

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 19 NOVEMBER 2024

PLANNING APPLICATION: 76A SOUTH STREET, FORFAR DD8 2BR

GRID REF: 346455 : 750366

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application [24/00476/FULL](#) by Angus Council for the conversion of four existing flats into two dwellinghouses including external alterations at 76A-76D South Street, Forfar. The application is recommended for approval subject to conditions.

2. RECOMMENDATION

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

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for the conversion of four existing flats into two dwellinghouses including external alterations at 76A-76D South Street, Forfar. A plan showing the location of the application site is provided at Appendix 1.
- 3.2 The application proposes the conversion of four, two-bedroom flatted properties that are contained within the central section of a two-storey building that currently accommodates a total of 12 flats. The accommodation formed through the conversion of the properties would provide two, six-bedroom dwellinghouses. The external alterations to facilitate the dwellings include the removal of two chimney stacks, solar panels mounted on the roof of the building, and two air source heat pumps at the rear of the building.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.
- 3.5 This application requires to be determined by committee because the council has a financial interest in the development, and the application is recommended for approval in circumstances where it has attracted objection.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history relevant to the determination of this application.

5. APPLICANT'S CASE

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

- **Bat Survey** – this document provides an assessment of the roosting value of the building to bats. The survey concluded that the building had very moderate potential for use by bats and no evidence of the building being used by bats was found. As the potential for use by bats is low, there would be limited impact on areas of bat roost potential from the proposed works to the building. The survey identifies a number of recommendations to ensure legal obligations are fulfilled.
- **Noise Impact Assessment** – this document assesses operational noise from the proposed air source heat pumps to be installed. The assessment concludes that the levels of sound that would be transmitted from the air source heat pumps into the most exposed room of the houses have been calculated and the sound levels in the room were found to be within the limits of noise ratings to be applied by Angus Council. On this basis the proposed units to be installed would be considered to be compliant with Angus Council's targets to prevent nuisance or loss of amenity.

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – no objection.

6.2 **Angus Council – Environmental Health** – no objection in relation to amenity impacts subject to conditions.

6.3 **Scottish Water** – no objection.

6.4 **Forfar Community Council** – no comment received.

7. REPRESENTATIONS

7.1 One letter of representation has been received raising objection. The letter is provided at Appendix 2 and is available to view on the council's [Public Access](#) system.

7.2 In summary terms the following issues are raised: -

- **Access, traffic and parking issues** – this matter is addressed under planning considerations below.

8. PLANNING CONSIDERATIONS

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

8.2 In this case the development plan comprises:

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

- 8.3 The development plan policies relevant to the determination of the planning application are reproduced at Appendix 3 and have been taken into account in preparing this report.
- 8.4 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.
- 8.5 ALDP Policy DS1 states that proposals on sites not allocated or otherwise identified for development but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of existing buildings to help reduce the need for greenfield development.
- 8.6 There are no policies that deal specifically with proposals to reconfigure flats to provide houses, but general policies are of some relevance. NPF4 Policy 9 states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. ALDP Policy TC2 indicates that proposals for new residential development within identified development boundaries will be supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. It also includes detailed tests requiring proposals to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in specified circumstances.
- 8.7 In this case the site is located within the development boundary of Forfar as defined by the ALDP. The building is currently in residential use and such use is compatible with uses in the surrounding area. The conversion of existing flats to provide dwellings with capacity to accommodate large families provides opportunity to meet the diverse housing needs, and the principle of such development does not give rise to any significant issues in terms of relevant housing policies.
- 8.8 The proposed dwellings would have access to the existing communal external amenity space located at the rear of the building. It is indicated that existing bin storage and recycling facilities would be utilised. The change in configuration from four flats to two dwellings would have little impact on the amenity of occupants of neighbouring property. The proposal also makes provision for the installation of two air source heat pumps and a noise impact assessment has been submitted to demonstrate that they could operate within identified noise criteria. The environmental health service has reviewed the assessment and is satisfied that the units can operate within required noise emission standards. That service has offered no objection to the proposal subject to a planning condition to regulate noise levels from the air source heat pumps. The proposed dwellings would provide an acceptable residential environment and would not result in any significant impact on the amenity of occupants of property in the area.
- 8.9 The minor alterations to the external appearance of the building do not give rise to any significant issues in terms of design policy and do not result in any unacceptable impacts on the built environment. The site is not subject of any natural heritage designation, but the building is of a construction potentially favourable for bats which are a European Protected Species. A bat survey report has been submitted in support of the application and concludes that no bats were present. However, it identifies a

