

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 21 JUNE 2022

PLANNING APPLICATION – GARAGE AT ST MARY’S ROAD, MONTROSE

GRID REF: 371592:757658

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

Abstract:

This report deals with planning application [22/00119/FULL](#) for the conversion of a garage to a dwellinghouse on land at St Mary’s Road, Montrose by Mr & Mrs Smart. 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 Planning permission is sought for the conversion of a garage to form a dwellinghouse on land at St Mary’s Road, Montrose. A plan showing the location of the site is provided at Appendix 1.

3.2 The property which is subject of the application is a category C listed stone garage which is listed in association with 1-11 St Mary’s Road, the terrace on the north side of the street. The garage sits on the south side of the street and is a single storey stone building with a hipped slate roof containing cast-iron finials. The site is located within the conservation area and is surrounded by residential property on all sides. The building currently contains a garage door on its north/street elevation and the building also contains rooflights.

3.3 The proposal involves the conversion of the building to create a one-bedroom dwelling. The ground floor of the proposed dwelling would contain an open plan kitchen/dining/living space with a separate shower room. A mezzanine level would be inserted to create a first-floor bedroom. Externally, the timber garage doors on the building would be removed and the opening filled by an entrance door and glazing, filled with frosted privacy glass. The existing rooflights on the north and east elevations would be replaced and new rooflights installed on the south and west roof slopes. The application form indicates that the dwelling would connect to the public drainage network and public water supply. Arrangements for the disposal of surface water are unspecified. The proposal does not include any dedicated car parking.

- 3.4 The application has been subject of statutory neighbour notification and was advertised in accordance with legislation.
- 3.5 The application requires to be determined by committee due to it being recommended for approval in circumstances where 5 or more objections have been received.

4. RELEVANT PLANNING HISTORY

- 4.1 1-11 St Mary's Road (Scott Terrace) is a category C listed building which was designated in July 1986. That listing refers to the terrace of domestic accommodation and warehouses on the north side of St Mary's Road but also makes reference to the outbuildings including the sandstone garage to the south. The statement of special interest indicates that the listing represents *an interesting survival of traditional east coast 'bunks', with low functional ground floor and residential accommodation approached by forestairs above.*
- 4.2 An application for listed building consent for alterations to the building (ref: 22/00415/LBC) was validated on 10 June 2022 and is currently being assessed.

5. APPLICANT'S CASE

- 5.1 The Design and Access Statement indicates that the proposal aims to breathe life back into a disused building which helps form a significant part of the character of the conservation area. The statement opines that the proposal is in accordance with planning policies and limits the carbon footprint of development by reusing a building and reducing the need to manufacture and transport new building materials. The building is designed to have a level threshold to access the ground floor accommodation.
- 5.2 The applicant has provided a response to representations which indicates that in terms of concerns relating to the impact of the proposal on the historic environment, the existing building fabric would be retained and restored with walls repointed with traditional lime mortar and the slate roof, lead hips and cast-iron finials preserved. The area in front of the building is currently required to provide access to the garage and as such the development would not remove a parking space from the street. Any impact on cobbles from the laying of services would be rectified and the ground made good. There are alternative routes for school children moving between the academy and High Street (Bow Butts and Museum Street). While no parking is provided, this matter was discussed with the roads service prior to the submission of the application. Roads has no objection and the proposal would allow the reuse of the building.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has no objection to the proposal.
- 6.2 **Scottish Water** – has no objection to the proposal. It has indicated that there is currently sufficient wastewater capacity in the public network to serve the development. In respect of surface water, for reasons of sustainability and to protect customers from potential sewer flooding, it has indicated that it will not accept a surface water connection into the combined sewer other than in exceptional circumstances relating to brownfield sites. It has also indicated that it is currently unable to confirm if there is capacity in the water supply network to accommodate the development.
- 6.3 **Community Council** – no comments were received from this consultee.

6.4 **Archaeology Service** – has offered no objection subject to a planning condition to secure a photographic survey of the building.

7. REPRESENTATIONS

7.1 Seven letters of representation have been received from five households raising objections to the proposal. The letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised in objection and are discussed at the Planning Considerations section of the report: -

- Impacts on parking / road safety
- Adverse impact on built heritage (design, impact on cobbles in street)
- Safety impacts associated with construction works

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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting. Section 64 of that Act also requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

8.3 In this case the development plan comprises:-

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

8.4 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the ALDP form the main basis for the consideration of the proposal. The relevant policies of the ALDP are reproduced at Appendix 3.

8.5 The application relates to stone building within the development boundary. Policy DS1 indicates 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. It also indicates that 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 policies of the ALDP.

8.6 Policy TC2 deals with residential development and supports proposals within development boundaries where the site is not protected for another use, and where the proposal is consistent with the character and pattern of development in the surrounding area. Policy TC2 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 include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

8.7 The site is not identified or safeguarded for any particular use in the local development plan. The proposal would reuse an existing stone building and the surrounding area is reasonably densely developed, as is characteristic of older parts of the burgh close to the town centre. There are no surrounding land uses which

would render residential use of the building unsuitable and the area is primarily residential in character. The converted building would provide a small but reasonable residential environment and would contribute to the mix of houses sizes available in the surrounding area. The proposed house would have no dedicated private amenity space but that is not an uncommon characteristic of property in the older parts of town, and the site is well located to access open space areas at the Mid Links. There is space at the front of the property for bin storage and a planning condition is proposed to secure an appropriate waste storage enclosure.

- 8.8 The site is not located in an area designated for natural heritage and the proposal is unlikely to result in any significant direct or indirect impacts on natural heritage. The site is located in the conservation area. The property is also category C listed as part of the designation of 1-11 St Mary's Road located on the north side of the street. The proposal would largely retain the fabric of the building with external interventions limited to the removal of the garage doors and the addition of rooflights. A planning condition is proposed to secure precise details of the rooflights, which should be conservation style where possible. The stone walls would be repointed, and the slate roof and cast-iron finials would be retained. While the garage doors would be removed, the existing opening would be retained and infilled with frosted glass and a doorway allowing the original opening to continue to be understood. Internally, the plan of the garage would largely remain open bar a small new enclosure to provide a shower room and a stair added to access a mezzanine bedroom. The physical alterations to the listed building would not result in an unacceptable impact on its character and would allow for the building to be brought back into a purposeful new use, safeguarding the future of building. A planning condition is proposed requiring a photographic survey of the building in order to ensure that a historic record is made prior to the works commencing.
- 8.9 Impacts on neighbouring residential amenity are not considered to be unacceptable. The large new opening facing the street would be around 9.7m from the property opposite but the applicant proposes frosted privacy glass in the window which would mitigate impacts from overlooking. Garden ground surrounding the site is already subject to overlooking and as such the rooflights would not significantly impact on the privacy of neighbouring gardens. The proposal does not include provision of dedicated car parking and it is noted that representations have been received relating to lack of parking and displacement of existing parking on St Mary's Road. The site is well located for existing bus and rail services and is also located close to the town centre with good pedestrian access. There is unrestricted parking on surrounding streets and the lack of dedicated car parking is not uncommon in this area. The roads service has been consulted on the proposal and has offered no objection on the basis of parking, road traffic and pedestrian safety. In these circumstances and having regard to the desirability of seeing a listed building brought back into a purposeful use, the lack of dedicated parking to serve the proposed dwelling is considered to be acceptable.
- 8.10 Having regard to the advice provided by Scottish Water, details of the proposed surface water drainage arrangements could be secured by planning condition. There is no reason to consider that the proposal would result in any significant impacts on infrastructure and the development is not of a scale that would require affordable housing or developer contribution towards other community infrastructure.
- 8.11 The proposal does not give rise to any other significant issues in terms of development plan policy and the proposal is considered to be of a scale and nature appropriate for the location. The application complies with the development plan.
- 8.12 In terms of material considerations it is necessary to have regard to the relevant planning matters raised in the letters of representation. It is also relevant to have regard to Scottish Planning Policy (SPP) and to draft NPF4 and the policies it contains.

- 8.13 Concerns relating to parking, road traffic and pedestrian safety are addressed earlier in this report. While the application does not include dedicated car parking, it proposes a small dwelling which is located in an accessible location for sustainable means of transport, and there is unrestricted parking on surrounding streets. There is no reason to consider that short-term construction activities would pose a significant safety risk to residents or school children using St Mary's Road. There is a footway on the north side of St Mary's Road which would allow safe access between Baltic Street and the Mid Links/Academy as well as alternative routes along Bow Butts or Museum Street. Concerns relating to adverse impacts on the built environment are noted but it is considered that the proposal would have a positive impact on the built environment by bringing a listed building back into a purposeful use. The interventions proposed to the listed building are considered to be acceptable and those works would also be sympathetic to the character and appearance of the conservation area. The applicant has indicated that any impact on cobbles in the street resulting from the provision of services would be made good.
- 8.14 Paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and there is nothing in the SPP that would suggest the application should be refused contrary to the provisions of the development plan framework. Reusing a listed building in a sympathetic manner which creates a new dwellinghouse in an accessible location within a development boundary is considered to contribute towards sustainable development.
- 8.15 NPF4 has been published in draft form and contains national planning policy that will form part of the development plan. However, it has been published for consultation purposes and therefore the policies it contains merit little weight at this time. Notwithstanding that, the policies it contains would not justify refusal of planning permission for residential development involving the sympathetic conversion of a listed building within the development boundary.
- 8.16 In conclusion, the proposal provides for the sympathetic conversion of a listed building to create a new dwelling on land within a development boundary. Consultation responses have not identified any unacceptable impacts and the proposed development does not give rise to unacceptable impacts on amenity, the natural and built environment, road safety or infrastructure subject to the proposed planning conditions. The matters raised in objection to the proposal have been considered in the preparation of this report and, where appropriate, are addressed by conditions. The proposal 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, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

10. CONCLUSION

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 as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

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 proposed rooflights, which shall be conservation style where possible. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.
 - (b) details of the means of enclosure of waste facilities serving the proposed dwelling. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.
 - (c) precise details of the means of surface water disposal for the development. In circumstances where it is intended to discharge surface water to the public sewer, evidence shall be provided to demonstrate that Scottish Water has accepted a surface water connection to its infrastructure.
 - (d) a photographic survey of the existing building and structures on the application site. All external and internal elevations of the building and structures together with the setting of the building and structures and any unusual features of the existing buildings and structure shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: In order to ensure that appropriate rooflights and means of enclosing the waste facilities are provided in the interests of preserving the character of the building and protecting its setting; in order to ensure that surface water drainage arrangements are acceptable; and in order to ensure that a historic record of the buildings is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

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.

REPORT AUTHOR: JILL PATERSON

EMAIL DETAILS: PLANNING@angus.gov.uk

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: LETTERS OF REPRESENTATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES

APPENDIX 4: PLANNING SERVICE PRESENTATION