

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 MARCH 2023

PLANNING APPLICATION – COMMUNITY HUB, RIVERVIEW DRIVE, MONIFIETH
GRID REF: 349899 : 732237

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [22/00801/FULL](#) submitted by Monifieth Community Resource Group for the erection of a building to accommodate Monifieth Community Hub & Library which will include a reception, activity hall, cafe, kitchen, gym space, library, toilets and changing areas with associated support parking and external hard and soft landscaping on land at Riverview Drive Monifieth. 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 full planning permission for the erection of a building to accommodate a community hub and library with associated ancillary works on land south of Riverview Drive Monifieth. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to around 2120sqm and comprises an existing area of open space located within Riverview Park. The proposal involves the erection of a building with a footprint in the region of 855sqm that would accommodate a reception, activity hall, cafe, kitchen, gym space, library, toilets and changing areas. The proposed building would be positioned adjacent to the public road and would measure approximately 7.7 metres in height at its highest point. It would be finished predominantly in metal cladding on the roof and walls which would be coloured 'Anthracite Grey'. External terraces and seating areas would be provided along with new paths linking to existing recreational facilities. A small parking area for 7 cars would be provided to the west of the building.

3.3 The applicant has indicated that the building could be used for a wide variety of community uses due to the flexible space provided including a cinema or hall; as a function venue; and as a hall for indoor sport and recreation. It would also incorporate a public library.

- 3.4 The application has not been subject of variation.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

Planning permission was granted on 14 November 2019, for the Monifieth Community Hub Pavilion Building including reception, activity hall, cafe, kitchen, meeting spaces, toilets and changing areas with associated support parking and external hard and soft landscaping (Appn Ref: [19/00626/FULL](#) and Report No. [378/19](#) refers). That permission was not implemented and it has now expired.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application: -

- Design and Sustainability Statement;
- Drainage Report;
- Flood Risk Assessment;
- Phase 1 Desktop Study;
- Transport Statement; and
- Noise Impact Assessment.

- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – No objection is offered in relation to access or parking matters. Similarly, no objection is offered in relation to flooding or drainage but it is indicated that the applicant will be responsible for the future maintenance of the proposed sustainable urban drainage system (SUDS).
- 6.2 **Angus Council – Environmental Health** – No objection in relation to contaminated land or potential amenity impacts subject to the imposition of planning conditions regarding those matters.
- 6.3 **SEPA** – No objection due to the low vulnerability of the use proposed. SEPA recommends a finished floor level of 6.5m AOD and suggests the use of flood resistant and resilient materials in the building design and construction to mitigate the residual risk of flooding. It is also recommended that car parking retains existing ground levels where possible, and no importation of material to limit any loss of floodplain. SEPA has indicated that safe, flood free access and egress to the site may not be available during flooding of surrounding areas.
- 6.4 **Angus Council Parks and Burial Grounds** – No objection subject to the footprint of the new community hub including all associated external areas not extending into play space, planting areas or mounds. It has subsequently confirmed that all grass embankments must be formed to maximum gradients of 1:3; that all reinstatement works to soft and hard landscaping be agreed prior to works starting with the Parks Maintenance section and that the new footpaths connecting to the existing path network within the park are to be prepared to the existing specification. The footpath design to connect from the play area to the tennis courts/ bowling green access path requires to be fully accessible. Any stepped paths need to have suitable alternatives that provide a fully accessible through route from west to east. *Where appropriate these matters are addressed by planning condition, otherwise they can be addressed through the council's land ownership interest.*

6.5 **Scottish Water** – has offered no objection.

7. REPRESENTATIONS

53 letters of representation have been received with one raising objection and 52 offering support. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website. In summary terms the following issues are raised: -

Objection:

- Increased flood risk to adjacent property;
- Impacts on daylight and overshadowing of yard area;
- Poor accessibility, increased traffic, inadequate parking and associated impacts on existing businesses and road safety;
- Impacts on existing business from construction;

Support:

- Would enhance area and improve quality/ choice of facilities, including for visitors;
- Design, location and adaptability are excellent;
- Focal point with good access links and environmental benefits;
- Provides facilities for all ages;

Material planning issues are addressed below.

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: -

- [National Planning Framework 4](#) (NPF4) (Published 2023)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 Policy DS1 of 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 other relevant policies of the plan. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the local development plan. Development plan policies seek to safeguard existing open space and indicate that development on existing open space areas will only be permitted in limited circumstances, including where the proposed development is ancillary to the principal use of the site as a recreational resource or where retention or enhancement of

existing facilities 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. Policies also seek to promote a town centres first approach to the location of new leisure, sport and cultural facilities, including libraries.

