

Ref.: TC

08 April 2024

Ben Freeman
Angus House
Planning Service
Orchardbank Business Park
Forfar
DD8 1AN

By e-mail: PLNProcessing@angus.gov.uk

Application: 24/00179/FULL

Site: 38 Abbot Street Arbroath DD11 1HH

Proposal: Proposed Conversion of Part of Former Nursery Building to Form 2 Flats (Retrospective)

Remit:

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1978 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in Scotland through The Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

Thank you for consulting Theatres Trust on this retrospective planning application for residential use at 38 Abbot Street, Arbroath. We have been consulted because the units subject to conversion and change of use are below the Abbey Theatre Club which occupies the same building.

Theatres Trust

22 Charing Cross Road, London WC2H 0QL

Telephone 020 7836 8591 **Email** info@theatrestrust.org.uk **Website** theatrestrust.org.uk **Twitter** @TheatresTrust

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Chair Dave Moutrey OBE

Director Jon Morgan

Trustees James Dacre, Suba Das, Stephanie Hall, Annie Hampson, Lucy Osborne, Truda Spruyt, Katie Town

There was a previous planning application for this site which was submitted in 2019. Theatres Trust objected on the grounds of negative impacts on the theatre's operations and in turn of sub-optimal living conditions for future occupants arising from acoustic conflict. That application was eventually withdrawn in 2023. Evidently development in any case proceeded without the requisite consents being in place.

Since the previous application there is now additional policy in this respect following the adoption of National Planning Framework 4 (NPF4) in February 2023. Policy 23.e does not support development which is likely to raise unacceptable noise issues, applying the 'agent of change' principle to noise sensitive development. Where significant effects are likely, as would be the case in this instance, a Noise Impact Assessment may be required. Policy 31.d goes further, stating that development proposals in the vicinity of existing arts venues will fully reflect the agent of change principle. Applications can only be supported where impacts are demonstrably acceptable and that existing venues can continue without additional restriction.

This application covers Units 3 and 4 (Flat 3 and Flat 4). There is a further live application for Units 1 and 2 to which we will respond under separate cover.

Unit 4 is of particular risk in terms of impacts on residents as this sits directly below the rear of the theatre's stage. It must be considered that this generates two primary risks to the amenity and living conditions of residents; one is disturbance from noise, not just from performances but also potentially from related activities such as the moving of sets and equipment (which could take place late at night after performances). Also, there may be rehearsals and other such legitimate activities. The second risk is from vibrational transfer, for example from amplified music. In addition to NPF4 policy, Policy DS4 of the Angus Local Development Plan (2016) also states that development will not be permitted where there is an unacceptable adverse impact on the amenity of future occupiers including as a result of noise and vibration levels.

The area to the rear of the stage, extending over Unit 3 (as well as Units 1 and 2), are supporting functions including dressing rooms, storage and workshop space. These may also be sources of disturbance due to movements and activities within these spaces.

The Abbey Theatre Club is an important community and cultural asset for Abroath and its surrounding catchment. It is run by its members, providing opportunities for local people to access and participate in theatre and the arts, to volunteer and to learn and develop new skills. It produces its own work as well as hosting occasional

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external performances, events and hires. Theatres and venues such as the Abbey help improve social and cultural wellbeing and reduce loneliness and isolation. Therefore planning decisions should protect them from harm or loss; Local Development Plan policy TC8 seeks the retention of community facilities.

The applicant's statement suggests a Noise Impact Assessment has been undertaken and submitted, but this is not available for review. Without sight of this it would not be possible to verify the assertion that there are no sound impacts on Units 3 and 4. We note that the Council's Environmental Health department had previously maintained objection as standards had not been complied with, this included back of house activities.

In the absence of relevant information, our current position is that we would object to the granting of retrospective planning permission. Nonetheless, even in the event that noise impacts were deemed acceptable we would still seek imposition of robust planning conditions and legal agreements to ensure suitable mitigations and in place and the activities of the theatre can be protected into the future.

Please contact us if we may be of further assistance or should you wish to discuss these comments in further detail, and continue to consult with us as additional evidence is submitted.

Tom Clarke MRTPI

National Planning Adviser

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