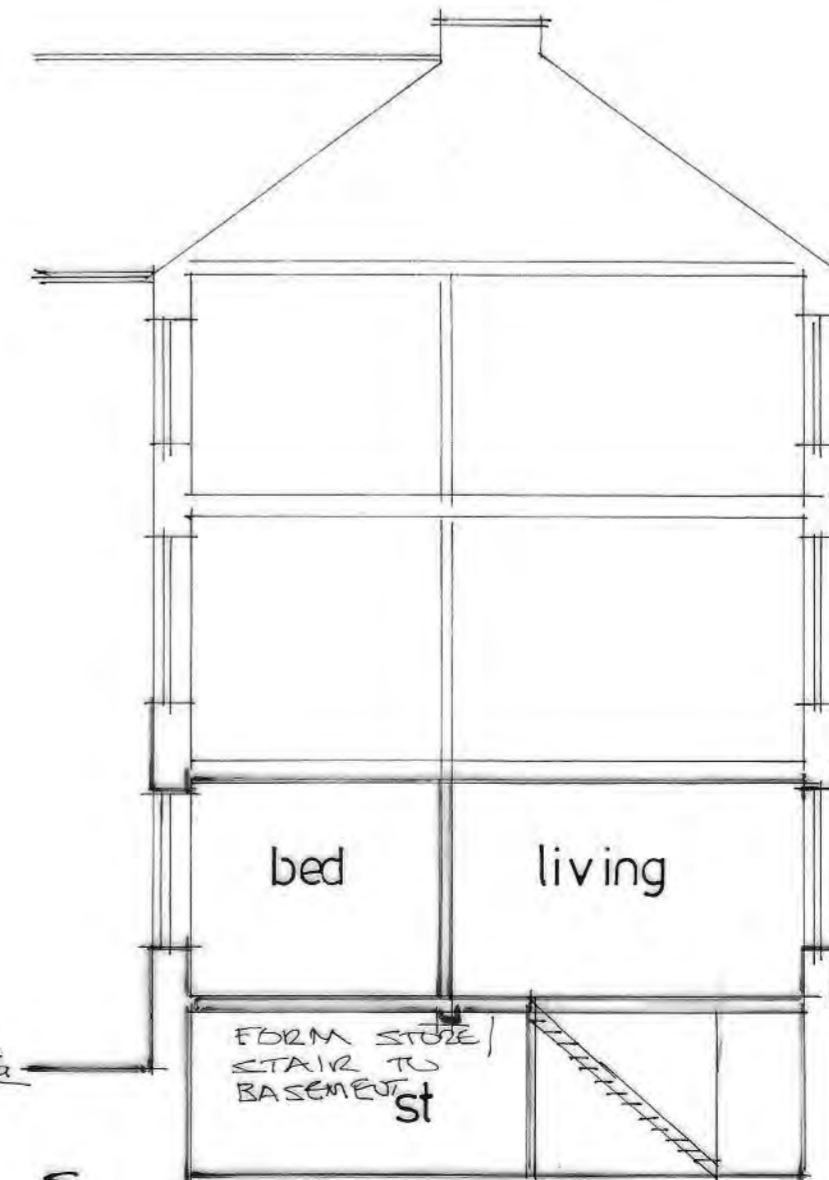


WEST/STREET ELEVATION 1:100  
SCALE OF METRES 1:100

SLATED ROOF



EAST ELEVATION 1:100  
SCALE OF METRES 1:100

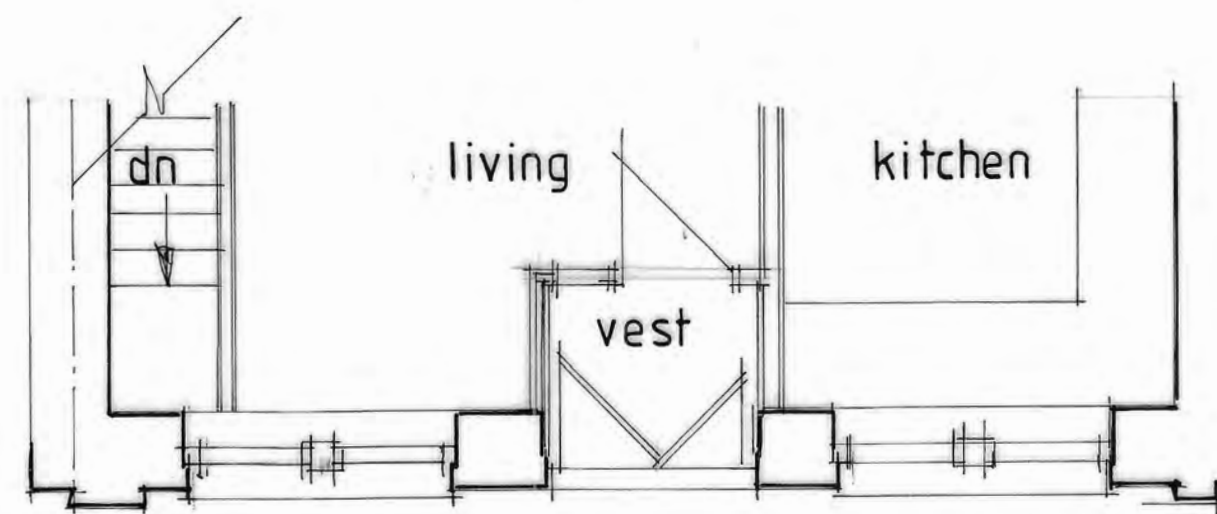


SECTION 1:100



CHANGE OF USE  
at  
4 MARKET STREET  
BRECHIN DD9 6BA  
for  
MUIRSIDE CONSTRUCTION

DRAWING DOOR & WINDOW  
SD 1312 21  
SCALE 1:20 1:50 1:100  
DATE JUNE 2023



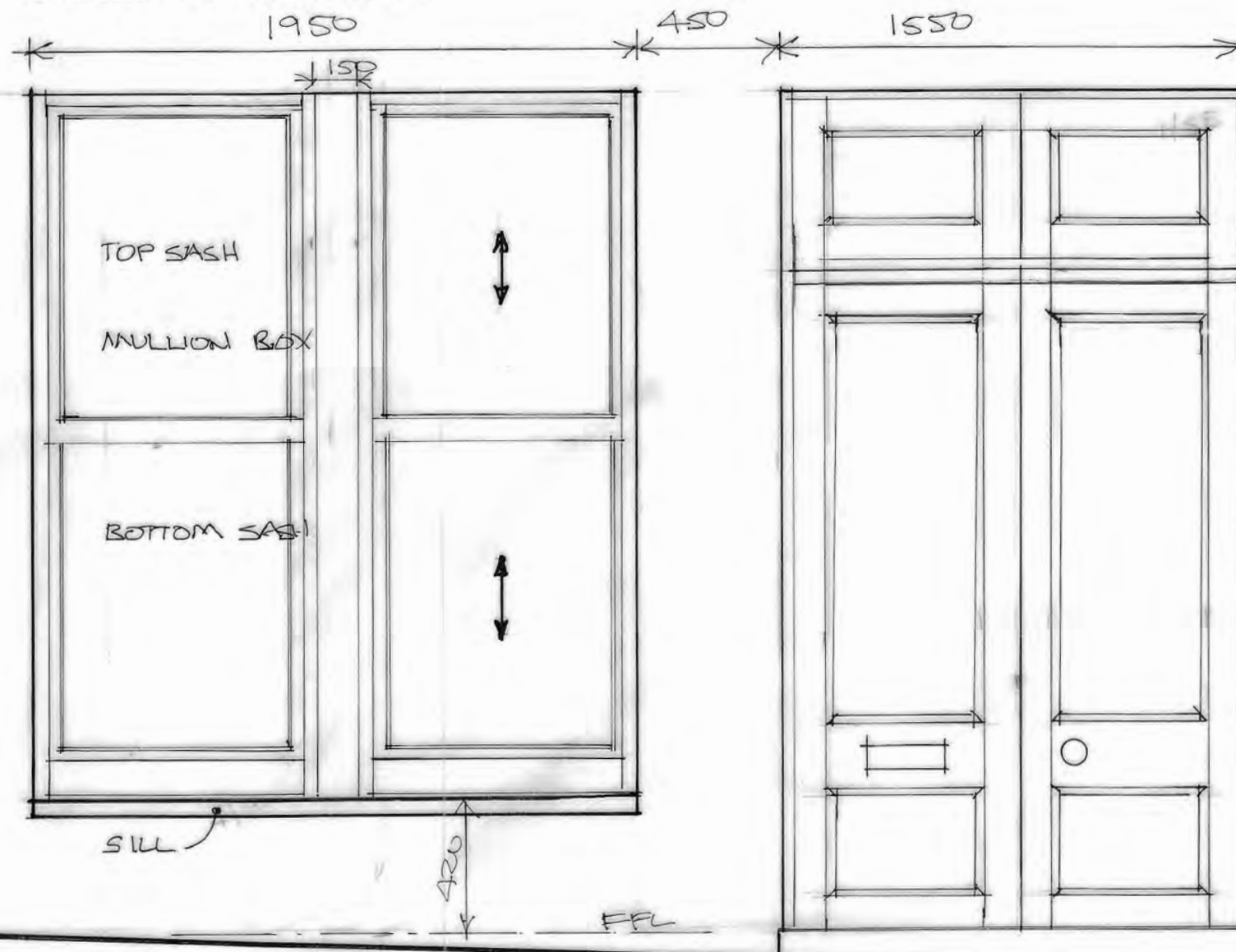