- 8.6 The application site is located within the Monifieth development boundary as defined by the ALDP. It is not allocated or otherwise identified for development but it is greenfield land and it forms part of an area of open space where open space protection policies apply. The site is not within the town centre area for Monifieth as defined by the ALDP, but that town centre boundary was identified principally to support implementation of retail policies. The site is less than 200m from the boundary of the defined town centre.
- 8.7 The proposal would generally provide facilities that are appropriate for and that are commonly found at seaside or other recreational areas. It would complement existing recreational facilities at the location and while an area of undeveloped open space that constitutes green infrastructure would be lost, it is very small in comparison to the overall provision in the area and, and the development would enhance recreation and tourism offer at an established recreational location. The library use is one that would ideally be in the town centre, and it does not require a location close to outdoor recreational facilities. However, the principle of co-locating a library with new community facilities clearly has some benefit and it may help the overall sustainability of the new building. There do not appear to be town centre sites readily available that could accommodate the development proposed, but the site is within easy walking distance of the town centre and its associated public transport linkages. The underpasses that link areas to the south of the railway with the town to the north are narrow, but both have footway provision and are well used by pedestrians. The improvement to recreational provision at the seafront would not be realised at a location within the defined town centre. The site is separated from neighbouring land uses to the north by the carriageway of Riverview Drive and, in general terms, there is no reason to consider that the proposed use would be incompatible with existing uses in the area. In these circumstances, the principle of the development at this location is considered acceptable in terms of relevant policy considerations.
- 8.8 The building would be of contemporary design, constructed in modern materials and it would be seen in the context of other pavilion style buildings and static caravans that are common in the area. It would be large and more functional in design in comparison to existing buildings in the area, but that is in part a reflection of the desire to provide a flexible space that can be used for a wide range of purposes. The building appears robust which is understandable in a reasonably exposed location, but the use of colour and glazing as proposed would help to reduce its apparent mass. Air source heat pumps would be used as a primary source for heating and hot water. The floor level of the building has been set at 6.5m AOD to minimise flood risk and its design minimises impact on the wider landscape. Relevant consultation bodies have indicated no objection in relation to flood risk or drainage matters and although the site is in a coastal location, it does not require provision or improvement of coastal defences. The design of the building is considered acceptable for this location and does not give rise to any significant conflict with the council's Design and Placemaking Supplementary Guidance.
- 8.9 There is a single house located around 35m to the north of the application site. It sits immediately to the south of the railway line and adjacent to a small commercial workshop unit. The curtilage of the house and the workshop unit are separated from the park by the carriageway of Riverview Drive. In addition, there are two holiday caravan sites located to the east and west of the application site, both at a distance in excess of 90m. The design of the proposed building and its distance from those neighbouring uses is such that it would not give rise to any direct impact on occupants of the house or caravans or on those at other premises in the area. It is

indicated that lighting would be provided to ensure safe public access and as no details of that have been provided a condition is proposed that would require those details to ensure they do not give rise to any significant amenity impacts.

- 8.10 The proposal would generate additional activity in the area and the nature of the proposed use could give rise to impact on the amenity of the area, including the amenity of occupants of the house and the nearby caravans. A noise impact assessment has been submitted and it concludes that the proposed uses could be undertaken in a manner that would not give rise to significant noise impact subject to mitigation measures. The environmental health service is satisfied that noise impacts arising from activity within the building could be adequately mitigated subject to appropriate planning conditions. General activity associated with daytime or early evening use of the building would be unlikely to give rise to significantly greater amenity impacts than existing activity in the surrounding area. Late night activity from persons leaving the premises could give rise to different impacts and those could not be readily addressed by planning conditions. However, there are two underpasses that link the area to the wider town, and it is likely that both would be used by persons leaving the premises and as such any groups and associated impacts would likely dissipate at a relatively short distance from the premises. Resultant impacts would not be untypical of those found in urban areas.
- 8.11 A transport statement submitted by the applicant concludes that the site has good accessibility. That document has been reviewed by the roads service and it is satisfied with its conclusions and with the detail of the proposal. Provision would be made within the application site for cycle parking and for some limited car parking. There is car parking provision in the wider area serving the seafront and the roads service has indicated that it is appropriate for the development to utilise that provision as this proposal is intended to augment existing facilities. Overall, the site has good accessibility.
- 8.12 The proposal provides a new community building in a location that would complement and enhance existing recreational facilities in a manner that does not give rise to unacceptable impacts on amenity, environment, or infrastructure. As with any proposal, it attracts support from some policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan.
- 8.13 In terms of other material considerations it is relevant to have regard to the planning history of the site and to the planning issues raised in the letters of representation submitted in objection to and in support of the application.
- 8.14 The principle of development of this nature and at this general location was approved by committee in November 2019 as detailed above. While the physical characteristics of the area have not changed significantly in the intervening period, the planning policy environment has changed with the adoption of NPF4. However, for the reasons set out above, the location of the development remains compliant with the unchanged ALDP policy and is generally compatible with NPF4 policy. In those circumstances, while the permission has expired, it is of some limited materiality in support of the principle of the development at this location.
- 8.15 In relation to the matters raised in objection, the available information dealing with flood risk, including relevant consultation responses indicate that the proposed building is not at unacceptable risk of flooding and that it should not result in any significant additional flood risk outwith the site subject to appropriate planning conditions. The proposed building would be separated from the yard area to the north by the carriageway of Riverview Drive and a distance in the region of 8m. While the proposed building may cast shadow on the yard at certain times of day and at certain times of year, such impact would not be untypical in an urban area and would not be at a level that would justify refusal of planning permission. There is no reasonable

