

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 16 APRIL 2024**

**PLANNING APPLICATION: 1 & 2 QUEENS CLOSE AND 113 HIGH STREET  
MONTROSE DD10 8QR**

**GRID REF: 371491 : 757801**

**REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application [24/00044/FULL](#) by W9A Investments Ltd for the change of use and internal alterations of a building to form an Aparthotel at 1 & 2 Queens Close and 113 High Street, Montrose. The application is recommended for approval subject to conditions.

**2. RECOMMENDATION**

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

**3. INTRODUCTION**

- 3.1 The applicant seeks full planning permission for change of use of a former homeless unit which has more recently been used as a store to a five apartment, 13-bedroom aparthotel. A plan showing the location of the application site is provided at Appendix 1.
- 3.2 The proposed use would cover four floors of the category B listed building and consists of three 2-bedroom apartments, one 3-bedroom apartment and one 4-bedroom apartment. Each apartment would contain sleeping accommodation, bathroom and kitchen facilities and living room space. The entrance and a laundry room would be provided at ground floor level with all units accessed directly from a dedicated entrance on Queens Close.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.
- 3.5 This application requires to be determined by committee because the council has a financial interest in the property, and the application is recommended for approval in circumstances where it has attracted objection.

**4. RELEVANT PLANNING HISTORY**

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

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

5.1 The applicant has provided the following in support of the application: -

- Supporting statement
- Market dashboard (1-3) – *market analysis information*
- Response to objections and clarification on operation (two documents)

The supporting information is available to view on the [Public Access](#) system and is summarised at Appendix 2.

## **6. CONSULTATIONS**

6.1 **Angus Council – Roads** – no objection.

6.2 **Angus Council – Environmental Health** – no objection.

6.3 **Scottish Water** – no objection.

6.4 **Community Council** – no comment received.

## **7. REPRESENTATIONS**

7.1 Four letters of representation have been received with one raising objection and three offering support. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections: -

- Adverse amenity impacts associated with persons entering and leaving the building and loitering outside adjacent to neighbouring residential building.

7.3 The following matters have been raised in support: -

- Would bring a listed building back into use.
- Would be an appropriate use given that many hotels in Montrose are tired, for sale, or have closed.
- Town would benefit from further accommodation for tourism and corporate visitors.
- Would create jobs and benefit housekeepers, maintenance, and generate trade for local shops cafes etc.
- Those staying at the property would be viewed as ideal neighbours.

## **8. PLANNING CONSIDERATIONS**

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 or any features of special architectural or historic interest which it possesses. 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:

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

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

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

8.6 The site is located in the development boundary for Montrose and is not allocated or otherwise identified for development in the ALDP. Policy DS1 in 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 relevant policies of the ALDP. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 policy 9 seeks to encourage, promote and facilitate the reuse of vacant land and empty buildings to help reduce the need for greenfield development. Amongst other things, the policy states that proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses.

8.7 This site is not allocated or otherwise identified for development in the ALDP. However, building is identified as being of special architectural and historic interest and it is a category B listed building. Category B listed buildings are identified as major examples of a particular period, style or building type. The principle of reusing empty listed buildings is compatible with development plan policy provided the buildings character, special architectural or historic interest, and setting are preserved. Issues regarding the impact on the listed building are discussed below.

8.8 NPF4 policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. It indicates that development proposals for tourism development will take into account the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; impacts on communities, for example by hindering the provision of homes and services for local people; opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; accessibility for disabled people; measures taken to minimise carbon emissions; opportunities to provide access to the natural environment. ALDP policy TC16 indicates that proposals for new or improved 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.

8.9 The applicant has provided limited information in relation to the economic impact of the development. However, available evidence confirms that visitors and visitor accommodation make a reasonably significant contribution to the local economy and

tourism is a priority sector in Angus. The economic development team has indicated that there appears to be demand for this type of accommodation to support the local business sector. An aparthotel does not fit within any specific use classification in planning terms, but the building is located in a town centre location and development plan policy is broadly supportive of commercial leisure uses within those areas. Montrose town centre is predominantly a mixed-use area, and it is not uncommon to find commercial uses including hotels and short term letting accommodation in proximity of other uses, including residential property. The reuse of the building to provide accommodation for visitors whether for business or leisure purposes is likely to provide some benefit to the vitality and viability of the town centre.