PART G.F. PLAN

1:50



SCALE OF METRES

1:50



WINDOW

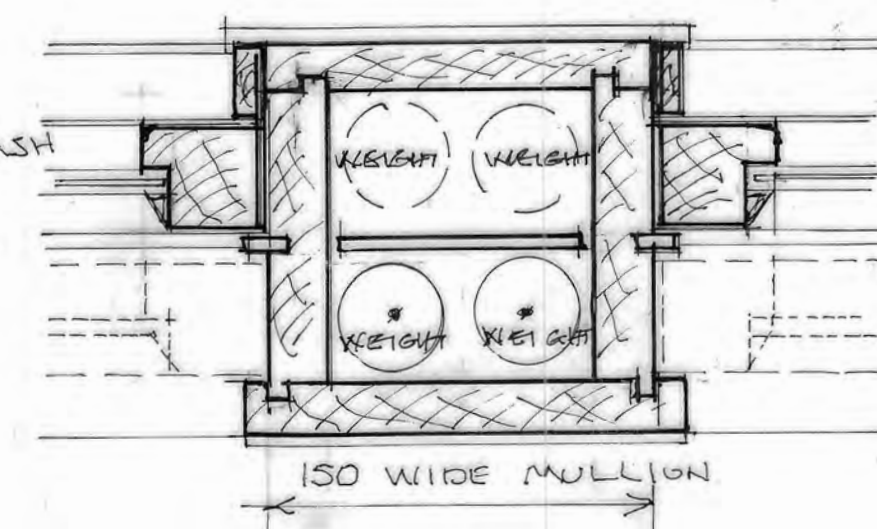
DOOR



SCALE OF METRES

1:20

R.W. MULLION BOX + FACINGS



MULLION BOX

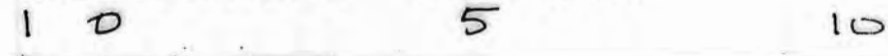
N.T.S.

