

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 3 MARCH 2020**

**PLANNING APPLICATION – 9 ROWAN COURT CHRISTIE’S LANE MONTROSE**

**GRID REF: 372100:757739**

**REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No 19/00609/FULL for the change of use of a tenancy support office to a three bed dwelling house at 9 Rowan Court, Christie’s Lane, Montrose, DD10 8TP for Angus Council. The application is recommended for approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason 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 Planning permission is sought for the change of use of a tenancy support office to a three bed house at 9 Rowan Court, Christie’s Lane, Montrose. A plan showing the location of the site is provided at Appendix 1.

3.2 The application seeks planning permission for the change of use of a tenancy support office to form a three bedroom house with associated garden ground. The proposal makes provision for a lounge, kitchen/dining area, store, utility room and toilet at ground floor level and three bedrooms and a bathroom at first floor level. The main entrance would afford pedestrian access from Patons Lane to the south. The building is served by the existing water supply, foul drainage and surface water drainage arrangements.

3.3 The external space to the west of the building would form the garden ground of the proposed house. A low wall and railings bound the proposed garden area at present. A parking area is located directly to the south of the site.

3.4 This application requires to be determined by Committee because it has been submitted by Angus Council, and is recommended for approval where it has attracted objection.

**4. RELEVANT PLANNING HISTORY**

Permission was granted in September 2005 to change the use of the building from a wardens flat to a tenancy support office.

**5. APPLICANT’S CASE**

Angus Council Housing Service has indicated that its intention is to allocate the proposed house to a family as it was when a warden lived there and it would have its own private entrance door and garden area.

## 6. CONSULTATIONS

6.1 **Angus Council Roads** – has offered no objection to the proposal.

6.2 **Scottish Water** – has offered no objection to the proposal.

6.3 **Community Council** – has provided no comment.

## 7. REPRESENTATIONS

One letter of representation has been received in objection to the proposal. The letter will be circulated to Members of the Development Standards Committee and a copy will be available to on the council's [Public Access](#) website. It raises the following matter: -

- The loss of support facilities for the residents of the sheltered housing complex;
- Future lease of the property and the need to consider the needs of elderly residents.

This is an operational matter for the council in its capacity as housing authority and is not a land use planning consideration.

## 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 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The policies of the ALDP that are relevant to the determination of the proposal are reproduced at Appendix 2.

8.4 The application site is located within the Montrose Development Boundary as defined by the ALDP. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

8.5 Policy TC2 deals with residential development and supports proposals within development boundaries where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. That policy also requires new residential development to be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and where appropriate to include provision for affordable housing.

8.6 The application site is not allocated for development or protected for another use and ALDP policy is broadly supportive of proposals for housing development within established development boundaries. The office was previously in use as a warden's house and a return to a residential use would be compatible with uses in the surrounding area. It is capable of providing a good residential environment and its use as residential accommodation would not affect surrounding amenity or the amenity of those that live in the area.

8.7 The reuse of the existing building would not affect the character or pattern of development in the area. The proposal would not affect the built or natural environment and would not give rise to any significant issues in terms of access or infrastructure.

8.8 The proposal does not give rise to any other significant issues in terms of development plan policy and is of a scale and nature appropriate for the location.

8.9 In terms of material considerations one letter of representation has been received. While that objection is noted it does not raise material planning issues. Matters regarding support for

occupants of the wider sheltered housing complex and future occupation of the building are issues for the council in its capacity as housing authority. The representation has been shared with the applicant.

- 8.10 The proposal does not give rise to any significant impacts and is compatible with development plan policy. The letter submitted in objection to the proposal does not raise any material planning issues. The application is compatible with the relevant provisions of the development plan and there are no material considerations that justify refusal of planning permission.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission 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.

### **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:

### **Reason(s) for Approval:**

The application complies with the relevant policies of the development plan. There are no material considerations that justify refusal of planning permission.