number of recommendations in relation to bats and birds to ensure legal obligations are fulfilled. A condition is attached to ensure the recommended mitigation is carried out. There is no evidence to suggest that development would adversely affect any designated site or protected species.

- 8.10 The site is located in an area which has good accessibility to the town centre, shops, services, and public transport. There is no dedicated parking provided with the dwellings, but this is the situation with the four existing flats. Existing properties in the area are served by a parking layby located adjacent to South Street and there is on-street parking available in the wider area. The roads service has reviewed the proposal in terms of road traffic, pedestrian safety, and car parking and has indicated that the traffic and parking requirements associated with the proposed development are unlikely to be materially different than those associated with the existing residential use.
- 8.11 The proposal does not give rise to any significant issues in terms of other development plan policy.
- 8.12 The proposal provides for the conversion of four flatted dwellings to form two dwellings which would improve the range of housing stock available to meet local housing requirements within a defined development boundary. The proposal is in general compliance with the development plan subject to planning conditions.
- 8.13 In addition to development plan policy, it is necessary to have regard to other material considerations. In this case the letter of representation raises material planning matters.
- 8.14 The interested party has raised concern regarding parking provision and traffic congestion in the area. However, the proposal would see 4No 2-bed dwellings replaced by 2No 6-bed dwellings. The existing properties do not have any dedicated parking provision and there is no reasonable basis to conclude that the two houses would generate more demand for car parking than the four flats. While other uses in the area may cause some localised congestion, planning guidance is clear that it is not appropriate to expect a new development to resolve an infrastructure problem that already exists where the new development would not demonstrably exacerbate the situation. In this case the roads service has confirmed no objection to the application, and the properties have good accessibility by means other than private car. There are no material considerations raised in objection which would justify refusal of planning permission.
- 8.15 In conclusion, the proposal is in accordance with the development plan as it provides for conversion of an existing building to provide new houses that would help meet diverse housing needs at an accessible location within an identified development boundary and in a manner that does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests, or infrastructure, including road safety, subject to the stated conditions. The issues raised in the letter of representation have been considered in the preparation of this report, but there are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The recommendation in this report for grant of permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions

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

10. CONCLUSION

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following conditions:

Reason for Approval:

The proposal is in accordance with the development plan as it provides for conversion of an existing building to provide new houses that would help meet diverse housing needs at an accessible location within an identified development boundary and in a manner that does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests, or infrastructure, including road safety, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. The development hereby approved shall be undertaken in accordance with Section 5 Recommendations of the Bat, Survey Report - Preliminary Roost Assessment and Emergence Surveys, South Street, Forfar dated 17 October 2024 by Direct Ecology Ltd submitted in support of this application, unless otherwise modified by the conditions of an EPS licence, and shall include the installation of at least two bird nest boxes.

Reason: In order to minimise the likelihood of harm or disturbance to bats and nesting birds as a result of development taking place.

3. Noise emissions from the air source heat pump(s) shall not individually or cumulatively exceed: -
 - (a) NR Curve 25 between 2300 and 0700 and NR Curve 35 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm; and
 - (b) 50 dB(A) Leq(1hr) as measured within the external amenity space of any noise sensitive premises.

Reason: In order to ensure that the proposed heat pumps do not individually or cumulatively generate an unacceptable level of noise in the interests of the amenity of nearby noise sensitive property.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: LETTERS OF REPRESENTATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES