

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 1 APRIL 2025

60 - 62 HIGH STREET, ARBROATH

REPORT BY ALISON WATSON, ACTING DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

- 1.1 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 proposed erection of 15 No flatted dwellings, application No 23/00870/FULL, at 60-62 High Street, Arbroath.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

- 3.1 It is recommended that the Committee:-

- (i) consider and determine if further procedure is required as detailed at Section 4;
- (ii) if further procedure is required, the manner in which the review is to be conducted;
- (iii) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**); and
 - (b) review the case submitted by the Applicant (**Appendix 2**)

4. CURRENT POSITION

- 4.1 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.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from the recommendations in this Report.

6. RISK MANAGEMENT

- 6.1 There are no issues arising from the recommendations of this Report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no direct environmental implications arising from the recommendations of this report.

8. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

8.1 A screening assessment has been undertaken and a full equality impact assessment is not required.

9. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT

9.1 A Childrens Rights and Wellbeing Impact Assessment is not required as the “General Principles” do not apply to this proposal.

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

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 23/00870/FULL

APPLICANT- GEORGE MARTIN BUILDERS LTD

**PROPOSAL & ADDRESS – PROPOSED ERECTION OF 15No FLATTED DWELLINGS AT
60 – 62 HIGH STREET ARBROATH**

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Angus Council

Application Number:	23/00870/FULL
Description of Development:	Proposed Erection of 15No Flatted Dwellings
Site Address:	60 - 62 High Street Arbroath DD11 1AW
Grid Ref:	364360 : 740804
Applicant Name:	George Martin Builders Ltd

Report of Handling**Introduction**

The application relates to a vacant gap site on Arbroath High Street and within the conservation area. A two-storey office building previously occupied the site but was demolished in 2021 after a dangerous building notice was served.

The Webster Memorial Theatre (a category C listed building) is located to the immediate north of the site. To the south of the site two and a half and three storey buildings fronting High Street. Buildings in this part of the conservation are typically stone built, located on the heel of the footway, with roof ridges running parallel to the street and punctuated by chimneys and dormer windows.

The Webster Memorial Theatre is a large-scale building which occupies much of its curtilage and extends significantly to the west from its High Street frontage. Buildings to the south are more domestic in scale, with the main parts of those buildings located adjacent to High Street and reducing in scale at the rear (west), with smaller scale extensions and open garden areas. Ladybridge Street car park is located to the west of the site and buildings fronting High Street are separated from the car park by brick boundary walls. A pedestrian connection between High Street and the car park runs between the site and the theatre.

The proposal seeks planning permission for the erection of a four and three storey block containing 15 flats. Information submitted in support of the application indicates that the flats would be operated by a housing association to provide affordable housing.

The proposed four storey building frontage onto High Street would be of similar height to the adjacent theatre, with a natural stone finish and some detailing which picks out features found elsewhere on High Street. The design of the building has a more functional appearance on its side elevations, with a flat roof and limited external detailing. The building steps down from four stories to three stories at the rear.

The proposal would provide 15 flats comprising 8 x 2 bed flats and 7 x 1 bed flats. Solar panels are proposed for the flat roof. Access to 13 of the flats would be taken from the north elevation with a communal stair in the centre of the building. The access path to the north of the site between High Street and the public car park would be maintained. Private amenity space of around 130sqm is proposed to the rear, which would contain bin storage and drying areas. No car parking is proposed within the site.

Amendments

The proposal has been amended to change the detail of the front/street elevation of the proposal and to amend the scale of the building and reduce the number of flats proposed from 20 to 15. Drawings Proposed Site Plan - 1189-002-RevE, Ground and First Floor Plans - 1165-007-RevF, Second, Third and Roof Plans - 1165-008-RevF, Elevations - 1165-009-RevF, Proposed Sections - 1165-010-RevD, Street Elevation - 1165-011-RevD amend and supersede all previous versions.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 22 December 2023 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 21 December 2023.

Planning History

21/00282/CON sought conservation area consent for the demolition of the building which previously occupied the site. That application remains under consideration.

Applicant's Case

Noise Impact Assessment (July 2024) – indicates that Websters Theatre is the main source of noise, with potential for adverse impact, mainly when shows/events take place. It indicates that an ambient sound survey was carried out on Friday 7 June and Saturday 8 June 2024 during a live event. It concludes that noise levels are anticipated to exceed the recommended maximum levels with windows open, and recommends mitigation including reorientation the windows away from the north elevation.

Noise Impact Assessment update (September 2024) – indicates that since the completion of the initial report, a mechanical ventilation strategy has been implemented to address high ambient background noise levels. As a result, the windows are becoming inoperable, as the mechanical ventilation now serves as the primary means of background ventilation. It indicates that the LAeq levels in the bedrooms at the Websters façade do not exceed the recommended 35 dB LAeq (16 hr) levels set forth by the WHO and aligned with the guidelines in BS8233:2014. This is primarily because the windows are inoperable. The predicted noise levels are now 14.7 dB lower than the 35 dB target for daytime/evening levels. Furthermore, the LAeq levels in the same bedrooms during the nighttime period are also below the recommended levels specified in the relevant guidelines, sitting 9.7 dB below the recommended 30 dB ambient noise levels. This reduction in noise levels has been achieved through the introduction of a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation. Regarding the Lamax figures, it is important to note that these values represent single-event noise occurrences rather than an overall ambient noise level. These recorded events may arise from external anomalies, such as traffic, car horns, passersby, or activities from the nearby theatre, which typically cease by 11 PM.

Design and access statement - this provides a site history and planning policy commentary. The statement concludes by summarising the project as:

- Providing much needed residential accommodation.
- Removing a derelict site in the town centre.
- Bespoke design for the site, of high quality contributing positively to the distinct character and identity of this part of the town centre.
- Respects the character of adjoining properties.
- Does not have a detrimental impact on residential amenity and parking.
- Due to the location adjacent to the public car park, no on-site parking is proposed.

A further commentary was provided when the scheme was amended to 15 units. The key points explained are:

- Residential amenity has been improved by orientating bedroom windows to face east and west direction and increased in height to improve daylight.
- Raised planting beds have been introduced to provide additional buffer between ground floor windows and the public realm.
- The town centre and brownfield nature of the site must allow for some compromise in regard to

amenity standards.

- The previous building on the site was not a single dual aspect block and therefore there is little justification to require this for the redevelopment of the site.
- The ratio of developed plot to open space is now 59%, which is consistent with other plots to the south of the site.
- The previous building on the site stood proud of the adjacent property, and any impact on daylight should be considered in that context. An area of lighter render has been introduced to allow for more reflected light.
- Elevational amendments to the east and west elevations reflect the traditional character of the area and the previous development of the site.
- The material palette has been amended further for the north and south elevations to ensure a less utilitarian appearance and ensure that it is lifted far above the anonymous rendered, detail-free south elevation of the Webster Theatre

In addition to this, the applicant has provided site photographs, including images of the previous building on the site, as well as some 3D illustrations of the proposed development in the context of the surrounding buildings.

Consultations

Environmental Health (Arbroath) – Objects to the proposal indicating that it has not been demonstrated that the development would not be subject to an unacceptable level of noise from the adjacent theatre, and identifies a risk of complaint from residents of the proposed flats which could result in enforcement action being taken against the theatre and restricting its activities, contrary to the agent of change principle. It has commented that while relevant guidance suggests that mechanical ventilation can be used to overcome noise issues as a last resort, it not a good solution and the windows may still be opened leading to risk of complaint. Environmental health is also critical that the assessment does not make any distinction between noise arising from the theatre and general community noise, and does not demonstrate that the development would not be subject to an unacceptable level of noise.

Aberdeenshire Council Archaeology Service - no objection subject to a condition requiring the provision of an archaeological written scheme of investigation and appropriate programme of archaeological works.

Service Manager Housing - Have acknowledged that the intention is to provide 100% of the development as affordable housing, and therefore have no objections to the application.

Parks & Burial Grounds - Have noted that there is a shortfall in open space associated with the development, and that an appropriate contribution of £518 per unit should be provided for the improvement to open space in Arbroath.

People Directorate - Education - Indicate that there is capacity in local schools to accommodate the development, and no education contributions are therefore required.

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

Roads (Traffic) - no objection, but request details of boundary treatments to ensure there is no access directly from the car park. This information has subsequently been included on the submitted plans.

Scottish Water - no objection.

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 3 Biodiversity
 Policy 4 Natural places
 Policy 7 Historic assets and places
 Policy 9 Brownfield, vacant and derelict land and empty buildings
 Policy 12 Zero waste
 Policy 14 Design, quality and place
 Policy 15 Local living and 20 minute neighbourhoods
 Policy 16 Quality homes
 Policy 18 Infrastructure first
 Policy 20 Blue and green infrastructure
 Policy 21 Play, recreation and sport
 Policy 22 Flood risk and water management
 Policy 23 Health and safety
 Policy 27 City, town, local and commercial centres
 Policy 31 Culture and creativity

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS2 : Accessible Development
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy DS5 : Developer Contributions
 Policy TC2 : Residential Development
 Policy TC3 : Affordable Housing
 Policy TC17 : Network of Centres
 Policy PV2 : Open Space Protection and Provision within Settlements
 Policy PV3 : Access and Informal Recreation
 Policy PV8 : Built and Cultural Heritage
 Policy PV11 : Energy Efficiency - Low and Zero Carbon Buildings
 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.

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 application.

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.

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.

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

Both NPF4 and the ALDP seek to encourage the reuse of brownfield land and buildings to help reduce the need for greenfield development. NPF4 Policy 16 'quality homes' seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. Policy 16 offers support to proposals for new homes on land allocated for housing in the LDP. It indicates that on land not allocated for housing in the LDP proposals for new homes will only be supported in limited circumstances where (amongst other things) the proposal is for smaller scale opportunities within an existing settlement boundary. It also indicates that development proposals for new homes that improve affordability and choice... and which address identified gaps in provision, will be supported.

ALDP Policy TC2 deals with all residential development proposals and indicates that proposals within development boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. The policy also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. NPF4 Policy 27 identifies considerations relevant to proposals involving town centre living. Part (g) of the policy indicates that development proposals for city or town centre living will take into account the residential amenity of the proposal. It indicates that this must be clearly demonstrated where the proposed development is in the same built structure as.... a live music venue and/or there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

NPF4 Policy 7 indicates that 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. It indicates that relevant considerations include architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. NPF4 Policy 14 indicates that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that 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. ALDP Policy DS3 indicates that 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, and the council Design and Placemaking Supplementary Guidance provides relevant considerations when applying this policy. ALDP Policy PV8 indicates that development proposals which affect local historic environment sites.... (such as Conservation Areas) 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.

NPF4 Policy 23 'Health and Safety' states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. In relation to the agent of change principle, NPF4 indicates "where an application is made for development which is likely to be affected by noise from existing development such as, but not limited to, music venues, manufacturing or industrial sites, large retail outlets, etc., 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'. NPF4 Policy 31 'Culture and Creativity' states that "development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on

the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development."

The principle of redeveloping a vacant town centre brownfield site in the conservation area to provide affordable housing attracts support from development plan policy, and it would be highly desirable to see the site brought back into a purposeful new use. The High Street elevation of the building has been designed such that while it provides four levels of accommodation, it is positioned on the heel of the footway and the detailing of the façade draws upon aspects of townscape that positively contribute to the character of the conservation area. This detailing includes the stringcourse separating ground and first floor levels, vertically proportioned sash and case look windows, and the faux-roof ridge running parallel to the street (which is more likely to be successful on the High Street side of the site as a result of adjacent buildings). The High Street elevation of the building is acceptable in design terms and would have a positive impact on the character and appearance of that part of the conservation area.

No car parking is provided within the site, but the site is adjacent to a public car park and is well located for sustainable travel opportunities and access to services in the town centre. The roads service has no objection to the proposal. The site is not subject to any natural heritage designation and there is no evidence to suggest that the proposal would adversely impact on the natural environment. The proposed water supply and drainage arrangements are acceptable and Scottish Water has no objection to the proposal. The site is not within an area identified as being at risk of flooding on SEPA flood maps. Open space provision is not included within the development, but Parks and Burial Grounds has indicated that a financial contribution could be secured from the development towards existing provision. There would be space within the curtilage of the flats for the drying of clothes and to provide bin storage. There is no reason to consider that the proposal would adversely impact on infrastructure, having regard to the consultation responses received. The proposal would provide a mix of one- and two-bedroom properties and planning condition(s) could be utilised to ensure that the property is provided as affordable housing. The proposal raises no significant conflicts with the intentions of NPF4 policies 1,2 and 3.

There are several aspects of the proposal which are compatible with development plan.

The key issues in this case are (1) whether it has been adequately demonstrated that the residential use of the site in the manner proposed can co-exist with the adjacent Webster Memorial Theatre, which is a potential source of noise, and having regard to the agent of change principle; (2) whether the proposal would provide a good residential environment for occupants of the proposed new dwellings; (3) whether the design, scale and form of the proposed development is suitable for the site and represents a form of development that it would be desirable to see replicated elsewhere in the conservation area; and (4) whether the proposed building would have an acceptable impact on the amenity of adjacent residential property to the south.

(1) Has it been demonstrated that the residential use of the site in the manner proposed is compatible with the adjacent Webster Memorial Theatre, which is a potential source of noise, and having regard to the agent of change principle?

The proposal would involve the provision of residential dwellings adjacent to the Webster Memorial Theatre on a site which previously accommodated office and commercial (but not residential) uses. The theatre is a potential source of noise which could impact on the amenity of occupants of the proposed flats. As noted above, the agent of change principle outlined in NPF4 requires the applicant 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. NPF4 indicates that within the vicinity of existing arts venues, proposals will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

Planning Advice Note 1/2011 'planning and noise' indicates that it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Where satisfactory levels with open windows are not achievable, practicable mitigation solutions should be explored, taking into account their possible impact on the built environment. It suggests the use of alternative design solutions such as locating living rooms and bedrooms on the opposite side of a building

to the source of the noise, and indicates that passive systems may be considered but mechanical ventilation should only be used as a last resort.

The applicant has submitted noise assessment information to consider the impact of noise from the adjacent theatre on the proposed dwellings. They have also amended the proposal to alter the orientation of bedroom windows so that they do not directly face the theatre. However, the amended design still has bedroom windows on the north side of the building (facing east and west) adjacent to the theatre building, separated from that theatre only by the narrow path linking High Street with the car park and the external wall of the theatre. The applicant's assessment indicates that, in order to ensure that the properties are not subject to excess noise levels from the theatre, it is necessary to use a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation. It is not clear from the noise assessment how many windows within the proposed development would be affected by noise from the theatre, or if any of the alternative design solutions suggested by PAN 1/2022 could work, which may allow residential development on the site in a manner that does not require a windows closed approach to achieve noise levels which are satisfactory for a residential use.

Environmental Health has considered the noise assessment information submitted and has objected to the proposal on the basis that the noise assessment methodology is flawed and does not adequately demonstrate that the proposed residential use of the site can co-exist with the established theatre use. They identify concern that mechanical ventilation and unopenable windows is not a good solution for householders, that the noise information does not distinguish between general theatre noise and community noise, and they note there is potential for windows to be opened by occupants which could render the noise mitigation ineffective and could lead to noise complaints requiring enforcement action to be taken against the theatre, which is contrary to the agent of change principle set out in NPF4.

The scale of development and number of flats proposed in the application limits the opportunity to utilise alternative design solutions such as locating living rooms and bedrooms on the opposite side of the building to the source of the noise, and the noise information does not clearly illustrate how much of the development would be affected by noise to enable consideration of alternative solutions to address the issue. The proposal does not provide adequate information to demonstrate that the proposed development would satisfy the agent of change principle, or that the residential use of the site in the manner proposed is a compatible with surrounding land uses contrary to NPF4 policies 14, 23 and 31 and ALDP policies TC2 and DS4.

(2) Would the proposal provide a good residential environment for occupants of the proposed new dwellings

The theatre building runs adjacent to the north elevation of the proposed flats. The layout of the flats on the north side of the building closest to the High Street presents an arrangement where the bedrooms are located away from the High Street frontage and are served by windows which would be down the close to the north of the building. The windows serving these bedrooms would step out from the north of the building to have an east and west orientation, but this arrangement results in an aspect for those bedrooms enclosed by the walls of the theatre to the north and walls of the proposed flats to the south, providing a restricted outlook looking down the close. Such a layout would result in limited availability of sunlight and daylight reaching those rooms (particularly in the lower-level flats), and this would not result in a good residential environment. A similar impact would also be experienced in the bedroom window of the one-bedroom flats on the north side of the building (particularly the lower-level flats), and on bedroom windows of the High Street facing flats on the south side of the building (particularly the lower level flats). The contrived bedroom window arrangement proposed in the layout and the resultant poor amenity that it would provide is a symptom of the excessive number of flats proposed in the application, and the limitations of the site resulting from its size and location adjacent to the theatre.

The application proposes the provision of 15 flats over three and four storeys on a site measuring around 630sqm. The building extends around 30m back into the 38m deep site, leaving around 130sqm amenity space at the rear. The council's Design and Placemaking Supplementary Guidance forming part of ALDP Policy DS3 indicates that new build developments will generally require a minimum of 25sqm per flat, which would equate to a minimum requirement of 375sqm for 15 flats. The amenity space that the development would provide (around 130sqm) is significantly below the 375sqm standard set out in the supplementary guidance and there is insufficient open ground within the site to provide adequate amenity

space for the number of flats proposed in the application.

When combined with the unresolved noise issue from the adjacent theatre described earlier, the layout of the flats, the limited aspect of some bedroom windows in the building, and the lack of private amenity space that would be provided leads to the conclusion that the form of development proposed in the application would not provide a good residential environment for occupants, and the proposed flats would have a poor standard of amenity, contrary to ALDP policies DS4 and TC2 and NPF4 Policy 27(g).

(3) Is the design, scale and form of the proposal suitable for the site, and does it represent a form of development that it would be desirable to see replicated elsewhere in the conservation area?

As noted above, the appearance of the High Street elevation of the building is acceptable in terms of impacts on the character and appearance of the conservation area on High Street, but it is also necessary to consider the acceptability of the design, scale and form of the remainder of the building, and whether it represents a form of development that it would be desirable to see replicated elsewhere in the conservation area.

The Webster theatre building runs adjacent to the north elevation of the site, and it is a large utilitarian building (except for its decorative High Street frontage) with a footprint which occupies most of its curtilage, extending around 54m from its High Street frontage. It is a flat roofed building with a largely functional appearance when viewed from the public car park. ALDP Policy DS3 indicates that 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. Aside from its decorative High Street frontage, the theatre building does not contain townscape features which contribute positively to the character and sense of place of the area that should be drawn upon or replicated. The theatre is not a residential building, and it is not a particularly relevant scale or design comparison for new residential development on the site.

More relevant to the character of residential property in the area are the buildings which are located to the south of the site between 34 and 58 High Street. Those buildings are primarily formed of two to three storey traditional sandstone blocks fronting onto High Street, with generally smaller scale extensions at the rear/west, and with more open garden areas and yards. 56-58 High Street to the immediate south has a depth of around 13m, and property further south on the west of High Street has a main block depth of between 10m and 13m. There is a large extension at the rear of 54 High Street (containing 54D High Street), but that extension is a two-storey sandstone building with a traditional ridged roof and is separated from the main block. In general terms, the area is characterised by dual aspect two and three storey buildings fronting onto High Street, with more subservient development to the rear.

In contrast to that established character, the application proposes flatted accommodation over four floors stepping down to three floors at the rear (west) of the site. The building extends around 30m back into the 39m deep site, with the building occupying a significant quantity of the site. As it extends back into the site from High Street, the proposed building presents as a four-storey building with a flat roof for around 21m, stepping down to a three-storey flat roof building for 9m. The west elevation of the building is finished to try and give the appearance of the top floor accommodation being contained within the roof space, but that effect is undermined by the length that the building projects west, and the side elevation is visible as a three and four storey flat roof building from the adjacent public car park. The length and scale of the monolithic flat roofed three and four storey side elevation which projects deeply into the site is out of character with other residential development in this part of the conservation area, and the proposed building represents a form of development that it would not be desirable to see replicated elsewhere.

The applicant refers to the depth of the demolished buildings which previously occupied the site to justify the scale of the proposed building, but the demolished buildings comprised of a two-storey block with a depth of around 11.6m, with a smaller two-storey 7m deep extension to the rear which left an open area at the rear around 19.5m deep. Those buildings not only occupied a smaller area of the site, but they were traditional sandstone buildings with ridged roofs which were consistent with the character and pattern of development in the area. That cannot be said of the design and scale of the block of flats proposed in the application.

The proposal would not preserve or enhance the character and appearance of the conservation area in

terms of density, built form and quality of design; and the proposed development does not deliver a high design standard which draws upon those aspects of townscape that contribute positively to the character and sense of place of the area. The proposal does not comply with NPF4 policies 7 and 14 or ALDP policies DS3 and PV8.

(4) Would the proposed building have an acceptable impact on the amenity of adjacent residential property to the south?

NPF4 Policy 14 indicates that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that 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. ALDP Policy DS4 seeks to protect the amenity of existing properties and Policy TC2 requires all proposals for new residential development to not result in unacceptable impact on surrounding amenity.

The property to the immediate south of the site within the building at 56-58 High Street contains windows on its west elevation serving habitable accommodation. There are extensions on the rear of property to its immediate south which already impacts on its south-westerly aspect. The proposal would further reduce its aspect to the north-west by introducing a three and four storey block around 4m from windows in that property, and running along and close to its northern boundary for a distance of around 17m. The applicant has not provided an assessment of the impact of the development on sunlight and daylight on neighbouring property to the south. It is however clear that the proposal would breach the 45-degree approach set out in council guidance, and the proposed development combined with existing development to the south would have a tunnel effect on windows in property at 56-58 High Street, with projections on both sides of windows in that property, adversely impacting in the availability of sunlight and daylight to it. The proposal would adversely impact on the amenity on neighbouring property to the south, contrary to NPF4 Policy 14 and ALDP policies DS4 and TC2.

While some aspects of the proposal attract support from the development plan, the redevelopment of the site in the manner proposed does not comply with the policies of the development plan identified above. The proposed development therefore is not considered to be of an appropriate scale and nature for this location, and is not in accordance with other relevant policies of the ALDP. Accordingly, the proposal is also contrary to ALDP Policy DS1.

Conclusion

The redevelopment of this vacant and prominent site in the conservation area would be highly desirable. It would also be desirable to secure more affordable housing in a location with good access to services and sustainable travel, and planning policy offers support for such development. It is also accepted that this is a difficult site where some compromise (e.g. some reduction in the level of garden ground provided) may be necessary to make a development work. However, planning policy support for redevelopment of the site is not unqualified. It does not mean that any or all development is acceptable or that other factors do not need to be fully addressed in the design of development.

In this case the information submitted does not demonstrate that full and proper consideration has been given to the impact of noise from the adjacent theatre on the development, and environmental health is not satisfied that the methodology used in the applicant's noise assessment adequately addresses that issue. They object to the proposal.

The number of dwellings proposed in the application results in a building which is too big for the site, with consequential issues for the suitability of its design, scale and external appearance, the standard of amenity that would be created for its occupants, and its impact on the amenity of neighbouring residential property to the south. The applicant has reduced the scale of the proposal and has made other amendments to improve the appearance of the proposed building (particularly its appearance onto High Street), but those changes do not go far enough to resolve the issues, and the noise information submitted is not adequate or acceptable.

The application 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(s) for Decision:

1. The proposal is contrary to National Planning Framework 4 (NPF4) policies 23 and 31 and Angus Local Development Plan (ALDP) policies DS4 and TC2 because it has not been demonstrated that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that the adjacent theatre can continue without additional restrictions being placed on it as a result of the proposed development, contrary to the agent of change principle; or that the residential use of the site in the manner proposed is a compatible with surrounding land uses.
2. The proposal is contrary to NPF4 Policy 27 and ALDP policies DS4 and TC2 because it has not been demonstrated that the proposed development would provide a satisfactory residential environment for occupants of the proposed new dwellings as a result of potential noise disturbance from the adjacent theatre, as a result of the limited aspect of some bedroom windows in the building, and as a result of the lack of amenity space that would be provided.
3. The proposal is contrary to NPF4 policies 7 and 14 and ALDP policies DS3 and PV8 because the proposal would not preserve or enhance the character and appearance of the conservation area in terms of density, built form and quality of design; and because the development would not deliver a high design standard which draws upon those aspects of townscape that contribute positively to the character and sense of place of the area.
4. The proposal is contrary to NPF4 Policy 14 and ALDP policies DS4 and TC2 because it has not been demonstrated that the proposal would not have an unacceptable impact on the amenity on neighbouring property to the south by virtue of the tunnel effect it would create on windows in that property and associated impact on the availability of sunlight and daylight to it.
5. The proposal is contrary to ALDP Policy DS1 because the proposal is not of an appropriate scale and nature and is not in accordance with relevant policies of the ALDP.

Notes:

Case Officer: Ben Freeman
Date: 20 November 2024

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 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i) will support meeting renewable energy targets; or,
- ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

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 12 Zero waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;

- iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

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 20 Blue and green infrastructure

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-

functional and well integrated into the overall proposals.

- c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.
- d) Development proposals for temporary open space or green space on unused or under-used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 21 Play, recreation and sport

a) Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:

- i. is ancillary to the principal use of the site as an outdoor sports facility; or
- ii. involves only a minor part of the facility and would not affect its use; or
- iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or
- iv. can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.

b) Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate.

This should be informed by the planning authority's Play Sufficiency Assessment.

c) Development proposals for temporary or informal play space on unused or underused land will be supported.

d) Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.

e) Development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

f) New, replacement or improved play provision will, as far as possible and as appropriate:

- i. provide stimulating environments;
- ii. provide a range of play experiences including opportunities to connect with nature;
- iii. be inclusive;
- iv. be suitable for different ages of children and young people;
- v. be easily and safely accessible by children and young people independently, including those with a disability;
- vi. incorporate trees and/or other forms of greenery;
- vii. form an integral part of the surrounding neighbourhood;
- viii. be well overlooked for passive surveillance;
- ix. be linked directly to other open spaces and play areas.

g) Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

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.

Policy 31 Culture and creativity

- a) Development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported.
- b) Development proposals for creative workspaces or other cultural uses that involve the temporary use of vacant spaces or property will be supported.
- c) Development proposals that would result in the loss of an arts or cultural venue will only be supported where:
- i. there is no longer a sustainable demand for the venue and after marketing the site at a reasonable rate for at least 12 months, through relevant local and national agents and online platforms, there has been no viable interest from potential operators; or
 - ii. the venue, as evidenced by consultation, no longer meets the needs of users and cannot be adapted; or
 - iii. alternative provision of equal or greater standard is made available at a suitable location within the local area; and
 - iv. the loss of the venue does not result in loss or damage to assets or objects of significant cultural value.
- d) Development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

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 DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- o Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- o Education;
- o Community Facilities;
- o Waste Management Infrastructure; and
- o Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

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 TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites,

including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- o local housing needs (set out in the current Housing Needs and Demand Assessment);
- o physical characteristics of the site;
- o development viability; and
- o availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

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 PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource;
- or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access

opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

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 PV11 : Energy Efficiency - Low and Zero Carbon Buildings

All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018.

This requirement does not apply to extensions, changes or use or conversion of buildings; stand-alone ancillary buildings under 50 sqm; buildings with a planned life of less than two years or which will not be heated or cooled for purposes other than frost protection.

Development proposals should be accompanied by a statement of the level of sustainability achieved to demonstrate compliance with the above standards.

Development proposals should also consider energy efficiency measures where possible including:

- o siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and

light;

- o the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- o the re-use and/or local sourcing of building materials.

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.

EDUCATION DEPARTMENT - CONSULTATION ON PLANNING APPLICATION

QUANTIFYING IMPLICATIONS OF DEVELOPMENT PROPOSAL ON INFRASTRUCTURE

PLANNING APPLICATION REF: 23/00870/FULL
PLANNING OFFICER:- Ben Freeman (Ext: 2202)
DESCRIPTION OF DEVELOPMENT: Details of the application can be viewed by selecting the following hyperlink:-
Proposed Erection of 20 No Flatted Dwellings at 60-62 High Street Arbroath DD11 1AW [https://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=\\$5AFMXCFG1S00](https://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=$5AFMXCFG1S00)

APPLICANT: George Martin Builders Ltd

NUMBER OF AFFORDABLE HOUSING UNITS: All 20 I believe, in association with Hillcrest HA, although it isn't 100% clear from the submission that they are **all** intended to be AH

NUMBER OF 1 BEDROOM UNITS: 12

NUMBER OF RETIREMENT UNITS: 0

CONSTRUCTION SCHEDULE: Unknown at this time.

REASON FOR CONSULTATION:

An application for a housing development has been submitted for consideration by Angus Council and your comments are invited on the application. The local development plan seeks to ensure that any new developments can be accommodated within existing infrastructure provision. If the development is likely to require improvements to existing education infrastructure, this should be identified as early in the process as possible. Policy DS5 allows the Council to seek developer contributions where that contribution is required to fund improvements required as a direct result of a development.

Please provide the below information answering the questions listed.

The application site lies within the following school catchment areas:

Primary: Ladyloan Primary and St Thomas' Primary

Secondary: Arbroath Academy

NUMBER OF SCHOOL CHILDREN LIKELY TO BE GENERATED BY THE DEVELOPMENT

How many school children do you anticipate would be generated by the proposed development? (using standard multipliers)

Primary children: 5

Secondary children: 4

PRIMARY EDUCATION

Primary school serving development: Ladyloan Primary

Current/latest school roll: 286

Notional school capacity: 321

Primary school serving development: St Thomas Primary

Current/latest school roll: 99

Notional school capacity: 120

SECONDARY EDUCATION:

Secondary school serving development: Arbroath Academy
 Current/latest school roll: 683 Notional school capacity: 1024

If the school is close to or at capacity; taking into account the number of pupils likely to be generated by the proposed development, is it necessary for the school capacity to be increased?

Primary:

yes no

Secondary:

yes no

Should a financial contribution be sought from the developer, are there any firm proposals for works to expand the capacity of the school?

Primary:

yes no

Secondary:

yes no

Please provide details (if applicable):

If there are no plans to increase capacity at the school(s), are there other mitigation measures that could be used to offset the impact of the development? Is a financial contribution required to achieve this? If yes, please explain how money would be spent.

What level financial contribution is sought and how has this level been established?

Please indicate contact officer & details (this person would be advised by P&T when funds received and would be asked to evidence where money has been spent and when which may be reported to committee):-

Officer: **Stuart Gray**
Job Title: **Team Leader – School Operations**
Extension:
E mail:

If you wish to discuss this consultation request, please contact the planning officer named above.

HOUSING DIVISION - CONSULTATION ON PLANNING APPLICATION

QUANTIFYING IMPLICATIONS OF DEVELOPMENT PROPOSAL IN CONTEXT OF PROPOSED ANGUS LOCAL DEVELOPMENT PLAN POLICY TC3 – AFFORDABLE HOUSING.

PLANNING APPLICATION REF:
23/00870/FULL

PLANNING OFFICER:- Ben Freeman (Ext: 2202)

DESCRIPTION OF DEVELOPMENT:

Details of the application can be viewed by selecting the following hyperlink:-

Proposed Erection of 20 No Flatted Dwellings at 60-62 High Street Arbroath DD11 1AW

<https://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5AFMXCFG1S00>

An application for a housing development has been submitted for consideration by Angus Council and your comments are invited on the application. Angus LDP Policy TC3 Affordable Housing seeks to secure the delivery of 25% affordable housing on all residential sites of 10 or more units, or the site area is equal to or exceeds 0.5ha. This pro forma should be used to identify the relevant considerations relating to affordable housing and what the site specific requirements are in the context of the Local Housing Strategy (LHS) and Housing Needs and Demand Assessment (HNDA).

REASON FOR CONSULTATION (mark with 'X'):

X	10 or more units proposed
	site area exceeds 0.5ha
	site developed in phases cumulatively exceeding above thresholds
	Developer has submitted viability information and requested a reduced or removed AH contribution

Please provide the below information answering the questions listed:

Part A: Background Information

1. Date: 18/12/23
2. Housing Ref: E004/23
3. Planning Ref: 23/00870/FULL
4. Proposal: Proposed Erection of 20 No Flatted Dwellings
5. Housing Market Area: East
6. Percentage Affordable Housing Provision Required: 25% as set out in Proposed ALDP Policy TC3: Affordable Housing.
7. Total number of units of affordable housing required: 5

Part B: Serviced Land

1. Number of serviced plots required for transfer to social landlord:

Notes:

Refer to additional notes/comments

Part C: Social Rented Housing

1. Number of units of social rented housing required:
2. Mix of property types and sizes required:

Notes:

Refer to additional notes/comments

Part D: Affordable Housing for Sale

1. Number of units of affordable housing for sale required:
2. Mix of property types and sizes required:
3. Maximum selling price of individual units:
(As a minimum this should be the price of a 51% equity stake)
4. Delivery mechanism: Shared Ownership or Shared Equity
5. Units to be transferred by developer to Registered Social Landlord: Not essential requirement.

Notes:

Refer to additional notes/comments

Part E: Commuted Payments

1. Total number of units of affordable housing required:
2. Benchmark land value:
3. Commuted payment required: **Refer to additional notes/ comments**

Additional Notes/Comments:

Please contact the named Housing Policy Officer below to discuss any of the following statements and requirements.

The type of housing in the application does not fully meet the current requirements for affordable housing. Ongoing discussion between Angus Council Housing and Hillcrest Housing Association provided feedback in terms of some house types which would not fully meet our needs.

Housing Market Area profiles are now available online at

https://www.angus.gov.uk/housing/information_for_developers/housing_market_area_profiles

Unit Type and Size

The type and size that **the 5 units** could take will be subject to further discussion in due course. Housing demand can change.

Where the affordable housing requirement is less than one whole unit or has a part unit, a commuted sum will be payable on the part e.g. a 15 unit development has a 3.75 affordable housing required, the 0.75 will be met by way of the applicable commuted sum amount.

The form the 5 units could take is either of or a combination of the following:

- **Social rented housing.** The types of properties required are based on need. Increasing the availability of social rented housing is a priority at this time particularly 1-bedroom properties which account for 67% of the demand in Arbroath through the common housing register. However we may identify the need for other types of properties at a later stage in the process. Delivery of social rented housing could be in partnership with Angus Council or a Registered Social Landlord. ;
- **Affordable Housing for Sale.** This could be either as a discounted sale or shared equity unit. If discounted sale option a reduction should be applied to the market sale price which makes an individual unit affordable to people on a modest income. If shared equity option the maximum price of an equity stake of between 51% and 80% of an individual unit shall not exceed an amount which is affordable to people on a modest income. (Currently a modest income level for a single income household is set at a **maximum** of £31,003 x 3.5 lending multiplier and a joint income household is set at a **maximum** of £45,930 x 3 lending multiplier. These are subject to change according to market conditions and household incomes at the time);
- **Mid-Market Rent.** Where the landlord is a Social Housing Provider the unit shall be let in accordance with their allocation policy. Where the landlord is the developer the rent payable in respect of an individual unit must not exceed the relevant Housing Benefit Local Housing Allowance level at the time first let. Thereafter, rents may increase annually provided they do not exceed the median point of the relevant private sector market rent level;
- **Serviced plots;**
- **Unserviced land;**
- **Commuted sum.** At this time the commuted sum per unit for this HMA is £17,500. The amount payable will be based on the commuted sum value at the time of payment being made. The values are updated annually. Updates can be found at https://www.angus.gov.uk/housing/information_for_developers/commuted_sums

Housing for Particular Needs

Scottish Government has published Guidance for setting of Local Housing Strategy targets to support the delivery of more Wheelchair Accessible Housing guidance note [MHDGN 2019/02](#).

To address both current and future need, at least 20% of new affordable housing supply (**all tenures**) will be delivered to meet particular needs, Housing for Varying Needs (HfVN) older/ambulant disabled standard, with at least half of this (i.e. 10% of new supply) being to HfVN wheelchair standard. This target is an overall target and individual sites may deliver more or less than 20%. Specialist housing delivered to contribute towards this target may include amenity, supported housing and other models as appropriate.

We will prioritise Scottish Government grant funding towards sites which deliver and exceed the particular need target for affordable housing units. We encourage and welcome delivery of private housing to HfVN wheelchair standard.

Scottish Government Grant Requirements

All affordable housing units which are to be delivered with grant subsidy from the Scottish Government **must** meet all the Quality Standards contained within guidance note [MHGN 2023/01](#):

- *as a minimum, be two person, two apartment units (unless otherwise agreed with the relevant Scottish Government area team and local authority)*
- *comply with all applicable building regulations as required by law*
- *meet, as a minimum, the design criteria indicated as a 'basic' requirement as outlined in Housing for Varying Needs (column 'B' in 'Summary of Design Criteria') – the design criteria indicated as 'desirable' (column 'D' in 'Summary of Design Criteria') should also be included where possible.*
- *include ducting to help future-proof access to internet and broadband, where possible*
- *have space for home working or study*

- *have private or communal outdoor space with room for people to sit outside, and*
- *be digitally-enabled – when a household gets the keys to their home they must be able to arrange for an internet connection to ‘go live’ without the internet service provider having to provide additional cabling to the premises. These connections should utilise the best available technology and, where it is not possible for a gigabit capable technology to be provided immediately, the physical infrastructure should be installed to support retrospective deployment.*

Please note affordable housing units will be designated general needs, older/ambulant disabled or wheelchair standard. The applicable HfVN design criteria must be used and will depend on what is agreed.

Additionally, from 1 December 2023 affordable housing units will require to contain zero direct emissions heating systems.

Other

We can provide information about Registered Social Landlords operating in the area.

We are open to provision of the required unit(s) of affordable housing for sale via privately funded schemes which do not require Register Social Landlord involvement/funding, subject to agreement on the detail of these schemes.

Please indicate contact officer & details (this person would be advised by P&T when funds received and would be asked to evidence where money has been spent and when which may be reported to committee):-

Officer: Ian Balfour
Job Housing Policy Officer
Title:
Extension 07770 731023
:

Should you wish to discuss this consultation request please contact the named Planning Officer.

Tuesday, 19 December 2023



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

60 - 62 High Street, Arbroath, DD11 1AW
Planning Ref: 23/00870/FULL
Our Ref: DSCAS-0100481-6BV
Proposal: Proposed Erection of 20 No Flatted Dwellings

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Hatton
- ▶ PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

From: [Andy Barnes](#)
To: [PLNProcessing](#)
Cc: [Ben Freeman](#)
Subject: RE: Planning Application Consultation 23/00870/FULL
Date: 22 December 2023 13:27:18

Note of Interest. Comments to follow.

