

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 16 APRIL 2024

**PLANNING APPLICATION – INVERTAY HOUSE, 3 MAULE STREET, MONIFIETH
DD5 4JG**

GRID REF: 349617 : 732301

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application No. [23/00813/FULL](#) by Angus Council for conversion of former office buildings into 16 No. affordable housing units and the erection of 3 No. dwellinghouses (total of 19 No. affordable housing units) and associated works at Invertay House, 3 Maule Street, Monifieth. This 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 to provide 19 affordable housing units at Invertay House, Monifieth. The dwellings would be formed through the conversion of former office buildings to provide 16 units and the erection of three new build homes. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application proposes conversion and alteration to Invertay House and the buildings referred to as the former janitors house and canteen building, to provide 16 affordable housing units. The accommodation formed through conversion would provide 14No. 1-bedroom, one 2-bedroom, and one 4-bedroom dwellings. The internal works to the listed buildings do not require planning permission and are subject of a separate application for listed building consent. An additional three new build dwellings are proposed to the west of the main building and south of the janitors house. The new build dwellings would be in the form of a terraced row and would provide two 3-bedroom and one 4-bedroom units. An existing vehicular junction with Maule Street would be retained providing access and egress to on-site car parking.
- 3.3 The application has been varied to amend the design; reduce the number of units from 20 to 19; retain existing internal features of note in the listed building; and alter fenestration details.
- 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 An application for listed building consent (ref: [23/00814/LBC](#)) which seeks consent for internal and external alterations and extensions to buildings to allow for the conversion to residential use is under consideration at time of report writing.
- 4.2 Planning permission (ref: [21/00974/FULL](#)) and listed building consent (ref: [21/00774/LBC](#)) have been approved and allow for the removal of outbuildings and 19th century additions, and for internal alterations (soft strip of internal linings including timber linings, plaster, floor coverings) to the original buildings. That work has been undertaken.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application: -
- Bat Survey
 - Design and Access Statement
- 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 (Traffic)** – No objection.
- 6.2 **Angus Council – Housing** – No comment.
- 6.3 **Angus Council – Parks and Burial Grounds Service** – No objection.
- 6.4 **Angus Council – Environmental Health** – No objection.
- 6.5 **Monifieth Community Council** – No response received.
- 6.6 **Aberdeenshire Council Archaeology** – No objection.
- 6.7 **Scottish Water** – No objection.

7. REPRESENTATIONS

- 7.1 Two letters of representation have been received raising objection. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) system. In summary terms the following issues are raised: -
- Overlooking and loss of privacy.
 - Impact of extra traffic going in and out of the development into a 20mph congested public road.
 - Impacts on schools, healthcare and basic services provision.
 - Disruption during construction and driveway access.
- 7.2 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 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.
- 8.3 In this case the development plan comprises: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.4 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.
- 8.5 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.
- 8.6 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 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, it contains empty buildings that are listed as being of special architectural and historic interest. Invertay House and its former janitors house and canteen building are category B listed buildings. 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. There is also general policy support for development within the curtilage of the listed building subject to similar safeguarding of the listed buildings and their setting. Issues regarding the impact on the listed buildings and their setting are discussed below.
- 8.8 NPF4 policy 16 quality homes seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. Amongst other things, the policy indicates that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. The policy further indicates that development proposals for new homes on land not allocated for housing in the local development plan will only be supported in limited circumstances including where (amongst other things) the proposal is for the delivery of less than 50 affordable homes as part of a local

authority supported affordable housing plan. ALDP Policy TC2 indicates that proposals for new residential development within identified development boundaries will be supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. It also includes detailed tests requiring proposals to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in specified circumstances.

- 8.9 The current proposal would provide 19 affordable homes within the development boundary of the town. The site is close to the town centre and there are a mix of uses in the wider area, but there are a number of neighbouring residential properties, and the proposed residential use does not give rise to any issues in terms of land use compatibility. The reuse of a prominent site on a gateway to the town centre and the provision of new residential accommodation at this location would be likely to support the vitality and viability of the centre.
- 8.10 The development provides for the retention of the existing buildings, and they contribute positively to the character of the area. The existing road junction from Maule Street would be utilised to provide vehicular access and egress; boundary walls would be retained; and the undeveloped area between Invertay House and Maule Street would accommodate open space areas. The proposed new build dwellings would be located to the west of the site and would comprise a terrace with frontages designed to face Maule Street and the private car parking area within the site. The useable open space provision associated with the development would not meet the spatial requirements set out in development plan policy, but this is a town centre redevelopment where it is not always possible to meet normal requirements, and the deficiency must be balanced against the desirability of reusing prominent listed buildings. It is also relevant to note that the applicant provides and maintains significant open space in the wider area which is readily accessible from the proposed development. The parks service has confirmed no objection to the proposal but has suggested that the detailed design of the open spaces should be subject to further consideration and that is addressed by a proposed planning condition. The proposal indicates bin storage at a prominent location to the frontage of Invertay House. This arrangement would be undesirable, and a condition is proposed that requires further approval of the bin storage arrangements within the development. A condition is also proposed requiring continuation of the stone boundary wall to the frontage of janitors house to ensure an appropriate boundary treatment at a prominent location.
- 8.11 The proposed development would provide adequate separation distances between the proposed properties and other houses when assessed against the council's guidance and having regard to the nature of separation distances found in the area. Account has also been taken of the fact that the proposal includes conversion of an existing building and lawful reuse of the building would have some impact on occupants of neighbouring property. The proposed new build dwellings have been positioned to minimise impact on neighbouring property and normal residential boundary treatments would ensure adequate privacy for occupants of neighbouring property. The proposal is capable of providing a good residential environment for prospective residents while minimising impact on the amenity of occupants of nearby property.
- 8.12 As highlighted above, the proposal directly affects listed buildings and there are special policy requirements that apply in such circumstance. The listed buildings would be retained, and their reuse is positive and would secure their long-term future.

Change to the exterior of the buildings is comparatively limited with some alteration to fenestration, small extensions and minor downtakings, the installation of solar PV panels, and repair works to the roof and stonework. Internal alterations to the building to facilitate the new use would be required and those are addressed through a separate application for listed building consent. However, it is relevant to note that Historic Environment Scotland has raised no objection to that application in respect of external or internal works. The proposal involves alteration to windows and in broad terms that is acceptable, but the detailed design requires further consideration and is addressed by a proposed condition. Other conditions are proposed that require further approval of detailed matters to minimise impact on the listed buildings and their setting. The proposed new build houses would be modern in terms of design, but their siting, scale, and form is appropriate for the area, and they would be reasonably discretely located such that they would not significantly adversely affect the special interest of the listed buildings or their setting. In general terms, the proposed development is compatible with published guidance on managing change in the historic environment and would not significantly adversely affect the listed buildings character, special architectural or historic interest, or setting, while recognising that any minor adverse impact must be balanced against the desirability of securing a new use and long-term future for the built heritage assets. The proposal does not give rise to any significant conflict with the council's design quality and placemaking supplementary guidance; it does not significantly adversely affect the built heritage; and it is acceptable in terms of built environment considerations.

- 8.13 The site is not subject of any natural heritage designation. The submitted bat survey indicates that the development may affect two small, non-maternity roosts of common pipistrelle bats but confirms that the impacts upon the local population would be low. It is indicated that any such impact would be reduced through the implementation of appropriate compensation and mitigation measures, including provision of bat boxes. The survey states that the mitigation measures proposed are appropriate for a non-maternity common pipistrelle roost. The provision of open space and associated planting, along with the provision of mitigation measures for bats should ensure some minor improvement to the biodiversity of the area. The proposal does not give rise to any unacceptable impacts on the natural environment or natural heritage interests subject to the proposed conditions.
- 8.14 The council's roads service has confirmed no objection in relation to road traffic and pedestrian safety and has confirmed that the parking provision meets relevant council standards for affordable housing units. The site is located close to the town centre and the railway station, and it is on a bus route. It is relevant to note that the buildings could be reused as office accommodation without the need for further planning permission and any reuse would generate some activity and movement.
- 8.15 The dwellings would connect to the public water supply and foul drainage system and Scottish Water has offered no objection. It is indicated that surface water would be directed to a sustainable urban drainage system, but limited information has been provided in relation to that matter. While such arrangements are acceptable in principle, a condition is proposed that requires approval of the detail of the surface water drainage system.
- 8.16 The proposal does not give rise to any other significant impacts on infrastructure having regard to consultation responses and the council's adopted developer contributions and affordable housing supplementary guidance. A condition is proposed to ensure that the development is used solely as affordable housing and in such circumstance, developer contributions to address issues associated with education capacity in the area are not required.