- 8.10 In the immediate vicinity of the application site and in Queens Close itself properties are predominantly residential in character and include groundfloor residential property in the proximity of the entrance to the building. The proposal would create three 2-bedroom apartments, one 3-bedroom apartment, and one 4-bedroom apartment providing 13 bedrooms. The living environment created for temporary occupation would be acceptable. The properties would not be required to share an internal access or stairwell with other neighbouring properties, but they would share use of Queens Close and there are groundfloor windows of neighbouring property close to the proposed entrance. The reuse of the building would generate movement and activity and that would result in some impact on occupants of neighbouring property. However, that must be balanced against the fact that any reuse of the building would generate some level of movement and activity and a new purposeful use for the building is preferable to it sitting empty and potentially deteriorating. Those occupying temporary accommodation may be less considerate of the impact their activity might have on neighbours amenity, but Queens Close is a public pedestrian route between High Street and Baltic Street and as such is likely to be subject of reasonable levels of pedestrian movement throughout the day. Those passing through the close may be as likely to generate noise or activity as residents of the aparthotel, and a public route is an area where movement and activity by individuals unknown to existing residents would be commonplace. The council's environmental health service has indicated it has no objection to the application but has recommended a condition requiring a noise management plan to reduce potential for any noise that might be generated by the aparthotel adversely affecting the amenity of neighbours. In addition, while it is possible that the entire aparthotel would be occupied every day of the year, such level of occupation and use is unlikely to be achieved and any reduced level of occupation would be likely to reduce potential amenity impacts during that period.
- 8.11 The council's housing service has confirmed that the building is not required as a homeless unit and there is no evidence to suggest that there is a shortage of flatted accommodation of this nature in the area. There is no evidence to indicate that the loss of this property from its former use as a homeless unit would be a significant issue in terms of housing provision within an urban area. In these circumstances the proposal is not considered to give rise to any significant issues in terms of the provision of homes and services for local people.
- 8.12 The building subject of the application is well located for local shops and services and is similarly well located in relation to public transport. There is no potential for dedicated car parking provision associated with the proposed use, but that would be the case in relation to any reuse of the building. The absence of dedicated car parking must be balanced against the desirability of securing a new use for the listed building and the availability of access to sustainable travel options. The roads service has offered no objection to the application and car parking is available in the wider area.

- 8.13 The nature of the existing building is such that accessibility for those with certain disabilities would be restricted. The site is well located to take advantage of the high quality natural environment available at Montrose.
- 8.14 The proposed use would generally be compatible with those found in the surrounding area and it is broadly compliant with relevant policy that deals with tourism accommodation. The use would increase the opportunity for visitors to experience and enjoy Angus and would potentially provide some support for the business sector. A planning condition is proposed which prevents the accommodation being used as a permanent or principal residence, as required by Policy TC16 and as different policies would apply to consideration of a proposal for permanent residential accommodation.
- 8.15 As highlighted above, this is a listed building located within a conservation area and there are special policy requirements that apply in such circumstance. The listed building would be retained, and its reuse is positive and would secure its long-term future. The external appearance of the building would not be altered. The alterations proposed to the interior of the building are minor and provide for the replacement/ repositioning of an internal door and partition wall that are themselves contemporary interventions. The alterations proposed to facilitate the new use would not have any unacceptable impact on the special interest of the building. As the exterior of the building is unaltered, the proposal would not affect the appearance of the conservation area, other than potentially securing investment in the building's maintenance. As indicated above, this is an area where there is some level of movement and activity and this would be supported by the nature of the proposed use and consistent with the character of the conservation area. The proposal would not give rise to any unacceptable impact on the built environment or built heritage of the area.
- 8.16 A dedicated storage area at the ground floor of the building would be available for refuse collection and recycling. The development would not result in unacceptable impacts upon existing infrastructure.
- 8.17 The application does not give rise to any significant issue in terms of other development plan policy. As with any proposal, the application attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the use of the property as an aparthotel is in general compliance with the development plan.
- 8.18 In terms of other material considerations, it is relevant to have regard to the planning history of the building and to the letters of representations submitted both in objection and in support of the application in so far as they raise material planning issues.
- 8.19 The property has previously been used to provide accommodation for homeless persons, and while the recent planning history is unclear, it is possible that such use could resume without the need for planning permission. However, it is suggested that limited weight should be attached to this consideration as the current lawful use of the property has not been fully ascertained.
- 8.20 As indicated above, any reuse of the building is likely to result in some additional or different impacts on the amenity of those that live nearby. There is no evidence to suggest that impacts associated with doors opening and closing would be significantly greater or more impactful on amenity if the building is used as an aparthotel. The entrance to the building is taken from Queens Close which serves a pedestrian route between the High Street and Baltic Street and as such is well used throughout the day. Privacy and amenity associated with existing properties that front the close will be affected by its current use. The environmental health service has offered no objection

to the application subject to a condition that seeks the submission of a noise management plan to ensure that activity associated with the use proposed does not give rise to significant impact. Any adverse impact associated with a new use must be balanced against the potential amenity and environmental benefit such use may bring in securing ongoing maintenance and investment in buildings fabric.

- 8.21 Those representations offering support highlight potential benefits associated with the proposal and generally support the recommendation in this report. The proposal would facilitate reuse of a vacant listed building and would likely provide some local economic benefit. The character or behaviour of potential guests cannot be assumed, either positively or negatively, but it is possible to seek to minimise any adverse impact on the amenity of occupants of nearby property through the proposed planning condition.
- 8.22 In conclusion, reuse of a vacant listed building to provide serviced apartments in an accessible town centre location is broadly compatible with development plan policy. The proposal would not give rise to any unacceptable impact on the special interest of the listed building, the setting of other listed buildings in the area, or to the character and appearance of the conservation area. Available information and consultation responses suggest that the proposal would provide some economic benefit to the area without giving rise to unacceptable impacts on the amenity, natural, built and cultural environment, road safety or infrastructure of the area. The representations submitted by third parties have been considered in the assessment of the application and preparation of this report. Where appropriate, matters are addressed by proposed planning conditions which includes measures to mitigate impacts relating to noise and disturbance. This proposal is compatible with development plan policy and there are no material planning considerations that justify refusal of planning permission.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The recommendation in this report for grant of permission/consent, 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**

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

### **Reason for Approval:**

The proposal provides for the reuse of a listed building as an aparthotel providing serviced accommodation in a manner that is in accordance with 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, built and cultural environment, road safety or infrastructure subject to conditions. The proposal would not give rise to any unacceptable impact on the special interest of the listed building, the setting of other listed buildings in the area, or on the character and appearance of

the conservation area. 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. Prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority: -

a) A management plan for the operation of the business which shall include measures to control noise and to minimise impact of activity on the amenity of occupants of neighbouring property. Thereafter, the use hereby approved shall be operated only in accordance with the approved management plan.

b) A scheme to control the impact of any outdoor artificial lighting on the amenity of adjacent residential properties. Thereafter, any artificial lighting shall be operated only in accordance with the approved scheme.

*Reason: In order to protect the amenity of the occupants of neighbouring residential accommodation.*

3. No apartment hereby approved shall be occupied or used as permanent residential accommodation. The operator shall maintain a register of all guests (including the name, permanent postal address, dates of arrival and departure) of those staying. On request, and in any case within a period of seven days, this guest register shall be made available to the planning authority for inspection.

*Reason: In order to control the nature of occupation and use to ensure that no permanent residence is formed and to ensure that the use is operated as short term accommodation as that is the basis upon which the application has been assessed.*

**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: 8 APRIL 2024**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION  
APPENDIX 3: LETTERS OF REPRESENTATION  
APPENDIX 4: DEVELOPMENT PLAN POLICIES