Regards

Andrew Barnes | Team Leader - Traffic | Angus Council | Tel: 01307 491770 | Email:
barnesa@angus.gov.uk | www.angus.gov.uk

Follow us on Twitter
Visit our Facebook page
For information on COVID-19 goto www.NHSInform.scot

Think green – please do not print this email

-----Original Message-----

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: 14 December 2023 10:46
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 23/00870/FULL

Please see attached document.



Memorandum

Infrastructure & Environment
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AGG/ TD1.3

DATE: 22 DECEMBER 2023

SUBJECT: **PLANNING APPLICATION REF. NO. 23/00870/FULL – PROPOSED
ERECTION OF TWENTY FLATS AT 60-62 HIGH STREET, ARBROATH**

I refer to the above planning application.

The site is located on the west side of High Street where a previous dangerous building was recently demolished.

The western site boundary adjoins the public car park at Ladybridge Street/Marketgate. It is proposed to access the new flats from the footpath leading between the public car park and High Street.

No details of the site boundary treatment adjacent to the public car park is provided within the application documentation. The boundary wall should be fully reinstated with no access made from the car park.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I have no objections to the proposed development in principle but would ask that further details be provided relating to the above-mentioned boundary treatment before submitting my final comments.

I trust the above comments are of assistance but should you have any further queries, please contact Adrian Gwynne on extension 2036.

Planning Consultation Response from Aberdeenshire Council Archaeology Service	
Planning Application No	23/00870/FULL
Planning Officer	Ben Freeman
Proposal	Proposed Erection of 20 No Flatted Dwellings
Address	60 - 62 High Street Arbroath DD11 1AW
Grid Reference	NO6436 4080

I have the following comments to make on the application:

- (a) I OBJECT to the application for the reason(s) as stated below
- (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal
- (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below
- (d) Further information is required in order to consider the application as set out below

Reason(s) for objection

None

Condition(s)

The proposed application lies within the historic core of Arbroath (Angus HER NO64SW0046) in close proximity to two areas previously subject to archaeological investigations which revealed evidence of medieval activity (Angus HER NO64SW0124 and NO64SW0135). There is the potential for previously unrecorded archaeology to survive within the proposed development site, and I would therefore ask that the following condition and informatives are applied:

Condition:

Programme of archaeological works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

This should comprise an archaeological watching brief over all groundbreaking on site, to be undertaken by a suitably qualified, ClfA-compliant, archaeological contractor. Please note, no groundbreaking should be undertaken on site without an archaeologist being present – this includes, for example, any GI works which may be necessary.

Informative:

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Development Brief

A written specification prepared by the Aberdeenshire Council Archaeology Service for the applicant outlining the nature of the specific archaeological work required under the archaeological planning condition, and which includes information on the archaeological background of the development site. This document can be used by the applicant in the tendering process and should be used by the appointed Chartered Institute for Archaeologists (ClfA) member archaeological contractor to inform the Written Scheme of Investigation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (ClfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval before being implemented. The contents of the WSI must conform to the relevant national and ClfA standards and guidance.

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (ClfA) member archaeological contractor on behalf of the applicant. This should include a project design for the post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed ClfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk

Date: 27/12/2023
Phone No: 01467537717

PARKS AND CEMETARIES - CONSULTATION ON PLANNING APPLICATION

PLANNING APPLICATION REF: 23/00870/FULL
PLANNING OFFICER:- Ben Freeman (Ext: 2202)

DESCRIPTION OF DEVELOPMENT: Details of the application can be viewed by selecting the following hyperlink:-

Proposed Erection of 20 No Flatted Dwellings at 60-62 High Street Arbroath DD11 1AW <https://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5AFMXCFG1S00>

REASON FOR CONSULTATION:

Policy PV2 Open Space Protection and Provision within Settlements of the Angus Local Development Plan requires that development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and / or enhance open space and make provision for its future maintenance. The policy requires that a minimum of 2.43 hectares of open space per 1000 head of population be provided. Based on an average of 2.5 persons per household, developers require to provide 60.75sqm open space per residential unit.

ON SITE PROVISION OR FINANCIAL CONTRIBUTION:

Policy PV2 acknowledges that the specific requirements of any development will be assessed on a site by site basis and the above standard may be relaxed taking into account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required. The Developer Contributions and Affordable Housing Supplementary Guidance identifies the formula for calculating the financial contribution for off-site provision for public parks and amenity space.

PART A – WHERE OPEN SPACE IS BEING PROVIDED ON SITE

Is the amount of open space proposed satisfactory? (delete as appropriate):

YES / NO

Is the type of open space provided on site satisfactory? (delete as appropriate):

YES / NO

If either question has been answered NO please state how this can be addressed:

PART B – WHERE NO OPEN SPACE PROVISION IS BEING MADE ON SITE

As per Policy PV2 of the Angus Local Development Plan a minimum open space provision of 2.43 hectares per 1000 head of population is required, for 20 residential units this would amount to a minimum of 1,215 sqm of usable open space (60.75 square metres per dwelling).

The development is covered by the public play provision in Springfield Park and a formal play space is not required.

What type of open space contribution is required:

PUBLIC PARK & AMENITY OPEN SPACE / ~~FORMAL & INFORMATION PLAY SPACE / ALLOTMENTS / CORE PATHS~~ (delete as appropriate)

What would the total level of financial contribution be from the development?

In accordance with Supplementary Guidance for Developer Contributions and Affordable Housing a financial contribution of £518 per unit should be sought. The total contribution for Public Park & Amenity Open Space would be £10,360.00.

Where would the financial contribution be spent and what improvements would be made as a result of a contribution?

The contribution would be spent on improvements to open spaces in Arbroath.

PART C – MAINTENANCE ARRANGEMENTS

Are the open space maintenance arrangements proposed satisfactory? (delete as appropriate)

YES / NO / ~~NO DETAILS PROVIDED~~

Comments on maintenance arrangements:

Please indicate contact officer & details (this person would be advised by P&T when funds received and would be asked to evidence where money has been spent and when which may be reported to committee):

Officer: Jutta Scharnberger
Job Title: Team Leader Landscape Services
Extension: 2457
E-mail: scharnbergerj@angus.gov.uk

If you wish to discuss this consultation request, please contact the planning officer named above.

Ben Freeman

From: Martin Petrie
Sent: 19 January 2024 09:17
To: Ben Freeman
Subject: FW: Planning Application Consultation 23/00870/FULL flare 560904
Attachments: ufm7_E-mail_-_Standard_Consultation.pdf

Hi Ben

I can now advise that I have had the chance to peruse the plans for this proposal and my thoughts on this are:

This application proposes the construction of a block of flats next to Websters Theatre in Arbroath and I am concerned there could be issues with regards to residential amenity at these properties due to this proximity which may impact the theatre in the future should complaints be received. Due to this, I cannot complete my appraisal of this application until a noise impact assessment has been undertaken by a qualified consultant.

If you have any further queries, please do not hesitate to contact me.

Kind regards
Martin

-----Original Message-----

From: ACCESENVArbroath <accessenvarbroath@angus.gov.uk>
Sent: Thursday, December 14, 2023 10:59 AM
To: Martin Petrie <PetrieM@angus.gov.uk>
Subject: FW: Planning Application Consultation 23/00870/FULL flare 560904

Please see attached document.

Ben Freeman

From: Martin Petrie
Sent: 09 September 2024 16:19
To: Ben Freeman
Subject: RE: 23/00870/FULL - 60-62 High Street Arbroath - Noise Impact Assessment

Apologies Ben been a busy couple of weeks.

I have had a look over the noise impact assessment (NIA) and based upon the findings, I am still unable to support this application. The NIA set up recording equipment to measure noise at the site of the proposed flat and the levels recorded are a little higher than is desirable, both day and night. What isn't entirely clear is how much the theatre contributes to this issue and whether the sound from the theatre would be inaudible after 23.00 as would be required by Angus Councils Licensing Board Policy.

The consultant has suggested altering the arrangement of the flats so that windows on the north façade were no longer required for habitable rooms, but no calculations were provided to show the resultant internal noise levels and whether noise from the theatre would be audible within the rooms.

If you require any further information please do not hesitate to contact me kind regards.

Martin

From: Ben Freeman <FreemanB@angus.gov.uk>
Sent: Monday, September 9, 2024 11:43 AM
To: Martin Petrie <PetrieM@angus.gov.uk>
Subject: RE: 23/00870/FULL - 60-62 High Street Arbroath - Noise Impact Assessment

Hi Martin,

Sorry to hassle, but the applicant is pushing me to determine this application, have you had a chance to consider the NIA?

Regards

Ben

From: Ben Freeman
Sent: Monday, August 12, 2024 8:44 AM
To: Martin Petrie <PetrieM@angus.gov.uk>
Subject: 23/00870/FULL - 60-62 High Street Arbroath - Noise Impact Assessment
Importance: High

Morning Martin,

This was an application that you responded to back in January, and it's taken them a while to produce a NIA as requested. The proposed design has been amended since this report was commissioned, so the findings don't relate to the final design, but I think the revised design would constitute an improvement as there are no longer bedroom windows facing directly towards the theatre. I suspect the recommendations would still be relevant, however.

Ben

Ben Freeman | Planning Officer – Development Standards | Angus Council | 01307 492202 | freemanb@angus.gov.uk | www.angus.gov.uk

From: Fraser Middleton <fraser@arktx.co.uk>
Sent: Friday, August 9, 2024 4:36 PM
To: Ben Freeman <FreemanB@angus.gov.uk>
Cc: kylle@arktx.co.uk
Subject: Arbroath High Street NIA
Importance: High

Good afternoon Ben,
Please find attached the NIA for Arbroath High Street as requested.
I am off for a week now but if you need anything please do not hesitate to contact Kylie.

Best regards.

Fraser..



187 Strathmartine Road, Dundee, DD3 8BL
t: 01382 831557 f: 01382 831558

Ed Taylor

Subject: FW: 1189_High Street, Arbroath - 23/00870/FULL 60-62 High Street Arbroath

From: Martin Petrie <PetrieM@angus.gov.uk>

Sent: Monday, September 23, 2024 4:28 PM

To: Ben Freeman <FreemanB@angus.gov.uk>; Ed Taylor <TaylorE@angus.gov.uk>

Subject: RE: 1189_High Street, Arbroath - 23/00870/FULL 60-62 High Street Arbroath

Hi Ben

I have had a wee look over the updated NIA, mixed mechanical ventilation is far from ideal, although PAN 1/2011 does say it can be used as a very last resort. My issue is if the windows are openable and we get noise from the theatre through the openable windows, we may have to take enforcement action against the theatre either through statutory nuisance or licensing, which goes against the agent of change principle.

I think for me the most important issue is the distinction between noise arising from the theatre and general community noise for which no effort has been made to differentiate either by manned measurements, engagement with the theatre or ideally both.

Hope this helps, happy to discuss.

Martin



MEMORANDUM

TO: Ben Freeman, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 23/00870/FULL

OUR REF: SRU560902

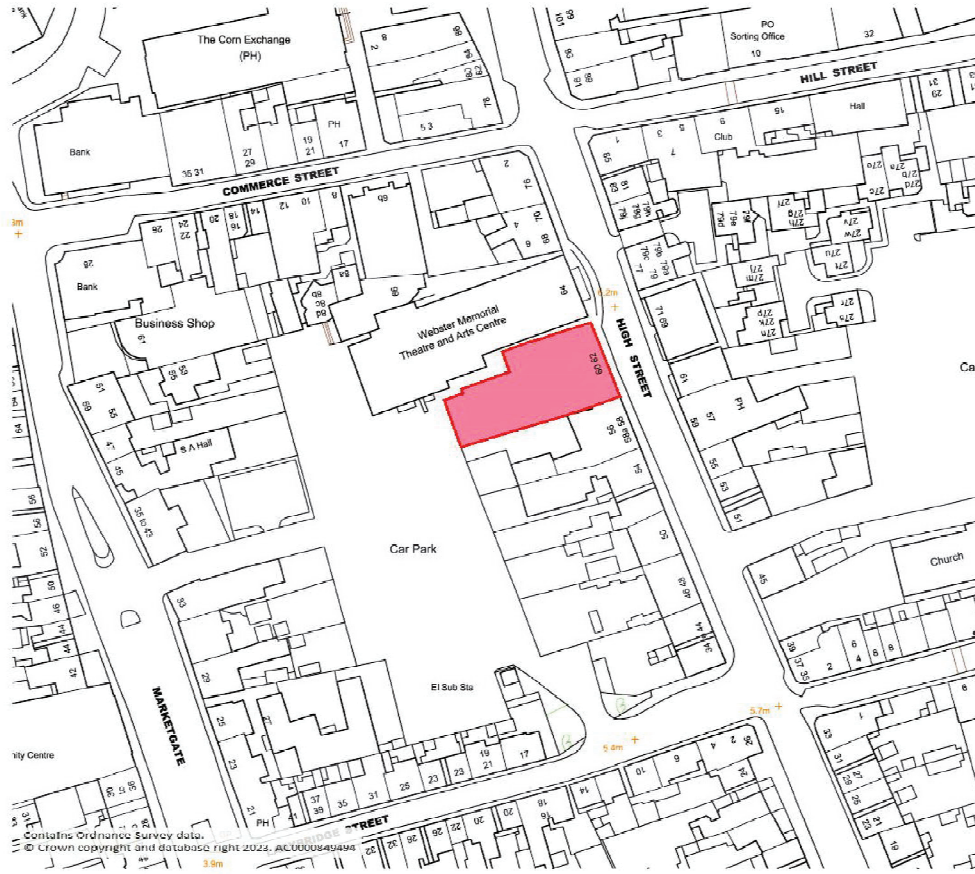
DATE: 15 March 2024

SUBJECT: Proposed Erection of 20 No. Flatted Dwellings at 60 - 62 High Street Arbroath DD11.

With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historic mapping and aerial photography has been reviewed. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.



REV	DATE	BY	CHKD

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFIC TECHNICAL ENGINEERING DETAILS TO TAKE PRECEDENCE.
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.
 CONTRACTOR NOT TO SCALE DIMENSIONS FROM DIMENSIONS ON SITE TO ARCHITECT'S PLAN DIMENSIONS IF NOT INDICATED ON THE DIMENSIONS.



187 Southville Road, Dundee, DD3 8SL
 T: 01382 831557 F: 01382 831558
 E: info@arktx.co.uk

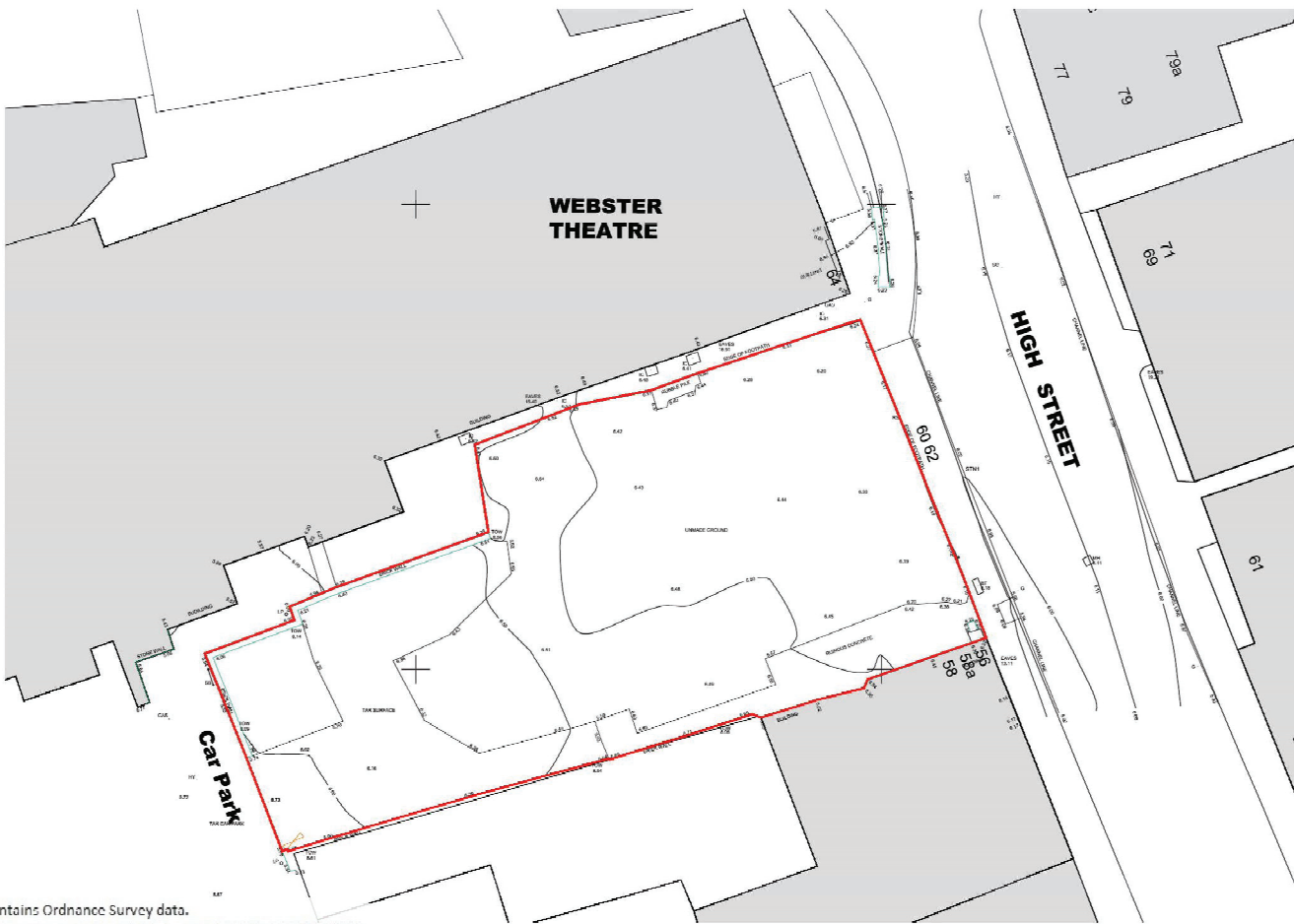
PROPOSED PLANNED DEVELOPMENT
 22, WATER STREET
 DUNDEE, DD1 1AA
 GEORGE SMITH BUILDINGS LTD

DATE	DESCRIPTION	BY	CHKD

LOC_LOCATION PLAN | A4 | 1:1250



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Revision	Checked by	Date
1		

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.
 CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Straffan Road, Dundoo, DD3 9BL
 t: 01382 851527 f: 01382 851558
 e: enquiries@arktx.co.uk

Project No: 2022011111
 Site: Webster Theatre
 Discipline: ARCHITECTURE
 Drawing No: 001
 Date: 11/01/2023

Date	Drawn by	Checked by
11/01/2023	AK	AK

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001_EXISTING SITE PLAN | A3 | 1:200



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Project No.	1165	Drawing No.	009	Rev.	F
<p>Rev: 01:000 Approved: <i>[Signature]</i> 0:100000 Approved: <i>[Signature]</i> 1:100000 Approved: <i>[Signature]</i> 2:100000 Approved: <i>[Signature]</i> 3:100000 Approved: <i>[Signature]</i> 4:100000 Approved: <i>[Signature]</i> 5:100000 Approved: <i>[Signature]</i> 6:100000 Approved: <i>[Signature]</i> 7:100000 Approved: <i>[Signature]</i> 8:100000 Approved: <i>[Signature]</i> 9:100000 Approved: <i>[Signature]</i> 10:100000 Approved: <i>[Signature]</i></p>					

MATERIAL DESCRIPTION

ROOF

PITCHED ROOF - SLATE FINISH
 FLAT ROOF - SINGLE PLY MEMBRANE COLOUR: SLATE GREY
 SOFT FLOOR SLABS - SLATE GREY
 COMPOSITE BOARD - SLATE GREY

EXTERNAL WALLS

SAFE HIGH LEVEL WEATHER-RESISTANT STONE WITH BASE COLOURS: CLADDING COLLS, LINTELS, JAMBS AND DENTALS - COLOURS TO MATCH EXISTING BUILDING.
 COMPOSITE BOARD - SLATE GREY

NORTH & SOUTH ELEVATION

RECONSTRUCTED COURSED STONE WORK - WHITE
 WETDASH ROUGHCAST - COLOUR: WHITE
 COMPOSITE CLADDING PANELS - COLOUR: COMPOSITE BOARD
 CORNICES
 DOWNPIPPES

COMPOSITE BOARD - COLOUR: SLATE GREY.

WINDOWS & DOORS

MAIN FACADE

WINDOWS TO BE SASH AND CASE AESTHETIC DOUBLE GLAZED UPVC FRAMED - COLOUR: WHITE WITH OPERABLE PARTS IN ANTIMONY PANNE AND FULLY REVERSIBLE TOP PANE
 UPVC SOUTH & WEST RELEVATION
 WINDOWS AND DOORS TO BE DOUBLE GLAZED UPVC FRAMED - COLOUR: ANTHRACITE WITH TILT AND TURN OPENING FUNCTION.
 EXTERNAL DOOR TO BE TIMBER - COLOUR - ANTHRACITE.

GUTTERS & DOWNPIPES

POWDER COATED ALUMINIUM HALF ROUND
 GUTTER AND DOWNPIPES - COLOUR: SLATE GREY.



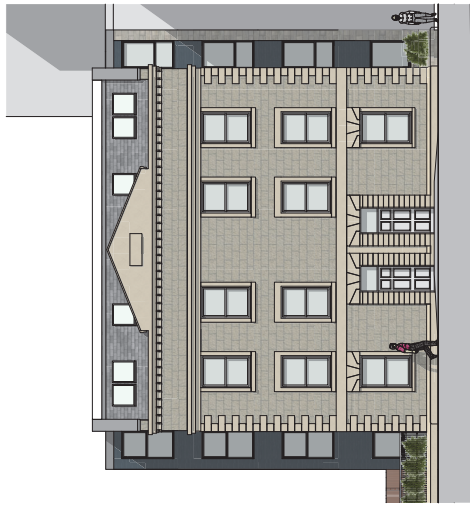
107 Southwicks Road, Dorchester, Dorset, DT9 8BU
 T: 01382 831577 e: enquiries@arktx.co.uk

Project Title: **FLATTED DEVELOPMENT AT 60-62 HIGH STREET, ABERROATH, ANGLUS**

Client: **GEORGE MARTIN BUILDERS LTD**

Elevations	
Date:	08/2024
Drawn by:	KM
Scale @ A1:	1:100
Project Reference:	NEW BUILD
Project No.:	1165
Type:	009
Rev.:	F

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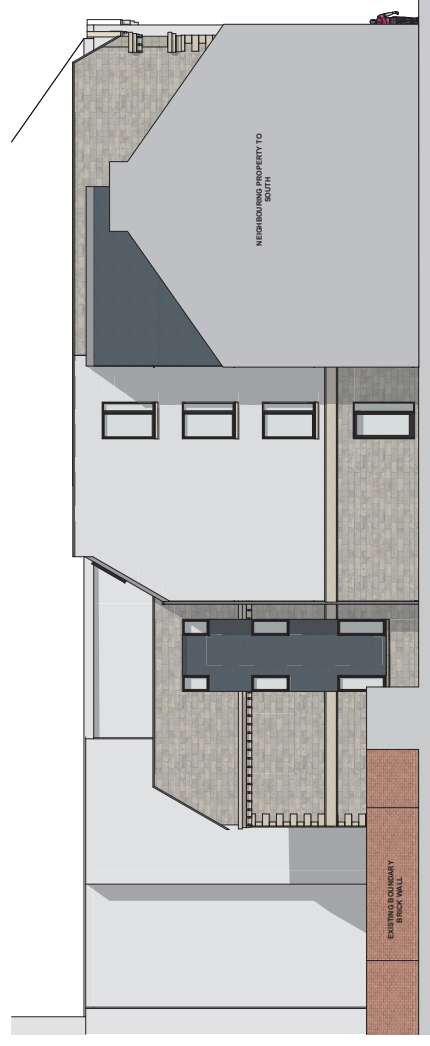
EAST ELEVATION | 1:100



WEST ELEVATION | 1:100

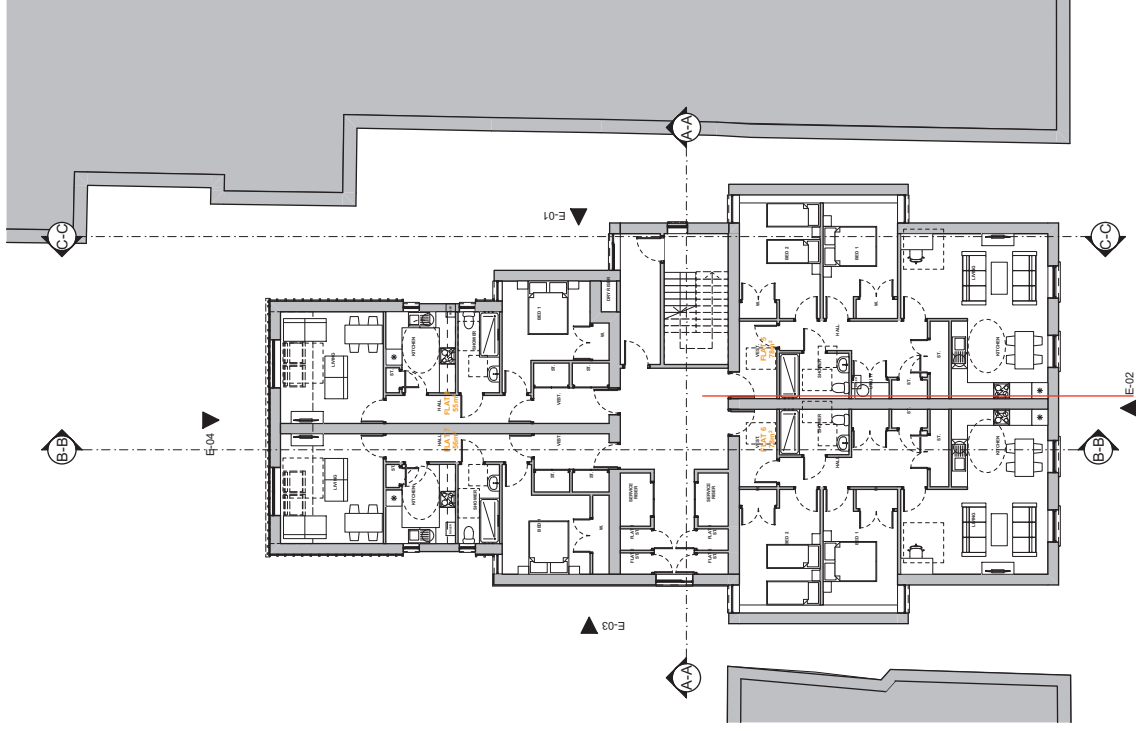


NORTH ELEVATION | 1:100

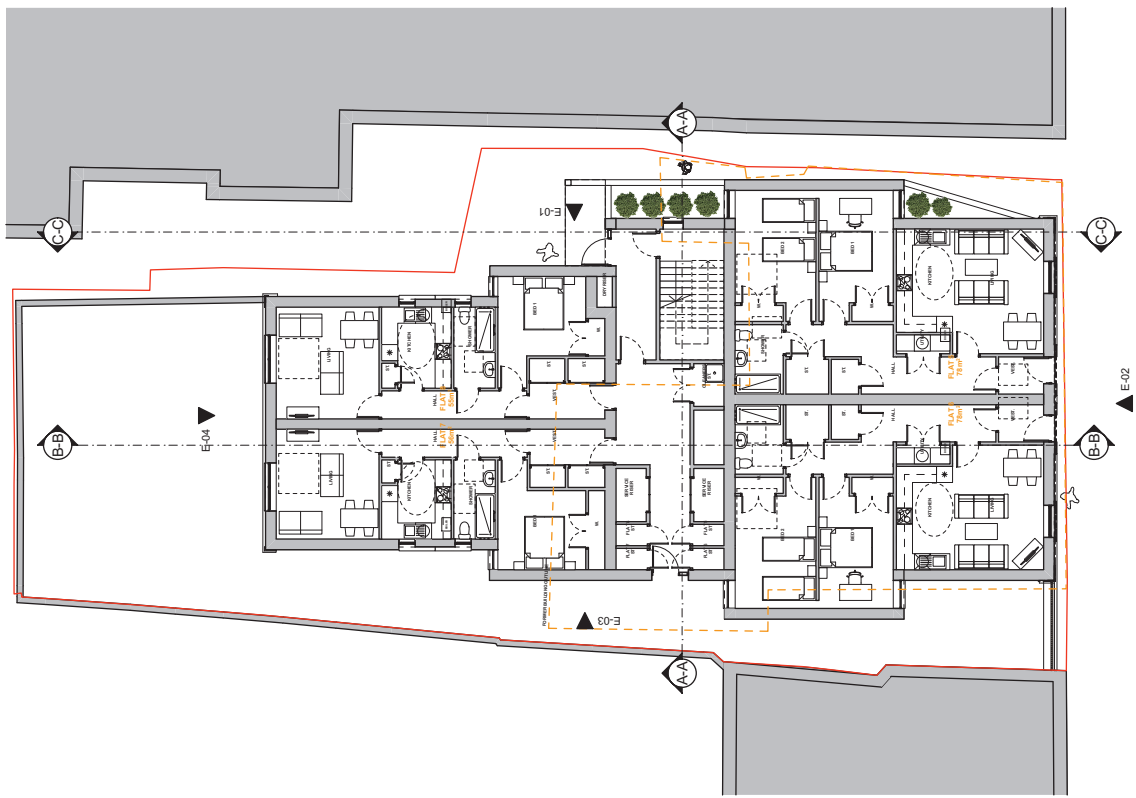


SOUTH ELEVATION | 1:100

Project No.	1165	Drawn No.	007	Rev.	F
Rev: 01: 08/2024 Approved by: George Martin Rev: 02: 08/2024 Approved by: George Martin Rev: 03: 08/2024 Approved by: George Martin Rev: 04: 08/2024 Approved by: George Martin Rev: 05: 08/2024 Approved by: George Martin Rev: 06: 08/2024 Approved by: George Martin Rev: 07: 08/2024 Approved by: George Martin Rev: 08: 08/2024 Approved by: George Martin Rev: 09: 08/2024 Approved by: George Martin Rev: 10: 08/2024 Approved by: George Martin Rev: 11: 08/2024 Approved by: George Martin Rev: 12: 08/2024 Approved by: George Martin Rev: 13: 08/2024 Approved by: George Martin Rev: 14: 08/2024 Approved by: George Martin Rev: 15: 08/2024 Approved by: George Martin Rev: 16: 08/2024 Approved by: George Martin Rev: 17: 08/2024 Approved by: George Martin Rev: 18: 08/2024 Approved by: George Martin Rev: 19: 08/2024 Approved by: George Martin Rev: 20: 08/2024 Approved by: George Martin Rev: 21: 08/2024 Approved by: George Martin Rev: 22: 08/2024 Approved by: George Martin Rev: 23: 08/2024 Approved by: George Martin Rev: 24: 08/2024 Approved by: George Martin Rev: 25: 08/2024 Approved by: George Martin Rev: 26: 08/2024 Approved by: George Martin Rev: 27: 08/2024 Approved by: George Martin Rev: 28: 08/2024 Approved by: George Martin Rev: 29: 08/2024 Approved by: George Martin Rev: 30: 08/2024 Approved by: George Martin Rev: 31: 08/2024 Approved by: George Martin Rev: 32: 08/2024 Approved by: George Martin Rev: 33: 08/2024 Approved by: George Martin Rev: 34: 08/2024 Approved by: George Martin Rev: 35: 08/2024 Approved by: George Martin Rev: 36: 08/2024 Approved by: George Martin Rev: 37: 08/2024 Approved by: George Martin Rev: 38: 08/2024 Approved by: George Martin Rev: 39: 08/2024 Approved by: George Martin Rev: 40: 08/2024 Approved by: George Martin Rev: 41: 08/2024 Approved by: George Martin Rev: 42: 08/2024 Approved by: George Martin Rev: 43: 08/2024 Approved by: George Martin Rev: 44: 08/2024 Approved by: George Martin Rev: 45: 08/2024 Approved by: George Martin Rev: 46: 08/2024 Approved by: George Martin Rev: 47: 08/2024 Approved by: George Martin Rev: 48: 08/2024 Approved by: George Martin Rev: 49: 08/2024 Approved by: George Martin Rev: 50: 08/2024 Approved by: George Martin Rev: 51: 08/2024 Approved by: George Martin Rev: 52: 08/2024 Approved by: George Martin Rev: 53: 08/2024 Approved by: George Martin Rev: 54: 08/2024 Approved by: George Martin Rev: 55: 08/2024 Approved by: George Martin Rev: 56: 08/2024 Approved by: George Martin Rev: 57: 08/2024 Approved by: George Martin Rev: 58: 08/2024 Approved by: George Martin Rev: 59: 08/2024 Approved by: George Martin Rev: 60: 08/2024 Approved by: George Martin Rev: 61: 08/2024 Approved by: George Martin Rev: 62: 08/2024 Approved by: George Martin Rev: 63: 08/2024 Approved by: George Martin Rev: 64: 08/2024 Approved by: George Martin Rev: 65: 08/2024 Approved by: George Martin Rev: 66: 08/2024 Approved by: George Martin Rev: 67: 08/2024 Approved by: George Martin Rev: 68: 08/2024 Approved by: George Martin Rev: 69: 08/2024 Approved by: George Martin Rev: 70: 08/2024 Approved by: George Martin Rev: 71: 08/2024 Approved by: George Martin Rev: 72: 08/2024 Approved by: George Martin Rev: 73: 08/2024 Approved by: George Martin Rev: 74: 08/2024 Approved by: George Martin Rev: 75: 08/2024 Approved by: George Martin Rev: 76: 08/2024 Approved by: George Martin Rev: 77: 08/2024 Approved by: George Martin Rev: 78: 08/2024 Approved by: George Martin Rev: 79: 08/2024 Approved by: George Martin Rev: 80: 08/2024 Approved by: George Martin Rev: 81: 08/2024 Approved by: George Martin Rev: 82: 08/2024 Approved by: George Martin Rev: 83: 08/2024 Approved by: George Martin Rev: 84: 08/2024 Approved by: George Martin Rev: 85: 08/2024 Approved by: George Martin Rev: 86: 08/2024 Approved by: George Martin Rev: 87: 08/2024 Approved by: George Martin Rev: 88: 08/2024 Approved by: George Martin Rev: 89: 08/2024 Approved by: George Martin Rev: 90: 08/2024 Approved by: George Martin Rev: 91: 08/2024 Approved by: George Martin Rev: 92: 08/2024 Approved by: George Martin Rev: 93: 08/2024 Approved by: George Martin Rev: 94: 08/2024 Approved by: George Martin Rev: 95: 08/2024 Approved by: George Martin Rev: 96: 08/2024 Approved by: George Martin Rev: 97: 08/2024 Approved by: George Martin Rev: 98: 08/2024 Approved by: George Martin Rev: 99: 08/2024 Approved by: George Martin Rev: 100: 08/2024 Approved by: George Martin					



FIRST FLOOR | 1:100



GROUND FLOOR | 1:100

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DETAILS TO TAKE PRECEDENCE.
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.
 CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS. REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON DRAWINGS.
 ANY DISCREPANCIES, ERRORS OR OMISSIONS ON THIS DOCUMENT TO BE IMMEDIATELY REPORTED TO THE ARCHITECT.

arktx chartered architects
 407 Southwark Road, Durdley, SO5 8BU
 T: 01382 831571 e: enquiries@arktx.co.uk

Project Title: **FLATTED DEVELOPMENT AT 60-62 HIGH STREET, ARBROATH, ANGUS**
 Client: **GEORGE MARTIN BUILDERS LTD**

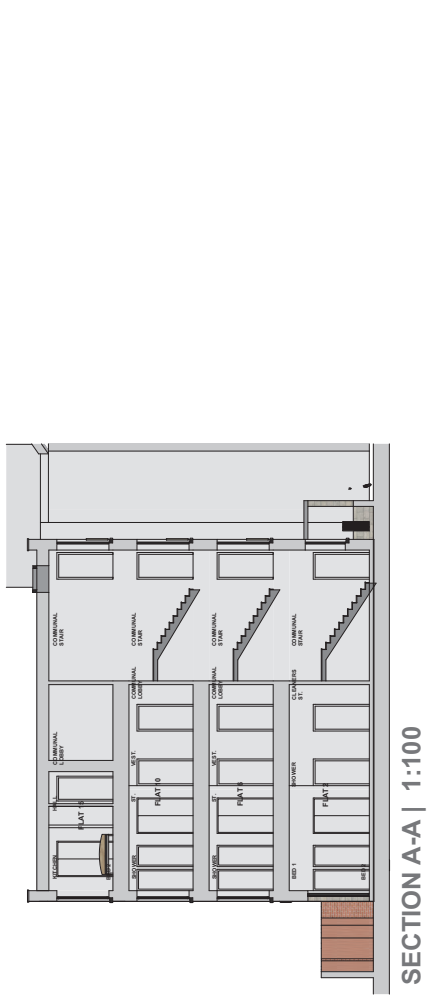
Drawn: **GROUND & FIRST FLOOR PLANS**

Date:	08/2024	Drawn by:	KM
Scale @ A1:	1:100	Project Reference:	NEW BUILD
Project No.:	1165	Drawn No.:	007
Rev:	F		

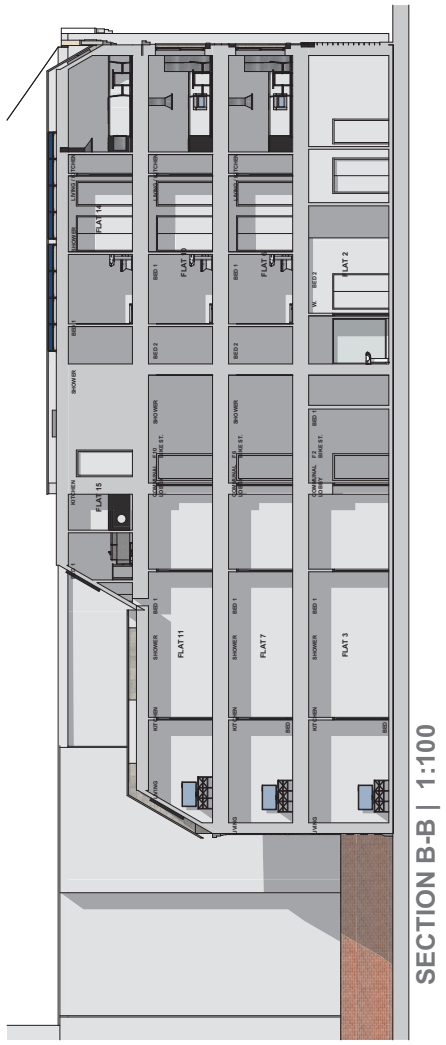
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Project No.	1165	Drawn No.	010	Rev.	D
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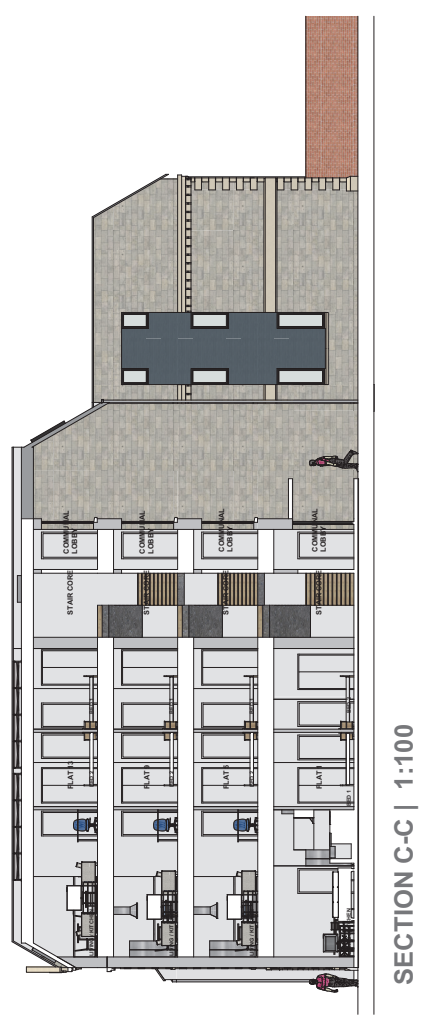
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- B - SITE PLAN
- C - FLOOR PLAN
- D - ELEVATION
- E - SECTION
- F - EXTERIOR
- G - INTERIOR
- H - ATTACHED TO DESIGN
- I - NOTED
- J - ATTACHED TO DESIGN



SECTION A-A | 1:100



SECTION B-B | 1:100



SECTION C-C | 1:100

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS AND SPECIFICATIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE. CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS. REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON DRAWING. ANY DISCREPANCIES, ERRORS OR OMISSIONS ON THIS DOCUMENT TO BE IMMEDIATELY REPORTED TO THE ARCHITECT.



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 T: 01328 831557 e: enquiries@arktx.co.uk

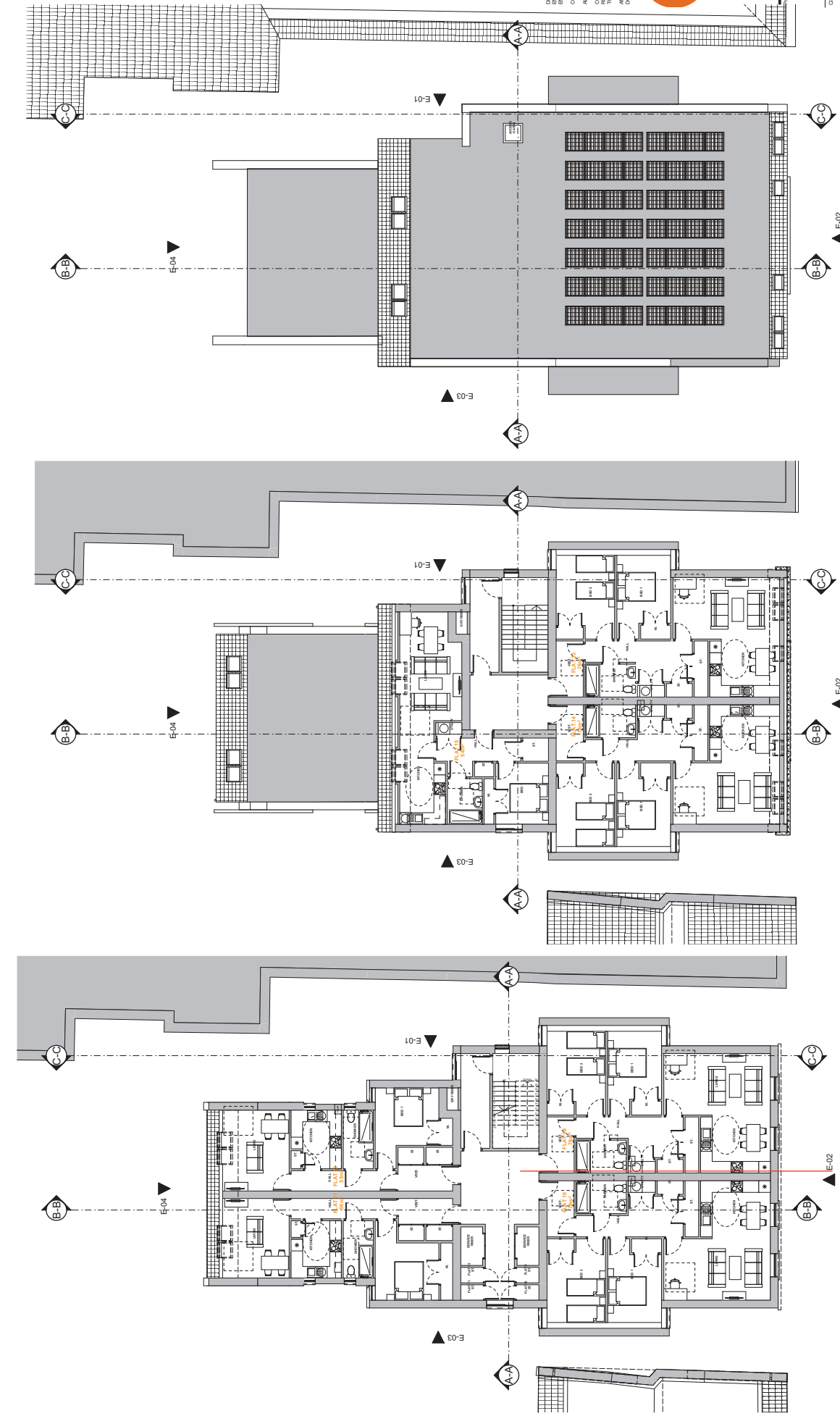
Project Title
FLATTED DEVELOPMENT AT
 60-62 HIGH STREET
 ARBROATH, ANGUS

Client
GEORGE MARTIN BUILDERS LTD

PROPOSED SECTIONS	
Date:	08.2024
Drawn by:	KW
Scale @ A1:	1:100
Project Reference:	NEW BUILD
Project No.:	1165
Drawn No.:	010
Rev.:	D

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100	1241	Approved	15/01/2024		



SECOND FLOOR | 1:100

THIRD FLOOR | 1:100

ROOF PLAN | 1:100

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL CONTRACT DOCUMENTS AND SPECIFICATIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED. CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS. REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON DRAWINGS. ANY DISCREPANCIES, ERRORS OR OMISSIONS ON THIS DOCUMENT TO BE IMMEDIATELY REPORTED TO THE ARCHITECT.

arktx chartered architects

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Project File: **FLATTED DEVELOPMENT AT 60-62 HIGH STREET ARBROATH, ANGUS**

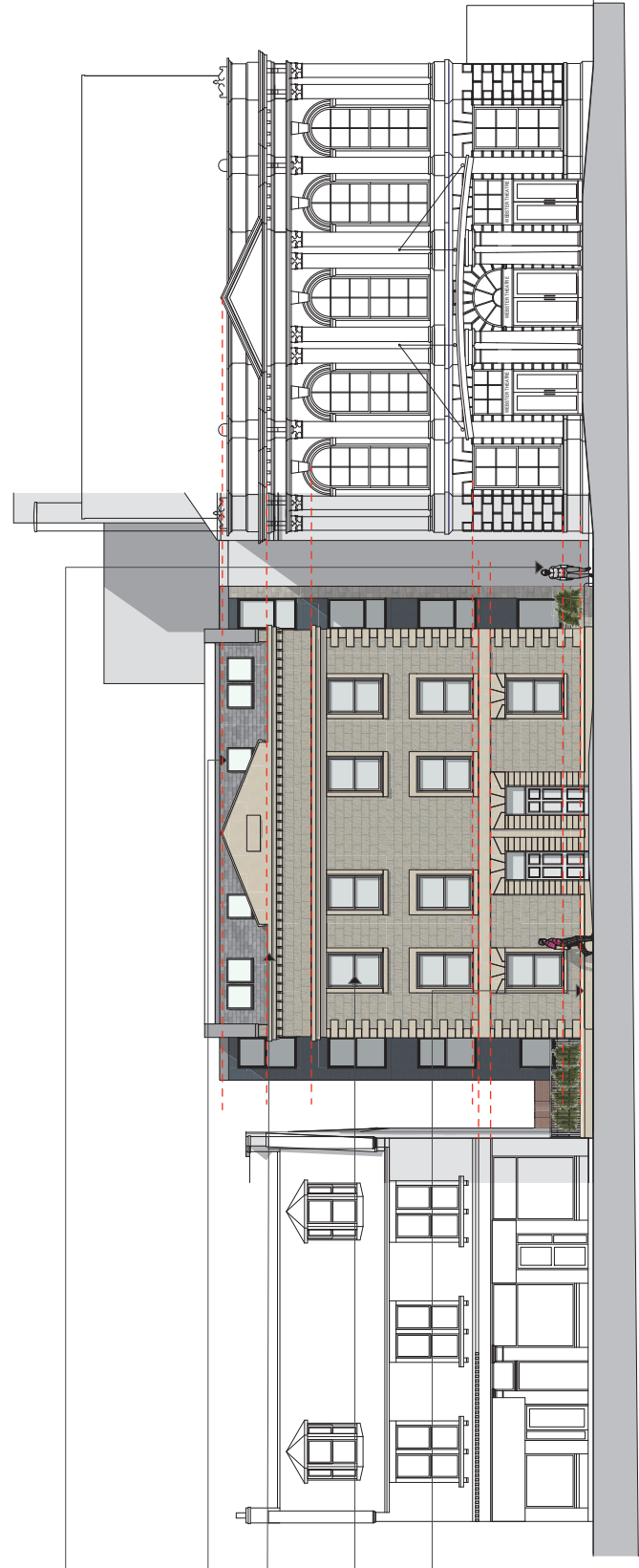
Client: **GEORGE MARTIN BUILDERS LTD**

Drawn By:	KM
Scale @ A1:	1:100
Project Reference:	NEW BUILD
Project No. / Title:	1165 / 008
Rev:	F

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Project No.	1165	Drawing No.	011	Rev.	D
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A: TITLE BLOCK
 B: APPROVED
 C: REVISIONS
 D: HISTORY



ACCESSIBILITY OF PEND
IMPROVED ALLOWING
GREATER WIDTH.

SLATE FINISH TO PITCHED
ROOFS TO REPLICATE
ADJOINING BUILDINGS.

SASH AND CASE AESTHETIC
WINDOWS TO MAIN FACADE
TO MATCH ADJOINING
PROPERTY.

LINTELS, CILLS & JAMBS TO
REPLICATE NEIGHBOURING
PROPERTY TO FIRST FLOOR
AND ABOVE.

STONE BASECOURSE TO
MATCH SURROUNDING
PROPERTIES.

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL
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Project Title
FLATTED DEVELOPMENT AT
 60-62 HIGH STREET
 ARBROATH, ANGUS

Client
GEORGE MARTIN BUILDERS LTD

STREET ELEVATION	
Title	08.2024
Drawn by	KW
Scale @ A1	1:85
Project Reference	NEW BUILD
Project No.	1165
Type	011
Rev.	D

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

PLANNING PERMISSION REFUSAL
REFERENCE : 23/00870/FULL

To **George Martin Builders Ltd**
c/o ARKTX
187 Strathmartine Road
Dundee
DD3 8BL

With reference to your application dated 14 December 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed Erection of 15 No Flatted Dwellings at 60 - 62 High Street Arbroath DD11 1AW for George Martin Builders Ltd

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 development does not comply with Policies TC2 or PV8 of the Angus Local Development Plan or NPF4 Policy 7, as the scale of development and the utilitarian design will have a detrimental impact on the character of the conservation area and is inconsistent with the character and pattern of development in the surrounding area.
2. The development does not comply with Policy TC2 of the Angus Local Development Plan as it has not been demonstrated that it can provide a satisfactory residential environment in terms of noise and disturbance associated with the existing lawful use of the adjacent theatre, that the flats on the lower floors will benefit from appropriate levels of daylight to habitable rooms, or that ground floor flats will enjoy appropriate levels of residential privacy.
3. The development does not comply with NPF4 policies 23 and 31 as it has not been demonstrated that it is consistent with the agent of change principle set out in NPF4 as it may result in unacceptable noise issues given the proximity of the proposed residential units to the existing theatre and that the theatre could continue without additional restrictions being placed on it as a result of the proposed new development.
4. The development does not comply with policy DS4 of the Angus Local Development Plan as it would result in a loss of daylight to west facing windows of the adjacent property to the south, that either do or could serve habitable rooms. Furthermore, the development would have a significant overbearing effect on the private yard area to the rear of the adjacent property to the south.
5. The does not comply with policy DS1 of the Angus Local Development Plan Policy as it is not in compliance with other relevant policies of the plan, and it is not compatible with policy 16 of NPF4 as it involves provision of new homes on land not allocated for housing in the local development plan in circumstances where it is not consistent with other relevant policies.

Amendments:

- 1 Proposed development amended. Drawings Proposed Site Plan - 1189-002-RevE, Ground and First Floor Plans - 1165-007-RevF, Second, Third and Roof Plans - 1165-008-RevF, Elevations - 1165-009-RevF, Proposed Sections - 1165-010-RevD , Street Elevation - 1165-011-RevD supersede all previous versions.

Dated this **3 December 2024**

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
Development Standards Committee/Full Council	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	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.	Local Review Body – See details on attached Form 2
Other Decision	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

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
Website: 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.

**Proposed Residential Development
60-62 High Street
Arbroath
DD11 1AW**



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



**187 Strathmartine Road
Dundee DD3 8BL**

November 2023

Design and Access Statement

Contents:

- 1.0 Site Description**
- 2.0 Planning History**
- 3.0 Description of Development**
- 4.0 Relevant Planning Policies**
 - 4.1 NPF4**
 - 4.1.1 Policy 1: Tackling the climate and nature crises
 - 4.1.2 Policy 7: Historic Assets and places.
 - 4.1.3 Policy 9: Brownfield, vacant and derelict land and empty buildings
 - 4.1.4 Policy 14: Liveable Places; Design, quality and place
 - 4.2 ANGUS COUNCIL LOCAL DEVELOPMENT PLAN (Adopted September 2016)**
 - DS3 High Quality Design and Placemaking
 - TC1 Housing Land Supply / Release
 - TC2 Residential Development
 - TC3 Affordable Housing
 - TC19 Retail and Town Centre Uses
 - PV3 Access and Informal Recreation
 - PV5 Protected Species
 - PV8 Built and Cultural Heritage
 - PV11 Energy Efficiency - Low and Zero Carbon Buildings
 - PV12 Managing Flood Risk
 - PV15 Drainage Infrastructure
- 5.0 Summary**

1.0 SITE DESCRIPTION.

The site sits within the Arbroath to Harbour Conservation Area and sits on the High Street immediately to the South of the Webster Theatre. adjoins the Perth Road District Centre on the Eastern and Southern boundaries. The site extends to 630sq.m. and has clearly delineated boundaries. To the North there is a public pedestrian access route linking the Ladybridge Street/Marketgate car park to the High Street. Immediately to the North of this is the 'Webster Memorial Theatre'. To the East of the site is High Street and to the west is the Ladybridge Street/Marketgate public car park. Adjoining the southern boundary is a two and a half storey property with retail on the ground floor and residential above.

Although it is uncertain when the original buildings were constructed on the site, the site is shown as developed on the 1822 (Figure 1) and 1858 (Figure 2) maps of the area. The 1858 plan indicates that there were extensive backland buildings which covered virtually the whole of the site area. By 1901 (Figure 3) and 1959 (Figure 4) the site has been developed as a Bank building. The previous buildings on the site were demolished in 2021. The site is now cleared and surrounded by Heras site security fencing. There is no established vegetation on this urban site.



Figure 1: Site circa 1822 (reproduced with the permission of the National Library of Scotland)

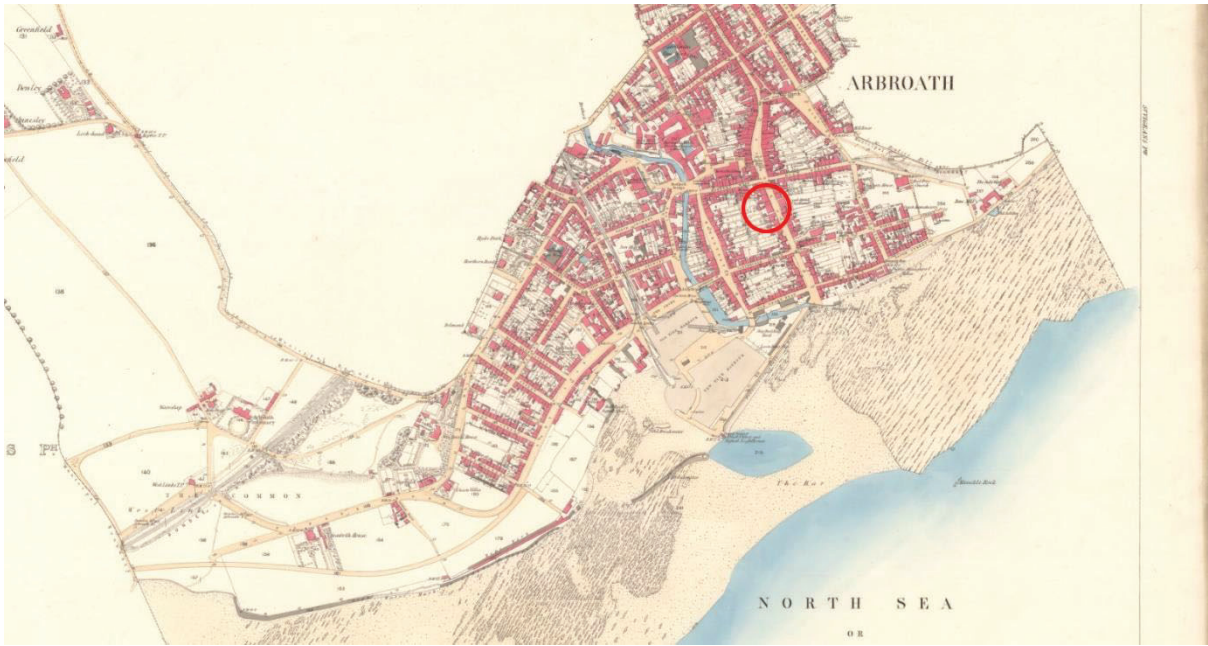


Figure 2: Site circa 1859 (reproduced with the permission of the National Library of Scotland)



Figure 3: Site circa 1901 (reproduced with the permission of the National Library of Scotland)



Figure 4: Site circa 1959 (reproduced with the permission of the National Library of Scotland)

2.0 PLANNING HISTORY.

2.1 A Dangerous Building Notice (Ref 21/00007/DS) was served on the previous owner under Section 19 and 20 on 2nd March 2021. An Application for Demolition (Ref 21/00282/CON) was made on 12th April 2021. Although the Planning portal does not reveal the decision made the dates noted on the Dangerous Building Notice require demolition prior to the date the Application for Demolition was lodged. One can only presume that the demolition occurred under the compulsory requirement of the Dangerous Building Notice.

3.0 DESCRIPTION OF THE DEVELOPMENT.

3.1 The development proposes that new much needed energy efficient residential accommodation is introduced into the town centre and remove a derelict open area replacing it with an attractive, contemporary intervention in the townscape. This development will infill and re-establish the building line of the High Street.

The development will house 20 No new apartments and will encompass:

- 1No 2 bedroom, 4 person wheelchair accessible apartment.
- 1No 2 bedroom 3 person wheelchair accessible apartment.
- 1No 1 bedroom 2 person wheelchair apartment.
- 8No 1 bedroom 2 person apartments.
- 3No 3 bed 5 person apartments.
- 3No 2 bedroom 4 person apartments.
- 3No 1 bedroom 2 person apartments.

The development will provide much needed affordable rented housing in the town centre which will ensure that more people use the local facilities. 'Hillcrest Housing Association' have committed to supporting the development and continue to liaise with Angus Council Housing service.

4.0 RELEVANT PLANNING POLICIES

4.1 NPF4

4.1.1 Policy 1: Tackling the climate and nature crises.

The site is a derelict brownfield central site with no formal or maintained soft landscaping present. This clause notes that Planning Authorities should consider the global climate and nature crises when determining Applications. We would contend that the Application satisfies this Policy which encompasses the following as policy impact considerations:

- **Just transition:** as it provides a logical and appropriate transition of this unused and degraded space to a useful space. The development will fill this gap in the linear building townscape dominant in this area of the town.
- **Conserving and recycling assets;** the development utilises a brownfield, unused site. Contemporary design techniques and modern building standards will ensure emissions from the new building are minimised.
- **Local living;** the site is within the Arbroath town centre and will reinforce the community and assist sustainable community aspirations. It sits largely surrounded by other residential properties on the upper floors.
- **Compact urban growth;** the site is located within the established urban fabric of the High Street. The site will infill this gap in the building fabric of the town centre.
- **Rebalanced development;** the development will provide much needed affordable residential accommodation in a core development area.

4.1.2 Policy 7: Historic Assets and places. As the development sits within the Arbroath Abbey to Harbour Conservation Area this policy has been considered within the proposals. The design has been carefully considered, indeed the development of this unused space will contribute positively to the area. The scale of the development is deliberately subservient to the neighbouring 1865 built Grade C Listed Webster Memorial Theatre.

4.1.3 Policy 9: Brownfield, vacant and derelict land and empty buildings.

The redevelopment of this brownfield site provides a solution to an identified requirement for much needed residential accommodation. It provides a meaningful use for this presently vacant land.

4.1.4 Policy 14: Liveable Places; Design, quality and place.

The development satisfies the aims of this policy as it has been designed to improve the quality of an unused dilapidated area of no clear identifiable use. The development also satisfies the six qualities of successful places:

Healthy: The site is within an urban context. Each apartment will be constructed to exceed current Building Standards. This will ensure well insulated and ventilated houses which are affordable to inhabit.

Pleasant: The development provides an attractive contemporary design for this infill site. The existing site holds minimal bio-diversity. The proposals will optimise the use of the site providing generous window openings for daylight to be enjoyed.

Connected: The location of the site immediately adjacent to a primary roadway within the town centre which ensures that the site is extremely well connected. Public transport routes are linking other areas of the town and beyond are easily accessed and can be supported by these new residents. Due to its central location within this urban neighbourhood there is no requirement for car dependency as all facilities are available locally. Bicycle storage provision has also been considered within the design. Schools, parks, shops and leisure facilities are all within a short walking distance. The pedestrian access path leading from the Ladybridge Street/Marketgate car park to the High Street has been respected and will be upgraded and made safer with public lighting, etc

Distinctive: The proposals reflect the scale of the nearby existing structures. It was however felt that the Webster Memorial Theatre still be the dominant building and the design is subservient as a result. Traditional four storey properties exist within the immediate surroundings. The design provides a logical infill of the street façade. We would contend that the design has been informed by its surroundings and respond positively to it in a contemporary manner. We have ensured that the development is sympathetic to its urban setting incorporating a contemporary twist. The external materials will be ivory coloured render and buff reconstituted stone punctuated with a sympathetic fenestration pattern. Large glazed windows reflect current fenestration patterns on the High Street. Our intention is that the development contributes positively to the character and sense of place of this important part of the city. It will demonstrate that the area is indeed being regenerated and bring new families to live making the existing shops and cafes more sustainable.

Sustainable: The building will be constructed using contemporary methods utilising sound environmental principles to reduce emissions and operating costs. There will be no loss of green space or bio-diversity as the current site is largely an area of dilapidated doughtakings.

Adaptable: The size and flexibility of rooms incorporates in the level of accommodation provided within these new homes allows for future flexibility of the spaces. Three wheelchair flats have been encompassed. There is a variety of apartment types accommodated within the development allowing flexibility for families requiring housing of different needs.

4.2 Angus Council Local Development Plan

4.2.1 Enshrined in the ALDP is a presumption in favour of sustainable development. This development is compliant with the ambitions noted in:

- Part 1 – A Presumption in Favour of Sustainable Development and also:
- Part 2 – Directing Development to the Right Place.

through a central regeneration strategy.

4.2.2 Policy DS3: High Quality Design and Placemaking

Policy DS3 Design Quality and Placemaking states that:

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:

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.

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.*

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.*

Adaptable: *Where development is designed to support a mix of compatible uses and accommodate changing needs.*

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.*

In response to the above objectives we would contend that the proposals meet with these requirements. In order to substantiate this claim we submit the following:

1. Distinct in Character and Identity:

1.1 The development proposals follow a design-led approach informed by its setting within the urban fabric of the city. The skyline of each will now linked forming a cohesive frontage and a sympathetic intervention into the streetscape. A feature will be created by the new corner rather than an open void which does not contribute. As there is nothing worth preserving on the site there is nothing to be retained.

1.2 The orientation of the building is dictated by the existing roads; proportion, scale, height, and mass by the flanking properties. Materials, detail, finishes and colours have all been considered and are appropriate to the site and surroundings. There is no car parking provision due to the location and overriding environmental impact.

2. Safe and Pleasant

2.1 The location of the development ensures that it can benefit from existing infrastructure ensuring minimal requirement for private vehicle provision.

2.2 The development promotes active frontages by having balconies and main living

2.3 By redeveloping the site with a high-quality development it removes an eyesore.

2.4 This development fully supports this policy by creating new living places that are designed to prioritise people, over motor vehicles.

3. Safe and Pleasant

3.1 By infilling this disused site the development will promote wayfinding and a sense of orientation. The building will provide a new focal point within the townscape. Further considerations complying with this clause include:

3.2 This design solution will contribute positively to the architectural language of the area.

3.3 We would contend that the development is sympathetic to existing surrounding built form and creates an appropriate infill development. Reconstituted stonework is proposed to the public-faced to mirror the adjacent properties. (although a wide range of materials is experienced within the immediate built environment).

4. Well Connected

This development relies on the existing infrastructure supporting existing public transport links. The development wholly supports the needs of people before the movement of motor vehicles.

4.1 The location of the development is critical to the car-free principle adopted. Existing services and public transport routes are to be used.

4.2 Sensitive integration of sustainable and active travel infrastructure has been incorporated through secure internal bicycle stores within the property. Public transport links are close by.

4.3 Current pedestrian circulation routes have been respected integrating the site fully with existing green infrastructure networks.

4.4 There is no change to the existing footpath infrastructure which are well-connected with the wider environment beyond the site boundary and have been respected.

4.5 The development provides a mix of apartment types that enhance accessibility by reducing reliance on private cars as required by this clause.

5. Adaptable

5.1 The development provides much needed housing provision in this sought after location. The dominant residential form in the area is apartments. There is limited opportunity to obtain rented apartments in the area and this will provide a modern energy-efficient living environment.

6. Resource Efficient

6.1 The development promotes the sustainable use of resources and waste management throughout the full lifecycle of development.

Although not appropriate for establishing a neighbourhood or district heat networks contemporary energy efficient heating and cooling of the properties has been considered.

6.2 Passive design strategies have been adopted to support natural heating, shading and cooling of buildings through balconies and limiting window openings to north and East.

6.3 Roof mounted solar collectors will be utilised to integrate renewable energy principles and low carbon technologies to support heating, cooling and electricity generation.

6.4 Heat convertors are also to be installed on all hot water outlets in order that this heat is captured and re-used within each apartment.

6.5 Water conservation has been considered and the development utilises water reduction taps and wc cisterns; sustainable drainage systems are to be operated with underground tanks being used to service the requirements of the development. Similar to other approved developments in built-up areas, it is anticipated that surface water attenuation will be provided below ground. Flows will be restricted to a rate agreed with 'Scottish Water' on submission of a formal connection application. Attenuation will likely take the form of proprietary cellular crates wrapped in an impermeable liner, with a flow control valve to restrict flows.

6.6 Specification of durable, high quality, low maintenance materials for building and landscaping, which have low embodied energy/carbon over their full lifecycle will be utilised.

6.7 Designated and appropriate space for the storage, separation and collection of domestic waste will be agreed with Angus Council Cleansing Service. The development currently encompasses a private refuse area with an attractive gated frontage to ensure an open yet secure aspect.

TC1 Housing Land Supply / Release

Although not within the identified sites this is a windfall site made available through the demolition of an unsafe building.

TC2 Residential Development

The site is compatible with current and proposed land uses in the surrounding area and within the development boundary for Arbroath. The site is not allocated or protected for any other use and the development proposals are consistent with the character and pattern of development in the surrounding area.

TC3 Affordable Housing

This development is supported by 'Hillcrest Housing Association' and has been vetted through their in-house processes to ensure compliance with their strict standards and requirements. Negotiations with Angus Council Housing are ongoing.

TC19 Retail and Town Centre Uses

The previous use was as an office space. (Area office for Scottish Environmental Protection Agency). There is no appetite in this post-Covid environment, encouraging many to work from home, to rebuild office accommodation. This development will introduce residential accommodation which in turn will provide more people helping to ensure the existing town centre services are more sustainable.

PV3 Access and Informal Recreation

The core pedestrian access path linking Ladybridge Street/Marketgate car park to the High Street has been retained and will be enhanced.

PV5 Protected Species

As there are no buildings, structures or established foliage on the site there are no natural habitats for any protected species.

PV8 Built and Cultural Heritage

Although located next to the grade C listed Webster Memorial Theatre it does not affect it in any way. The development has been deliberately designed to fit into the current townscape and be subservient to the Theatre.

PV11 Energy Efficiency - Low and Zero Carbon Buildings

The new development is using roof mounted solar collectors which will be utilised to integrate renewable energy principles and low carbon technologies to support heating, cooling and electricity generation. Electric boilers are to be used. The building envelope will be highly insulated in excess of current Building Standards and promote low running costs for the tenants.

PV12 Managing Flood Risk

There is no flood risk apparent for this town centre site.

PV15 Drainage Infrastructure

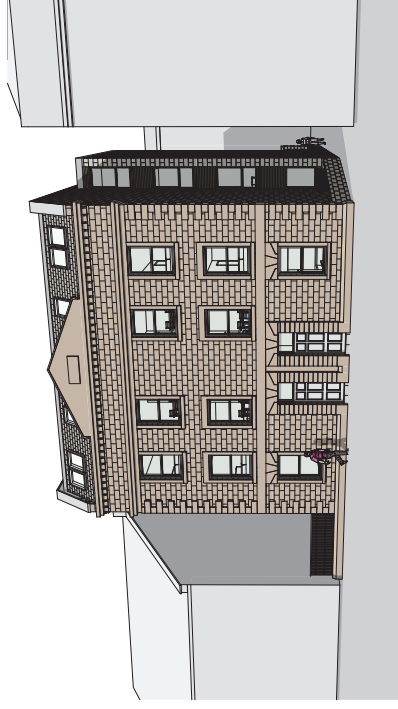
The site had enjoyed foul and surface water connections directly into the sewer in High Street. The Applicant proposes underground SUDS tanks to ensure a modern sustainable solution for this development.

5.0 SUMMARY

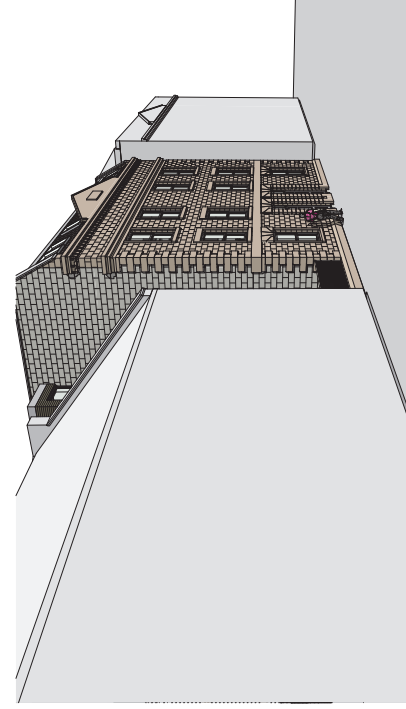
The development proposes that new much needed energy efficient residential accommodation is introduced into the town centre and remove a derelict open area replacing it with an attractive, contemporary intervention in the townscape. The design is clearly specifically for this site, is of a high quality and will contribute positively in enhancing the distinct character and identity of this part of the town centre. The design and layout respects the character of adjoining properties within the surrounding area and does not have a detrimental impact on existing residential amenity and parking.

Due to the urban nature and the nearby location of Ladybridge Street/Marketgate public car park there are no car parking spaces allocated within the curtilage of this town centre development.

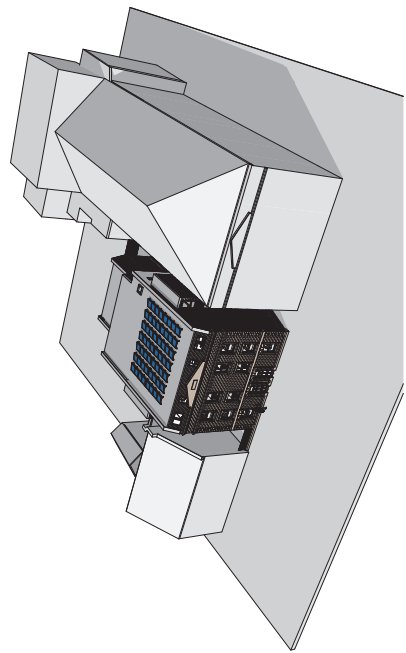
Project No.	1165
Drawing No.	013
Rev.	000
Date	20/05/2024



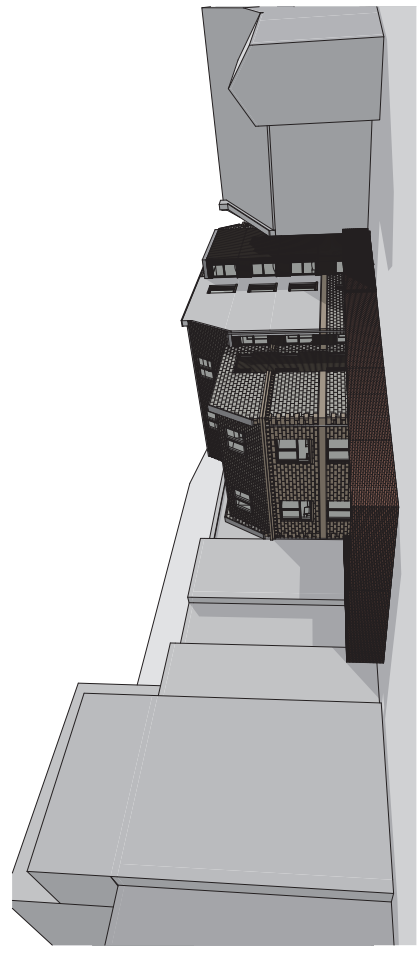
EAST PERSPECTIVE



SOUTH-EAST PERSPECTIVE



NORTH-EAST AERIAL PERSPECTIVE



SOUTH-WEST PERSPECTIVE

DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL DRAWINGS AND SPECIFICATIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE. CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS. REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON DRAWING. ANY DISCREPANCIES, ERRORS OR OMISSIONS ON THIS DOCUMENT TO BE IMMEDIATELY REPORTED TO THE ARCHITECT.



107 Southwark Place, Dundee, DD5 8BU
 T: 01382 831557 e: enquiries@arktx.co.uk

Project Title: **FLATTED DEVELOPMENT AT 60-62 HIGH STREET ARBROATH, ANGUS**

Client: **GEORGE MARTIN BUILDERS LTD**

VISUALS	
Element	Revision
08.2024	KM
1:120	NEW BUILD
1165	P
013	000

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Ben Freeman

From: Fraser Middleton <fraser@arktx.co.uk>
Sent: 09 August 2024 09:16
To: Ben Freeman
Subject: 1189_High Street, Arbroath
Attachments: 1189_60-62 High Street, Arbroath.zip

Importance: High

Proposed Residential Development, 60-62 High Street, Arbroath

Good morning Ben,

This may be a bit long winded but it is our final attempt to reach a satisfactory solution through negotiation as our Client is insistent that it progresses. Many thanks for you and your team's honest recent appraisal. Although disappointed we believe that we have now addressed these concerns to the best compromise which is also acceptable to our Client. We are now in the position however that we need the Application to be driven forward if funding is to be secured and a quick start on site secured. These proposals have been approved by our Client and also by Hillcrest Housing Association. We therefore request that these proposals are considered the ones to progress to a decision with. We will of course be able to encompass small changes that you may require but feel that we have engaged with Planning Service in a positive way and that the scheme is a deliverable one. Any less units and the scheme is unfeasible and the town is left with an eyesore. We have an opportunity to fill this gap site with an attractive intervention to the townscape making a significant positive impact in the area and providing much needed accommodation on a brownfield site in the town centre. It benefits all parties. Failure to reach an agreement would be detrimental to all parties. Again; we honestly appreciate your efforts and working with ARKTX to realise this goal and thank you for your appraisal of the reviewed design; however we are somewhat disappointed with this last correspondence which highlighted issues not raised previously.

We can assure you that Angus Council's correspondence has been discussed with the Applicant and end user at great length. With instruction we have further reviewed your comments and altered the design accordingly.

In response to the specific points raised we would respond as follows:

With regards to the "residential amenity" being affected to the rooms to the north please refer to our revised Drawing Nos 1189/007/F & 1189/008/F. These windows have been re-orientated in order to face East and West. This ensures that they are not looking at the blank wall of the Theatre. These floor to ceiling windows have also been enlarged in width in order to optimise daylight into the rooms. It is important to note that these are bedrooms and not necessarily desirable to have high levels of daylight or sunlight. These revisions significantly enhance the lighting levels within the rooms. We have also introduced raised planted beds in front of the ground floor windows providing extra privacy and a softening of the hard edge between building and footpath. The planted beds provide a physical barrier from the public and introduce greenery and biodiversity within the pend to create a more welcoming and attractive area for accessing the proposed development and the busy car park to the west. It is also important to recognise that the new building allows for a widening of the route through from the car park which is currently extremely restricted. This is to community and public benefit. In a similar approach to resolving your concerns to the south elevation the floor to ceiling windows are orientated east / west and have been enlarged.

This Application must be considered as a town centre development and recognised that there may be shortfalls within certain aspects as this is a gap site in a prominent location in one of Angus' main town centres. The situation proposed is a significant improvement on the original demolished building where windows were obscured by adjacent walls. Your comments appear to be guiding us towards a route of dual aspect apartments. This could only be achieved with a single block which was of course not what originally existed on the site before demolition. (Please refer to photograph below). It would also mean that the site is limited to only eight units which is clearly financially unfeasible in today's climate. With the revised fenestration pattern we have now orientated these windows to recognise the dual aspect that you desire whilst achieving additional light and retaining the required number of units to ensure deliverability for all.

This proposal has now also been scaled down to match proportions of neighbouring residential properties. The site / building ratio is now 59%, please see below our calculations of our development along with 52 – 54 and 56 – 58 High Street;

60 – 62 High Street –
 Overall site area – 630m²
 Building area – 368m²
 $630 / 100 = 6.3$
 $368 / 6.3 = \mathbf{59\%}$

56 – 58 High Street –
 Overall site area – 497m²
 Building area – 249m²
 $497 / 100 = 4.97$
 $249 / 4.97 = \mathbf{50\%}$

52 – 54 High Street –
 Overall site area – 348m²
 Building area – 223m²
 $348 / 100 = 3.48$
 $223 / 3.48 = \mathbf{64\%}$

As shown above this provides clarification that the proposed development sits proportionally in line with the neighbouring properties. Please refer to Drawing No 1189/002/E showing a line perpendicular to the building now aligning with the property of 52 – 54 High Street and of a similar two storey scale with accommodation in the roofspace.

We are unsure of the perceived affect on the building to the south as any daylight /sunlight enjoyed by this property would be unaffected with our building located to the north. (Refer again to the photograph below). The previous building already stood proud of the west facing elevation of the

neighbouring property. Our proposals are no higher and are further way from the boundary. We do however accept that they extend further to the west but do not believe the amenity of the existing adjoining property would be compromised. In order to address any perceived concerns our proposals have been rationalised in order to incorporate a light render panel which will reflect light rather than any light being absorbed by the colour of the masonry render. We note that the area to the south of the site is not garden area but a driveway, parking and vehicle garages so certain aspects relating to 'amenity' have already been compromised by the occupier.

The West Elevation has been reviewed and we have introduced stone dentils to the eaves, quoins to the corners, a stone basecourse and a stone lintel to the ground floor windows. This has continued on the South Elevation. Please see evidence retrieved from the Planning Application (21/00282/CON) for the demolition of the former property which shows photographs of that building. This information provides an input of what was previously sited in this location. Our design has implemented a similar formation of the eaves visible from the car park and gables to the north and south of the location whilst rationalising the fenestration. ARKTX believe the proposed facade establishes a greater quality from the previous utilitarian building that sat on this site and of the neighbouring properties. The previous building's west exterior assembled no uniformity or consistency within the positions of the openings creating a disproportionate elevation which was visible from the busy car park.

Regarding Angus Council's concern of the north and south elevations being "utilitarian" in appearance, we have again reviewed these aspects introducing different material palettes (coursed reconstituted stone, render and cladding), shaping the elevations to allow for openings and reducing the scale of the building from east to west matching the neighbouring properties. We have also added detailed architectural features. We attach Drawing No 1189/013 providing visuals of how the proposal would sit within its environment. Reviewing the demolition Planning Application, ARKTX consider the former building's north and south elevation dull and unwelcoming. The north elevation created a bland, restrictive and dark access between the car park and High Street with the use of one single material and the close proximity to the Webster Theatre. Our proposals widen the pend and introduce an elevation that is broken down to engage visual interest. The North Elevation will in reality only be visible from very limited viewpoints at ground level. Light render panels also cumulatively aid direct and ambient light to bounce around making this previously dark passageway more attractive and safe. The former south elevation, which as shown below matches the north elevation in description of bland and unwelcoming and does not aspire to great design quality within a Conservation Area. As noted above we have rationalised the materials and introduced more areas of interest by extending the stone bands and dentils. This ensures a less utilitarian appearance and ensures that it is lifted far above the anonymous rendered, detail-free south elevation of the Webster Theatre.



We have an opportunity to ensure this prominent site delivers a meaningful contribution to the townscape of Arbroath that can be enjoyed by the residents and provide much needed social housing. We sincerely hope that we have satisfactorily addressed your concerns within the need to satisfy our Client and the end-users requirements. There have not been any Objections noted against the original much larger scheme and we feel that this final attempt to ensure joint agreement is a carefully considered and valid one. We believe that we have addressed your concerns and have optimised them to the constraints of the site and our Brief. It would be a pity to miss this opportunity to contribute positively to the town centre.

Please do not hesitate to contact this office should you require any additional information or wish to discuss this matter further.

Best regards.

Fraser Middleton..

FRIAS RIBA
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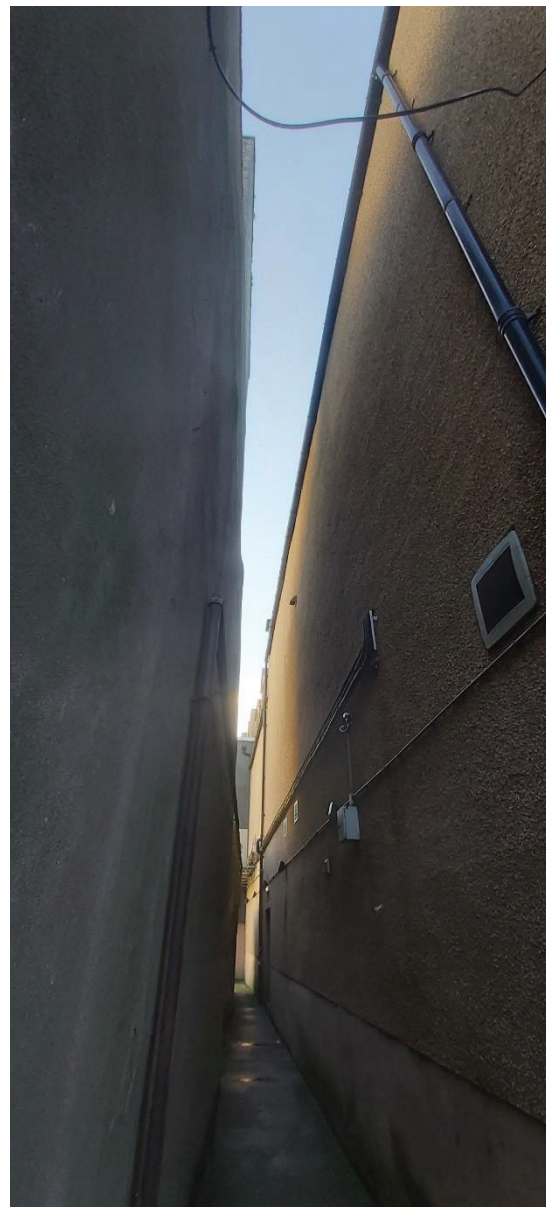
























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Acoustics
Air Leakage Testing
Air Quality
Thermography

Project: New Proposed Flatted Development

Address: High Street Arbroath

Client: George Martin Builders Ltd

Status: 2.6a

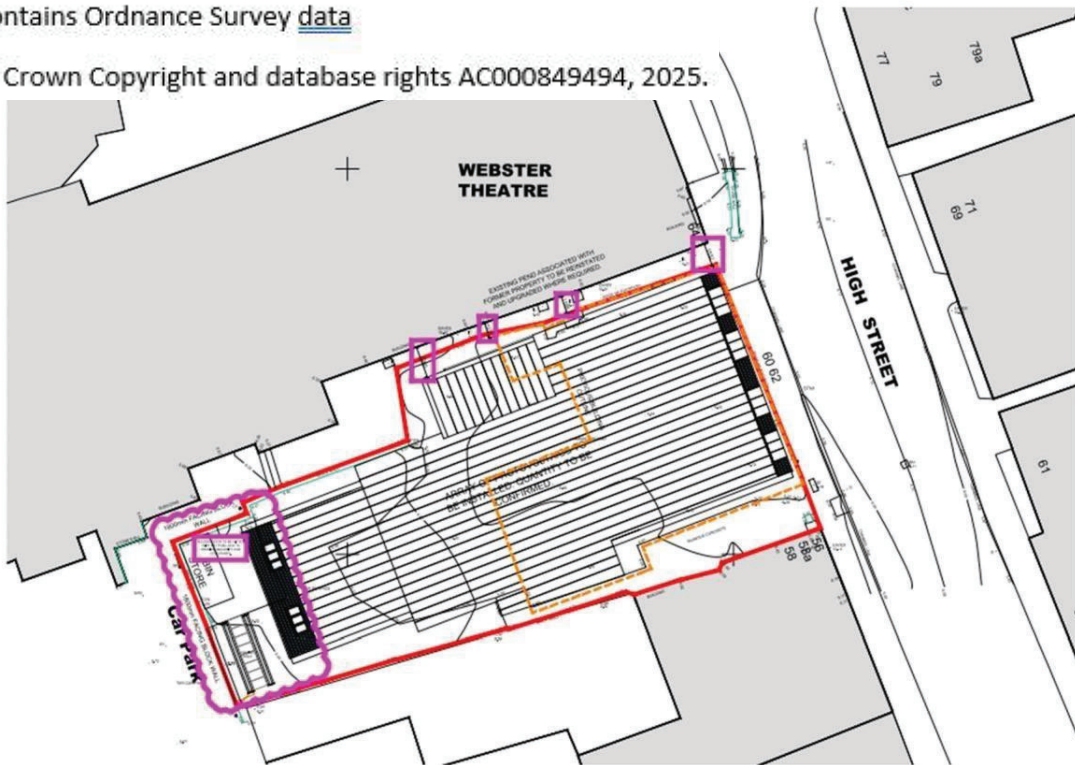
16th September 2024





Contains Ordnance Survey [data](#)

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June 2024

Proposed flatted development at 60-62 High Street,Arbroath

Client: George Martin Builders Ltd

Project number: BRS UK NIA 0926
Status: V1.0

Author: Raymond McGurk MTIOA
Reviewer: Stuart Cumming BSc(Hons) MSc MIOA

Date of issue: 8th July 2024

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1 INTRODUCTION

1.1 Remit

Building Regulations Services (BRS UK) was commissioned by George Martin Builders to undertake a Noise Impact Assessment in support of the planning application for 20 no flatted residential development at 60-62 High Street, Arbroath.

The site location is shown in Figure 1-1 below.

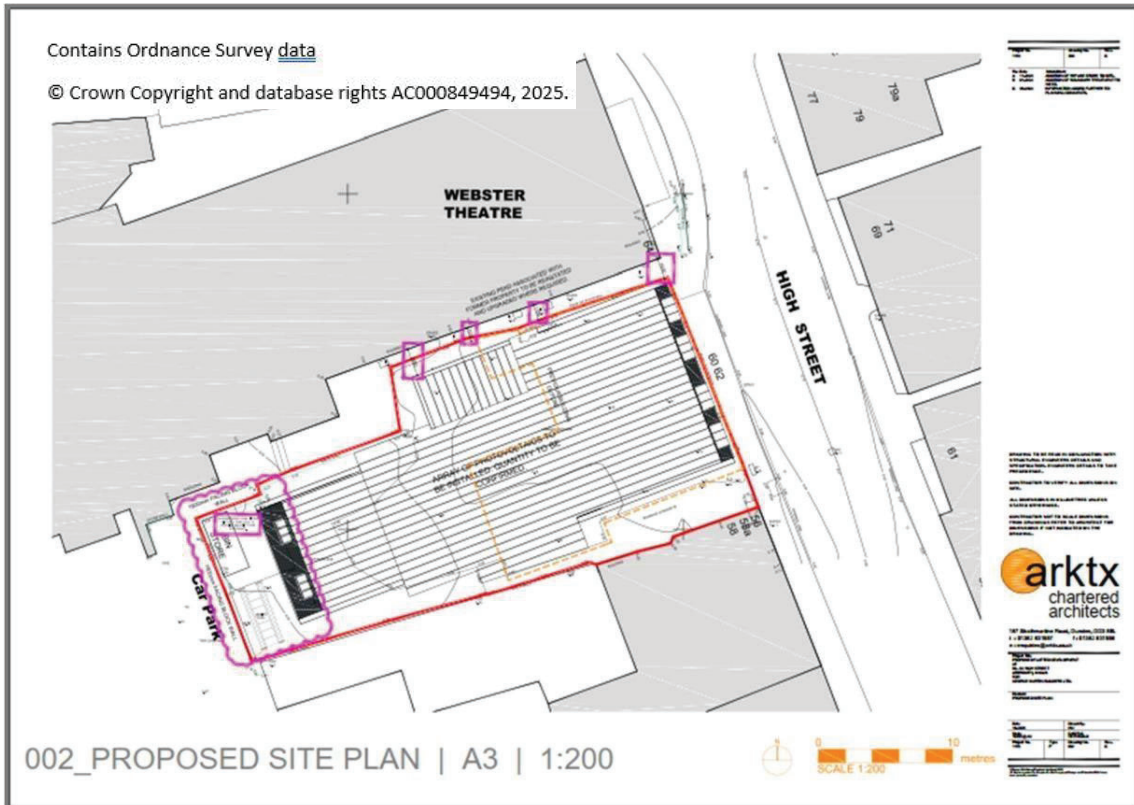


Figure 1-1 – Site Plan

This report is intended to provide information on the impact of specified surrounding noise sources on the proposed development stated within this report.

1.2 Report Usage

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from BRS UK.

If this report is to be submitted for regulatory approval more than 12 months following the report date, it is recommended that it is referred to BRS UK for review to ensure that any relevant changes in data, best practice, guidance or legislation in the intervening period are integrated into an updated version of the report.

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1.3 Site Location and Proposed Development

The site is a brownfield site to the south of Websters Theatre. A public car park to the west and a High Street on the west. With some residential and non-residential buildings to the south.

1.4 Potential Impacts

Websters Theatre is the main source of noise, with potential for adverse impact. Mainly when shows/events take place.

1.5 Consultation

The consultation on this instance was not made directly with Angus Council (here-on noted as the LPA) but based solely on the Council's planning response forward to BRS UK by George Martin Builders: -

"This application proposes the construction of a block of flats next to Websters Theatre in Arbroath and I am concerned there could be issues with regards to residential amenity at these properties due to this proximity which may impact the theatre in the future should complaints be received. Due to this, I cannot complete my appraisal of this application until a noise impact assessment has been undertaken by a qualified consultant."

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Websters Theatre is the main source of noise, with potential for adverse impact. Mainly when shows/events take place.

1.8 Consultation

The consultation on this instance was not made directly with Angus Council (here-on noted as the LPA) but based solely on the Council's planning response forward to BRS UK by George Martin Builders: -

"This application proposes the construction of a block of flats next to Websters Theatre in Arbroath and I am concerned there could be issues with regards to residential amenity at these properties due to this proximity which may impact the theatre in the future should complaints be received. Due to this, I cannot complete my appraisal of this application until a noise impact assessment has been undertaken by a qualified consultant."

2 NOISE ASSESSMENT METHODOLOGY

The noise assessment was undertaken to establish the existing noise climate and to determine the suitability of the site for residential development. The assessment involved the following stages:

- Calculation and prediction of noise levels assessed against BS8233:2014 and WHO internal noise criteria;

2.1 Noise Guidance

A brief description of noise assessment guidance specific to this assessment is provided in the sections below.

2.1.1 PAN 1/2011 Planning and Noise

Advice on the role of the planning system in helping to prevent and limit the adverse effects of noise is provided in Planning Advice Note (PAN) 1/2011 'Planning and Noise' (The Scottish Government, 2011a) and the associated Technical Advice Note (TAN) 2011 'Assessment of Noise' (The Scottish Government, 2011b) provides guidance on Noise Impact Assessment methods.

The methodology offered in Technical Advice Note (TAN) 2011 'Assessment of Noise' (The Scottish Government, 2011b) is used to assess the suitability of the local noise environment for a residential development.

The significant framework set out in the Technical Advice Note has been based on the exceedance of the noise criteria from the measured noise levels, $L_{Aeq,T}$ (dB) at the proposed noise sensitive development (NSD).

Table 2-1: Magnitude of Impact and Noise Level Band Identification

Magnitude	Noise Level X (dB) Band ID
Major adverse	$X \geq 10$
Moderate adverse	$5 \leq X < 10$
Minor adverse	$3 \leq X < 5$
Negligible adverse	$0 \leq X < 3$
No change	$X < 0$

The following table provides a framework in determining the level of significance relating the magnitude of impact with the sensitivity of the receptor:

Table 2-2: Magnitude of Impact Relative to Receptor Sensitivity

Magnitude of Impact	Level of Significance Relative to Sensitivity of Receptor		
	Low	Medium	High
Major	Slight/Moderate	Moderate/Large	Large/Very Large
Moderate	Slight	Moderate	Moderate/Large
Minor	Neutral/Slight	Slight	Slight/Moderate
Negligible	Neutral/Slight	Neutral/Slight	Slight
No Change	Neutral	Neutral	Neutral

The level of significance and its relevance to the decision-making process is summarized below as:

- **Very Large:** These effects represent key factors in the decision-making process. They are generally, but not exclusively, associated with impacts where mitigation is not practical or would be ineffective.
- **Large:** These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.
- **Moderate:** These effects, if adverse, while important, are not likely to be key decision-making issues.
- **Slight:** These effects may be raised but are unlikely to be of importance in the decision-making process.
- **Neutral:** No effect, not significant, noise need not be considered as a determining factor in the decision-making process.

2.1.2 World Health Organisation (WHO) Guidelines for Community Noise 1999

In Guidelines for Community Noise, (World Health Organisation, 1999), outdoor sound levels equivalent to $L_{Aeq,T}$ 55dB(A) is indicative of the threshold above which few people are seriously annoyed (for an outdoor living area), during day and evening time.

To avoid sleep disturbance night-time noise events exceeding $L_{Amax,T}$ 45dB(A) should be avoided. In addition, the guidance identifies that negative sleep impacts are avoided at $L_{Aeq,T}$ 30dB for continuous noise sources. It also provides guidance on the sound attenuation provided to internal living areas when windows are partially opened i.e., up to 15dB reduction in external noise levels.

The minimum standard required by the Building Standards (Scotland) Regulations for thermal insulation is two layers of 4mm thick glass separated by 6mm to 16mm thick cavity. Where glazing has not yet been specified, this configuration may be assumed as a minimum standard.

2.1.3 BS8233:2014 Guidance on sound insulation and noise reduction for buildings

According to the BS8233 suitable indoor levels for residential purposes are: -

$L_{Aeq,T}$ 35 dB to $L_{Aeq,T}$ 40 dB daytime, i.e. between 07:00 – 23:00 hours; and

$L_{Aeq,T}$ 30 dB night-time, i.e. between 23:00 – 07:00 hours.

$L_{Amax(fast)}$ 45 dB within bedrooms during the night-time to avoid resting disturbance, as per the World Health Organisation Community Noise Guidelines.

2.1.4 ProPG

The ProPG: Planning and Noise, Professional Practice Guidance on Planning and Noise for New Residential Development was released in 2017. ProPG: 2017 aims to consider noise in relation to the planning process and encourages good acoustic design at an early stage.

2.2 Noise Definitions

The following definitions relevant to the noise assessment are used in this report:-

$L_{Aeq, T}$: Equivalent continuous A-weighted sound pressure level. This is the single number that represents the average sound energy over that time period. It is the sound level of a notionally steady sound that has the same energy as a sound that fluctuates over a specified measurement period.

$L_{AF, max}$: The A-weighted maximum sound pressure level over the measurement period. The measurement is taken using the fast time weighting of the sound level meter.

Free-field: As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, a fence, building, earth bund, etc. The former is known as free-field propagation.

Façade Effect: When sound is reflected back towards its source, off a surface, such a wall, the reflected and incident sound waves interfere constructively, causing what is known as façade effect, or pressure doubling. This increases the noise, compared to that which exists in free-field, by approximately 2.5 dB(A).

3 NOISE MONITORING

An ambient sound survey at the site of the boundary of proposed development with Websters Theatre and High Street was carried out on Friday 7th June and Saturday 8th June 2024, during a live event.

3.1 Noise Monitoring Locations

The approximate measurement position is shown in Figure 2 below. In the green box area.



Figure 2 – approx. survey location

- - survey position 1
- - survey position 2

3.2 Noise Monitoring Details

A fully calibrated Type 1 sound level meter was used to undertake all the noise monitoring events as detailed in table 3-1. The sound level meter was calibrated both before and after measurements were taken and no significant drift was noted.

Table 3-1: Investigative Equipment Utilised and Technical Details

Monitoring Period:	07:00hrs – 23:00hrs
Time Intervals:	16 hour measurement period
Instrument:	Norsonic 145 sound analyser.
Calibration:	At the start of the measurement the sound analyser was calibrated using a Norsonic NOR-1251 Sound Calibrator.
Measurement Settings:	Environmental logging mode: A-weighted sound pressure level with time weighting fast.
Measurement Positions:	Measurements were taken at circa 1.5m above the ground.

The weather conditions during the monitoring events were recorded and are summarised in table 3-2.

Table 3-2: Monitoring Periods and Weather Conditions

Monitoring Period/Event	Weather Conditions
07/06/2024	Clear skies, 19.2 degrees Celsius, 3m/s wind speed prevailing east direction.
08/06/2024	Clear skies, 21.2 degrees Celsius, 4m/s wind speed prevailing east direction

3.3 Survey Results Summary

3.3.1 Theatre Noise Levels Measured from proposed site.

A summary of the results can be found in table 3-3.

Table 3-3: Noise Monitoring Results

Start time/ Duration (hrs)	L _{Aeq} (dBA)	L _{AFMax} (dBA)
07:00 – 23:00	54.8	81.5
23:00 – 07:00	50.8	73.1

Table 3-4: Predicted Indoor Daytime/Evening Noise Levels

Noise Sensitive Receptor ID	Predicted Daytime free field levels L_{Aeq} (dB)	Predicted At Façade with 2.5dB Correction $L_{Aeq, 8hr}$ (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	54.8	57.3	24.3

- The R_w weighted reduction figures are based on BS8233:2014 guidance of an insulated glass unit having a 33 R_w value when closed. Assuming suitable sound attenuating trickle ventilators are used.
- Upon review, the introduction of mechanical ventilation is to be introduced to the flats that were at risk of high noise levels. The windows will now be inoperable due to the background ventilation being provided by the newly introduced mechanical ventilation system. Spec to be provided by the developer.

Table 3-5: Predicted Max Indoor Daytime/Evening Levels

Noise Sensitive Receptor ID	L_{Amax} (dB)	Predicted Levels with distance attenuation (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	81.5	Bed 1 & 2 = 87.5	54.5

- The same theory applies to the maximum levels. L_{Amax} being a single event and not the overall ambient noise level at the measurement location.
- Max level is a single event not the overall average noise level of the location in question. Was due to noise produced from a member of the public as this recording was without the theatre in operation.

- Table 3-6: Predicted Indoor Night Time Noise Levels

Noise Sensitive Receptor ID	Predicted Night-time free field levels L _{Aeq} (dB)	Predicted At Façade with 2.5dB Correction L _{Aeq, 8hr} (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	50.8	53.3	20.3

Table 3-7: Predicted Max Indoor Night Time Levels

Noise Sensitive ReceptorID	LAMax (dB)	Predicted Levels with distance attenuation (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	71.	Bed 1 & 2 = 78	45

4 NOISE IMPACT ASSESSMENT

4.1 Calculation Methodology

To calculate the internal ambient noise level inside the residential property, the following calculation methodology has been taken from BS8233:2014 and also from BS EN ISO 12354-3:

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{-\frac{D_{ne}}{10}} + \frac{S_{wi}}{S} 10^{-\frac{R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{-\frac{R_{ew}}{10}} + \frac{S_{rr}}{S} 10^{-\frac{R_{rr}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

The calculation provides the internal ambient noise level as $L_{Aeq,T}$ where building elements including the wall, glazing and trickle ventilators are all considered.

4.2 Noise Sources

This noise assessment considers the impact of noise coming from Websters Theatre during an event.

Table 4-1 shows some common design criteria for NR levels in various spaces. Whilst the values show the total internal ambient noise level in each space, it shows that inaudibility (NR 15 / 10dB below the background level) would be applicable to a recording studio or concert hall rather than a private dwelling.

Table 4-1: Common Examples of Noise Rating Curve Values

Noise rating curve	Application
NR 25	Concert halls, broadcasting and recording studios, churches
NR 30	Private dwellings, hospitals, theatres, cinemas, conference rooms
NR 35	Libraries, museums, court rooms, schools, hospitals operating theatres and wards, flats, hotels, executive offices
NR 40	Halls, corridors, cloakrooms, restaurants, night clubs, offices, shops
NR 45	Department stores, supermarkets, canteens, general offices
NR 50	Typing pools, offices with business machines
NR 60	Light engineering works
NR 70	Foundries, heavy engineering works

This level of internal noise is extremely difficult to achieve from an acoustic perspective. From a professional point of view, a reduction of 10dB below the design level would be sufficient to achieve effective inaudibility.

Acoustic privacy between dwellings

It should also be noted that such an excessive level of sound insulation would mean that the overall internal ambient noise level inside each new dwelling would be very low. While this might sound like a positive outcome, it means that the acoustic privacy between residential dwellings will be decreased. Due to the low level of noise, voices and other intrusive noise from adjacent apartments will sound subjectively louder than they would otherwise.

4.3 Conclusion

The measured data and weighted sound reduction figures are based on the guidance provided in BS8233:2014. Since the completion of the initial report, a mechanical ventilation strategy has been implemented to address high ambient background noise levels. As a result, the windows are becoming inoperable, as the mechanical ventilation now serves as the primary means of background ventilation.

The LAeq levels in the bedrooms at the Websters façade in Flat 6 do not exceed the recommended 35 dB LAeq (16 hr) levels set forth by the WHO and aligned with the guidelines in BS8233:2014. This is primarily because the windows are inoperable. The predicted noise levels are now 14.7 dB lower than the 35 dB target for daytime/evening levels.

Furthermore, the LAeq levels in the same bedrooms during the nighttime period are also below the recommended levels specified in the relevant guidelines, sitting 9.7 dB below the recommended 30 dB ambient noise levels.

This reduction in noise levels has been achieved through the introduction of a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation.

Regarding the Lmax figures, it is important to note that these values represent single-event noise occurrences rather than an overall ambient noise level. These recorded events may arise from external anomalies, such as traffic, car horns, passersby, or activities from the nearby theatre, which typically cease by 11 PM.

Table 4 Indoor ambient noise levels for dwellings

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

4.4 Internal Noise Break-in

The usual design guidance values for residential properties during the night are stated in the WHO guidelines for community noise and BS8233:2014 are as in Section 2 and below:

- **L_{Aeq,T} 30 dB** night-time, i.e. between 23:00 – 07:00 hours.
- **L_A max(fast) 45 dB** within bedrooms during the night-time to avoid resting disturbance, as per the World Health Organisation Community Noise Guidelines.

To account for low frequency noise associated with amplified music it is recommended that a minimum level of performance of NR15 is also achieved. Although the music noise may be slightly audible during events, the infrequent nature of the events at the venue and the benefits of having more housing in the local area should possibly be considered.

4.5 Images from set up





DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

60 - 62 HIGH STREET, ARBROATH

APPLICATION NO 23/00870/FULL

APPLICANT'S SUBMISSION

PAGE NO.

ITEM 1	Notice of Review
ITEM 2	Site Plans, Drawings and Photographs
ITEM 3	Design and Access Statement
ITEM 4	Statement of Appeal
ITEM 5	Noise Impact Assessment
ITEM 6	Decision Notice
ITEM 7	Original Planning Application
ITEM 8	Report of Handling
ITEM 9	Email Correspondence



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 100654162-002

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:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Fairfield Road"/>
Company/Organisation	<input type="text" value="George Martin Builders Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 8HR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="enquiries@arktx.co.uk"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land at 60-62 High Street, Arbroath, DD11 1AW"/>
--

Northing	<input type="text" value="740808"/>	Easting	<input type="text" value="364365"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Proposed Erection of 15No Flatted Dwellings

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.

Please refer to Statement of Appeal attached

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)

Drawing No's 1189/LOC, 001, 002E, 007F, 008F, 009F, 010D, 011D, 012, 013, 014 Pre-demolition photos, Design and Access Statement, Statement of Appeal, Noise Impact Assessment, Refusal, Planning Application, Report of handling and covering email for revised scheme.

Application Details

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

23/00870/FULL

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

06/12/2023

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

03/12/2024

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: Mrs Jennifer Middleton

Declaration Date: 28/01/2025

Project No. 1189	Drawing No. 001	Rev. N/A
Rev Date	Amendment	

ITEM 2



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED FLATTED DEVELOPMENT
 AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS
 FOR
 GEORGE MARTIN BUILDERS LTD.

Element
 EXISTING SITE PLAN

Date 10.2023	Drawn By. KM
Scale 1:200 @ A3	CAD Ref. NEW BUILD
Project No. 1189	Type P
Drawing No. 001	Rev. N/A

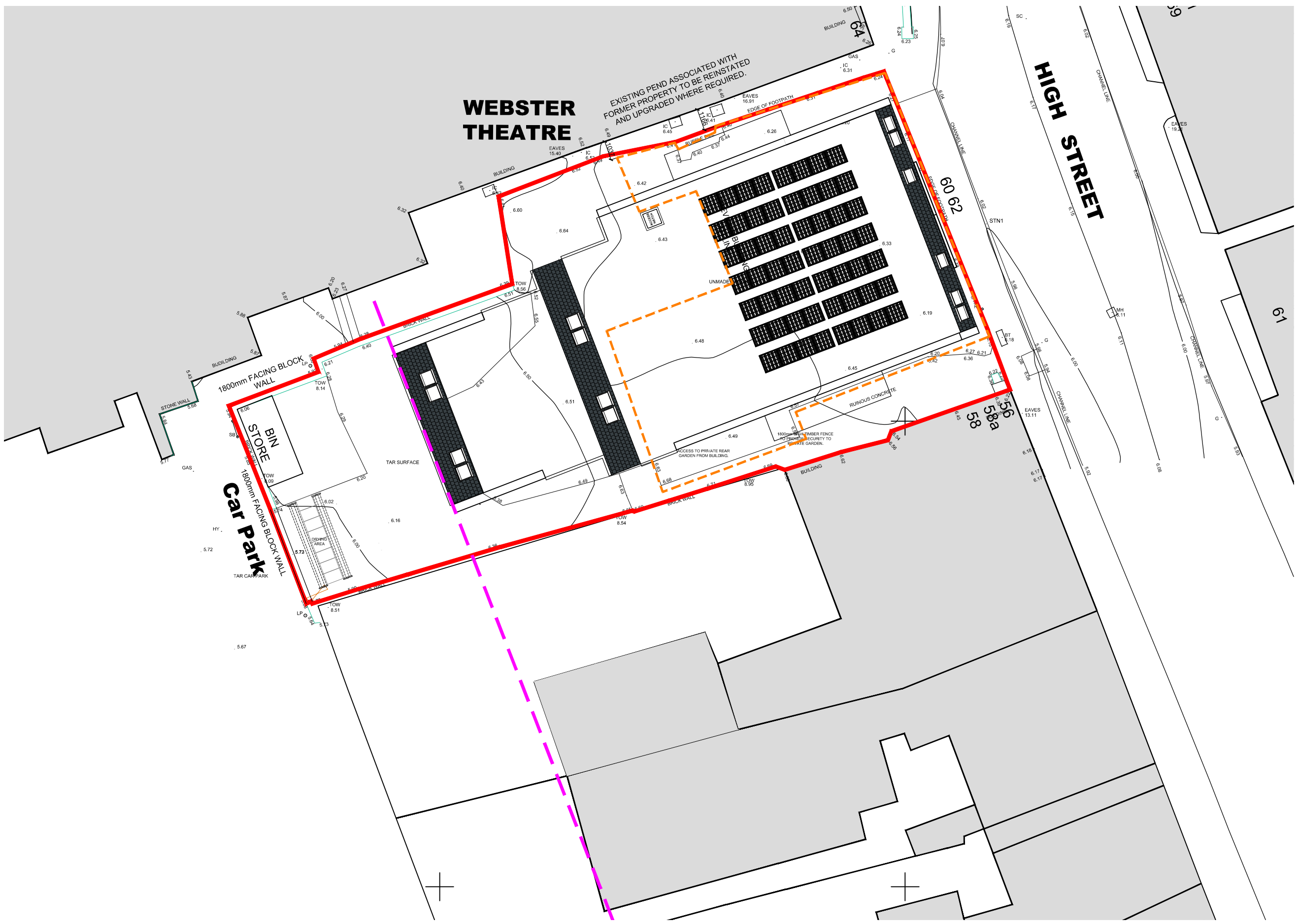
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001_EXISTING SITE PLAN | A3 | 1:200



Project No. 1189	Drawing No. 002	Rev. E
Rev Date	Amendment	
A 11.2023	ADDITION OF REFUSE STORE TO SITE.	
B 01.2024	ADDITION OF BOUNDARY TREATMENT TO WEST.	
C 03.2024	INFORMATION ADDED FURTHER TO PLANNING COMMENTS.	
D 06.2024	REMOVAL OF 3NO. FLATS.	
E 07.2024	ALTERATIONS TO DESIGN.	

ITEM 2a



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.

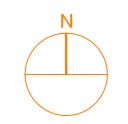


187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED FLATTED DEVELOPMENT
 AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS
 FOR
 GEORGE MARTIN BUILDERS LTD.