**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 a material extent in preparing the above report.

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**DATE: 21 FEBRUARY 2020**

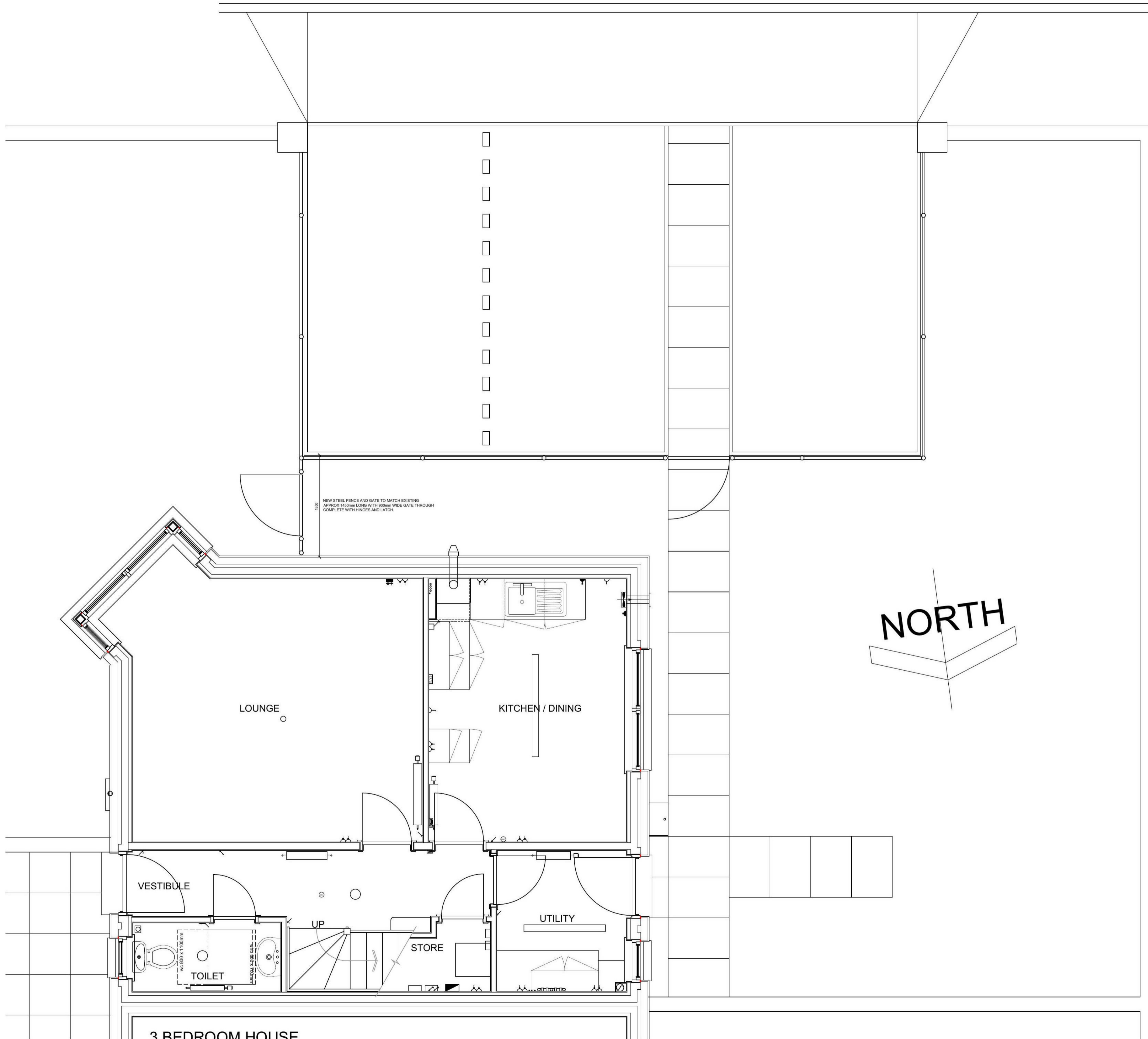
APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES

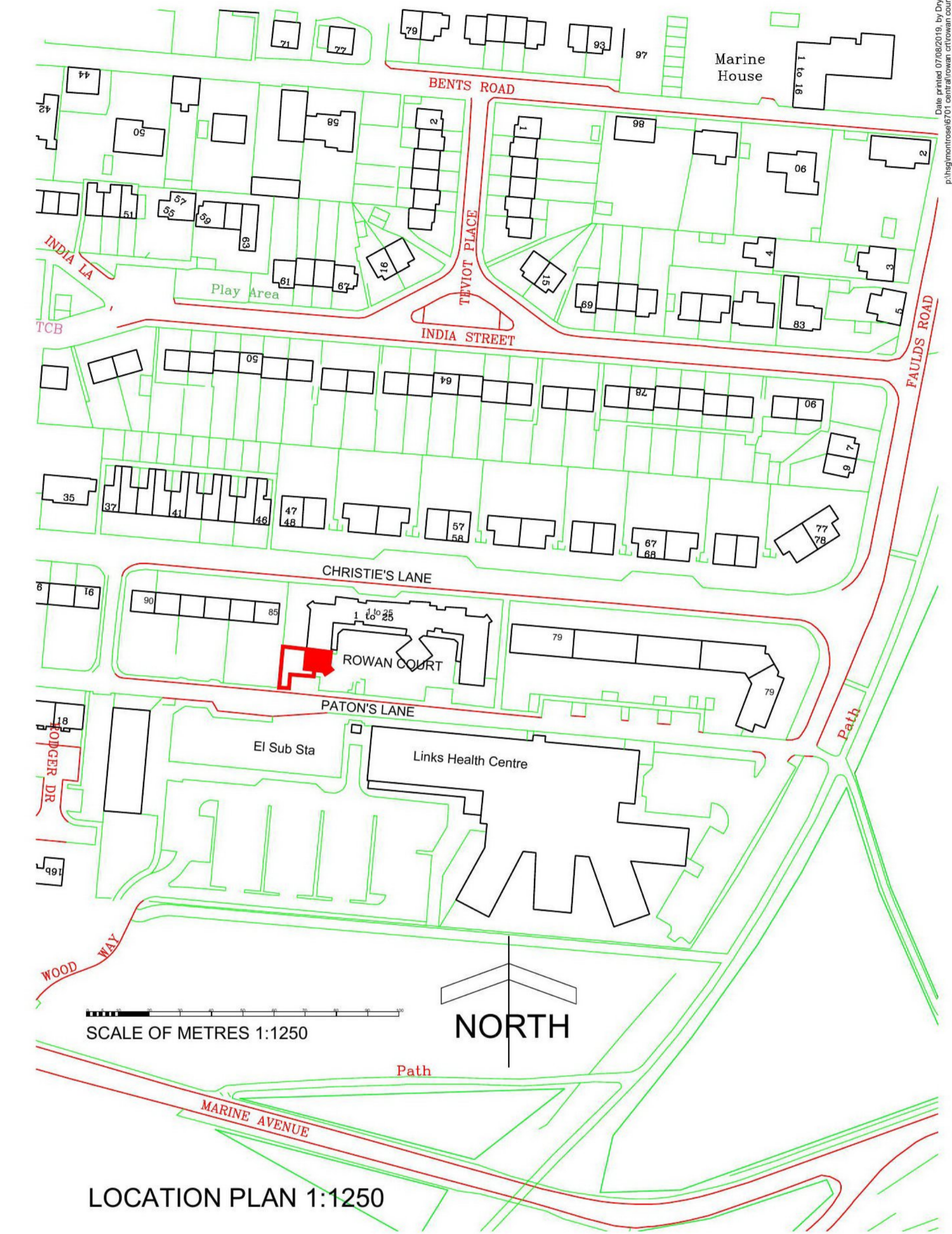
**APPENDIX 1: LOCATION PLAN**

PATON'S LANE

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 All work to be in compliance with the current Building Standards Regulations (Scotland).  
 Use written dimensions only, do not scale from drawings.




**3 BEDROOM HOUSE  
 GROUND FLOOR PLAN (AS PROPOSED)  
 1 : 20 Scale**



**LOCATION PLAN 1:1250**

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Revision History		
Version	Date	Description
F0	08/04/2019	Original Issue

Project Title <b>Change of Use                  Wardens Office to 3 Bed                  House at Rowan Court                  Christies Lane Montrose</b>	 Property Angus House Orchardbank Forfar DD8 1AN
Drawing Title <b>Site Plan &amp;                  Location Plan</b>	03452 777 778   assets@angus.gov.uk Scale 1:30 @A1 Date 25/03/2019 & 1:1250 Drawn by JD
Project No. <b>67081045</b>	Drawing No. Revision <b>05 F0</b>

## **Appendix 2 – Development Plan Policies**

### **Angus Local Development Plan**

#### **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 DS4: Amenity**

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

Angus Council will consider the impacts of development on:

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

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

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

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

## **Policy TC2: Residential Development**

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

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- 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:

- the site is not allocated or protected for another use; and
- 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:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- 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;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- 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
- 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:

- 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.
- the restoration or replacement of traditional buildings.
- 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.