

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 9 OCTOBER 2018**

**PLANNING APPLICATION - 13 MAULE STREET ARBROATH DD11 1JJ**

**GRID REF: 364118 : 741198**

**SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No 18/00524/FULL for a change of use from a residential dwelling house to a guest house comprising the formation of 11 en-suite bedrooms. The application also proposes the erection of a two-storey extension to the existing building at the site at 13 Maule Street, Arbroath, for Cito Cimo Properties Ltd. This application is recommended for conditional approval.

**1. RECOMMENDATION**

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

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

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

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

**3. INTRODUCTION**

3.1 The applicant seeks planning permission for change of use and extension of a dwelling house to form a guest house comprising 11 en-suite bedrooms.

3.2 The application site is 605sqm in area, located at the east side of Burnside Drive, Arbroath and contains a two-and-a-half storey, six-bedroom town house. The building is traditional in appearance, with red sandstone walls and slate roof. It has an area of private amenity space of around 400sqm that sits forward of the south facing principal elevation and runs along the east elevation of the building, where there are also two dilapidated outbuildings. Vehicular and pedestrian access to the site is by Church Street at the east with additional pedestrian access available from Burnside Drive. The area is predominantly residential in nature but there are other commercial uses in the wider area. A copy of the location plan is provided at Appendix 1.

3.3 The proposal would provide a guest house with 11 en-suite bedrooms across three levels. There would be 4 bedrooms, a lounge and kitchen area on the ground floor, 6 bedrooms on the first floor and 1 bedroom on the second floor. Off-street parking provision for 9 cars would be provided within the site. External alterations at the building would involve the formation of a two-storey flat roof extension at the northeast corner of the building, where there is currently a single storey extension with a mono-pitched roof. The existing outbuildings at the northeast corner of the site would be refurbished to accommodate boilers and hot water cylinders providing hot water to the guesthouse. The storage for bins and recycling facilities would also be provided in this area.

Existing public drainage and water supply connections would be utilised. Submitted information indicates the business would operate 7 days per week and would be capable of accommodating up to 22 guests at any time. It is indicated a general manager would be employed for the care of guests and operation of the guesthouse.

- 3.4 The application has not been subject of variation but amended drawings of the original building have been submitted that show the correct roof lines and chimney heights.
- 3.5 The application was subject of neighbour notification and was advertised in the local press.
- 3.6 This application requires to be determined by the Development Standards Committee because it has attracted more than five individual objections and is recommended for approval.

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

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

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

- 5.1 The applicant has submitted a Bat Survey, a Business Plan and Water Tank and Boiler Specification details with the application. Those can be viewed on the [Public Access](#) website but are summarised below.
- 5.2 The Bat Survey indicates that emergence/re-entry surveys found no evidence of roosting bats within the building. It states that no evidence of bats was discovered during the internal/external inspection of the building and that no active roosts were identified as being present. As such, no negative impacts on bats are predicted and no further survey/mitigation for bats and no EPS licensing/mitigation are considered necessary.
- 5.3 The Business Plan provides an overview of the proposal, including details on the operation of the proposed guesthouse use. The potential of the proposal to contribute to the local economy is discussed and professional background on the applicants and interested parties in the development is provided.
- 5.4 The Water Tank and Boiler Specification provides details and specification for the two water tanks and two boilers proposed within the refurbished outbuildings at the site.

#### **6. CONSULTATIONS**

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - Offers no objection. It has confirmed that the parking provision exceeds the required standard.
- 6.3 **Scottish Water** - Offers no objection.
- 6.4 **Angus Council - Economic Development** – Indicates that tourism development is important to the local economy and states that the Tourism Accommodation Audit for Angus identifies a theoretical need in Angus for more self-catering tourist accommodation supply of between 50 and 70 units by 2020 and around 80 to 100 units by 2025.
- 6.5 **Angus Council Environmental Health** - There was no response from this consultee at the time of report preparation.

#### **7. REPRESENTATIONS**

- 7.1 Six letters of representation have been received in relation to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.

7.2 The main points of concern are as follows: -

- **Overdevelopment of the site;**
- **Extension is not in keeping or sympathetic to the existing building or the Conservation Area;**
- **Adverse impact on the amenity of the area, including impacts from construction activity;**
- **Insufficient parking provision and impacts on traffic access to the area;**
- **Waste storage, plant storage and drainage matters are not sufficiently addressed.**

These matters are addressed in the Planning Considerations Section below.

7.3 Other matters raised are addressed below: -

- **The future of the site if the business proposal fails** – the viability of the proposal is assessed by the applicant at their own risk and is not material to the consideration of the planning application. The proposal facilitates investment in the building fabric.
- **Matters relating to the previous owner/s selling sections of land at the site** – the applicant has completed the applicable Land Ownership Certificate. The ownership and/or transactions of land in the past is not material to the consideration of this planning application.
- **Houses in Church Street no longer have parking due to double yellow lines** – parking restrictions on the public street are regulated under a different legislative context. This proposal makes provision for onsite parking in accordance with the council's parking standards. It is unlikely to affect parking on Church Street given existing parking restrictions.