Element
 PROPOSED SITE PLAN

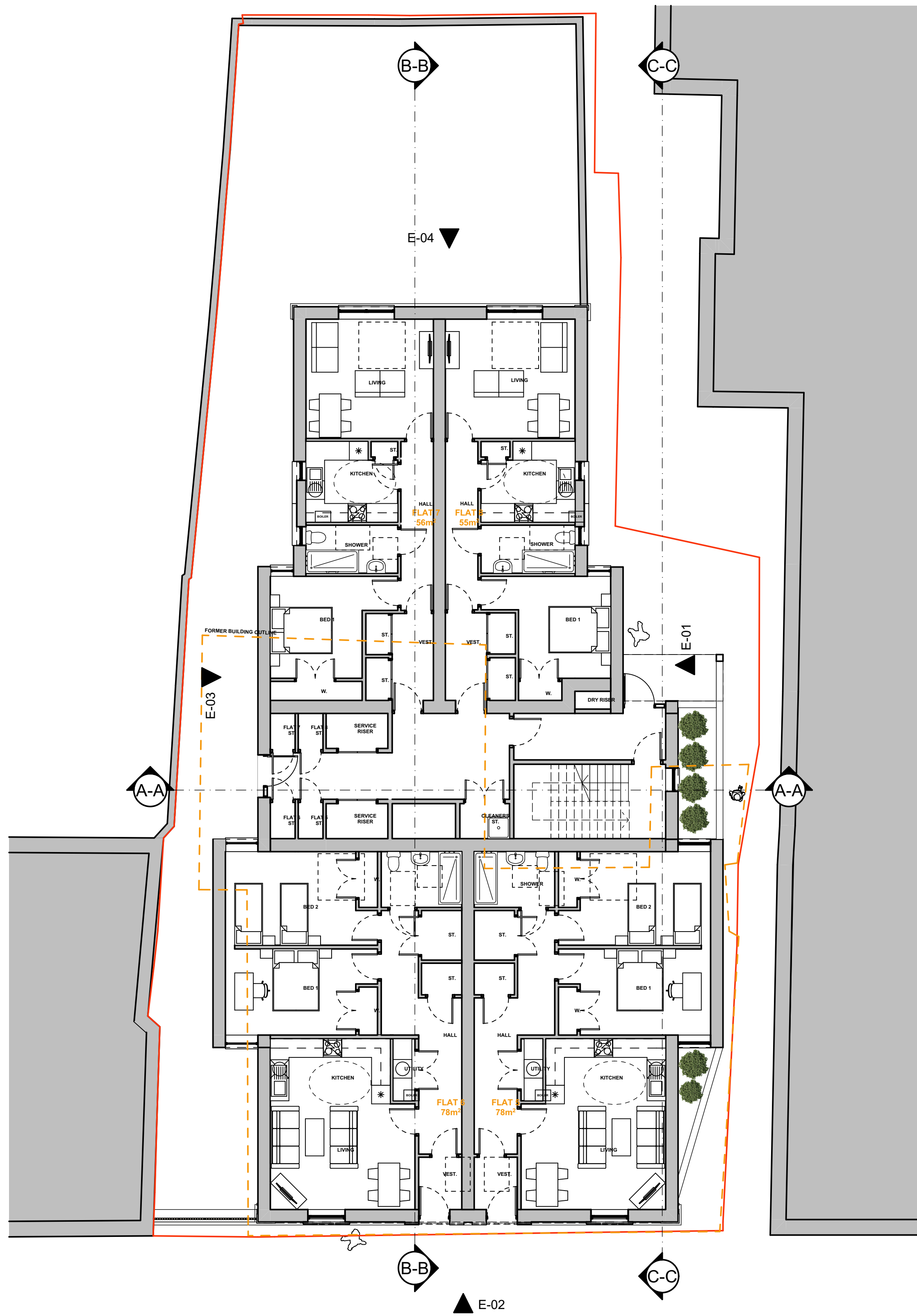
Date 10.2023	Drawn By. KM
Scale 1:200 @ A3	CAD Ref. NEW BUILD
Project No. 1189	Type P
Drawing No. 002	Rev. E



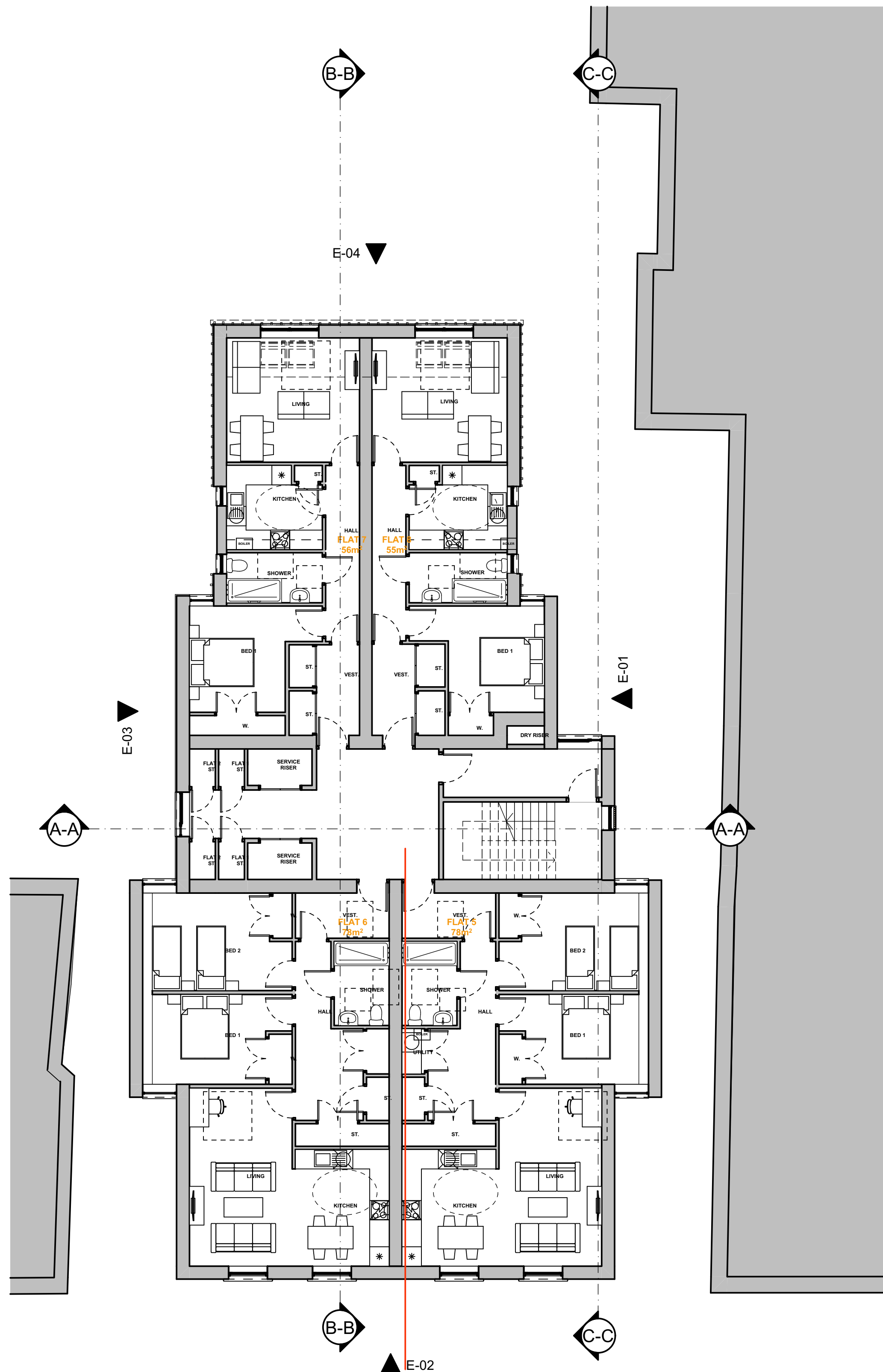
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Project No.	1165	Drawing No.	007	Rev.	F
Rev.	Date	Amendment			
A	21/11/2023	Alterations to Housing Associations comments.			
B	19/01/2024	Alterations to layout of flats 1 & 2			
C	15/03/2024	Alterations to flat 6 and inclusion of bike store			
D	28/05/2024	REMOVAL OF FLATS 19 & 20			
E	24/06/2024	Removal of 3no. flats			
F	18/07/2024	ALTERATIONS TO DESIGN			

ITEM 2b



GROUND FLOOR | 1:100



FIRST FLOOR | 1:100

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DETAILS AND SPECIFICATION. ENGINEER'S DETAILS TO TAKE PRECEDENCE.
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.
 CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS. REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.
 ANY DISCREPANCIES, ERRORS OR OMISSIONS ON THIS DOCUMENT TO BE IMMEDIATELY REPORTED TO THE ARCHITECT.

arktx
 chartered
 architects

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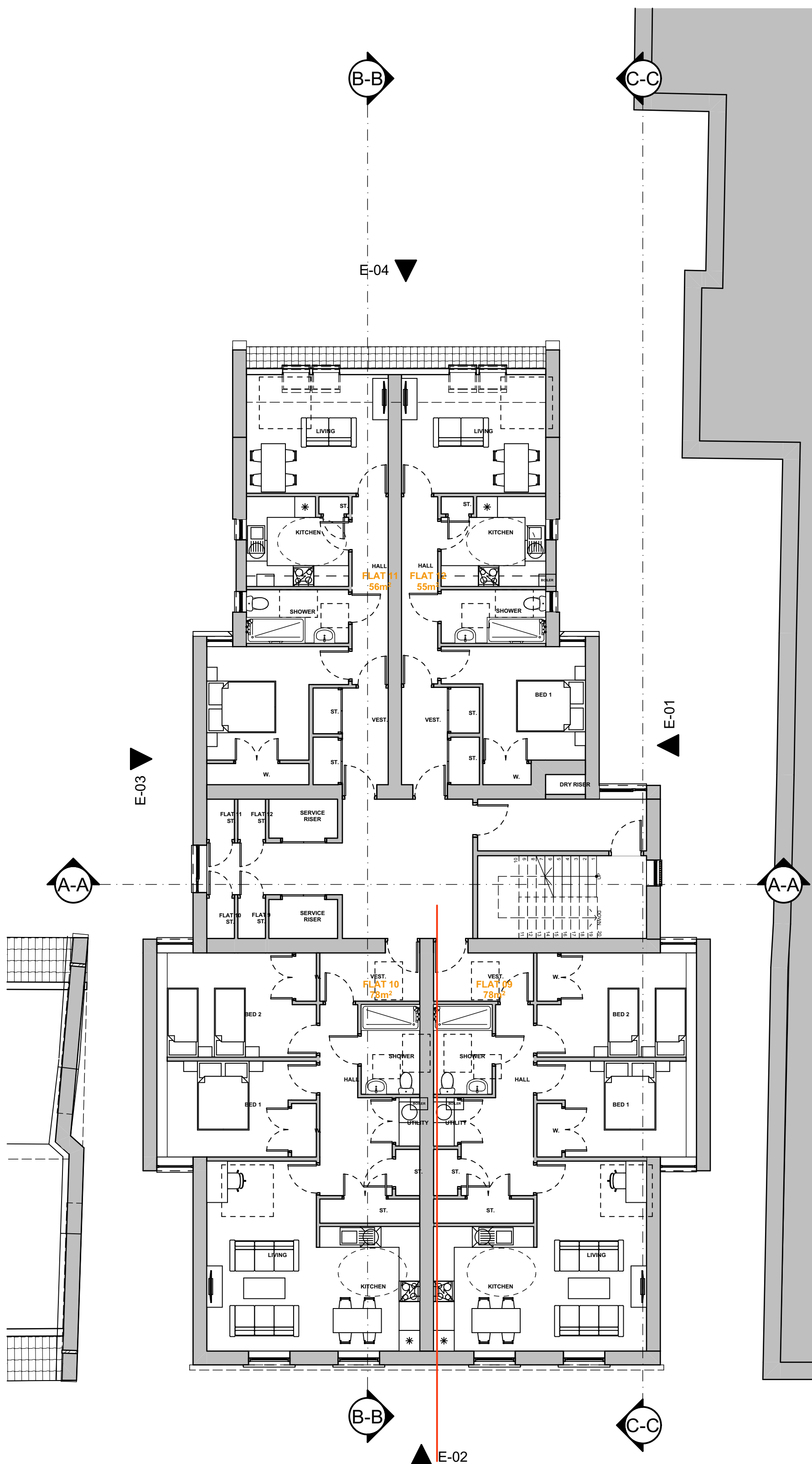
Project Title
**FLATTED DEVELOPMENT AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS**

Client
GEORGE MARTIN BUILDERS LTD

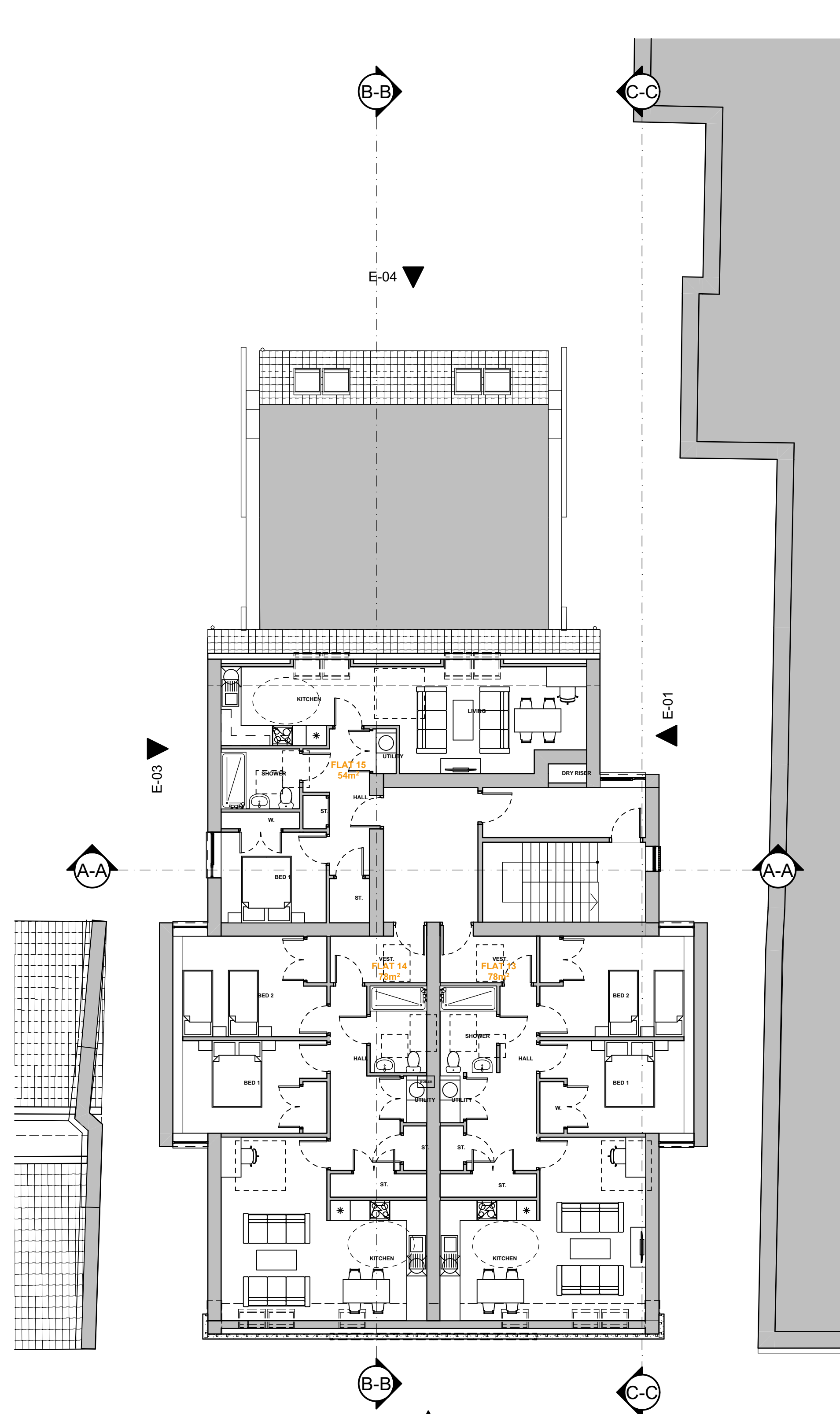
Element
GROUND & FIRST FLOOR PLANS

Date	08.2024	Drawn By	KM
Scale @ A1	1:100	Project Reference	NEW BUILD
Project No.	1165	Drawing No.	007
Type		Rev.	F

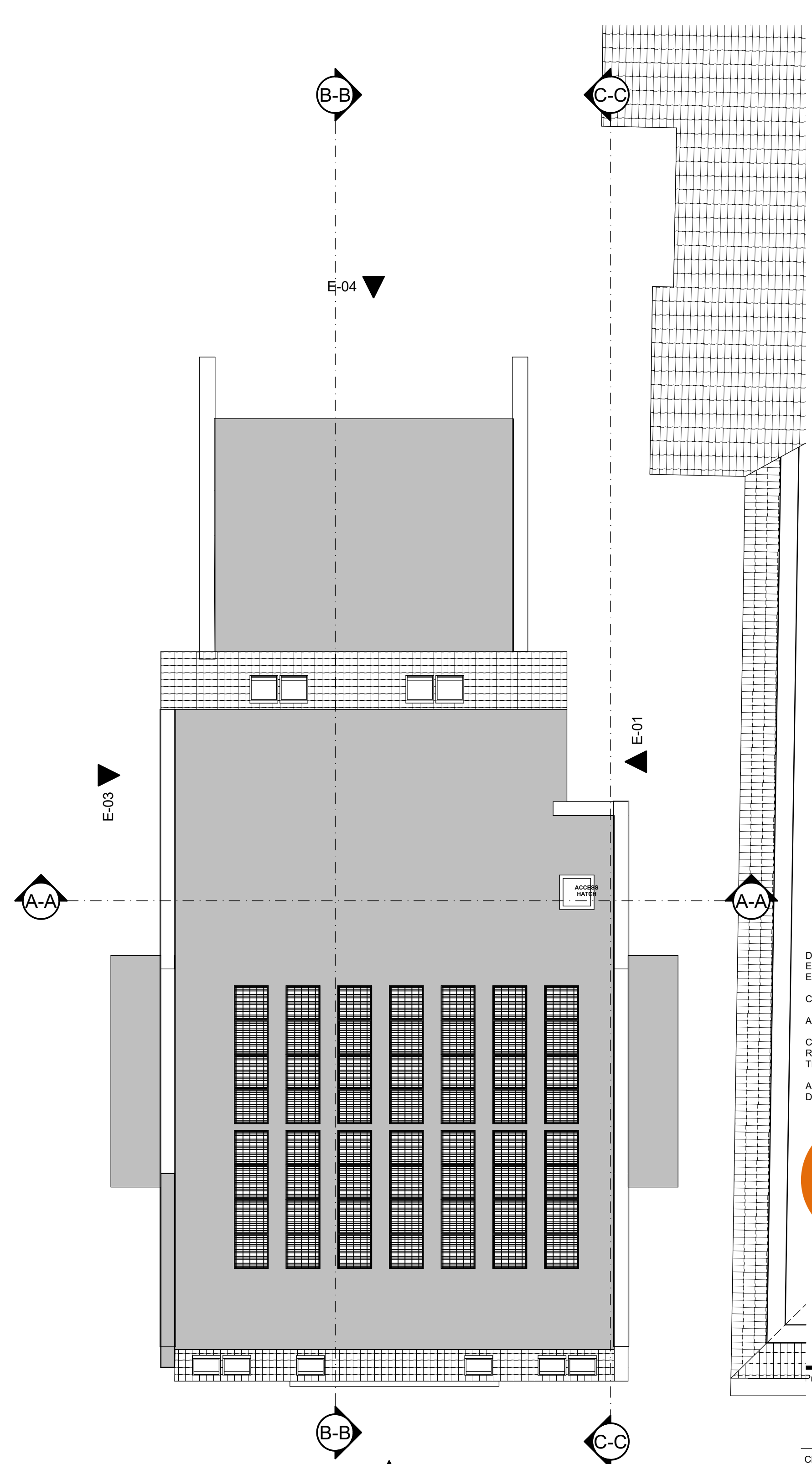
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SECOND FLOOR | 1:100



THIRD FLOOR | 1:100



ROOF PLAN | 1:100

ITEM 2c

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 t : 01382 831557 e : enquiries@arktx.co.uk

Project Title
**FLATTED DEVELOPMENT AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS**

Client
GEORGE MARTIN BUILDERS LTD

Element
**SECOND, THIRD & ROOF FLOOR
 PLANS**

Date
08.2024

Drawn By
KM

Scale @ A1
1:100

Project Reference
NEW BUILD

Project No.	1165	Type		Drawing No.	008	Rev.	F
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Project No.	Drawing No.	Rev.
1165	009	F

Rev.	Date	Amendment
A	21/11/2023	Alterations to Housing Associations comments.
B	19/01/2024	Alterations to East Elevation
C	15/03/2024	Alterations to elevation designs.
D	28/05/2024	REMOVAL OF FLATS 19 & 20
E	24/06/2024	Removal of 3no. flats
F	18/07/2024	ALTERATIONS TO DESIGN.

ITEM 2d



NORTH ELEVATION | 1:100



EAST ELEVATION | 1:100



SOUTH ELEVATION | 1:100



WEST ELEVATION | 1:100

MATERIAL DESCRIPTION

ROOF

PITCHED ROOF - SLATE FINISH
 FLAT ROOF - SINGLE PLY MEMBRANE COLOUR : SLATE GREY
 SOFFITS & FASCIAS - COMPOSITE BOARD - SLATE GREY.

EXTERNAL WALLS

EAST (HIGH STREET) & WEST ELEVATION
 STONE WITH BASECOURSE, QUOINS, CILLS, LINTELS, JAMBS AND DENTALS - COLOURS TO MATCH ADJACENT BUILDING.
 DORMERS
 COMPOSITE BOARD : SLATE GREY.

NORTH & SOUTH ELEVATION
 RECONSTRUCTED COURSED STONE WORK - COLOUR : BUFF.
 WETDASH ROUGHCAST - COLOUR : WHITE.
 COMPOSITE CLADDING PANELS - COLOUR : ANTHRACITE
 DORMERS
 COMPOSITE BOARD - COLOUR : SLATE GREY.

WINDOWS & DOORS

MAIN FACADE -
 WINDOWS TO BE SASH AND CASE AESTHETIC DOUBLE GLAZED UPVC FRAMED - COLOUR : WHITE WITH OPENING FUNCTION OF FIXED BOTTOM PANE AND FULLY REVERSIBLE TOP PANE.

NORTH, SOUTH & WEST ELEVATION
 WINDOWS AND DOORS TO BE DOUBLE GLAZED UPVC FRAMED - COLOUR : ANTHRACITE WITH TILT AND TURN OPENING FUNCTION.

EXTERNAL DOOR TO BE TIMBER - COLOUR - ANTHRACITE.

GUTTERS & DOWNPIPES

POWDER COATED ALUMINIUM HALF ROUND
 GUTTER AND DOWNPIPES - COLOUR : SLATE GREY.

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Project Title
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 ARBROATH, ANGUS**

Client
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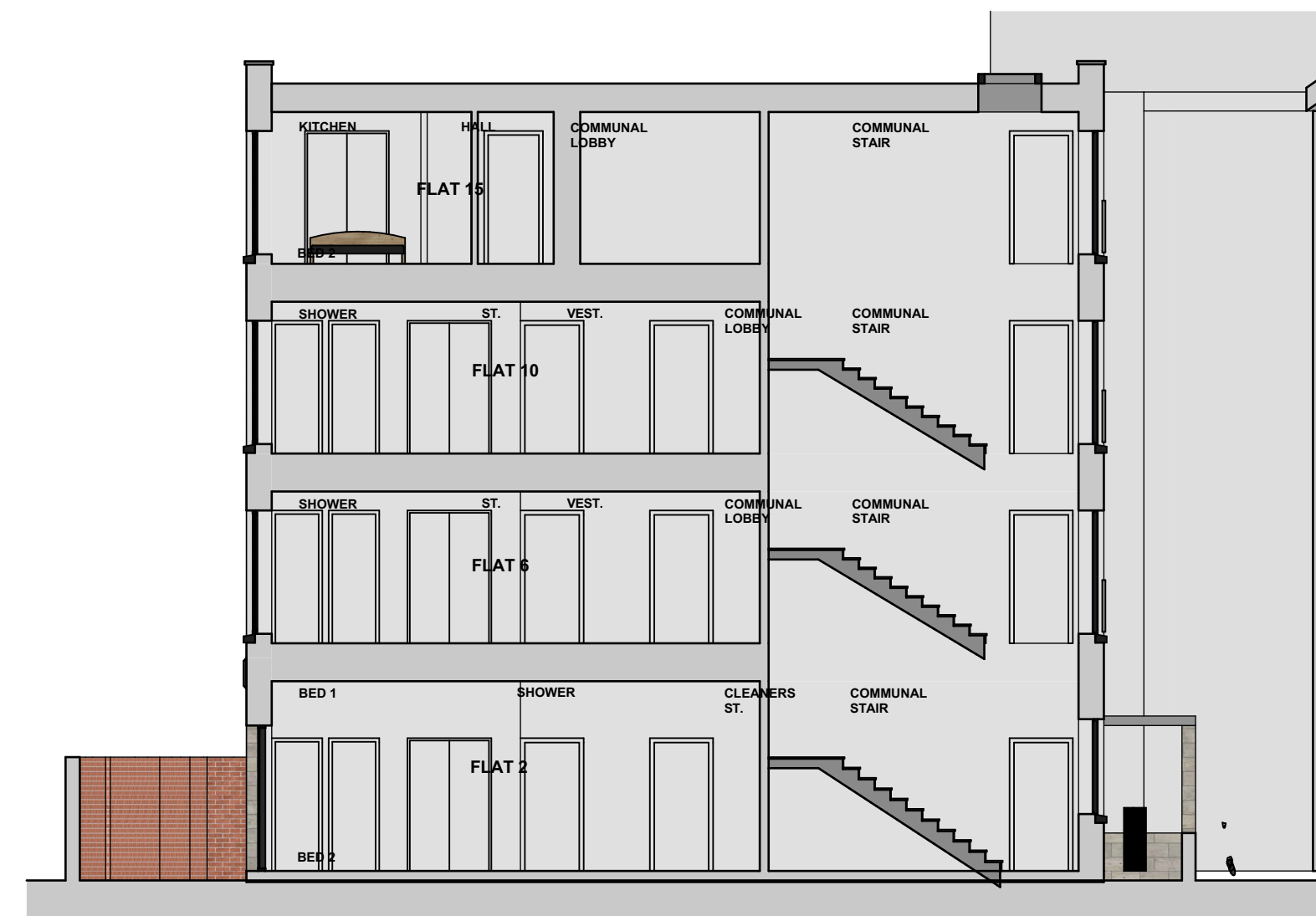
Element ELEVATIONS

Date	08.2024	Drawn By	KM
Scale @ A1	1:100	Project Reference	NEW BUILD
Project No.	1165	Type	
Drawing No.	009	Rev.	F

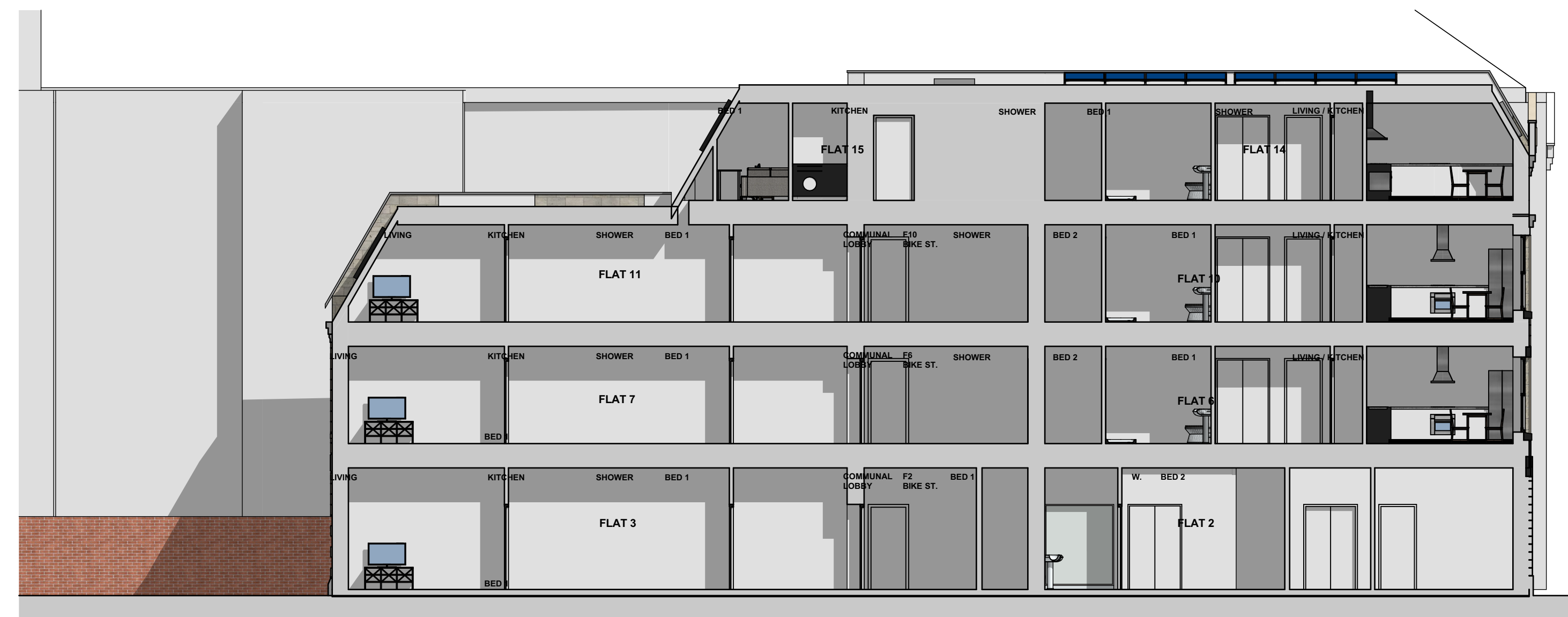
Project No.	Drawing No.	Rev.
1165	010	D

Rev.	Date	Amendment
A	19/01/2024	Alterations to layout of flats 1 & 2
B	15/03/2024	Alterations to flats 19 & 20
C	24/08/2024	Removal of 3rd flats
D	24/07/2024	ALTERATIONS TO DESIGN

ITEM 2e



SECTION A-A | 1:100



SECTION B-B | 1:100



SECTION C-C | 1:100

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**FLATTED DEVELOPMENT AT
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 ARBROATH, ANGUS**

Client
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Element
PROPOSED SECTIONS

Date
08.2024 Drawn By
KM

Scale @ A1
1:100 Project Reference
NEW BUILD

Project No.	Type	Drawing No.	Rev.
1165	WIP	010	D

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Project No.	Drawing No.	Rev.
1165	011	D

Rev.	Date	Amendment
A	19/01/2024	Alterations to East Elevation
B	15/03/2024	Alterations to east elevation.
C	24/08/2024	Removal of 3rd floor
D	18/07/2024	ALTERATIONS TO DESIGN.

ITEM 2f

- ACCESSIBILITY OF PEND IMPROVED ALLOWING GREATER WIDTH.
- SLATE FINISH TO PITCHED ROOFS TO REPLICATE ADJOINING BUILDINGS.
- SASH AND CASE AESTHETIC WINDOWS TO MAIN FACADE TO MATCH ADJOINING PROPERTY.
- LINTELS, CILLS & JAMBS TO REPLICATE NEIGHBOURING PROPERTY TO FIRST FLOOR AND ABOVE.
- STONE BASECOURSE TO MATCH SURROUNDING PROPERTIES.



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Project Title
**FLATTED DEVELOPMENT AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS**

Client
GEORGE MARTIN BUILDERS LTD

Element
STREET ELEVATION

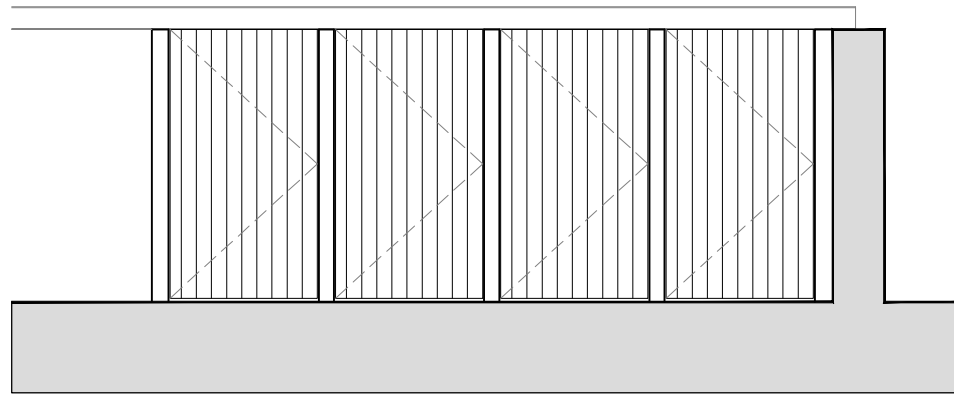
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Project No.	1165	Drawing No.	011
Type		Rev.	D

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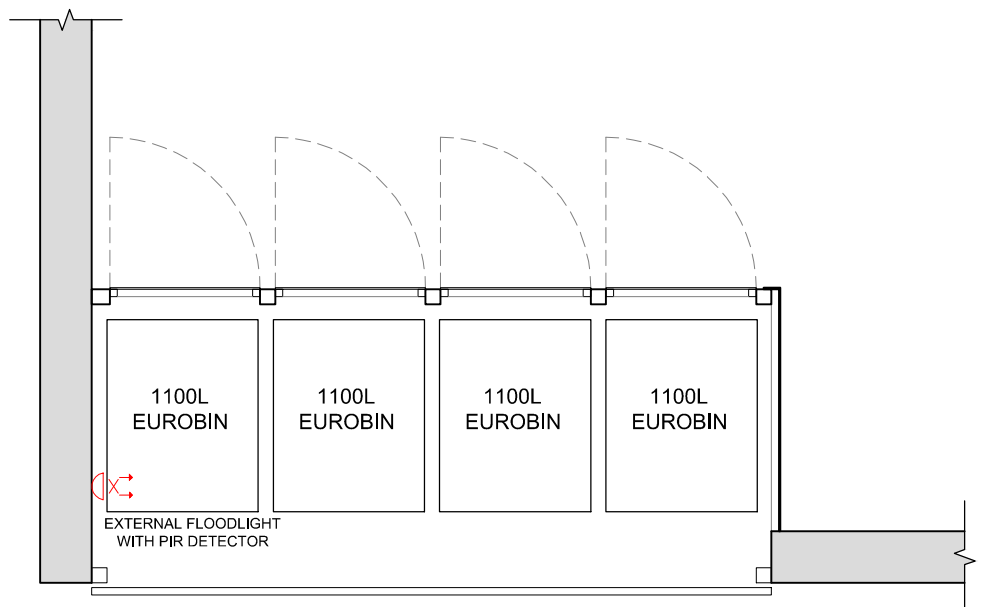
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Project No. 1189	Drawing No. 012	Rev. N/A
Rev Date	Amendment	

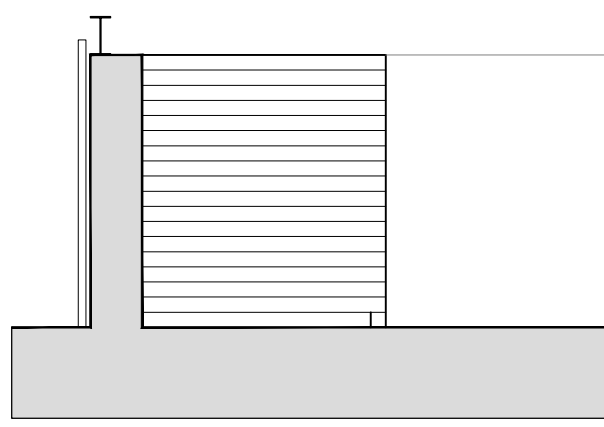
ITEM 2g



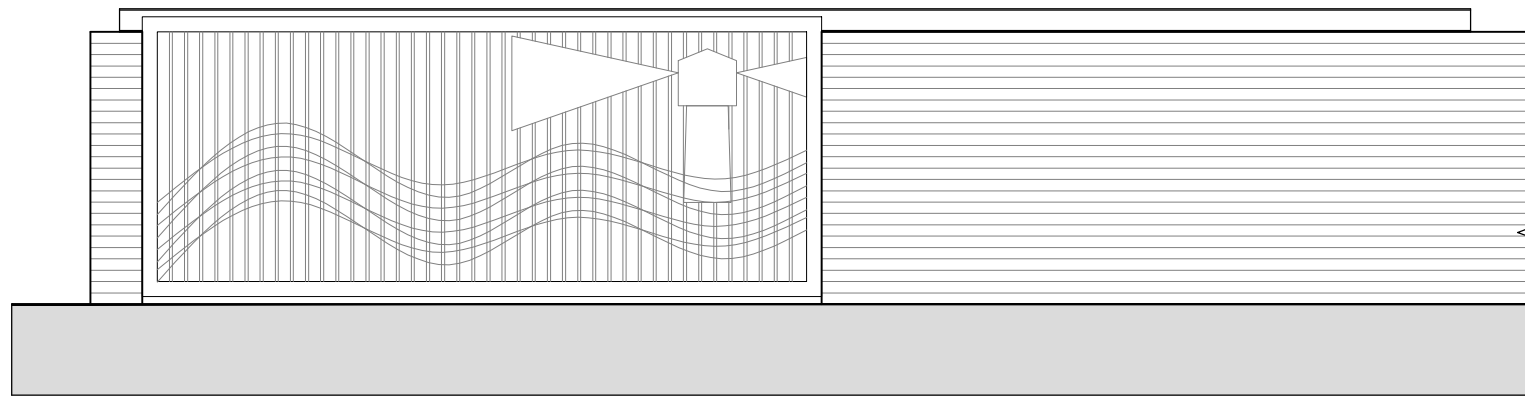
EAST ELEVATION (WITHIN AMENITY SPACE) | 1:50



PLAN | 1:50



SOUTH ELEVATION (WITHIN AMENITY SPACE) | 1:50



WEST ELEVATION (VIEW FROM CAR PARK) | 1:50

MATERIAL DESCRIPTION

RE-INCORPORATED 1800mm BRICK WALL TO PROVIDE SEPARATION FROM PUBLIC PATH AND CAR PARK.

NATURAL VERTICAL CLOSED TIMBER SLATS TO ENCLOSE BIN STORE.

WIRE MESH TO BE INSTALLED ON TOP TO PREVENT BIRD INFESTATION.

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Project Title
PROPOSED FLATTED DEVELOPMENT
AT
60 - 62 HIGH STREET
ARBROATH, ANGUS
FOR
GEORGE MARTIN BUILDERS LTD.