FACING  
R.W. CASING  
BEAM  
PULLEY STILE  
INNER SASH  
PARTING BEAM  
OUTER SASH  
R.W. CASING  
FACING



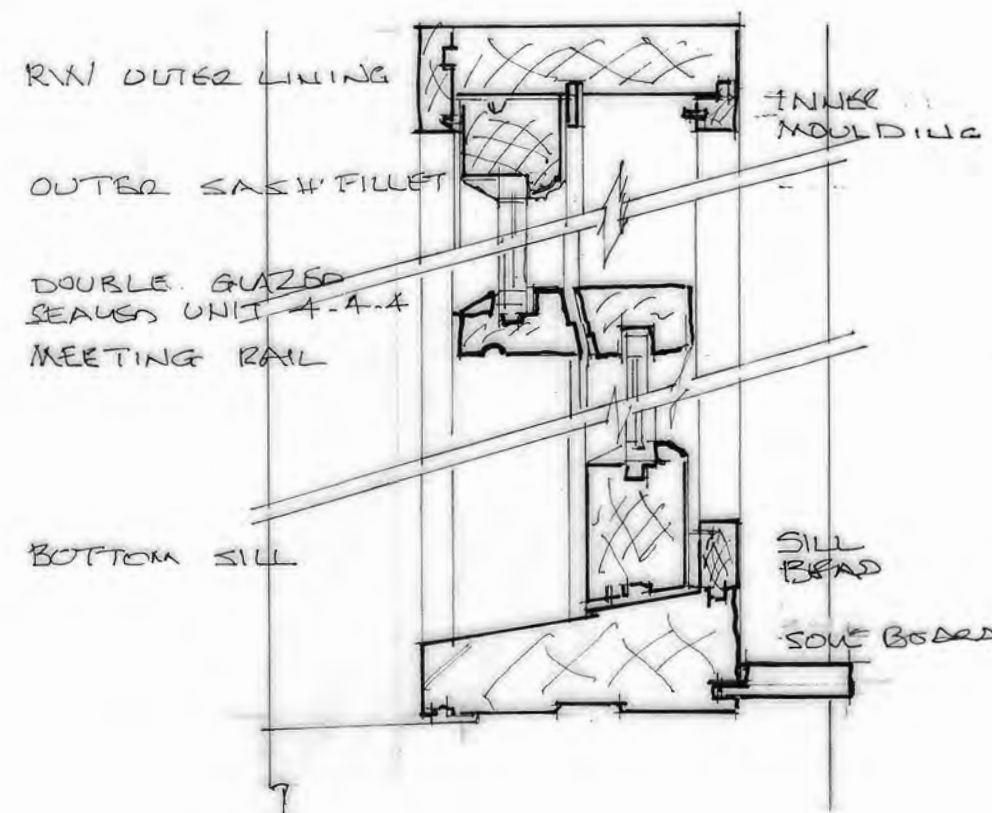
WEST/STREET ELEVATION

1:100

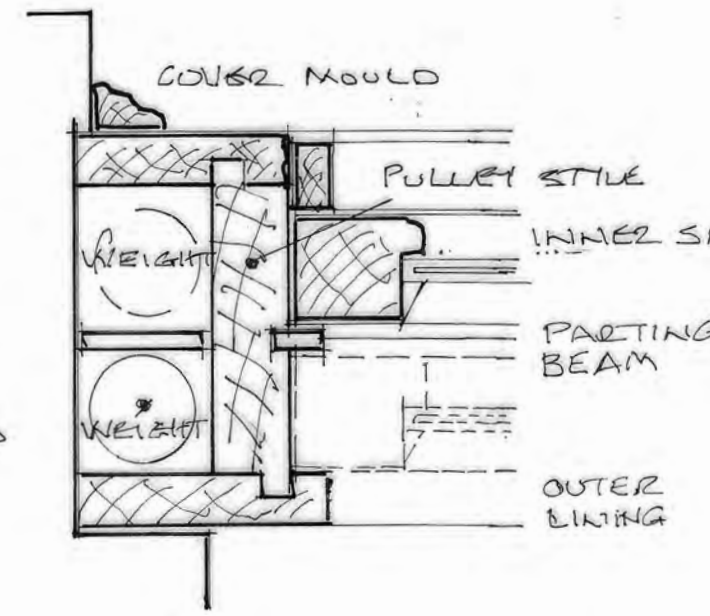


SCALE OF METRES

1:100



WINDOW HEAD/MEETING/SILL  
DEMONSTRATIVE DETAILS



PULLEY BOX

WINDOWS:  
REDWOOD SASH AND CASE, WINDOWS  
CENTRAL MULLION BOX IN REDWOOD  
TIMBER SILL  
DOUBLE GLAZING 4-4-4

DOORS:  
REDWOOD FRAME  
REDWOOD DOORS WITH MOULDINGS  
TO MATCH EXISTING  
HIGH LEVEL GLAZED PANELS  
OVER DOORS  
BLACK JAPANESE IRONMONGERY

DIMENSIONS TO BE CHECKED  
ON SITE PRIOR TO FABRICATION

DOORS AND FRAMES:  
TO BE GLOSS PAINTED EXTERNALLY

DATE OF POSTING: 25 APRIL 2023

SITE NOTICE

ANGUS COUNCIL



PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
(SCOTLAND) ACT 1997

Application affecting a listed building and/or its setting and/or a conservation area and/or its setting

**TAKE NOTICE** that application has been made to Angus Council by the undernoted for the development described.

The application and all plans and supporting documents relating thereto can be inspected using the Angus Council Public Access website <http://planning.angus.gov.uk/online-applications/> and the application number provided below.

Any representations regarding the application should be submitted using the Angus Council Public Access website within **21 days** of the date of posting of this notice.

General information on the planning process can be obtained online at [https://www.angus.gov.uk/planning\\_and\\_building](https://www.angus.gov.uk/planning_and_building)

Jill Paterson  
Service Lead, Planning and Sustainable Growth

APPLICATION NUMBER: 23/00199/FULL  
APPLICANT: Mr B Greig  
PROPOSAL: Change of use to form flatbed dwelling  
ADDRESS: 4 Market Street Brechin DD9 6BA




DATE OF POSTING: 25 April 2023

SITE NOTICE

ANGUS COUNCIL

PLANNING LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997



Application affecting a listed building and/or its setting and/or a conservation area and/or its setting

**TAXI NOTICE** That application has been made to Angus Council by the undersigned for the development specified.

The application and all plans and supporting documents relating thereto can be inspected using the Angus Council Public Access website <http://planning.angus.gov.uk/online-applications/> and the application number provided below.

Any representations regarding the application should be submitted using the Angus Council Public Access website within 21 days of the date of posting of this notice.

General information on the planning process can be obtained online at [http://www.angus.gov.uk/planning\\_and\\_building](http://www.angus.gov.uk/planning_and_building)

JR Pollock  
Service Lead, Planning and Sustainable Growth

APPLICATION NUMBER: 23/0196X/A

APPLICANT: M B Ding

PROPOSAL: Change of use to form food dwelling

ADDRESS: 4 Market Street Brechin DD9 6BA


Angus Council | Chambers Road, Brechin, Angus, Scotland, DD9 1JH | Tel: 01574 510000 | Fax: 01574 510001 | Email: [enquiries@angus.gov.uk](mailto:enquiries@angus.gov.uk) | Website: [www.angus.gov.uk](http://www.angus.gov.uk)

DATE OF POSTING: 25 April 2023

SITE NOTICE

ANGUS COUNCIL

PLANNING LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997



Application affecting a listed building and/or its setting and/or a conservation area and/or its setting

**TAXI NOTICE** That application has been made to Angus Council by the undersigned for the development specified.

The application and all plans and supporting documents relating thereto can be inspected using the Angus Council Public Access website <http://planning.angus.gov.uk/online-applications/> and the application number provided below.

Any representations regarding the application should be submitted using the Angus Council Public Access website within 21 days of the date of posting of this notice.

General information on the planning process can be obtained online at [http://www.angus.gov.uk/planning\\_and\\_building](http://www.angus.gov.uk/planning_and_building)

JR Pollock  
Service Lead, Planning and Sustainable Growth

APPLICATION NUMBER: 23/0200X/A

APPLICANT: M B Ding

PROPOSAL: Listed building consent for internal and external alterations

ADDRESS: 4 Market Street Brechin DD9 6BA

Angus Council | Chambers Road, Brechin, Angus, Scotland, DD9 1JH | Tel: 01574 510000 | Fax: 01574 510001 | Email: [enquiries@angus.gov.uk](mailto:enquiries@angus.gov.uk) | Website: [www.angus.gov.uk](http://www.angus.gov.uk)

4 MARKET STREET  
BRECHIN

**ITEM 6iii**

PHOTOGRAPHS