## 8. PLANNING CONSIDERATIONS

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

8.2 In this case the development plan comprises:-

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

8.3 The application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.

8.4 Policy DS1 of the ALDP states amongst other things that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies of the ALDP.

8.5 The application site is located within the Arbroath development boundary and is not allocated or protected for another use. Policy TC16 directs new tourist accommodation to sites within development boundaries. The proposal therefore attracts some support from TC16, in that it would provide new tourist accommodation within a development boundary. Relevant policy indicates that proposals will be supported where the development is of a scale and nature appropriate to the location. In order to determine whether the proposal is of an appropriate scale and nature, it must be considered in terms of other relevant policies as discussed below.

8.6 The building is reasonably prominent in the townscape and is visible from Burnside Drive. It is located outwith the designated Conservation Area. The majority of works proposed to accommodate the change of use would be internal and the appearance of the building would remain largely unchanged. There is an existing single-storey lean-to extension at the northeast

- corner of the building. That extension would be removed and replaced with a two-storey flat roof extension, which would contain a kitchen on the ground floor and a bedroom on the first floor. The proposed extension would be located to the rear of the building and would not be readily visible from public areas. It would occupy a similar footprint to that of the existing extension. The extension would have ground floor patio doors and a first floor window at the east elevation and a ground floor window at the north elevation. The walls would have a smooth render finish. A condition is proposed that requires the detail of the render to be approved. The design is considered to be acceptable and it would have little impact on the built environment.
- 8.7 A permeable mono-block car parking area providing nine spaces and a turning head would be formed within the site. The existing outbuildings at the northeast of the site would be refurbished to provide storage for waste/recycling bins and to house two boilers and two hot water tanks serving the main building. The parking area would have negligible impact on the built environment whilst the refurbishment of the existing outbuildings would be beneficial.
- 8.8 The proposed guest house would result in different use and occupation of the building. Guests would come and go and occupation would be transient. It would likely generate more movement and activity on Church Street and in the wider area. However, this is a town centre location adjacent to a main thoroughfare where an element of activity beyond that typically found in other residential areas is to be expected. There are a mix of uses in the area including other tourist accommodation, shops and public houses. On-site parking would be provided at a level that meets the council's parking standards for this type of use. The proposed guest house would be fairly modest in scale and the activity associated with it would not give rise to unacceptable amenity impacts in a town centre location.
- 8.9 The window configuration of the existing building would remain largely unaltered. More rooms would be occupied as bedrooms but that is unlikely to result in any significant impact on occupants of neighbouring property. The proposed extension would occupy a similar footprint to the existing extension although its height would be increased to around 5.9m. It would sit around 3.5m below the height of the existing roof ridges at adjoining sections of the building and would be no closer to neighbouring occupied property than the highest parts of the existing building. The resultant relationship between buildings, windows and private garden areas would not be untypical of those found in the area. A first floor bedroom window would be provided at the east elevation and it would look towards an area of communal garden ground associated with the flats at 5-11 Church Street. However, that area is already overlooked by other neighbouring properties and the additional impact would be negligible.
- 8.10 The refurbished outbuildings would accommodate gas boilers and hot water storage tanks. These are commonly found in residential areas and there is no basis to consider that they would result in any unacceptable impacts on neighbouring residential amenity. Overall the proposal would have no significant adverse impact on the amenity of the area or those that live in the vicinity.
- 8.11 The existing connections to the public water supply and sewerage system would be utilised and Scottish Water has offered no objection to the proposal. Bin storage would be provided in the refurbished outbuildings. The bin and waste requirements for the proposal are not expected to be any more onerous than those associated with other town centre uses such as restaurants and public houses that are often found close to or adjoining residential property. The proposal would not give rise to significant impacts on other infrastructure.
- 8.12 Nine spaces for off-street car parking and a vehicle turning head would be provided within the application site. The Roads Service has confirmed that the nine spaces proposed meets the council's roads standards. In addition, there are parking restrictions in the surrounding area and therefore the proposal is unlikely to result on any significant level of on-street parking and is unlikely to impact on residents in the area. The new use would generate additional traffic movement but the Roads Service is satisfied that this can be accommodated on the local road network. A condition is proposed that requires three of the proposed nine parking spaces to be suitable for disabled users. The Roads Service is satisfied that the required provision is achievable.

- 8.13 The submitted Bat Survey indicates that the proposal would not give rise to any negative impacts on bats. There is no evidence to suggest that the proposal would give rise to any other significant impacts on natural heritage interests.
- 8.14 The proposed use could be accommodated in a manner that would not give rise to any significant issues in terms of relevant development plan policy. The property is located within the town centre which is an accessible location. The proposed guest house use is relatively modest in scale and the nature of the use is acceptable. The proposal complies with relevant development plan policy.
- 8.15 In terms of material considerations a number of representations have been submitted in objection to the proposal. The proposal would not increase the overall footprint of the building and could provide adequate off-street car parking. It would provide a level of amenity for residents that would be typical of any town centre guest house. There is no basis to suggest that the proposal would represent over-development of the site. The proposed extension would be located on the footprint of and would replace an existing mono-pitch roofed extension. It would be reasonably discreet and would not be readily visible from surrounding public areas. Its impact on the wider townscape would be extremely limited and the design is acceptable for the location. A condition is proposed that deals with the external material finish of the building. The guest house would generate additional activity but this is a town centre location and the building sits adjacent to a main road. The proposed use and the associated alterations to the building and site would not give rise to impacts that would be untypical or unacceptable in a town centre area. The proposed extension is modest in scale and associated construction activity would be at a level that is commonly undertaken in residential areas without adverse impacts on amenity. The Roads Service is satisfied that there is adequate parking provision within the site and off-street parking surrounding the site, which is already controlled by parking restrictions, should not be significantly impacted. A condition is proposed that amongst other things requires the provision of on-site car parking before the new use commences. The site is large enough to accommodate waste receptacles associated with a guest house of the scale proposed and there is no reason to consider that it could not be appropriately serviced. The existing outbuildings would be refurbished to accommodate bins and domestic scale gas boilers. Scottish Water has offered no objection in relation to continued discharge of foul water to the public sewer.
- 8.16 The proposed guest house falls within Class 7 of the Use Classes Order. That use class includes hotels and hostels, and the guest house could change to another use within that use class without the requirement for planning permission. Such alternative use could give rise to different impacts than a guest house. Those impacts have not been assessed and a condition is proposed that restricts the approved use to that of a guest house.
- 8.17 The proposal provides for the reuse of an existing building to form new tourist accommodation in a manner that complies with relevant policies of the development plan. The representations submitted by interested parties have been taken into account in preparation of this report. Where appropriate conditions are proposed to deal with issues raised but there are no matters raised that justify refusal of the application contrary to the provisions of the development plan. The proposal complies with the relevant development plan policy and there are no material considerations that justify refusal.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

### **10. CONCLUSION**

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

#### **Reason for Approval:**

The proposal would provide new tourist accommodation within a development boundary in a manner that complies with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal.

#### **Conditions:**

1. Prior to the commencement of development the following shall be submitted to and approved in writing by the planning authority: -
  - a) Precise details of the material and colour of the wall render for the extension. The extension shall be finished with the approved wall render before it is brought into use;
  - b) A revised plan that provides for three of the proposed nine car parking spaces to be suitable for disabled users. The parking shall be provided in accordance with the approved details before the guest house is brought into use and shall be retained for use by occupants thereafter.

*Reason: In order that the planning authority may verify the acceptability of the details in the interests of visual amenity and to ensure provision of appropriate car parking spaces.*

2. That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any Development Order, the guest house shall be used solely for that purpose and shall not be used for any other purpose including any other purpose in Class 7 of the aforementioned Order, unless otherwise through the grant of planning permission following the submission of an application of planning permission to the Planning Authority.

*Reason: In order to prevent the use of the building for an alternative activity that could give rise to materially different impacts on the amenity of the area without full consideration of the acceptability of those impacts by the planning authority.*

**KATE COWEY  
SERVICE LEADER - PLANNING & COMMUNITIES**

**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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DATE: 28 SEPTEMBER 2018**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES



**01 Existing Block Plan**  
Scale 1:500 @ A2

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**02 Location Plan**  
Scale 1:1250 @ A2

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Project		
CITO CIMO Properties Ltd 13 Maule Street Arbroath DD1 1JJ		
Drawing		
LOCATION PLAN Existing Block Plan		
<b>McFadzean Studio</b>		
Architecture and Urban Design 1 Muirhouse Parkway, Edinburgh, Midlothian, EH4 5JG T: 07817 579060 E: douglas@mcfadzeanstudio.co.uk		
Scale	Date	By
As Noted	JUNE 2018	AmcF
Job no	Drawing no	Rev
18-22	LOC-01	

## **Appendix 2: Relevant Development Plan Policies**

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

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

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

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

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

- **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.



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 TC16 : Tourism Development**

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- it has been demonstrated that the proposals cannot be located within a development boundary; or
- there is a justifiable locational requirement for the development; and
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

### **Policy PV5 : Protected Species**

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

#### European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

#### Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

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

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

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

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

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

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

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