Element
REFUSE STORE PLAN & ELEVATIONS

Date 03.2024	Drawn By. KM
Scale 1:50 @ A3	CAD Ref. NEW BUILD
Project No. 1189	Type P
Drawing No. 012	Rev. N/A

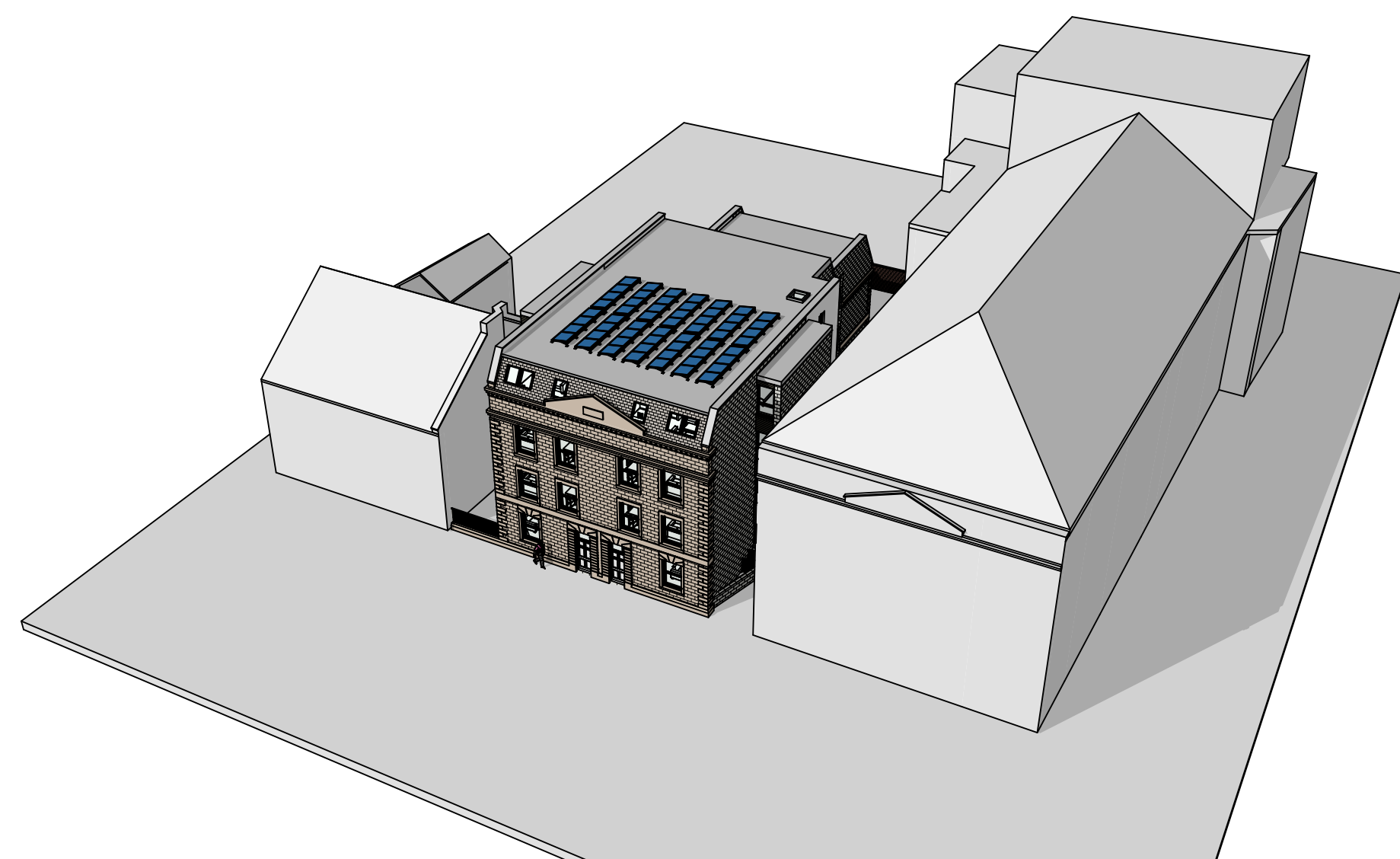
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012_REFUSE STORE PLAN & ELEVATIONS | A3



Project No. 1189	Drawing No. 013	Rev.
Rev.	Date	Amendment

ITEM 2h



NORTH-EAST AERIAL PERSPECTIVE



EAST PERSPECTIVE



SOUTH-WEST PERSPECTIVE



SOUTH-EAST PERSPECTIVE

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Client
GEORGE MARTIN BUILDERS LTD

Element
VISUALS

Date
01.2025

Drawn By
KM

Scale @ A1
**1:120,
 1:150**

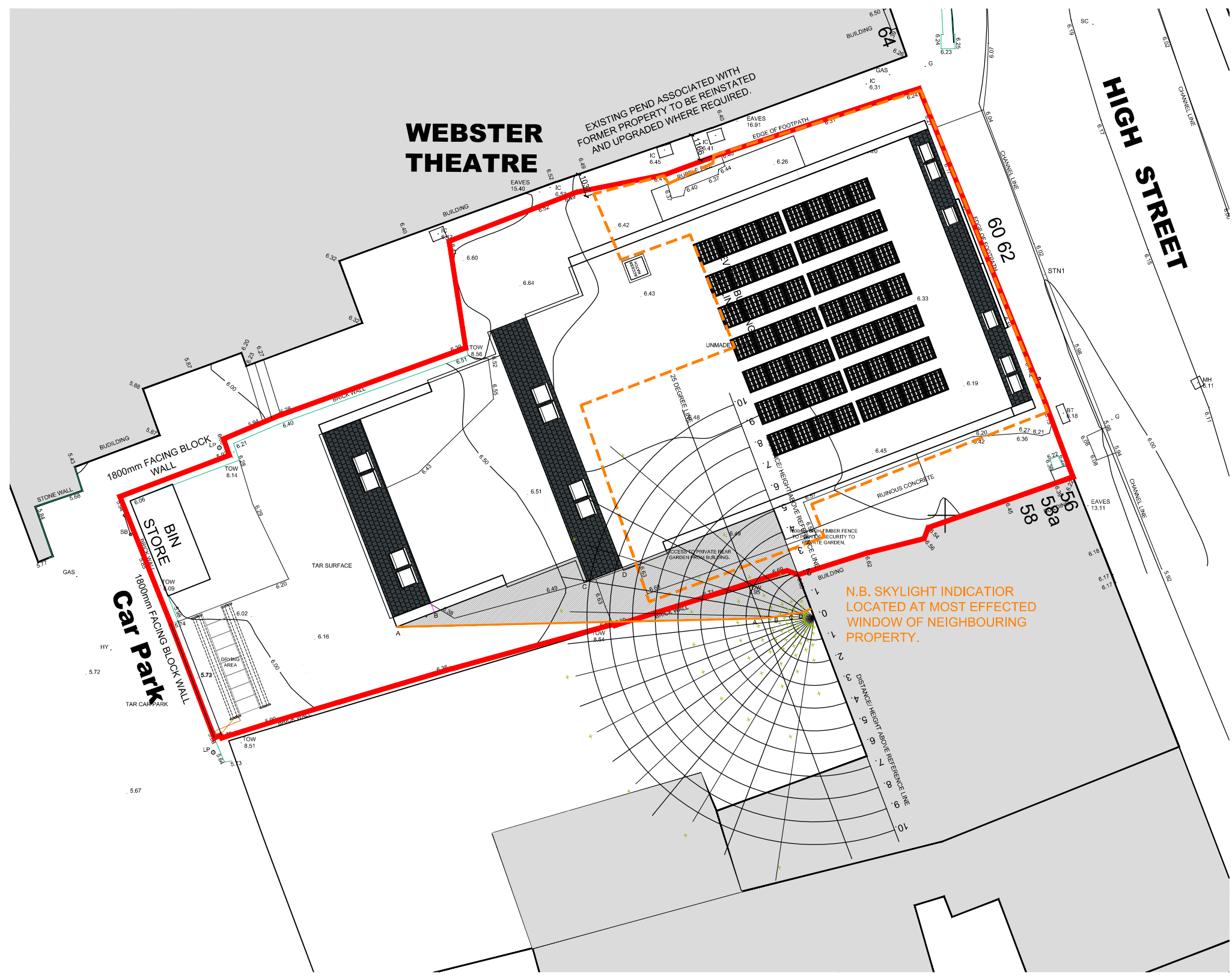
Project Reference
NEW BUILD

Project No. 1189	Type P	Drawing No. 013	Rev.
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Project No. 1189	Drawing No. 014	Rev. N/A
Rev Date	Amendment	

ITEM 2i



DISTANCE TO HEIGHT RATIOS

- A - $\frac{18390}{7390} = 2.49$
- B - $\frac{16720}{9900} = 1.68$
- C - $\frac{10130}{9900} = 1.02$
- D - $\frac{8720}{12900} = 0.68$

VERTICAL SKY COMPONENT OF 27% GIVES GOOD POTENTIAL FOR DAYLIGHTING (BRE).

OVERALL VERTICAL SKY COMPONENT - 30.5%

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Project Title
 PROPOSED FLATTED DEVELOPMENT
 AT
 60 - 62 HIGH STREET
 ARBROATH, ANGUS
 FOR
 GEORGE MARTIN BUILDERS LTD.

Element
 DAYLIGHT ANALYSIS

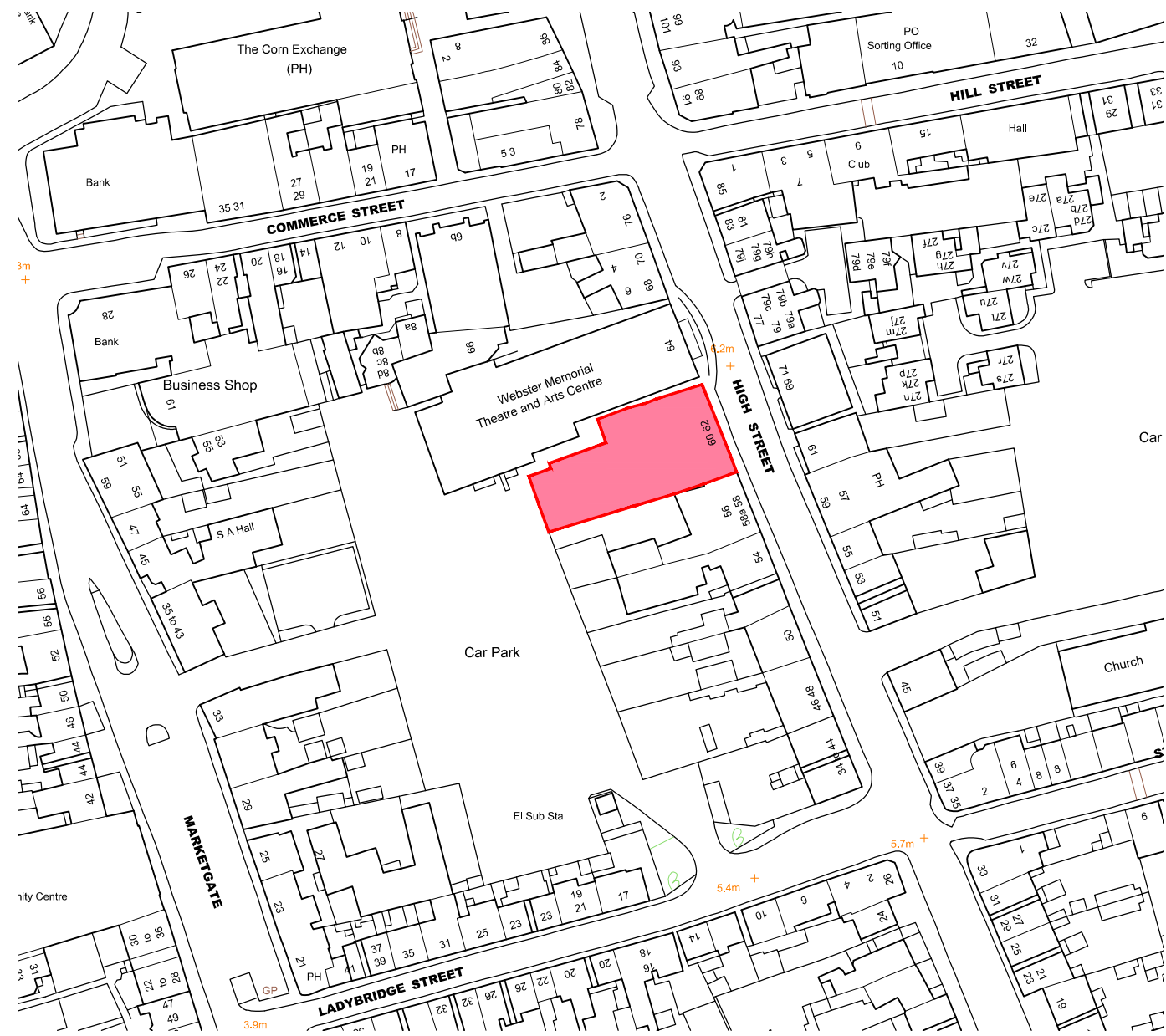
Date 01.2025	Drawn By. KM
Scale 1:200 @ A3	CAD Ref. NEW BUILD
Project No. 1189	Type P
Drawing No. 014	Rev. N/A



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Project No. 1189	Drawing No. LOC	Rev. N/A
Rev Date	Amendment	

ITEM 2j



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Project Title
PROPOSED FLATTED DEVELOPMENT
 AT
 60 - 62 HIGH STREET
 ABBOTDASH, ANGLUS
 FOR
 GEORGE MARTIN BUILDERS LTD

Element
LOCATION PLAN

Date 10/2023	Drawn By MM
Scale 1:1250 @ A4	CAD Ref. NEW BUILD
Project No. 1189	Drawing No. LOC
Type P	Rev. N/A



LOC_LOCATION PLAN | A4 | 1:1250

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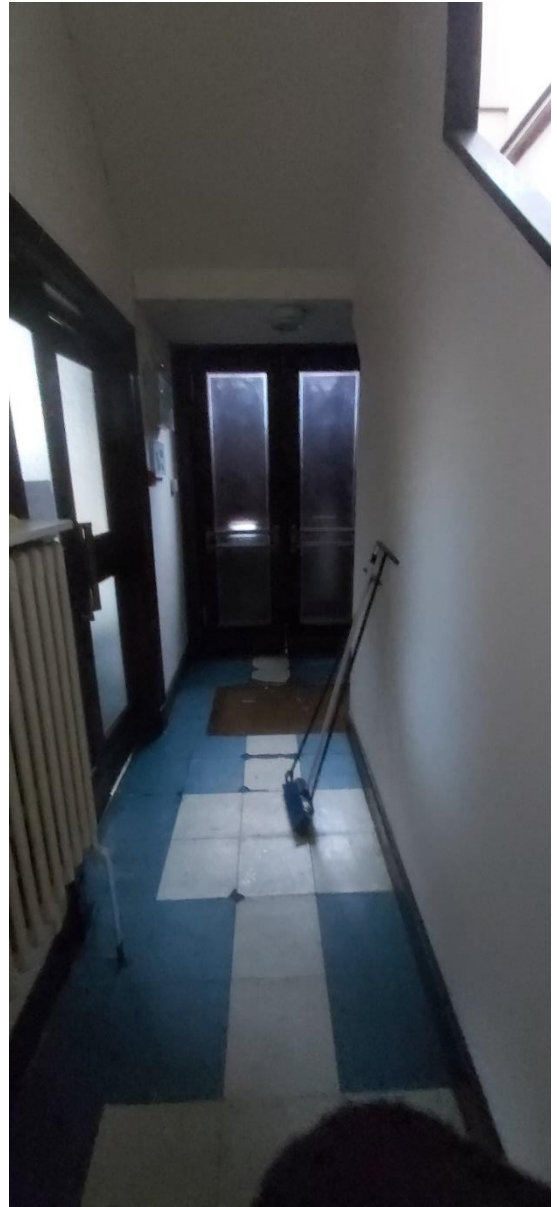
























**Proposed Residential Development
60-62 High Street
Arbroath
DD11 1AW**



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



**187 Strathmartine Road
Dundee DD3 8BL**

November 2023

Design and Access Statement

Contents:

1.0 Site Description

2.0 Planning History

3.0 Description of Development

4.0 Relevant Planning Policies

4.1 NPF4

4.1.1 Policy 1: Tackling the climate and nature crises

4.1.2 Policy 7: Historic Assets and places.

4.1.3 Policy 9: Brownfield, vacant and derelict land and empty buildings

4.1.4 Policy 14: Liveable Places; Design, quality and place

4.2 ANGUS COUNCIL LOCAL DEVELOPMENT PLAN (Adopted September 2016)

DS3 High Quality Design and Placemaking

TC1 Housing Land Supply / Release

TC2 Residential Development

TC3 Affordable Housing

TC19 Retail and Town Centre Uses

PV3 Access and Informal Recreation

PV5 Protected Species

PV8 Built and Cultural Heritage

PV11 Energy Efficiency - Low and Zero Carbon Buildings

PV12 Managing Flood Risk

PV15 Drainage Infrastructure

5.0 Summary

1.0 SITE DESCRIPTION.

The site sits within the Arbroath to Harbour Conservation Area and sits on the High Street immediately to the South of the Webster Theatre. adjoins the Perth Road District Centre on the Eastern and Southern boundaries. The site extends to 630sq.m. and has clearly delineated boundaries. To the North there is a public pedestrian access route linking the Ladybridge Street/Marketgate car park to the High Street. Immediately to the North of this is the 'Webster Memorial Theatre'. To the East of the site is High Street and to the west is the Ladybridge Street/Marketgate public car park. Adjoining the southern boundary is a two and a half storey property with retail on the ground floor and residential above.

Although it is uncertain when the original buildings were constructed on the site, the site is shown as developed on the 1822 (Figure 1) and 1858 (Figure 2) maps of the area. The 1858 plan indicates that there were extensive backland buildings which covered virtually the whole of the site area. By 1901 (Figure 3) and 1959 (Figure 4) the site has been developed as a Bank building. The previous buildings on the site were demolished in 2021. The site is now cleared and surrounded by Heras site security fencing. There is no established vegetation on this urban site.



Figure 1: Site circa 1822 (reproduced with the permission of the National Library of Scotland)

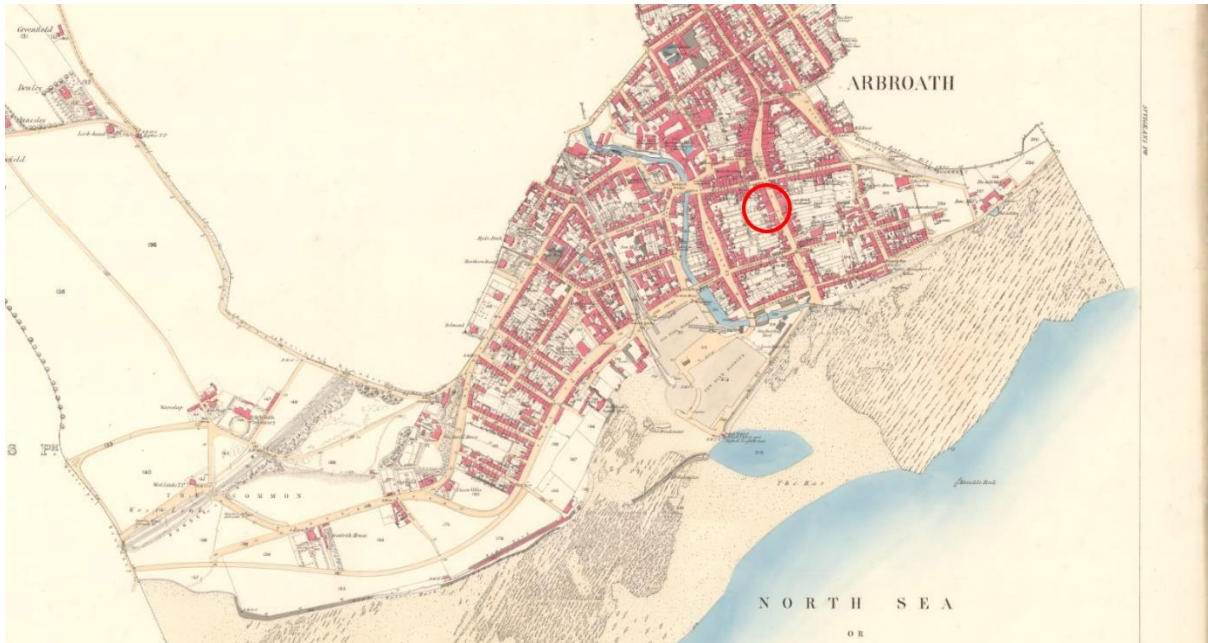


Figure 2: Site circa 1859 (reproduced with the permission of the National Library of Scotland)



Figure 3: Site circa 1901 (reproduced with the permission of the National Library of Scotland)



Figure 4: Site circa 1959 (reproduced with the permission of the National Library of Scotland)

2.0 PLANNING HISTORY.

2.1 A Dangerous Building Notice (Ref 21/00007/DS) was served on the previous owner under Section 19 and 20 on 2nd March 2021. An Application for Demolition (Ref 21/00282/CON) was made on 12th April 2021. Although the Planning portal does not reveal the decision made the dates noted on the Dangerous Building Notice require demolition prior to the date the Application for Demolition was lodged. One can only presume that the demolition occurred under the compulsory requirement of the Dangerous Building Notice.

3.0 DESCRIPTION OF THE DEVELOPMENT.

3.1 The development proposes that new much needed energy efficient residential accommodation is introduced into the town centre and remove a derelict open area replacing it with an attractive, contemporary intervention in the townscape. This development will infill and re-establish the building line of the High Street.

The development will house 20 No new apartments and will encompass:

- 1No 2 bedroom, 4 person wheelchair accessible apartment.
- 1No 2 bedroom 3 person wheelchair accessible apartment.
- 1No 1 bedroom 2 person wheelchair apartment.
- 8No 1 bedroom 2 person apartments.
- 3No 3 bed 5 person apartments.
- 3No 2 bedroom 4 person apartments.
- 3No 1 bedroom 2 person apartments.

The development will provide much needed affordable rented housing in the town centre which will ensure that more people use the local facilities. 'Hillcrest Housing Association' have committed to supporting the development and continue to liaise with Angus Council Housing service.

4.0 RELEVANT PLANNING POLICIES

4.1 NPF4

4.1.1 Policy 1: Tackling the climate and nature crises.

The site is a derelict brownfield central site with no formal or maintained soft landscaping present. This clause notes that Planning Authorities should consider the global climate and nature crises when determining Applications. We would contend that the Application satisfies this Policy which encompasses the following as policy impact considerations:

- **Just transition:** as it provides a logical and appropriate transition of this unused and degraded space to a useful space. The development will fill this gap in the linear building townscape dominant in this area of the town.
- **Conserving and recycling assets;** the development utilises a brownfield, unused site. Contemporary design techniques and modern building standards will ensure emissions from the new building are minimised.
- **Local living;** the site is within the Arbroath town centre and will reinforce the community and assist sustainable community aspirations. It sits largely surrounded by other residential properties on the upper floors.
- **Compact urban growth;** the site is located within the established urban fabric of the High Street. The site will infill this gap in the building fabric of the town centre.
- **Rebalanced development;** the development will provide much needed affordable residential accommodation in a core development area.

4.1.2 Policy 7: Historic Assets and places. As the development sits within the Arbroath Abbey to Harbour Conservation Area this policy has been considered within the proposals. The design has been carefully considered, indeed the development of this unused space will contribute positively to the area. The scale of the development is deliberately subservient to the neighbouring 1865 built Grade C Listed Webster Memorial Theatre.

4.1.3 Policy 9: Brownfield, vacant and derelict land and empty buildings.

The redevelopment of this brownfield site provides a solution to an identified requirement for much needed residential accommodation. It provides a meaningful use for this presently vacant land.

4.1.4 Policy 14: Liveable Places; Design, quality and place.

The development satisfies the aims of this policy as it has been designed to improve the quality of an unused dilapidated area of no clear identifiable use. The development also satisfies the six qualities of successful places:

Healthy: The site is within an urban context. Each apartment will be constructed to exceed current Building Standards. This will ensure well insulated and ventilated houses which are affordable to inhabit.

Pleasant: The development provides an attractive contemporary design for this infill site. The existing site holds minimal bio-diversity. The proposals will optimise the use of the site providing generous window openings for daylight to be enjoyed.

Connected: The location of the site immediately adjacent to a primary roadway within the town centre which ensures that the site is extremely well connected. Public transport routes are linking other areas of the town and beyond are easily accessed and can be supported by these new residents. Due to its central location within this urban neighbourhood there is no requirement for car dependency as all facilities are available locally. Bicycle storage provision has also been considered within the design. Schools, parks, shops and leisure facilities are all within a short walking distance. The pedestrian access path leading from the Ladybridge Street/Marketgate car park to the High Street has been respected and will be upgraded and made safer with public lighting, etc

Distinctive: The proposals reflect the scale of the nearby existing structures. It was however felt that the Webster Memorial Theatre still be the dominant building and the design is subservient as a result. Traditional four storey properties exist within the immediate surroundings. The design provides a logical infill of the street façade. We would contend that the design has been informed by its surroundings and respond positively to it in a contemporary manner. We have ensured that the development is sympathetic to its urban setting incorporating a contemporary twist. The external materials will be ivory coloured render and buff reconstituted stone punctuated with a sympathetic fenestration pattern. Large glazed windows reflect current fenestration patterns on the High Street. Our intention is that the development contributes positively to the character and sense of place of this important part of the city. It will demonstrate that the area is indeed being regenerated and bring new families to live making the existing shops and cafes more sustainable.

Sustainable: The building will be constructed using contemporary methods utilising sound environmental principles to reduce emissions and operating costs. There will be no loss of green space or bio-diversity as the current site is largely an area of dilapidated doughtakings.

Adaptable: The size and flexibility of rooms incorporates in the level of accommodation provided within these new homes allows for future flexibility of the spaces. Three wheelchair flats have been encompassed. There is a variety of apartment types accommodated within the development allowing flexibility for families requiring housing of different needs.

4.2 Angus Council Local Development Plan

4.2.1 Enshrined in the ALDP is a presumption in favour of sustainable development. This development is compliant with the ambitions noted in:

- Part 1 – A Presumption in Favour of Sustainable Development and also:
- Part 2 – Directing Development to the Right Place.

through a central regeneration strategy.

4.2.2 Policy DS3: High Quality Design and Placemaking

Policy DS3 Design Quality and Placemaking states that:

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:

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.

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.*

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.*

Adaptable: *Where development is designed to support a mix of compatible uses and accommodate changing needs.*

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.*

In response to the above objectives we would contend that the proposals meet with these requirements. In order to substantiate this claim we submit the following:

1. Distinct in Character and Identity:

1.1 The development proposals follow a design-led approach informed by its setting within the urban fabric of the city. The skyline of each will now be linked forming a cohesive frontage and a sympathetic intervention into the streetscape. A feature will be created by the new corner rather than an open void which does not contribute. As there is nothing worth preserving on the site there is nothing to be retained.

1.2 The orientation of the building is dictated by the existing roads; proportion, scale, height, and mass by the flanking properties. Materials, detail, finishes and colours have all been considered and are appropriate to the site and surroundings. There is no car parking provision due to the location and overriding environmental impact.

2. Safe and Pleasant

2.1 The location of the development ensures that it can benefit from existing infrastructure ensuring minimal requirement for private vehicle provision.

2.2 The development promotes active frontages by having balconies and main living

2.3 By redeveloping the site with a high-quality development it removes an eyesore.

2.4 This development fully supports this policy by creating new living places that are designed to prioritise people, over motor vehicles.

3. Safe and Pleasant

3.1 By infilling this disused site the development will promote wayfinding and a sense of orientation. The building will provide a new focal point within the townscape. Further considerations complying with this clause include:

3.2 This design solution will contribute positively to the architectural language of the area.

3.3 We would contend that the development is sympathetic to existing surrounding built form and creates an appropriate infill development. Reconstituted stonework is proposed to the public-faced to mirror the adjacent properties. (although a wide range of materials is experienced within the immediate built environment).

4. Well Connected

This development relies on the existing infrastructure supporting existing public transport links. The development wholly supports the needs of people before the movement of motor vehicles.

4.1 The location of the development is critical to the car-free principle adopted. Existing services and public transport routes are to be used.

4.2 Sensitive integration of sustainable and active travel infrastructure has been incorporated through secure internal bicycle stores within the property. Public transport links are close by.

4.3 Current pedestrian circulation routes have been respected integrating the site fully with existing green infrastructure networks.

4.4 There is no change to the existing footpath infrastructure which are well-connected with the wider environment beyond the site boundary and have been respected.

4.5 The development provides a mix of apartment types that enhance accessibility by reducing reliance on private cars as required by this clause.

5. Adaptable

5.1 The development provides much needed housing provision in this sought after location. The dominant residential form in the area is apartments. There is limited opportunity to obtain rented apartments in the area and this will provide a modern energy-efficient living environment.

6. Resource Efficient

6.1 The development promotes the sustainable use of resources and waste management throughout the full lifecycle of development. Although not appropriate for establishing a neighbourhood or district heat networks contemporary energy efficient heating and cooling of the properties has been considered.

6.2 Passive design strategies have been adopted to support natural heating, shading and cooling of buildings through balconies and limiting window openings to north and East.

6.3 Roof mounted solar collectors will be utilised to integrate renewable energy principles and low carbon technologies to support heating, cooling and electricity generation.

6.4 Heat convertors are also to be installed on all hot water outlets in order that this heat is captured and re-used within each apartment.

6.5 Water conservation has been considered and the development utilises water reduction taps and wc cisterns; sustainable drainage systems are to be operated with underground tanks being used to service the requirements of the development. Similar to other approved developments in built-up areas, it is anticipated that surface water attenuation will be provided below ground. Flows will be restricted to a rate agreed with 'Scottish Water' on submission of a formal connection application. Attenuation will likely take the form of proprietary cellular crates wrapped in an impermeable liner, with a flow control valve to restrict flows.

6.6 Specification of durable, high quality, low maintenance materials for building and landscaping, which have low embodied energy/carbon over their full lifecycle will be utilised.

6.7 Designated and appropriate space for the storage, separation and collection of domestic waste will be agreed with Angus Council Cleansing Service. The development currently encompasses a private refuse area with an attractive gated frontage to ensure an open yet secure aspect.

TC1 Housing Land Supply / Release

Although not within the identified sites this is a windfall site made available through the demolition of an unsafe building.

TC2 Residential Development

The site is compatible with current and proposed land uses in the surrounding area and within the development boundary for Arbroath. The site is not allocated or protected for any other use and the development proposals are consistent with the character and pattern of development in the surrounding area.

TC3 Affordable Housing

This development is supported by 'Hillcrest Housing Association' and has been vetted through their in-house processes to ensure compliance with their strict standards and requirements. Negotiations with Angus Council Housing are ongoing.

TC19 Retail and Town Centre Uses

The previous use was as an office space. (Area office for Scottish Environmental Protection Agency). There is no appetite in this post-Covid environment, encouraging many to work from home, to rebuild office accommodation. This development will introduce residential accommodation which in turn will provide more people helping to ensure the existing town centre services are more sustainable.

PV3 Access and Informal Recreation

The core pedestrian access path linking Ladybridge Street/Marketgate car park to the High Street has been retained and will be enhanced.

PV5 Protected Species

As there are no buildings, structures or established foliage on the site there are no natural habitats for any protected species.

PV8 Built and Cultural Heritage

Although located next to the grade C listed Webster Memorial Theatre it does not affect it in any way. The development has been deliberately designed to fit into the current townscape and be subservient to the Theatre.

PV11 Energy Efficiency - Low and Zero Carbon Buildings

The new development is using roof mounted solar collectors which will be utilised to integrate renewable energy principles and low carbon technologies to support heating, cooling and electricity generation. Electric boilers are to be used. The building envelope will be highly insulated in excess of current Building Standards and promote low running costs for the tenants.

PV12 Managing Flood Risk

There is no flood risk apparent for this town centre site.

PV15 Drainage Infrastructure

The site had enjoyed foul and surface water connections directly into the sewer in High Street. The Applicant proposes underground SUDS tanks to ensure a modern sustainable solution for this development.

5.0 SUMMARY

The development proposes that new much needed energy efficient residential accommodation is introduced into the town centre and remove a derelict open area replacing it with an attractive, contemporary intervention in the townscape. The design is clearly specifically for this site, is of a high quality and will contribute positively in enhancing the distinct character and identity of this part of the town centre. The design and layout respects the character of adjoining properties within the surrounding area and does not have a detrimental impact on existing residential amenity and parking.

Due to the urban nature and the nearby location of Ladybridge Street/Marketgate public car park there are no car parking spaces allocated within the curtilage of this town centre development.

**Proposed Erection of 15No Flatted Dwellings at 60 - 62 High Street
Arbroath DD11 1AW**

Planning Application Ref No: 23/00870/FULL

STATEMENT OF APPEAL



View of High Street showing site on left (West) side of the road and the wide variety of building typography surrounding the site.



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5.0 Scottish Planning Policy NPPF4: This section addresses Angus Council allegation of failure to comply with:

- *NPP4 Policy 7*
- *NPP4 Policy 23*
- *NPP4 Policy 31*

6.0 Angus Council Local Development Plan: (adopted September 2016). This section addresses Angus Council allegation of failure to comply with:

- *ALDP Policy TC2*
- *ALDP Policy PV8*
- *ALDP Policy DS1*
- *ALDP Policy DS4*

7.0 Summary

1.0 Refusal Statement

The above Application was surprisingly Refused under Delegated powers on 3rd December 2024.

The reasons for the Council's decision were noted as:-

- 1. The development does not comply with Policies TC2 or PV8 of the Angus Local Development Plan or NPF4 Policy 7, as the scale of development and the utilitarian design will have a detrimental impact on the character of the conservation area and is inconsistent with the character and pattern of development in the surrounding area.
- 2. The development does not comply with Policy TC2 of the Angus Local Development Plan as it has not been demonstrated that it can provide a satisfactory residential environment in terms of noise and disturbance associated with the existing lawful use of the adjacent theatre, that the flats on the lower floors will benefit from appropriate levels of daylight to habitable rooms, or that ground floor flats will enjoy appropriate levels of residential privacy.
- 3. The development does not comply with NPF4 policies 23 and 31 as it has not been demonstrated that it is consistent with the agent of change principle set out in NPF4 as it may result in unacceptable noise issues given the proximity of the proposed residential units to the existing theatre and that the theatre could continue without additional restrictions being placed on it as a result of the proposed new development.
- 4. The development does not comply with policy DS4 of the Angus Local Development Plan as it would result in a loss of daylight to west facing windows of the adjacent property to the south, that either do or could serve habitable rooms. Furthermore, the development would have a significant overbearing effect on the private yard area to the rear of the adjacent property to the south.
- 5. The does not comply with policy DS1 of the Angus Local Development Plan Policy as it is not in compliance with other relevant policies of the plan, and it is not compatible with policy 16 of NPF4 as it involves provision of new homes on land not allocated for housing in the local development plan in circumstances where it is not consistent with other relevant policies.

We would contest this decision using the following submission as relevant grounds to Approve the Appeal for the benefit of the community of Arbroath.

2.0 UK Planning Policy

2.1 UK Housing and Planning Minister Matthew Pennycook said:

The government is committed to a brownfield-first approach to housebuilding, and we have already taken steps to prioritise and fast-track building on previously used urban land through our proposals for a 'brownfield passport'.

2.1.1 Background – Brownfield planning policy presentation stated:

*‘1. Sustainable development is at the heart of our planning system, and this government is committed to meeting the housing needs of our communities by building the right homes in the right places and protecting the environmental assets that matter most. **Making the most effective use of brownfield land** (also known as ‘previously developed land’) **will support the provision of the homes we need, and is key to regenerating our high streets and town centres, supporting economic growth in the hearts of our major cities and maximising the use of existing infrastructure.***

*3. National policy provides strong support for development on previously developed land. It makes clear that **planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes** and other identified needs, and expects **planning policies and decisions to promote an effective and efficient use of land in meeting the needs for homes** and other uses. Local plans should set out a strategy for accommodating housing and other needs in a way that makes as much use as possible of brownfield land.*

*4. In recognition of the importance of development on brownfield land, the government’s planning reforms have already introduced a range of measures to support brownfield development - **including directing more housing growth towards urban areas through the urban uplift**, requiring every local authority to publish a register of local brownfield land suitable for housing in their area and introducing “Permission in Principle” for brownfield sites on the registers to speed-up housing-led development.*

*13. The Levelling-up and Regeneration Bill: Reforms to National Planning Policy consultation (2022/23) showed strong support for making the best use of brownfield land. The responses however indicated that **developing brownfield land faces a number of key barriers – particularly in relation to the variety and complexity of many brownfield sites, and the additional costs required to bring forward schemes** (i.e. land assembly and remedial works). In combination, **these barriers can reduce the attractiveness of brownfield sites – particularly for SMEs many of whom rely on small urban sites for their business.** In some instances, these burdens can put development viability at risk and prevent sites from meeting their full development potential, or coming forward at all.*

*15. We propose a change to national planning policy to make clear that when considering planning applications, **local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed.** Furthermore, that **local planning authorities should take a flexible approach in applying planning policies** or guidance relating to the internal layout of development in these circumstances, where they would otherwise inhibit making the most efficient use of a site. This would extend existing national policy related to the consideration of daylight and sunlight, and the efficient use of land, when determining planning applications. National policy would continue to expect that new development would provide acceptable living standards.*

18. This change could be made by additional wording to paragraph 129c) of the Framework as shown below:

*local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework, **especially where this involves land which is previously developed**. In this context, when considering applications for housing, authorities should **give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to daylight and sunlight** and internal layouts of development, where they would otherwise inhibit making **the most efficient use of a site**.*

It is clear from the above discourse one of the main national priorities is to utilise brownfield inner city land for residential use and that some flexibility may be needed from individual Planning Authorities to facilitate this.

3.0 Scottish Government Policy

3.1 The Scottish Government formally declared a **Housing Emergency** nationally on 15th May 2024 in the Scottish Parliament.

4.0 Angus Council Policy

4.1 The Minute of hybrid meeting of Angus Council held in the Town and County Hall, Forfar on Thursday 20 June 2024 states that a **Housing Emergency was declared** with a Unanimous vote of Elected Members. Other commitments were subsequently made:

4.2 *“Angus Council declares that there is a Housing Emergency in Angus. Angus Council will establish a short-life Member Officer Working Group (“MOWG”) to consider the establishment of a standalone Housing Committee, to oversee Angus Council’s Housing Strategy and Policy, and take urgent action to address the Housing Emergency and thereafter for the MOWG to bring forward recommendations for the establishment of this new Housing Committee to Full Council, including proposed Terms of Reference.”*

4.3 *Angus Local Housing Strategy 2023 – 2028: Housing provides the framework for the fabric of our communities and what we regard as home extends beyond our front door. It goes out into our streets and neighbourhoods, along the pathways, and through the ease of access around where we live, the availability of greenspace to us and our access to services we need.*

4.4 *The **Our Places** theme examines the physical aspects of our housing and communities and outlines what we can do to ensure everyone has a good quality, energy efficient and affordable home. We look at things like the volume of new affordable homes and what type they should be. The quality, condition and function of all our housing stock, and how housing can positively contribute to our places to help them thrive. The Our People theme takes a person-centred approach to housing and communities and outlines what we can do to ensure everyone has a safe, secure and warm home.*

The Application has been reviewed by Hillcrest Housing Association who has confirmed that the standards proposed will meet their requirements and therefore, by default, exceed those required by Building Standards. The Application even includes two wheelchair accessible units in order to optimise flexibility. Angus Council accepts that the social rented sector remains critical to meeting the needs of many people who could not otherwise access a home that meets their needs

4.5 All of the above initiatives through UK, national and local government ALL provide adequate support for this Application to be Approved. All new Scottish Government guidance to Councils in preparation of their new Local Development Plans is to meet the requirements and ambitions stated within NPF 4 require them to drive **targeted brownfield development**,

4.6 Angus Council has already committed to *'reflect on the Town Centre Action Plan, continue to embed the Town Centre First Principle in decision making and respond to the outcome of the ongoing review of the plan to ensure our policies help to create more vibrant, healthier inclusive and greener town centres. Greater consideration will be given to the provision of more good quality homes in town centres, with access to shops and facilities, which can bring life back into town centres and create good places to live including by making sustainable and efficient use of the existing building stock.'* This development provides one of the few developments that are ready to be realised and can be developed quickly providing a prompt practical response this ambitious statement. It will ably show that the Angus Council are actually willing to **act on its ambitions**.

4.7 The benefits of town centre living are apparent as it provides the potential to contribute a great deal in response to climate change by reducing the need to travel unsustainably whilst maintaining and enhancing the identity and character of our towns to create vibrant places that meet our future needs.

4.8 Angus Council accepts that there is a clear case for acting now to prioritise the use of vacant and derelict land. Regenerating these sites will provide the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions as an integral part of our future sustainable and circular economy.

4.9 Through their 'Town Centre First' principal Angus Council accepts that vacant and derelict land presents a level of redundancy that our society can ill afford. Whether it is large scale long-term dereliction, or small scale short-term vacancy, the Council accepts that it needs to *'set out a stronger policy framework that will give confidence to communities and public and private sectors that vacant and derelict land represents an opportunity to stimulate a positive future whilst building on the legacy of the past'*. We are therefore extremely disappointed to note Planning Service statement that the *development 'may result in unacceptable noise issues given the proximity of the proposed residential units to the existing theatre and that the theatre could continue without additional restrictions being placed on it as a result of the proposed new development'*. If this methodology is to be adopted then the site is effectively sterile for any practical use. This attitude does not reflect an approach that is pro-active in utilising these eyesore sites for the benefit of the community.

5.0 Scottish Planning Policy:

5.1 Fourth National Planning Framework - position statement: consultation analysis; 26 November 2020 to 19 February 2021:

NPPF 4: Policy 9 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.*

6.0 Angus Council Planning Policy:

6.1 Throughout our lengthy negotiations with Planning Service there would appear to have been a pre-conceived vision of what was required to satisfy them. After a year of negotiation and repeated apologies for delays from Planning Service it is apparent that their vision is impossible to deliver due to environmental economic restrictions related to redeveloping a Brownfield site next to a theatre.