basis to consider that the neighbouring uses would be incompatible with the proposed use having regard to the nature of the area. The roads service has offered no objection regarding road safety matters and is satisfied that there is adequate parking provision within the site and in the wider area. Riverview Drive is a public road and there is no reasonable basis to indicate that the access or parking arrangements for the proposed building would compromise access to neighbouring business (or other) uses. The access and parking arrangements are similar to those previously approved by committee for the previous planning permission. While there may be some localised impact as a consequence of construction activity, that is not unusual in urban areas and any such impact would be temporary.

- 8.16 The general nature of the letters of support are noted and are generally consistent with the conclusions in this report. It is apparent that there is a level of community support for a community led proposal and, in circumstances where the proposal is broadly compatible with other relevant policies, that merits some weight in the decision-making process.
- 8.17 In conclusion, the proposal provides for the construction of a new community facility comprising a modern building capable of accommodating a wide range of uses. It would involve the development of open space, but the new building would complement existing recreational facilities in the area at a location that is close to the town centre. Matters raised by third parties have been taken into account in preparing this report and the proposed planning conditions seek to mitigate impacts where appropriate. The proposal complies with the development plan subject to appropriate conditions 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.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal is in accordance with the development plan as it will provide a new community facility in a manner that is compatible with relevant locational criteria and that does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests or infrastructure, and that does not result in unacceptable flood risk or road safety implications, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the planning authority:
 - (a) Precise details of all external lighting. Those details shall be accompanied by sufficient information to allow consideration of light emission and potential impact on amenity of occupants of neighbouring property. Thereafter only the approved external lighting shall be installed and it shall be operated in accordance with the approved details;
 - (b) A noise management plan to minimise the impact of noise at local receptors. This plan should be compiled by a qualified consultant and include measures to limit noise at source through a noise limiter and noise arising externally. Thereafter the development shall be operated in accordance with the approved management plan;
 - (c) Precise details of all extraction, ventilation and air source heat pump equipment. Those details shall be accompanied by sufficient information to allow consideration of potential impact on amenity of occupants of neighbouring property. The equipment shall be installed and operated in accordance with the approved details thereafter.
 - (d) A scheme for all hard and soft landscaping of the site. The position of the proposed 'secure refuse / recycling bay' is not approved and an amended location shall be shown as part of any landscaping scheme submitted. The scheme shall include an indication of all existing trees and hedgerows within and adjacent to the site, details of those to be retained and cleared, together with the measures for their protection in the course of development and for the provision of compensatory planting. It shall also provide details of all paths and hard surfaces within the site and demonstrate how existing path networks will be retained and modified. All hard landscaping shall be completed prior to the commencement of use of the building and the soft landscaping shall be completed no later than the end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
 - (e) Detailed plans/ sections showing existing and proposed ground levels relative to neighbouring land/ properties and a fixed ordnance datum having full regard to advice provided by SEPA that car parking areas should retain existing ground levels where possible, and that there should be no importation of material to limit any loss of floodplain. For the avoidance of doubt, the finished floor level shall be set at 6.5AOD. Thereafter development shall be undertaken in accordance with the approved details.
 - (f) A comprehensive review of the submitted Phase I Geo-Environmental Desk Study Report dated August 2019. The review shall include a detailed intrusive investigation report addressing the points as specified within Section 5, Table

6 of the Phase I report. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to and approved in writing by the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out prior to the remediation strategy being approved by the planning authority. Prior to any occupation or use of the development, the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

- (g) Precise information on the construction materials/ methods that are to be used in the construction of the building which demonstrate it will have a sound reduction index equal to or greater than that assumed in the Airshed noise impact assessment dated 6 December 2022, and that it incorporates flood resistant and resilient materials.

Reason: In order that the planning authority may verify the acceptability of the specified matters having regard to amenity, environment, and flood risk considerations.

3. Noise arising from amplified music and vocals shall be inaudible in all nearby residential properties and caravans with windows open slightly for ventilation.

Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

5. All servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: In the interests of residential amenity and to ensure any noise from deliveries will not unacceptably affect occupants of neighbouring property.

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: 3 MARCH 2023

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: PLANNING SERVICE PRESENTATION