6.2 We believe that ample information was provided in support of the development and compliance with Angus Council Local Development Plan within the Design and Access Statement that accompanied the Planning Application. In response to the reasons given we would further submit the following:

6.3 *It has been stated that the development does not comply with*

- *NPF4 Policy 7*
- *NPF4 Policy 23*
- *NPF4 Policy 31*

and Angus Council Local Development Plan Policies

- *TC2*
- *PV8*
- *DS1*
- *DS4*

6.4 Planning Service state that *“the scale of development and the utilitarian design will have a detrimental impact on the character of the conservation area and is inconsistent with the character and pattern of development in the surrounding area”*. We strongly contend that this statement is incorrect. We vehemently disagree with this sweeping statement.

The LDP policies clearly support our proposals:

6.5 Policy TC2: Residential Development

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

6.5.1 • be compatible with current and proposed land uses in the surrounding area; The High Street at this end is primarily residential. Other historic uses such as a Bank have been converted to residential over the years. Some ground floor retail still exists but as is evident in the remainder of the High Street, filling these units is a

challenge. The Bank conversion across High Street is of a similar proportion and the development is significantly smaller in stature than the Listed frontage of the Webster Memorial Theatre. The relatively new build four storey roughcast residential development across the road shows little in architectural quality or interest. We would therefore contend that the scale is entirely appropriate. What throws everything askew is the bulk of the Theatre; not the new development. The development is entirely proportional to the remainder of the High Street.

6.5.2 • *provide a satisfactory residential environment for the proposed dwelling(s);*
The development has been vetted by Hillcrest Housing Association and it has been found to meet their stringent requirements of their current development handbook. All habitable rooms enjoy large glazed openings significantly exceeding Building Standards.

6.5.3 • *not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and ;*
We note Angus Council's statement that this block will overshadow the neighbouring property to the south. As the neighbouring building is indeed to the South we fail to see how this could possibly be the case. We attach our skygraph diagram Drawing 1189/014 proving that Daylight provided is 'good' based and calculated on BRE standards.

6.5.4 • *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:*

6.5.5 • *the site is not allocated or protected for another use;*

The site is not allocated or protected (we accept that it sits within a Conservation Area but that does not infer 'protected' status) and 'residential' is therefore a valid use. 'Hillcrest Housing Association' has approved the housing mix proposed for the site.

6.5.6 • *the proposal is consistent with the character and pattern of development in the surrounding area.*

We contend that the proposals are compliant with this statement. There is certainly no issue with the High Street frontage as Planning Service has already provided tacit approval of the design and four storey massing. (refer to correspondence dated 04 July 2024 which states: '*the front elevation in isolation is considered to be acceptable, and we have no concern over the 4-storey scale of the building in that respect*'). The scale to the Car park is significantly less as it is only two storey/room in the roof which reflects its neighbour to the south. An intermediate block sits between this and the frontage block which ensures a stepping down from front to rear. Angus Council also notes that it would be overbearing but although it is fractionally higher than the original it is three metres further away from the boundary which we would contend actually lessens the potential to be overbearing.



View looking East across site

6.5.7 It is alleged *'that it has not been demonstrated that it can provide a satisfactory residential environment in terms of noise and disturbance associated with the existing lawful use of the adjacent theatre'*, yet our revised Noise Impact Assessment provides such compliance. Planning Service state that it has not been proved *'that the flats on the lower floors will benefit from appropriate levels of daylight to habitable rooms'* and yet we already know that we comply with Building Standards. The window area is floor to ceiling thereby ensuring increased area for daylight to penetrate. Furthermore it is alleged that it has not been proved that, *'that ground floor flats will enjoy appropriate levels of residential privacy'*. NO ground floor flat on facing the High Street is any different to those proposed; indeed the windows that are proposed will have a significantly higher sound deadening specification than existing properties currently experience. We have already noted that planters have been located in front of ground floor windows within the pedestrian pend to ensure a modicum of privacy is retained. This is one area that must surely be considered by Planning Service as being site specific. The site is town centre and its frontage will naturally follow the building facade of the existing High Street townscape. To state that ground floor windows must enjoy appropriate levels of residential privacy' we would contend that they do for such a location. Residents who live on the ground floor accept that people will be walking by their window and will no doubt counter this with blinds or light net curtains. This is unavoidable in such a location.

6.5.8 Regarding the magnitude of the development we have listened to Angus Council requests and have actively engaged with their process however long it has taken.

The current proposals reflect this and have been scaled down to better reflect their surroundings. In order to reinforce compliance a comparative study shows proportions of neighbouring residential properties. The site / building ratio is now 59%, as proven below in our calculations of the proposed development along with 52 – 54 and 56 – 58 High Street;

60 – 62 High Street –
Overall site area – 630m²
Building area – 368m²
 $630 / 100 = 6.3$
 $368/6.3 = \underline{59\%}$

56 – 58 High Street –
Overall site area – 497m²
Building area – 249m²
 $497/100 = 4.97$
 $249/4.97 = \underline{50\%}$

52 – 54 High Street –
Overall site area – 348m²
Building area – 223m²
 $348/100 = 3.48$
 $223/3.48 = \underline{64\%}$

As shown above this provides clarification that the proposed development sits proportionally in line with neighbouring properties.

6.6 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.

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:*

6.6.1 • *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.*

6.6.2 There can be no doubt that redeveloping this site for such a worthwhile use is far more desirable than it being left derelict land. That is unfortunately the reality of the situation if unreasonable demands are placed on development. There is little historic environmental value attached to the site other than its location. The previous building was not Listed and was demolished by the previous owner after being served with a Dangerous Building Notice from Angus Council. We would contend

that the new development will be a positive intervention into the townscape after decades of experiencing a dilapidated façade. The development has the opportunity to catalyse new vigour into this end of the High Street by introducing new residents. The existing footpath from the car park is also to be enhanced making a safer more enjoyable passage. This must surely provide additional enhancement to the Conservation Area.

6.6.3 Although Planning alleges that the new development '*would result in a loss of daylight to west facing windows of the adjacent property to the south, that either do or could serve habitable rooms*' this is physically impossible. As stated the existing lies to the south and sunlight is therefore unimpeded as it travels East to West; Daylight likewise. This is especially so in Winter where daylight is needed more. Please refer to our skiagraphy diagram showing Daylight. The original building which sat virtually on the boundary would have had a greater influence than the proposed development. It is also alleged that *the development would have a significant overbearing effect on the private yard area to the rear of the adjacent property to the south*. The new building is actually located approximately three metres further away from the boundary than the original and has no overlooking windows from habitable rooms. The 'private yard area' noted by Planning Service is also something of a misnomer as it is effectively a driveway to a large garage so certain aspects relating to 'amenity' have already been compromised by the occupier.



Property to the south showing driveway and location of windows.

6.6.4 The Webster Memorial Theatre already operates under acoustic and time restrictions in an endeavour to ensure minimal disruption to neighbouring properties and residents. These are clearly not in force every day but only during the limited

times when rehearsals or a show is being performed. To state that the noise of the Webster Memorial Theatre should preclude development will mean that this site is sterile due to its neighbour. This logic is both disappointing to hear as well as dumbfounding. It is tantamount to saying that Planning Service prefer a vacant derelict site on such an important vista. Our revised Noise Impact Assessment proves that development is achievable.

6.6.5 We have also introduced raised planted beds in front of the ground floor windows providing extra privacy and a softening of the hard edge between building and footpath. The planted beds provide a physical barrier from the public and introduce greenery and biodiversity within the pend to create a more welcoming and attractive area for accessing the proposed development and the busy car park to the west. It is also important to recognise that the new building allows for a widening of the route through from the car park which is currently very restricted. This is to community and public benefit.

6.6.5 This Application must be considered as a town centre development and recognised that there may be shortfalls within certain aspects as this is a gap site in a prominent location in one of Angus' main town centres. Refer to 'Town Centre First' policy. The situation proposed is a significant improvement on the original demolished building where windows were obscured by adjacent walls. Planning comments advocated a design of dual aspect apartments. This could only be achieved with a single block which was of course not what originally existed on the site before demolition. (Please refer to photograph below). It would also mean that the site is limited to only eight units which is clearly financially unfeasible in today's climate. With the revised fenestration pattern we have now oriented these windows to recognise the dual aspect desired by Planning Service whilst achieving additional light and retaining the required number of units to ensure deliverability for all. The window openings in the north and south elevations are significantly larger than normal Bedroom windows allowing a greater amount of daylight to enter. It is important to note that these are bedrooms and not necessarily desirable to have high levels of daylight or sunlight.



Historic photo showing double depth of property and height reflecting the proposed.

6.6.6 The West Elevation has been reviewed and we have introduced stone dentils to the eaves, quoins to the corners, a stone basecourse and a stone lintel to the ground floor windows. This has continued on the South Elevation. Please see evidence retrieved from the Planning Application (21/00282/CON) for the demolition of the former property which shows photographs of that building. This information provides an input of what was previously sited in this location. Our design has implemented a similar formation of the eaves visible from the car park and gables to the north and south of the location whilst rationalising the fenestration. ARKTX believe the proposed facade establishes a greater quality from the previous building that sat on this site and of the neighbouring properties. The previous building's west exterior assembled no uniformity or consistency within the positions of the openings creating a disproportionate elevation which was visible from the busy car park.

6.6.7 We are somewhat offended by Angus Council's concern of the north and south elevations being "utilitarian" in appearance especially when one compares them to the visually dominant south wall of the Webster Memorial Theatre. We made significant amendments introducing different material palettes (coursed stone, render and cladding), sculpting the elevations to allow for openings and reducing the scale of the building from east to west matching the neighbouring properties. We have also added detailed architectural features. Please refer to Drawing No 1189/013 providing visuals of how the proposal would sit within its environment. Reviewing the demolition Planning Application, ARKTX consider the former building's north and south elevation dull and unwelcoming. The north elevation created a bland, restrictive and dark access between the car park and High Street with the use of one single material and the close proximity to the Webster Theatre. Our proposals widen the pend and introduce an elevation that is broken down to engage visual interest. The North Elevation will in reality only be visible from very limited viewpoints at ground level. Light render panels also cumulatively aid direct and ambient light to bounce around making this previously dark passageway more attractive and safer. The former south elevation, which as shown below matches the north elevation in description of bland and unwelcoming and does not aspire to great design quality within a prominent Conservation Area. As discussed with Planning Service the elevations have been amended significantly to introduce more areas of interest by extending the stone bands and dentils. This ensures a less utilitarian appearance and ensures that it is lifted far above the anonymous rendered, detail-free south elevation of the Webster Memorial Theatre.

6.6.8 We have made every endeavour to decrease the visual mass of the development by reducing the number of units from 20 units to only 15 apartments. This reflects the height of other buildings on High Street and ensures that the new development is subservient to the Webster Theatre (refer to Street frontage). The new building provides a visual intermediate stepping down from the theatre to the property to the south. As stated, the pre-conceived requirement of Planning Service to have dual aspect flats (which never existed on site) is not viable.

6.6.9 We have an opportunity to ensure this prominent site delivers a meaningful contribution to the townscape of Arbroath that can be enjoyed by the residents and provide much needed social housing. There have not been any Objections noted against the originally submitted much larger scheme and we feel that our efforts are

valid and should be Approved. It would be irresponsible to miss this opportunity to contribute positively to the town centre.

6.7 ALDP DS1 and NPF4 Clause 16

Planning Service has Refused this application based on not being compliant with LDP Clause DS1 or Policy 16 of NPF4 '*as it involves provision of new homes on land not allocated for housing in the local development plan in circumstances where it is not consistent with other relevant policies*'.

6.7.1 When one considers the site, the dominance of residential use in the area and the inherent advantages redeveloping this brownfield site for social housing it is incredible that it is being defended that because it is not allocated for residential that it must therefore fail to comply. The ALDP is effectively a decade old and out of date as it no longer reflects current Council priorities in such matters.

The local design team, Contractor and operator underpins a sustainable model and provides Economic development. Local money stays local. This team is a proven one having delivered the mixed development at Murraygate, Dundee (refer to illustrations later) and Chapel Works, Eastern Road, Montrose (Linen mill façade retention with new housing behind), both for handover in early 2025.

6.8 DS4: Amenity

6.8.1 The proposals have already established that there is no 'unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties'. Nor are there any impacts 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.

6.8.2 The only area of potential debate is the final clause and we have already established that surrounding properties are unaffected. The new development also meets stringent industry standards and is not reliant on individual opinion which appears to be the sum total of Planning Service justification. This policy goes on to say that '*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*'. We have established through submitted documents and prior delivery of challenging sites that this can be achieved.

6.8.3 Far from being 'compromised' housing the proposals meet the stringent guidelines and space standards required by Hillcrest Housing Association. This ensures reduced running costs by achieving environmental Silver standard being met. We have also just received Gold standard for 'Secure by Design' for the Murraygate development and will be following these high principles in this development providing residents with peace of mind. The proposals will of course

have to exceed Building Standards in due course and we already know that the window daylighting ratio requirement has been exceeded.

6.8.4 The proposals ensure that the existing narrow and dark footpath through from the car park to High Street is upgraded to provide a more attractive and safer journey. This increases the level of amenity to residents and car park users alike.

7.0 Summary

7.1 Hillcrest Housing Association is a strong advocate for this development and has an identified need for housing in this location. The site is owned by the Applicant who is the developer. The site will not be sold on for profit. An agreement has been made with Hillcrest Housing Association and as soon as Planning is Approved the development can progress through Warrant and a prompt site start is envisioned for Summer 2025 in order to remove this unsightly scar from the townscape.

7.2 We would contend that the Application meets with the principals and also the spirit of both NPPF 4 and the Angus Council LDP (under current review). Not only has National Government called a national housing emergency Angus Council has reinforced their position on this dire shortage. The Application, as clearly explained, provides optimum numbers on a town centre brownfield site which should be given priority for development. Angus Council documentation accepts that brownfield sites require special consideration and the number of apartments allows the development to progress in a sustainable manner. Development of this site will not work for any less units than this due to restricted site value based on social housing grant funding. The pre-conceived vision of Planning Service is not economically viable in such a location.

7.3 The building has been designed to ensure that it meets with a high quality of architectural merit. To state otherwise would be subjective and merely an unsupportable reason to Refuse as it is only an opinion. Planning Service themselves accept that the High Street Elevation is acceptable. This must surely be the primary consideration in the Conservation as it is hard to reconcile the car park and existing rear elevations to properties surrounding it contributing positively in architectural content to the Conservation Area. The high quality of local materials used in the development will ensure that it sits well in its environment. Reconstituted stone as per the Murraygate, Dundee development will be used extensively. We note other development in the High Street and surroundings have been allowed to use cheap wet dash render (in bright blue!) which mimics porridge; in stark contrast to the high quality finish we propose.

7.4 The Noise Impact Assessment provides sufficient reassurance that the noise breakout from the theatre would not impinge on good living standards within the apartments. The development is after all located on the High Street with its inherent traffic noise. The robust nature of the construction will ensure a quiet living environment. The documents submitted with this Appeal demonstrate compliance and we would contend provide sufficient reason for the Local Review Body to Approve the development.

7.5 The Angus Council Local Development Plan was approved in September 2016; nearly a decade since it was written and certainly long before the current

housing emergency was called. The LDP has been outdated for some time and NPPF 4 ensures that it must be revised to reflect current challenges. These challenges include **prioritising** the regeneration of town centres with sustainable developments; introducing more residents back into the centres thereby ensuring more potential economic development.

7.6 To put things into perspective it appears that the Development was Refused based on:

- A perceived lack of daylight in some bedrooms. Individual Planners opinion versus Building Standards compliance and national operator stating it meets requirements.
- Incorrect assumption of affecting neighbouring property to the south (proved otherwise).
- Perceived noise levels (addressed in the revised Noise Impact Assessment).

It seems inconceivable that this is the case based on the weight of expectancy from Government to address the national housing shortage and to reduce vacant brownfield sites causing a blight on High Streets.

7.7 We attach illustrations of a recently completed inner city (Murraygate, Dundee) development by the same design and construction team for Hillcrest Housing Association.



Murraygate , Dundee development, 2024



Murraygate, Dundee development showing sympathetic integration into townscape.

This was also a gap site in a major pedestrian artery. This development uses a similar palette of materials and has been highly commended by the public and local authority. This too had noise and daylighting challenges; all which were met and have provided attractive city centre accommodation. This introduces 31 new residential apartments with all their inherent economic and sustainable development advantages to the city centre. 'Yes'; there were daylighting issues; 'Yes' there were

acoustic issues; all of which were deemed acceptable compromises by Planning Service to ensure city centre development and prioritise the introduction of new residential properties in the city centre where it makes most sense and is absolutely critical to stimulating regeneration.

We therefore submit that the Application does in fact meet Policy and certainly provides an ideal opportunity to realise a meaningful number of residential units in a sustainable manner. It provides an ideal opportunity for Angus Council to act and reinforce its commitment to prioritising town centre development in an endeavour to catalyse regeneration whilst providing high quality affordable housing to those who need it.

We submit that this Appeal be Granted and allow works to commence as soon as possible for community benefit.



BRSUK

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Acoustics
 Air Leakage Testing
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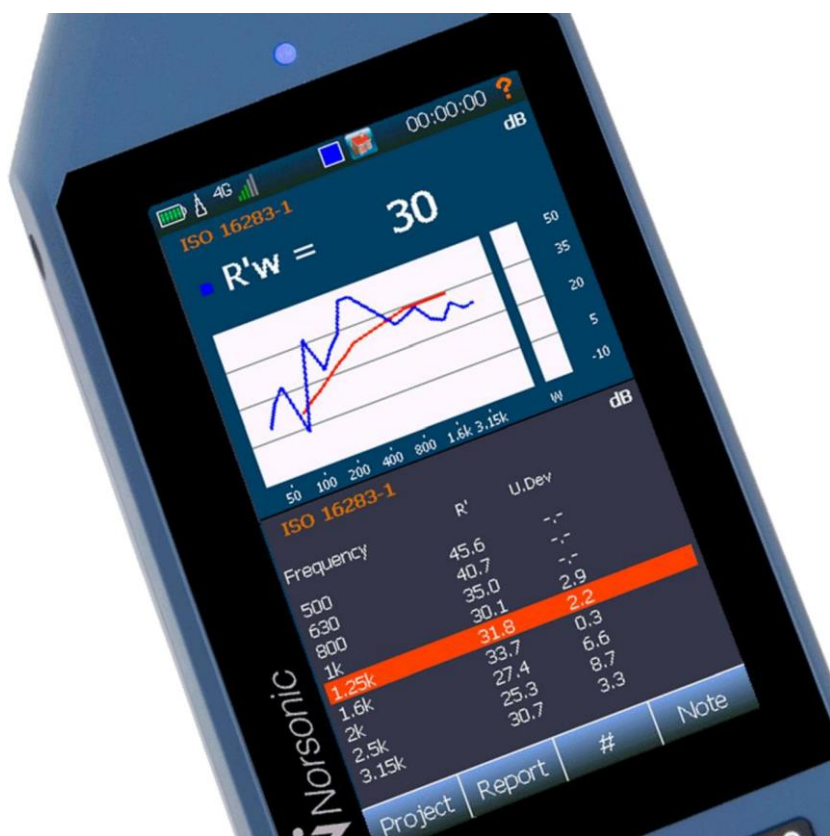
Project: New Proposed Flatted Development

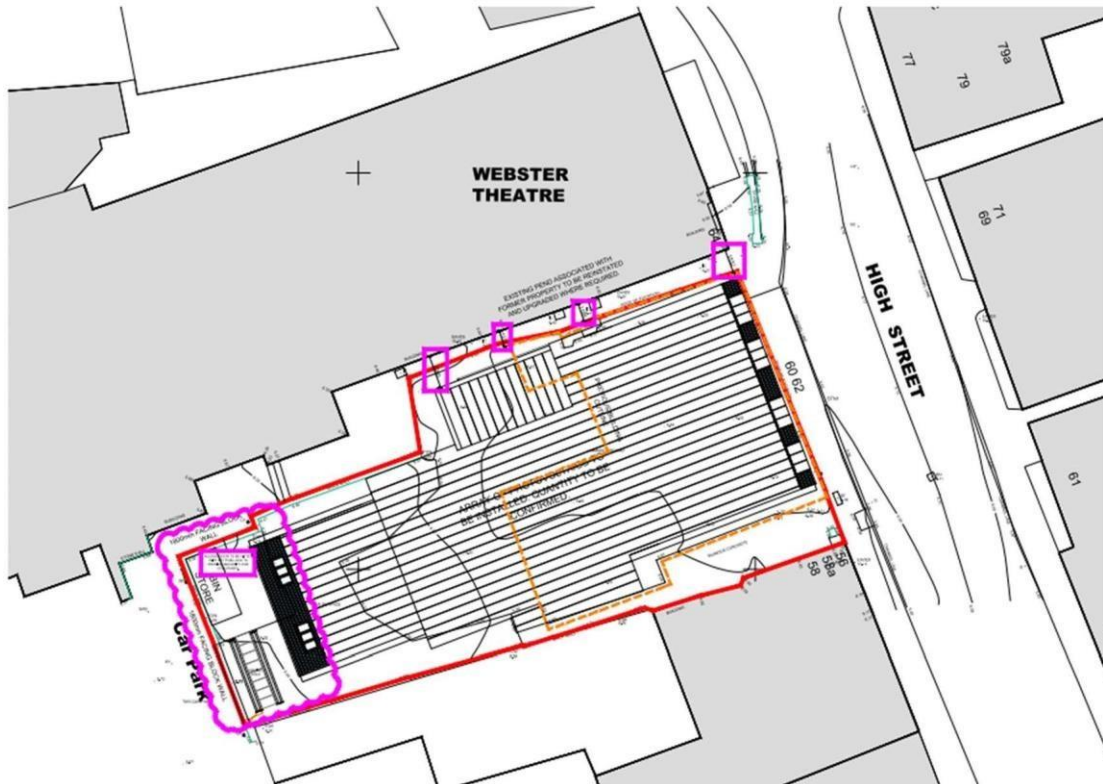
Address: High Street Arbroath

Client: George Martin Builders Ltd

Status: 2.6a

16th September 2024





June 2024

Proposed flatted development at 60-62 High Street,Arbroath

Client: George Martin Builders Ltd

Project number: BRS UK NIA 0926
Status: V1.0

Author: Raymond McGurk MTIOA
Reviewer: Stuart Cumming BSc(Hons) MSc MIOA

Date of issue: 8th July 2024

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1 INTRODUCTION

1.1 Remit

Building Regulations Services (BRS UK) was commissioned by George Martin Builders to undertake a Noise Impact Assessment in support of the planning application for 20 no flatted residential development at 60-62 High Street, Arbroath.

The site location is shown in Figure 1-1 below.

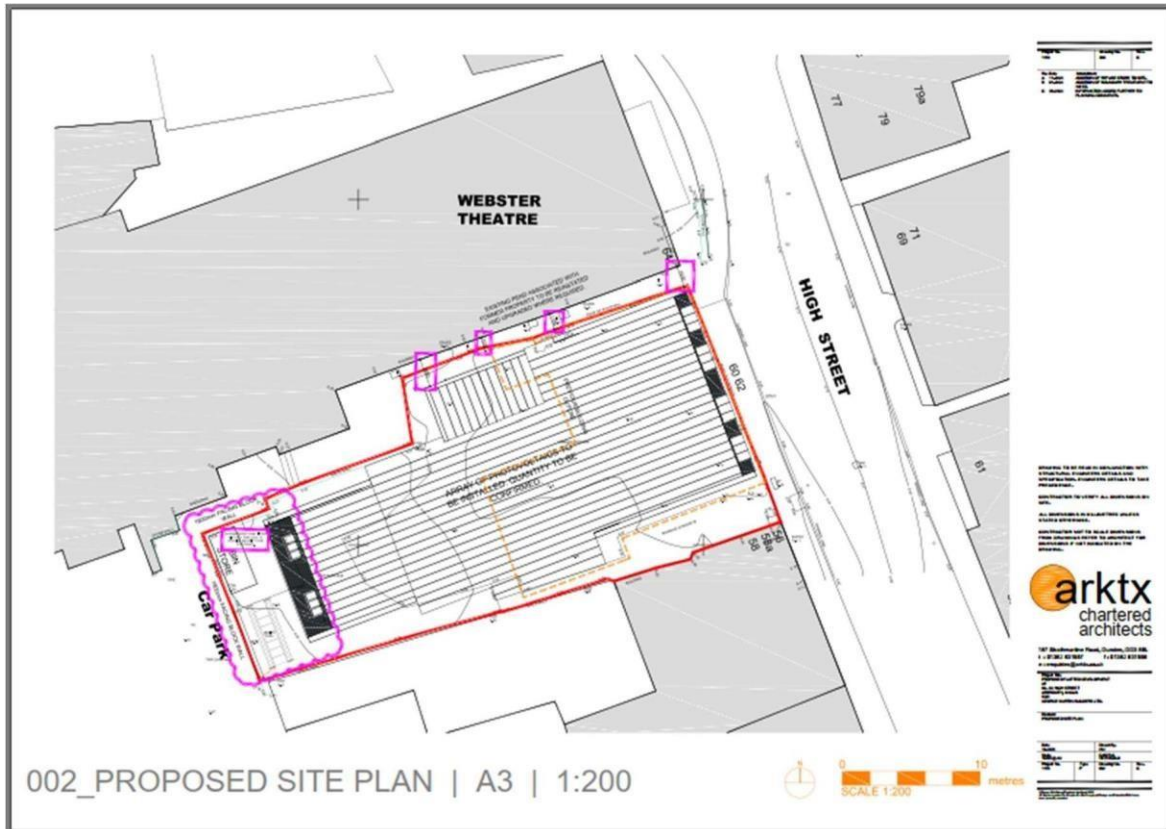


Figure 1-1 – Site Plan

This report is intended to provide information on the impact of specified surrounding noise sources on the proposed development stated within this report.

1.2 Report Usage

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from BRS UK.

If this report is to be submitted for regulatory approval more than 12 months following the report date, it is recommended that it is referred to BRS UK for review to ensure that any relevant changes in data, best practice, guidance or legislation in the intervening period are integrated into an updated version of the report.

Whilst the client has a right to use the information as appropriate, BRS UK retain ownership of the copyright and intellectual content of this report. Any distribution of this report should be controlled to avoid compromising the validity of the information or legal responsibilities held by both the client and BRS UK (including those of third-party copyright). BRS UK do not accept liability to any third party for the contents of this report unless written agreement is secured in advance, stating the intended use of the information.

BRS UK accept no liability for use of the report for purposes other than those for which it was originally provided, or where BRS UK have confirmed it is appropriate for the new context.

1.3 Site Location and Proposed Development

The site is a brownfield site to the south of Websters Theatre. A public car park to the west and a High Street on the west. With some residential and non-residential buildings to the south.

1.4 Potential Impacts

Websters Theatre is the main source of noise, with potential for adverse impact. Mainly when shows/events take place.

1.5 Consultation

The consultation on this instance was not made directly with Angus Council (here-on noted as the LPA) but based solely on the Council's planning response forward to BRS UK by George Martin Builders: -

"This application proposes the construction of a block of flats next to Websters Theatre in Arbroath and I am concerned there could be issues with regards to residential amenity at these properties due to this proximity which may impact the theatre in the future should complaints be received. Due to this, I cannot complete my appraisal of this application until a noise impact assessment has been undertaken by a qualified consultant."

Whilst the client has a right to use the information as appropriate, BRS UK retain ownership of the copyright and intellectual content of this report. Any distribution of this report should be controlled to avoid compromising the validity of the information or legal responsibilities held by both the client and BRS UK (including those of third-party copyright). BRS UK do not accept liability to any third party for the contents of this report unless written agreement is secured in advance, stating the intended use of the information.

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2 NOISE ASSESSMENT METHODOLOGY

The noise assessment was undertaken to establish the existing noise climate and to determine the suitability of the site for residential development. The assessment involved the following stages:

- Calculation and prediction of noise levels assessed against BS8233:2014 and WHO internal noise criteria;

2.1 Noise Guidance

A brief description of noise assessment guidance specific to this assessment is provided in the sections below.

2.1.1 PAN 1/2011 Planning and Noise

Advice on the role of the planning system in helping to prevent and limit the adverse effects of noise is provided in Planning Advice Note (PAN) 1/2011 'Planning and Noise' (The Scottish Government, 2011a) and the associated Technical Advice Note (TAN) 2011 'Assessment of Noise' (The Scottish Government, 2011b) provides guidance on Noise Impact Assessment methods.

The methodology offered in Technical Advice Note (TAN) 2011 'Assessment of Noise' (The Scottish Government, 2011b) is used to assess the suitability of the local noise environment for a residential development.

The significant framework set out in the Technical Advice Note has been based on the exceedance of the noise criteria from the measured noise levels, $L_{Aeq,T}$ (dB) at the proposed noise sensitive development (NSD).

Table 2-1: Magnitude of Impact and Noise Level Band Identification

Magnitude	Noise Level X (dB)
	Band ID
Major adverse	$X \geq 10$
Moderate adverse	$5 \leq X < 10$
Minor adverse	$3 \leq X < 5$
Negligible adverse	$0 \leq X < 3$
No change	$X < 0$

The following table provides a framework in determining the level of significance relating the magnitude of impact with the sensitivity of the receptor:

Table 2-2: Magnitude of Impact Relative to Receptor Sensitivity

Magnitude of Impact	Level of Significance Relative to Sensitivity of Receptor		
	Low	Medium	High
Major	Slight/Moderate	Moderate/Large	Large/Very Large
Moderate	Slight	Moderate	Moderate/Large
Minor	Neutral/Slight	Slight	Slight/Moderate
Negligible	Neutral/Slight	Neutral/Slight	Slight
No Change	Neutral	Neutral	Neutral

The level of significance and its relevance to the decision-making process is summarized below as:

- **Very Large:** These effects represent key factors in the decision-making process. They are generally, but not exclusively, associated with impacts where mitigation is not practical or would be ineffective.
- **Large:** These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.
- **Moderate:** These effects, if adverse, while important, are not likely to be key decision-making issues.
- **Slight:** These effects may be raised but are unlikely to be of importance in the decision-making process.
- **Neutral:** No effect, not significant, noise need not be considered as a determining factor in the decision-making process.

2.1.2 World Health Organisation (WHO) Guidelines for Community Noise 1999

In Guidelines for Community Noise, (World Health Organisation, 1999), outdoor sound levels equivalent to $L_{Aeq,T}$ 55dB(A) is indicative of the threshold above which few people are seriously annoyed (for an outdoor living area), during day and evening time.

To avoid sleep disturbance night-time noise events exceeding $L_{Amax,T}$ 45dB(A) should be avoided. In addition, the guidance identifies that negative sleep impacts are avoided at $L_{Aeq,T}$ 30dB for continuous noise sources. It also provides guidance on the sound attenuation provided to internal living areas when windows are partially opened i.e., up to 15dB reduction in external noise levels.

The minimum standard required by the Building Standards (Scotland) Regulations for thermal insulation is two layers of 4mm thick glass separated by 6mm to 16mm thick cavity. Where glazing has not yet been specified, this configuration may be assumed as a minimum standard.

2.1.3 BS8233:2014 Guidance on sound insulation and noise reduction for buildings

According to the BS8233 suitable indoor levels for residential purposes are: -

$L_{Aeq,T}$ 35 dB to $L_{Aeq,T}$ 40 dB daytime, i.e. between 07:00 – 23:00 hours; and

$L_{Aeq,T}$ 30 dB night-time, i.e. between 23:00 – 07:00 hours.

$L_{Amax(fast)}$ 45 dB within bedrooms during the night-time to avoid resting disturbance, as per the World Health Organisation Community Noise Guidelines.

2.1.4 ProPG

The ProPG: Planning and Noise, Professional Practice Guidance on Planning and Noise for New Residential Development was released in 2017. ProPG: 2017 aims to consider noise in relation to the planning process and encourages good acoustic design at an early stage.

2.2 Noise Definitions

The following definitions relevant to the noise assessment are used in this report:-

$L_{Aeq, T}$: Equivalent continuous A-weighted sound pressure level. This is the single number that represents the average sound energy over that time period. It is the sound level of a notionally steady sound that has the same energy as a sound that fluctuates over a specified measurement period.

$L_{AF, max}$: The A-weighted maximum sound pressure level over the measurement period. The measurement is taken using the fast time weighting of the sound level meter.

Free-field: As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, a fence, building, earth bund, etc. The former is known as free-field propagation.

Façade Effect: When sound is reflected back towards its source, off a surface, such a wall, the reflected and incident sound waves interfere constructively, causing what is known as façade effect, or pressure doubling. This increases the noise, compared to that which exists in free-field, by approximately 2.5 dB(A).

3 NOISE MONITORING

An ambient sound survey at the site of the boundary of proposed development with Websters Theatre and High Street was carried out on Friday 7th June and Saturday 8th June 2024, during a live event.

3.1 Noise Monitoring Locations

The approximate measurement position is shown in Figure 2 below. In the green box area.



Figure 2 – approx. survey location

- - survey position 1
- - survey position 2

3.2 Noise Monitoring Details

A fully calibrated Type 1 sound level meter was used to undertake all the noise monitoring events as detailed in table 3-1. The sound level meter was calibrated both before and after measurements were taken and no significant drift was noted.

Table 3-1: Investigative Equipment Utilised and Technical Details

Monitoring Period:	07:00hrs – 23:00hrs
Time Intervals:	16 hour measurement period
Instrument:	Norsonic 145 sound analyser.
Calibration:	At the start of the measurement the sound analyser was calibrated using a Norsonic NOR-1251 Sound Calibrator.
Measurement Settings:	Environmental logging mode: A-weighted sound pressure level with time weighting fast.
Measurement Positions:	Measurements were taken at circa 1.5m above the ground.

The weather conditions during the monitoring events were recorded and are summarised in table 3-2.

Table 3-2: Monitoring Periods and Weather Conditions

Monitoring Period/Event	Weather Conditions
07/06/2024	Clear skies, 19.2 degrees Celsius, 3m/s wind speed prevailing east direction.
08/06/2024	Clear skies, 21.2 degrees Celsius, 4m/s wind speed prevailing east direction

3.3 Survey Results Summary

3.3.1 Theatre Noise Levels Measured from proposed site.

A summary of the results can be found in table 3-3.

Table 3-3: Noise Monitoring Results

Start time/ Duration (hrs)	L_{Aeq} (dB_A)	L_{AFMax} (dB_A)
07:00 – 23:00	54.8	81.5
23:00 – 07:00	50.8	73.1

Table 3-4: Predicted Indoor Daytime/Evening Noise Levels

Noise Sensitive Receptor ID	Predicted Daytime free field levels L _{Aeq} (dB)	Predicted At Façade with 2.5dB Correction L _{Aeq, 8hr} (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	54.8	57.3	24.3

- The Rw weighted reduction figures are based on BS8233:2014 guidance of an insulated glass unit having a 33 Rw value when closed. Assuming suitable sound attenuating trickle ventilators are used.
- Upon review, the introduction of mechanical ventilation is to be introduced to the flats that were at risk of high noise levels. The windows will now be inoperable due to the background ventilation being provided by the newly introduced mechanical ventilation system. Spec to be provided by the developer.

Table 3-5: Predicted Max Indoor Daytime/Evening Levels

Noise Sensitive Receptor ID	LAMax (dB)	Predicted Levels with distance attenuation (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	81.5	Bed 1 & 2 = 87.5	54.5

- The same theory applies to the maximum levels. LAMax being a single event and not the overall ambient noise level at the measurement location.
- Max level is a single event not the overall average noise level of the location in question. Was due to noise produced from a member of the public as this recording was without the theatre in operation.

- Table 3-6: Predicted Indoor Night Time Noise Levels

Noise Sensitive Receptor ID	Predicted Night-time free field levels L_{Aeq} (dB)	Predicted At Façade with 2.5dB Correction $L_{Aeq, 8hr}$ (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	50.8	53.3	20.3

Table 3-7: Predicted Max Indoor Night Time Levels

Noise Sensitive ReceptorID	LAMax (dB)	Predicted Levels with distance attenuation (dB)	Likely Indoors Levels with Windows Closed (minus 33 dB)
Flat 6	71.	Bed 1 & 2 = 78	45

4 NOISE IMPACT ASSESSMENT

4.1 Calculation Methodology

To calculate the internal ambient noise level inside the residential property, the following calculation methodology has been taken from BS8233:2014 and also from BS EN ISO 12354-3:

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{-\frac{D_{ng}}{10}} + \frac{S_{wi}}{S} 10^{-\frac{R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{-\frac{R_{ew}}{10}} + \frac{S_{rr}}{S} 10^{-\frac{R_{rr}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

The calculation provides the internal ambient noise level as $L_{Aeq,T}$ where building elements including the wall, glazing and trickle ventilators are all considered.

4.2 Noise Sources

This noise assessment considers the impact of noise coming from Websters Theatre during an event.

Table 4-1 shows some common design criteria for NR levels in various spaces. Whilst the values show the total internal ambient noise level in each space, it shows that inaudibility (NR 15 / 10dB below the background level) would be applicable to a recording studio or concert hall rather than a private dwelling.

Table 4-1: Common Examples of Noise Rating Curve Values

Noise rating curve	Application
NR 25	Concert halls, broadcasting and recording studios, churches
NR 30	Private dwellings, hospitals, theatres, cinemas, conference rooms
NR 35	Libraries, museums, court rooms, schools, hospitals operating theatres and wards, flats, hotels, executive offices
NR 40	Halls, corridors, cloakrooms, restaurants, night clubs, offices, shops
NR 45	Department stores, supermarkets, canteens, general offices
NR 50	Typing pools, offices with business machines
NR 60	Light engineering works
NR 70	Foundries, heavy engineering works

This level of internal noise is extremely difficult to achieve from an acoustic perspective. From a professional point of view, a reduction of 10dB below the design level would be sufficient to achieve effective inaudibility.

Acoustic privacy between dwellings

It should also be noted that such an excessive level of sound insulation would mean that the overall internal ambient noise level inside each new dwelling would be very low. While this might sound like a positive outcome, it means that the acoustic privacy between residential dwellings will be decreased. Due to the low level of noise, voices and other intrusive noise from adjacent apartments will sound subjectively louder than they would otherwise.

4.3 Conclusion

The measured data and weighted sound reduction figures are based on the guidance provided in BS8233:2014. Since the completion of the initial report, a mechanical ventilation strategy has been implemented to address high ambient background noise levels. As a result, the windows are becoming inoperable, as the mechanical ventilation now serves as the primary means of background ventilation.

The LAeq levels in the bedrooms at the Websters façade in Flat 6 do not exceed the recommended 35 dB LAeq (16 hr) levels set forth by the WHO and aligned with the guidelines in BS8233:2014. This is primarily because the windows are inoperable. The predicted noise levels are now 14.7 dB lower than the 35 dB target for daytime/evening levels.

Furthermore, the LAeq levels in the same bedrooms during the nighttime period are also below the recommended levels specified in the relevant guidelines, sitting 9.7 dB below the recommended 30 dB ambient noise levels.

This reduction in noise levels has been achieved through the introduction of a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation.

Regarding the Lmax figures, it is important to note that these values represent single-event noise occurrences rather than an overall ambient noise level. These recorded events may arise from external anomalies, such as traffic, car horns, passersby, or activities from the nearby theatre, which typically cease by 11 PM.

Table 4 Indoor ambient noise levels for dwellings

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

4.4 Internal Noise Break-in

The usual design guidance values for residential properties during the night are stated in the WHO guidelines for community noise and BS8233:2014 are as in Section 2 and below:

- **L_{Aeq,T} 30 dB** night-time, i.e. between 23:00 – 07:00 hours.
- **L_A max(fast) 45 dB** within bedrooms during the night-time to avoid resting disturbance, as per the World Health Organisation Community Noise Guidelines.

To account for low frequency noise associated with amplified music it is recommended that a minimum level of performance of NR15 is also achieved. Although the music noise may be slightly audible during events, the infrequent nature of the events at the venue and the benefits of having more housing in the local area should possibly be considered.

4.5 Images from set up





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Tel : 0141 375 1480

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 : 23/00870/FULL

To **George Martin Builders Ltd**
c/o ARKTX
187 Strathmartine Road
Dundee
DD3 8BL

With reference to your application dated 14 December 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed Erection of 15 No Flatted Dwellings at 60 - 62 High Street Arbroath DD11 1AW for George Martin Builders Ltd

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 development does not comply with Policies TC2 or PV8 of the Angus Local Development Plan or NPF4 Policy 7, as the scale of development and the utilitarian design will have a detrimental impact on the character of the conservation area and is inconsistent with the character and pattern of development in the surrounding area.
2. The development does not comply with Policy TC2 of the Angus Local Development Plan as it has not been demonstrated that it can provide a satisfactory residential environment in terms of noise and disturbance associated with the existing lawful use of the adjacent theatre, that the flats on the lower floors will benefit from appropriate levels of daylight to habitable rooms, or that ground floor flats will enjoy appropriate levels of residential privacy.
3. The development does not comply with NPF4 policies 23 and 31 as it has not been demonstrated that it is consistent with the agent of change principle set out in NPF4 as it may result in unacceptable noise issues given the proximity of the proposed residential units to the existing theatre and that the theatre could continue without additional restrictions being placed on it as a result of the proposed new development.
4. The development does not comply with policy DS4 of the Angus Local Development Plan as it would result in a loss of daylight to west facing windows of the adjacent property to the south, that either do or could serve habitable rooms. Furthermore, the development would have a significant overbearing effect on the private yard area to the rear of the adjacent property to the south.
5. The does not comply with policy DS1 of the Angus Local Development Plan Policy as it is not in compliance with other relevant policies of the plan, and it is not compatible with policy 16 of NPF4 as it involves provision of new homes on land not allocated for housing in the local development plan in circumstances where it is not consistent with other relevant policies.

Amendments:

- 1 Proposed development amended. Drawings Proposed Site Plan - 1189-002-RevE, Ground and First Floor Plans - 1165-007-RevF, Second, Third and Roof Plans - 1165-008-RevF, Elevations - 1165-009-RevF, Proposed Sections - 1165-010-RevD , Street Elevation - 1165-011-RevD supersede all previous versions.

Dated this **3 December 2024**



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
Development Standards Committee/Full Council	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	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.	Local Review Body – See details on attached Form 2
Other Decision	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

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
Website: 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.



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 100654162-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Erection of 20 No Flatted Dwellings

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	ARKTX		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jennifer	Building Name:	
Last Name: *	Middleton	Building Number:	187
Telephone Number: *	01382 831557	Address 1 (Street): *	Strathmartine Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	Scotland
		Postcode: *	DD3 8BL
Email Address: *	enquiries@arktx.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	5
Last Name: *		Address 1 (Street): *	Fairfield Road
Company/Organisation	George Martin Builders Ltd	Address 2:	
Telephone Number: *		Town/City: *	Dundee
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD3 8HR
Fax Number:			
Email Address: *	enquiries@arktx.co.uk		

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at 60-62 High Street, Arbroath, DD11 1AW

Northing

740808

Easting

364365

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

630.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant Site (previously office block)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

20No Bins

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

20

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Jennifer Middleton

On behalf of: George Martin Builders Ltd

Date: 06/12/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Design and Access Statement Street Elevations

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 06/12/2023

Payment Details

Cheque: BACS TRANSFER, 000000000

Created: 06/12/2023 14:05

Angus Council

Application Number:	23/00870/FULL
Description of Development:	Proposed Erection of 15No Flatted Dwellings
Site Address:	60 - 62 High Street Arbroath DD11 1AW
Grid Ref:	364360 : 740804
Applicant Name:	George Martin Builders Ltd

Report of Handling

Introduction

The application relates to a vacant gap site on Arbroath High Street and within the conservation area. A two-storey office building previously occupied the site but was demolished in 2021 after a dangerous building notice was served.

The Webster Memorial Theatre (a category C listed building) is located to the immediate north of the site. To the south of the site two and a half and three storey buildings fronting High Street. Buildings in this part of the conservation are typically stone built, located on the heel of the footway, with roof ridges running parallel to the street and punctuated by chimneys and dormer windows.

The Webster Memorial Theatre is a large-scale building which occupies much of its curtilage and extends significantly to the west from its High Street frontage. Buildings to the south are more domestic in scale, with the main parts of those buildings located adjacent to High Street and reducing in scale at the rear (west), with smaller scale extensions and open garden areas. Ladybridge Street car park is located to the west of the site and buildings fronting High Street are separated from the car park by brick boundary walls. A pedestrian connection between High Street and the car park runs between the site and the theatre.

The proposal seeks planning permission for the erection of a four and three storey block containing 15 flats. Information submitted in support of the application indicates that the flats would be operated by a housing association to provide affordable housing.

The proposed four storey building frontage onto High Street would be of similar height to the adjacent theatre, with a natural stone finish and some detailing which picks out features found elsewhere on High Street. The design of the building has a more functional appearance on its side elevations, with a flat roof and limited external detailing. The building steps down from four stories to three stories at the rear.

The proposal would provide 15 flats comprising 8 x 2 bed flats and 7 x 1 bed flats. Solar panels are proposed for the flat roof. Access to 13 of the flats would be taken from the north elevation with a communal stair in the centre of the building. The access path to the north of the site between High Street and the public car park would be maintained. Private amenity space of around 130sqm is proposed to the rear, which would contain bin storage and drying areas. No car parking is proposed within the site.

Amendments

The proposal has been amended to change the detail of the front/street elevation of the proposal and to amend the scale of the building and reduce the number of flats proposed from 20 to 15. Drawings Proposed Site Plan - 1189-002-RevE, Ground and First Floor Plans - 1165-007-RevF, Second, Third and Roof Plans - 1165-008-RevF, Elevations - 1165-009-RevF, Proposed Sections - 1165-010-RevD, Street Elevation - 1165-011-RevD amend and supersede all previous versions.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 22 December 2023 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 21 December 2023.

Planning History

21/00282/CON sought conservation area consent for the demolition of the building which previously occupied the site. That application remains under consideration.

Applicant's Case

Noise Impact Assessment (July 2024) – indicates that Websters Theatre is the main source of noise, with potential for adverse impact, mainly when shows/events take place. It indicates that an ambient sound survey was carried out on Friday 7 June and Saturday 8 June 2024 during a live event. It concludes that noise levels are anticipated to exceed the recommended maximum levels with windows open, and recommends mitigation including reorientation the windows away from the north elevation.

Noise Impact Assessment update (September 2024) – indicates that since the completion of the initial report, a mechanical ventilation strategy has been implemented to address high ambient background noise levels. As a result, the windows are becoming inoperable, as the mechanical ventilation now serves as the primary means of background ventilation. It indicates that the LAeq levels in the bedrooms at the Websters façade do not exceed the recommended 35 dB LAeq (16 hr) levels set forth by the WHO and aligned with the guidelines in BS8233:2014. This is primarily because the windows are inoperable. The predicted noise levels are now 14.7 dB lower than the 35 dB target for daytime/evening levels. Furthermore, the LAeq levels in the same bedrooms during the nighttime period are also below the recommended levels specified in the relevant guidelines, sitting 9.7 dB below the recommended 30 dB ambient noise levels. This reduction in noise levels has been achieved through the introduction of a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation. Regarding the Lamax figures, it is important to note that these values represent single-event noise occurrences rather than an overall ambient noise level. These recorded events may arise from external anomalies, such as traffic, car horns, passersby, or activities from the nearby theatre, which typically cease by 11 PM.

Design and access statement - this provides a site history and planning policy commentary. The statement concludes by summarising the project as:

- Providing much needed residential accommodation.
- Removing a derelict site in the town centre.
- Bespoke design for the site, of high quality contributing positively to the distinct character and identity of this part of the town centre.
- Respects the character of adjoining properties.
- Does not have a detrimental impact on residential amenity and parking.
- Due to the location adjacent to the public car park, no on-site parking is proposed.

A further commentary was provided when the scheme was amended to 15 units. The key points explained are:

- Residential amenity has been improved by orientating bedroom windows to face east and west direction and increased in height to improve daylight.
- Raised planting beds have been introduced to provide additional buffer between ground floor windows and the public realm.
- The town centre and brownfield nature of the site must allow for some compromise in regard to

amenity standards.

- The previous building on the site was not a single dual aspect block and therefore there is little justification to require this for the redevelopment of the site.
- The ratio of developed plot to open space is now 59%, which is consistent with other plots to the south of the site.
- The previous building on the site stood proud of the adjacent property, and any impact on daylight should be considered in that context. An area of lighter render has been introduced to allow for more reflected light.
- Elevational amendments to the east and west elevations reflect the traditional character of the area and the previous development of the site.
- The material palette has been amended further for the north and south elevations to ensure a less utilitarian appearance and ensure that it is lifted far above the anonymous rendered, detail-free south elevation of the Webster Theatre

In addition to this, the applicant has provided site photographs, including images of the previous building on the site, as well as some 3D illustrations of the proposed development in the context of the surrounding buildings.

Consultations

Environmental Health (Arbroath) – Objects to the proposal indicating that it has not been demonstrated that the development would not be subject to an unacceptable level of noise from the adjacent theatre, and identifies a risk of complaint from residents of the proposed flats which could result in enforcement action being taken against the theatre and restricting its activities, contrary to the agent of change principle. It has commented that while relevant guidance suggests that mechanical ventilation can be used to overcome noise issues as a last resort, it not a good solution and the windows may still be opened leading to risk of complaint. Environmental health is also critical that the assessment does not make any distinction between noise arising from the theatre and general community noise, and does not demonstrate that the development would not be subject to an unacceptable level of noise.

Aberdeenshire Council Archaeology Service - no objection subject to a condition requiring the provision of an archaeological written scheme of investigation and appropriate programme of archaeological works.

Service Manager Housing - Have acknowledged that the intention is to provide 100% of the development as affordable housing, and therefore have no objections to the application.

Parks & Burial Grounds - Have noted that there is a shortfall in open space associated with the development, and that an appropriate contribution of £518 per unit should be provided for the improvement to open space in Arbroath.

People Directorate - Education - Indicate that there is capacity in local schools to accommodate the development, and no education contributions are therefore required.

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

Roads (Traffic) - no objection, but request details of boundary treatments to ensure there is no access directly from the car park. This information has subsequently been included on the submitted plans.

Scottish Water - no objection.

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 3 Biodiversity
Policy 4 Natural places
Policy 7 Historic assets and places
Policy 9 Brownfield, vacant and derelict land and empty buildings
Policy 12 Zero waste
Policy 14 Design, quality and place
Policy 15 Local living and 20 minute neighbourhoods
Policy 16 Quality homes
Policy 18 Infrastructure first
Policy 20 Blue and green infrastructure
Policy 21 Play, recreation and sport
Policy 22 Flood risk and water management
Policy 23 Health and safety
Policy 27 City, town, local and commercial centres
Policy 31 Culture and creativity

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS2 : Accessible Development
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy DS5 : Developer Contributions
Policy TC2 : Residential Development
Policy TC3 : Affordable Housing
Policy TC17 : Network of Centres
Policy PV2 : Open Space Protection and Provision within Settlements
Policy PV3 : Access and Informal Recreation
Policy PV8 : Built and Cultural Heritage
Policy PV11 : Energy Efficiency - Low and Zero Carbon Buildings
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.

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 application.

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.

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.

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

Both NPF4 and the ALDP seek to encourage the reuse of brownfield land and buildings to help reduce the need for greenfield development. NPF4 Policy 16 'quality homes' seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. Policy 16 offers support to proposals for new homes on land allocated for housing in the LDP. It indicates that on land not allocated for housing in the LDP proposals for new homes will only be supported in limited circumstances where (amongst other things) the proposal is for smaller scale opportunities within an existing settlement boundary. It also indicates that development proposals for new homes that improve affordability and choice... and which address identified gaps in provision, will be supported.

ALDP Policy TC2 deals with all residential development proposals and indicates that proposals within development boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. The policy also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. NPF4 Policy 27 identifies considerations relevant to proposals involving town centre living. Part (g) of the policy indicates that development proposals for city or town centre living will take into account the residential amenity of the proposal. It indicates that this must be clearly demonstrated where the proposed development is in the same built structure as.... a live music venue and/or there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

NPF4 Policy 7 indicates that 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. It indicates that relevant considerations include architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. NPF4 Policy 14 indicates that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that 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. ALDP Policy DS3 indicates that 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, and the council Design and Placemaking Supplementary Guidance provides relevant considerations when applying this policy. ALDP Policy PV8 indicates that development proposals which affect local historic environment sites.... (such as Conservation Areas) 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.

NPF4 Policy 23 'Health and Safety' states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. In relation to the agent of change principle, NPF4 indicates "where an application is made for development which is likely to be affected by noise from existing development such as, but not limited to, music venues, manufacturing or industrial sites, large retail outlets, etc., 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'. NPF4 Policy 31 'Culture and Creativity' states that "development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on

the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development."

The principle of redeveloping a vacant town centre brownfield site in the conservation area to provide affordable housing attracts support from development plan policy, and it would be highly desirable to see the site brought back into a purposeful new use. The High Street elevation of the building has been designed such that while it provides four levels of accommodation, it is positioned on the heel of the footway and the detailing of the façade draws upon aspects of townscape that positively contribute to the character of the conservation area. This detailing includes the stringcourse separating ground and first floor levels, vertically proportioned sash and case look windows, and the faux-roof ridge running parallel to the street (which is more likely to be successful on the High Street side of the site as a result of adjacent buildings). The High Street elevation of the building is acceptable in design terms and would have a positive impact on the character and appearance of that part of the conservation area.

No car parking is provided within the site, but the site is adjacent to a public car park and is well located for sustainable travel opportunities and access to services in the town centre. The roads service has no objection to the proposal. The site is not subject to any natural heritage designation and there is no evidence to suggest that the proposal would adversely impact on the natural environment. The proposed water supply and drainage arrangements are acceptable and Scottish Water has no objection to the proposal. The site is not within an area identified as being at risk of flooding on SEPA flood maps. Open space provision is not included within the development, but Parks and Burial Grounds has indicated that a financial contribution could be secured from the development towards existing provision. There would be space within the curtilage of the flats for the drying of clothes and to provide bin storage. There is no reason to consider that the proposal would adversely impact on infrastructure, having regard to the consultation responses received. The proposal would provide a mix of one- and two-bedroom properties and planning condition(s) could be utilised to ensure that the property is provided as affordable housing. The proposal raises no significant conflicts with the intentions of NPF4 policies 1,2 and 3.

There are several aspects of the proposal which are compatible with development plan.

The key issues in this case are (1) whether it has been adequately demonstrated that the residential use of the site in the manner proposed can co-exist with the adjacent Webster Memorial Theatre, which is a potential source of noise, and having regard to the agent of change principle; (2) whether the proposal would provide a good residential environment for occupants of the proposed new dwellings; (3) whether the design, scale and form of the proposed development is suitable for the site and represents a form of development that it would be desirable to see replicated elsewhere in the conservation area; and (4) whether the proposed building would have an acceptable impact on the amenity of adjacent residential property to the south.

(1) Has it been demonstrated that the residential use of the site in the manner proposed is compatible with the adjacent Webster Memorial Theatre, which is a potential source of noise, and having regard to the agent of change principle?

The proposal would involve the provision of residential dwellings adjacent to the Webster Memorial Theatre on a site which previously accommodated office and commercial (but not residential) uses. The theatre is a potential source of noise which could impact on the amenity of occupants of the proposed flats. As noted above, the agent of change principle outlined in NPF4 requires the applicant 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. NPF4 indicates that within the vicinity of existing arts venues, proposals will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

Planning Advice Note 1/2011 'planning and noise' indicates that it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Where satisfactory levels with open windows are not achievable, practicable mitigation solutions should be explored, taking into account their possible impact on the built environment. It suggests the use of alternative design solutions such as locating living rooms and bedrooms on the opposite side of a building

to the source of the noise, and indicates that passive systems may be considered but mechanical ventilation should only be used as a last resort.

The applicant has submitted noise assessment information to consider the impact of noise from the adjacent theatre on the proposed dwellings. They have also amended the proposal to alter the orientation of bedroom windows so that they do not directly face the theatre. However, the amended design still has bedroom windows on the north side of the building (facing east and west) adjacent to the theatre building, separated from that theatre only by the narrow path linking High Street with the car park and the external wall of the theatre. The applicant's assessment indicates that, in order to ensure that the properties are not subject to excess noise levels from the theatre, it is necessary to use a mechanical ventilation strategy that eliminates the need for open windows to provide adequate background ventilation. It is not clear from the noise assessment how many windows within the proposed development would be affected by noise from the theatre, or if any of the alternative design solutions suggested by PAN 1/2022 could work, which may allow residential development on the site in a manner that does not require a windows closed approach to achieve noise levels which are satisfactory for a residential use.

Environmental Health has considered the noise assessment information submitted and has objected to the proposal on the basis that the noise assessment methodology is flawed and does not adequately demonstrate that the proposed residential use of the site can co-exist with the established theatre use. They identify concern that mechanical ventilation and unopenable windows is not a good solution for householders, that the noise information does not distinguish between general theatre noise and community noise, and they note there is potential for windows to be opened by occupants which could render the noise mitigation ineffective and could lead to noise complaints requiring enforcement action to be taken against the theatre, which is contrary to the agent of change principle set out in NPF4.

The scale of development and number of flats proposed in the application limits the opportunity to utilise alternative design solutions such as locating living rooms and bedrooms on the opposite side of the building to the source of the noise, and the noise information does not clearly illustrate how much of the development would be affected by noise to enable consideration of alternative solutions to address the issue. The proposal does not provide adequate information to demonstrate that the proposed development would satisfy the agent of change principle, or that the residential use of the site in the manner proposed is a compatible with surrounding land uses contrary to NPF4 policies 14, 23 and 31 and ALDP policies TC2 and DS4.

(2) Would the proposal provide a good residential environment for occupants of the proposed new dwellings

The theatre building runs adjacent to the north elevation of the proposed flats. The layout of the flats on the north side of the building closest to the High Street presents an arrangement where the bedrooms are located away from the High Street frontage and are served by windows which would be down the close to the north of the building. The windows serving these bedrooms would step out from the north of the building to have an east and west orientation, but this arrangement results in an aspect for those bedrooms enclosed by the walls of the theatre to the north and walls of the proposed flats to the south, providing a restricted outlook looking down the close. Such a layout would result in limited availability of sunlight and daylight reaching those rooms (particularly in the lower-level flats), and this would not result in a good residential environment. A similar impact would also be experienced in the bedroom window of the one-bedroom flats on the north side of the building (particularly the lower-level flats), and on bedroom windows of the High Street facing flats on the south side of the building (particularly the lower level flats). The contrived bedroom window arrangement proposed in the layout and the resultant poor amenity that it would provide is a symptom of the excessive number of flats proposed in the application, and the limitations of the site resulting from its size and location adjacent to the theatre.

The application proposes the provision of 15 flats over three and four storeys on a site measuring around 630sqm. The building extends around 30m back into the 38m deep site, leaving around 130sqm amenity space at the rear. The council's Design and Placemaking Supplementary Guidance forming part of ALDP Policy DS3 indicates that new build developments will generally require a minimum of 25sqm per flat, which would equate to a minimum requirement of 375sqm for 15 flats. The amenity space that the development would provide (around 130sqm) is significantly below the 375sqm standard set out in the supplementary guidance and there is insufficient open ground within the site to provide adequate amenity

space for the number of flats proposed in the application.

When combined with the unresolved noise issue from the adjacent theatre described earlier, the layout of the flats, the limited aspect of some bedroom windows in the building, and the lack of private amenity space that would be provided leads to the conclusion that the form of development proposed in the application would not provide a good residential environment for occupants, and the proposed flats would have a poor standard of amenity, contrary to ALDP policies DS4 and TC2 and NPF4 Policy 27(g).

(3) Is the design, scale and form of the proposal suitable for the site, and does it represent a form of development that it would be desirable to see replicated elsewhere in the conservation area?

As noted above, the appearance of the High Steet elevation of the building is acceptable in terms of impacts on the character and appearance of the conservation area on High Street, but it is also necessary to consider the acceptability of the design, scale and form of the remainder of the building, and whether it represents a form of development that it would be desirable to see replicated elsewhere in the conservation area.

The webster theatre building runs adjacent to the north elevation of the site, and it is a large utilitarian building (except for its decorative High Street frontage) with a footprint which occupies most of its curtilage, extending around 54m from its High Street frontage. It is a flat roofed building with a largely functional appearance when viewed from the public car park. ALDP Policy DS3 indicates that 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. Aside from its decorative High Street frontage, the theatre building does not contain townscape features which contribute positively to the character and sense of place of the area that should be drawn upon or replicated. The theatre is not a residential building, and it is not a particularly relevant scale or design comparison for new residential development on the site.

More relevant to the character of residential property in the area are the buildings which are located to the south of the site between 34 and 58 High Street. Those buildings are primarily formed of two to three storey traditional sandstone blocks fronting onto High Street, with generally smaller scale extensions at the rear/west, and with more open garden areas and yards. 56-58 High Street to the immediate south has a depth of around 13m, and property further south on the west of High Street has a main block depth of between 10m and 13m. There is a large extension at the rear of 54 High Street (containing 54D High Street), but that extension is a two-storey sandstone building with a traditional ridged roof and is separated from the main block. In general terms, the area is characterised by dual aspect two and three storey buildings fronting onto High Street, with more subservient development to the rear.

In contrast to that established character, the application proposes flatted accommodation over four floors stepping down to three floors at the rear (west) of the site. The building extends around 30m back into the 39m deep site, with the building occupying a significant quantity of the site. As it extends back into the site from High Street, the proposed building presents as a four-storey building with a flat roof for around 21m, stepping down to a three-storey flat roof building for 9m. The west elevation of the building is finished to try and give the appearance of the top floor accommodation being contained within the roof space, but that effect is undermined by the length that the building projects west, and the side elevation is visible as a three and four storey flat roof building from the adjacent public car park. The length and scale of the monolithic flat roofed three and four storey side elevation which projects deeply into the site is out of character with other residential development in this part of the conservation area, and the proposed building represents a form of development that it would not be desirable to see replicated elsewhere.

The applicant refers to the depth of the demolished buildings which previously occupied the site to justify the scale of the proposed building, but the demolished buildings comprised of a two-storey block with a depth of around 11.6m, with a smaller two-storey 7m deep extension to the rear which left an open area at the rear around 19.5m deep. Those buildings not only occupied a smaller area of the site, but they were traditional sandstone buildings with ridged roofs which were consistent with the character and pattern of development in the area. That cannot be said of the design and scale of the block of flats proposed in the application.

The proposal would not preserve or enhance the character and appearance of the conservation area in

terms of density, built form and quality of design; and the proposed development does not deliver a high design standard which draws upon those aspects of townscape that contribute positively to the character and sense of place of the area. The proposal does not comply with NPF4 policies 7 and 14 or ALDP policies DS3 and PV8.

(4) Would the proposed building have an acceptable impact on the amenity of adjacent residential property to the south?

NPF4 Policy 14 indicates that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that 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. ALDP Policy DS4 seeks to protect the amenity of existing properties and Policy TC2 requires all proposals for new residential development to not result in unacceptable impact on surrounding amenity.

The property to the immediate south of the site within the building at 56-58 High Street contains windows on its west elevation serving habitable accommodation. There are extensions on the rear of property to its immediate south which already impacts on its south-westerly aspect. The proposal would further reduce its aspect to the north-west by introducing a three and four storey block around 4m from windows in that property, and running along and close to its northern boundary for a distance of around 17m. The applicant has not provided an assessment of the impact of the development on sunlight and daylight on neighbouring property to the south. It is however clear that the proposal would breach the 45-degree approach set out in council guidance, and the proposed development combined with existing development to the south would have a tunnel effect on windows in property at 56-58 High Street, with projections on both sides of windows in that property, adversely impacting in the availability of sunlight and daylight to it. The proposal would adversely impact on the amenity on neighbouring property to the south, contrary to NPF4 Policy 14 and ALDP policies DS4 and TC2.

While some aspects of the proposal attract support from the development plan, the redevelopment of the site in the manner proposed does not comply with the policies of the development plan identified above. The proposed development therefore is not considered to be of an appropriate scale and nature for this location, and is not in accordance with other relevant policies of the ALDP. Accordingly, the proposal is also contrary to ALDP Policy DS1.

Conclusion

The redevelopment of this vacant and prominent site in the conservation area would be highly desirable. It would also be desirable to secure more affordable housing in a location with good access to services and sustainable travel, and planning policy offers support for such development. It is also accepted that this is a difficult site where some compromise (e.g. some reduction in the level of garden ground provided) may be necessary to make a development work. However, planning policy support for redevelopment of the site is not unqualified. It does not mean that any or all development is acceptable or that other factors do not need to be fully addressed in the design of development.

In this case the information submitted does not demonstrate that full and proper consideration has been given to the impact of noise from the adjacent theatre on the development, and environmental health is not satisfied that the methodology used in the applicant's noise assessment adequately addresses that issue. They object to the proposal.

The number of dwellings proposed in the application results in a building which is too big for the site, with consequential issues for the suitability of its design, scale and external appearance, the standard of amenity that would be created for its occupants, and its impact on the amenity of neighbouring residential property to the south. The applicant has reduced the scale of the proposal and has made other amendments to improve the appearance of the proposed building (particularly its appearance onto High Street), but those changes do not go far enough to resolve the issues, and the noise information submitted is not adequate or acceptable.

The application 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(s) for Decision:

1. The proposal is contrary to National Planning Framework 4 (NPF4) policies 23 and 31 and Angus Local Development Plan (ALDP) policies DS4 and TC2 because it has not been demonstrated that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that the adjacent theatre can continue without additional restrictions being placed on it as a result of the proposed development, contrary to the agent of change principle; or that the residential use of the site in the manner proposed is a compatible with surrounding land uses.
2. The proposal is contrary to NPF4 Policy 27 and ALDP policies DS4 and TC2 because it has not been demonstrated that the proposed development would provide a satisfactory residential environment for occupants of the proposed new dwellings as a result of potential noise disturbance from the adjacent theatre, as a result of the limited aspect of some bedroom windows in the building, and as a result of the lack of amenity space that would be provided.
3. The proposal is contrary to NPF4 policies 7 and 14 and ALDP policies DS3 and PV8 because the proposal would not preserve or enhance the character and appearance of the conservation area in terms of density, built form and quality of design; and because the development would not deliver a high design standard which draws upon those aspects of townscape that contribute positively to the character and sense of place of the area.
4. The proposal is contrary to NPF4 Policy 14 and ALDP policies DS4 and TC2 because it has not been demonstrated that the proposal would not have an unacceptable impact on the amenity on neighbouring property to the south by virtue of the tunnel effect it would create on windows in that property and associated impact on the availability of sunlight and daylight to it.
5. The proposal is contrary to ALDP Policy DS1 because the proposal is not of an appropriate scale and nature and is not in accordance with relevant policies of the ALDP.

Notes:

Case Officer: Ben Freeman
Date: 20 November 2024

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 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
- i) will support meeting renewable energy targets; or,
 - ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

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 12 Zero waste

a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) Development proposals will be supported where they:

i. reuse existing buildings and infrastructure;

ii. minimise demolition and salvage materials for reuse;

iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;

iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;

v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

i. provision to maximise waste reduction and waste separation at source, and

ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:

i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;

ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;

- iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

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 20 Blue and green infrastructure

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-

functional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under- used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 21 Play, recreation and sport

a) Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:

- i. is ancillary to the principal use of the site as an outdoor sports facility; or
- ii. involves only a minor part of the facility and would not affect its use; or
- iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or
- iv. can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.

b) Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate.

This should be informed by the planning authority's Play Sufficiency Assessment.

c) Development proposals for temporary or informal play space on unused or underused land will be supported.

d) Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well- designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.

e) Development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

f) New, replacement or improved play provision will, as far as possible and as appropriate:

- i. provide stimulating environments;
- ii. provide a range of play experiences including opportunities to connect with nature;
- iii. be inclusive;
- iv. be suitable for different ages of children and young people;
- v. be easily and safely accessible by children and young people independently, including those with a disability;
- vi. incorporate trees and/or other forms of greenery;
- vii. form an integral part of the surrounding neighbourhood;
- viii. be well overlooked for passive surveillance;
- ix. be linked directly to other open spaces and play areas.

g) Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

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.

Policy 31 Culture and creativity

- a) Development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported.
- b) Development proposals for creative workspaces or other cultural uses that involve the temporary use of vacant spaces or property will be supported.
- c) Development proposals that would result in the loss of an arts or cultural venue will only be supported where:
 - i. there is no longer a sustainable demand for the venue and after marketing the site at a reasonable rate for at least 12 months, through relevant local and national agents and online platforms, there has been no viable interest from potential operators; or
 - ii. the venue, as evidenced by consultation, no longer meets the needs of users and cannot be adapted; or
 - iii. alternative provision of equal or greater standard is made available at a suitable location within the local area; and
 - iv. the loss of the venue does not result in loss or damage to assets or objects of significant cultural value.
- d) Development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

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 DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- o Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- o Education;
- o Community Facilities;
- o Waste Management Infrastructure; and
- o Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

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 TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites,

including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- o local housing needs (set out in the current Housing Needs and Demand Assessment);
- o physical characteristics of the site;
- o development viability; and
- o availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

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 PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource;
- or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access

opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

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 PV11 : Energy Efficiency - Low and Zero Carbon Buildings

All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018.

This requirement does not apply to extensions, changes or use or conversion of buildings; stand-alone ancillary buildings under 50 sqm; buildings with a planned life of less than two years or which will not be heated or cooled for purposes other than frost protection.

Development proposals should be accompanied by a statement of the level of sustainability achieved to demonstrate compliance with the above standards.

Development proposals should also consider energy efficiency measures where possible including:

- o siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and

light;

- o the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- o the re-use and/or local sourcing of building materials.

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.

Ben Freeman

From: Fraser Middleton <fraser@arktx.co.uk>
Sent: 09 August 2024 09:16
To: Ben Freeman
Subject: 1189_High Street, Arbroath
Attachments: 1189_60-62 High Street, Arbroath.zip

Importance: High

Proposed Residential Development, 60-62 High Street, Arbroath

Good morning Ben,

This may be a bit long winded but it is our final attempt to reach a satisfactory solution through negotiation as our Client is insistent that it progresses. Many thanks for you and your team's honest recent appraisal. Although disappointed we believe that we have now addressed these concerns to the best compromise which is also acceptable to our Client. We are now in the position however that we need the Application to be driven forward if funding is to be secured and a quick start on site secured. These proposals have been approved by our Client and also by Hillcrest Housing Association. We therefore request that these proposals are considered the ones to progress to a decision with. We will of course be able to encompass small changes that you may require but feel that we have engaged with Planning Service in a positive way and that the scheme is a deliverable one. Any less units and the scheme is unfeasible and the town is left with an eyesore. We have an opportunity to fill this gap site with an attractive intervention to the townscape making a significant positive impact in the area and providing much needed accommodation on a brownfield site in the town centre. It benefits all parties. Failure to reach an agreement would be detrimental to all parties. Again; we honestly appreciate your efforts and working with ARKTX to realise this goal and thank you for your appraisal of the reviewed design; however we are somewhat disappointed with this last correspondence which highlighted issues not raised previously.

We can assure you that Angus Council's correspondence has been discussed with the Applicant and end user at great length. With instruction we have further reviewed your comments and altered the design accordingly.

In response to the specific points raised we would respond as follows:

With regards to the "residential amenity" being affected to the rooms to the north please refer to our revised Drawing Nos 1189/007/F & 1189/008/F. These windows have been re-orientated in order to face East and West. This ensures that they are not looking at the blank wall of the Theatre. These floor to ceiling windows have also been enlarged in width in order to optimise daylight into the rooms. It is important to note that these are bedrooms and not necessarily desirable to have high levels of daylight or sunlight. These revisions significantly enhance the lighting levels within the rooms. We have also introduced raised planted beds in front of the ground floor windows providing extra privacy and a softening of the hard edge between building and footpath. The planted beds provide a physical barrier from the public and introduce greenery and biodiversity within the pend to create a more welcoming and attractive area for accessing the proposed development and the busy car park to the west. It is also important to recognise that the new building allows for a widening of the route through from the car park which is currently extremely restricted. This is to community and public benefit. In a similar approach to resolving your concerns to the south elevation the floor to ceiling windows are orientated east / west and have been enlarged.

This Application must be considered as a town centre development and recognised that there may be shortfalls within certain aspects as this is a gap site in a prominent location in one of Angus' main town centres. The situation proposed is a significant improvement on the original demolished building where windows were obscured by adjacent walls. Your comments appear to be guiding us towards a route of dual aspect apartments. This could only be achieved with a single block which was of course not what originally existed on the site before demolition. (Please refer to photograph below). It would also mean that the site is limited to only eight units which is clearly financially unfeasible in todays climate. With the revised fenestration pattern we have now orientated these windows to recognise the dual aspect that you desire whilst achieving additional light and retaining the required number of units to ensure deliverability for all.

This proposal has now also been scaled down to match proportions of neighbouring residential properties. The site / building ratio is now 59%, please see below our calculations of our development along with 52 – 54 and 56 – 58 High Street;

60 – 62 High Street –
 Overall site area – 630m²
 Building area – 368m²
 $630 / 100 = 6.3$
 $368/6.3 = \underline{59\%}$

56 – 58 High Street –
 Overall site area – 497m²
 Building area – 249m²
 $497/100 = 4.97$
 $249/4.97 = \underline{50\%}$

52 – 54 High Street –
 Overall site area – 348m²
 Building area – 223m²
 $348/100 = 3.48$
 $223/3.48 = \underline{64\%}$

As shown above this provides clarification that the proposed development sits proportionally in line with the neighbouring properties. Please refer to Drawing No 1189/002/E showing a line perpendicular to the building now aligning with the property of 52 – 54 High Street and of a similar two storey scale with accommodation in the roofspace.

We are unsure of the perceived affect on the building to the south as any daylight /sunlight enjoyed by this property would be unaffected with our building located to the north. (Refer again to the photograph below). The previous building already stood proud of the west facing elevation of the

neighbouring property. Our proposals are no higher and are further way from the boundary. We do however accept that they extend further to the west but do not believe the amenity of the existing adjoining property would be compromised. In order to address any perceived concerns our proposals have been rationalised in order to incorporate a light render panel which will reflect light rather than any light being absorbed by the colour of the masonry render. We note that the area to the south of the site is not garden area but a driveway, parking and vehicle garages so certain aspects relating to 'amenity' have already been compromised by the occupier.

The West Elevation has been reviewed and we have introduced stone dentils to the eaves, quoins to the corners, a stone basecourse and a stone lintel to the ground floor windows. This has continued on the South Elevation. Please see evidence retrieved from the Planning Application (21/00282/CON) for the demolition of the former property which shows photographs of that building. This information provides an input of what was previously sited in this location. Our design has implemented a similar formation of the eaves visible from the car park and gables to the north and south of the location whilst rationalising the fenestration. ARKTX believe the proposed facade establishes a greater quality from the previous utilitarian building that sat on this site and of the neighbouring properties. The previous building's west exterior assembled no uniformity or consistency within the positions of the openings creating a disproportionate elevation which was visible from the busy car park.

Regarding Angus Council's concern of the north and south elevations being "utilitarian" in appearance, we have again reviewed these aspects introducing different material palettes (coursed reconstituted stone, render and cladding), shaping the elevations to allow for openings and reducing the scale of the building from east to west matching the neighbouring properties. We have also added detailed architectural features. We attach Drawing No 1189/013 providing visuals of how the proposal would sit within its environment. Reviewing the demolition Planning Application, ARKTX consider the former building's north and south elevation dull and unwelcoming. The north elevation created a bland, restrictive and dark access between the car park and High Street with the use of one single material and the close proximity to the Webster Theatre. Our proposals widen the pend and introduce an elevation that is broken down to engage visual interest. The North Elevation will in reality only be visible from very limited viewpoints at ground level. Light render panels also cumulatively aid direct and ambient light to bounce around making this previously dark passageway more attractive and safe. The former south elevation, which as shown below matches the north elevation in description of bland and unwelcoming and does not aspire to great design quality within a Conservation Area. As noted above we have rationalised the materials and introduced more areas of interest by extending the stone bands and dentils. This ensures a less utilitarian appearance and ensures that it is lifted far above the anonymous rendered, detail-free south elevation of the Webster Theatre.



We have an opportunity to ensure this prominent site delivers a meaningful contribution to the townscape of Arbroath that can be enjoyed by the residents and provide much needed social housing. We sincerely hope that we have satisfactorily addressed your concerns within the need to satisfy our Client and the end-users requirements. There have not been any Objections noted against the original much larger scheme and we feel that this final attempt to ensure joint agreement is a carefully considered and valid one. We believe that we have addressed your concerns and have optimised them to the constraints of the site and our Brief. It would be a pity to miss this opportunity to contribute positively to the town centre.

Please do not hesitate to contact this office should you require any additional information or wish to discuss this matter further.

Best regards.

Fraser Middleton..

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