- 8.17 The proposal does not give rise to significant issues in terms of other development plan policy.
- 8.18 The reuse of listed buildings and the provision of new residential accommodation for affordable housing in an accessible location close to the town centre is compatible with policy. As with any application, the proposal 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 proposal is in general compliance with the development plan.
- 8.19 In addition to development plan policy and material matters that are not addressed above, it is relevant to have regard to the planning issues that have been raised in the letters of representation, and to the general desirability of preserving listed buildings and facilitating redevelopment of a prominent site close to the town centre.
- 8.20 As indicated above, the separation distances between existing and proposed dwellings comply with standards identified in council design guidance. In addition, the majority of buildings and windows are existing and impacts on neighbours would be experienced from any reuse. The overall redevelopment of the site and provision of a beneficial new use would prevent the buildings from deteriorating and would provide some overall benefit to the amenity of the area.
- 8.21 The proposal involves reuse of the existing access, and any reuse of the building would likely generate additional vehicle movement and activity. Traffic speeds on the public road at the junction are restricted to 20mph and the roads service has confirmed no objection in relation to impact on road traffic or pedestrian safety.
- 8.22 The proposal would provide a development that comprises affordable housing and that is controlled by a proposed planning condition. The council's adopted developer contributions and affordable housing supplementary guidance does not require developments of this nature to make contribution towards education or community facilities.
- 8.23 Any development of this nature is likely to give rise to some disruption for those in the surrounding area. However, it is not uncommon for development of this general nature and scale to take place in urban areas without giving rise to unacceptable impacts. Any such impacts are likely to be of reasonably short duration and can be mitigated by adoption of considerate construction techniques. The planning system cannot regulate access to existing driveways during construction but that could be mitigated by a considerate developer.
- 8.24 The site contains buildings that are of recognised architectural and historic interest, and it occupies a prominent location on an approach to the town centre. There is a public interest in securing a new use for those buildings that safeguards their long-term future and avoids the potential for deterioration.
- 8.25 In conclusion, the redevelopment of the site and the reuse of the listed buildings to provide affordable housing is broadly compliant with development plan policy. The proposal would secure a new use and a viable future for important listed buildings on a prominent site in a manner that would not significantly adversely affect their special interest or setting. The development has good accessibility to facilities and services and affordable housing can be accommodated in a manner that is compatible with relevant development plan policy for new housing development within settlement boundaries. Planning conditions as proposed can adequately address matters of

detail to minimise impact on amenity, natural and built environment, road safety and other infrastructure. The matters raised in representation have been taken into account in the preparation of this report, but they do not justify refusal of planning permission. When all matters are balanced and considered in the round, the proposal is in general compliance with the development plan and there are no material considerations that justify refusal of the application.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 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

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

Reason(s) for Approval:

The proposal provides for the reuse of listed buildings and the provision of new-build accommodation to provide affordable housing in a manner that does not significantly and adversely affect their special interest or setting. It 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 and built environment, road safety or infrastructure, subject to 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) A detailed scheme for the provision and specification of hard and soft landscaping, boundary enclosures, and open space areas within the development. This shall include provision of a continuation of the stone wall to enclose the front garden area of the janitors house. The location of the proposed 'bin collection points' are not approved, and an amended location

shall be shown as part of any landscaping scheme submitted. All hard and soft landscaping and open space areas shall be completed no later than the end of the first planting season following occupation of any part of the development. Any plants or trees which within a period of five years from the completion of the development 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. Thereafter, open spaces shall be maintained in accordance with the details as may be approved in the discharge of conditions.

- (b) A scheme for the management and maintenance of all proposed open space and amenity areas, roads or paths, and infrastructure within the site which are not within the curtilage of a dwelling or adopted by a public authority. Thereafter the development and its unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity.
- (c) Detailed plans/ sections showing existing and proposed ground levels relative to neighbouring land/ properties and a fixed ordnance datum. Thereafter development shall be undertaken in accordance with the approved details.
- (d) Precise details of the revised footway crossing at the junction of the site with Maule Street which shall include provision of dropped kerbs to facilitate pedestrian movement in accordance with Angus Council Standards. Thereafter, the alterations to the footway shall be completed before occupation of any residential unit hereby approved.
- (e) Details demonstrating how mitigation measures identified in in the 'Bat Survey Report' for 'Invertay House, Monifieth, Angus' by Direct Ecology (dated 20.11.2021) are incorporated in the development along with timescales for their provision. Thereafter the approved details shall be implemented in accordance with the approved timescales and in any case, the mitigation will be provided before the final residential unit is occupied.
- (f) A scheme for the management of surface water within the site which shall incorporate SuDS methods. No surface water should be discharged to the combined sewer unless evidence is provided demonstrating that Scottish Water has approved such a discharge. Thereafter the development shall be undertaken in accordance with the approved details.
- (g) Details of all stone repair works and new sections of stone infill on the exterior of the existing buildings and specific details of the proposed new windows (including rooflights) on all buildings (including materials, method of opening and final colour). For the avoidance of doubt the window details shown on drawing no. '300 Rev P0' are not approved. Thereafter all works will be undertaken in full accordance with the approved specifications.
- (h) Precise details of the solar panels to be installed on the roofs of the listed buildings. The solar panels shall be installed only in accordance with the approved details.

The development shall thereafter be undertaken in full accordance with the planning permission and the details hereby approved.

Reason: In order that the planning authority may control the specified details in

the interests of amenity and creation and maintenance of a good living environment, to ensure pedestrian accessibility, to mitigate adverse impact on protected species, to ensure that appropriate arrangements are in place to deal with surface water management, and to ensure that the works do not have an adverse impact on the special interest of the listed building.

3. The development of residential units hereby approved is to comprise solely of affordable housing, that is to say housing of a reasonable quality that will be affordable to people on modest incomes. The residential units shall be owned, managed, leased or otherwise provided in perpetuity as such by Angus Council or by a registered social landlord or other body having similar objectives, as approved of in writing by the planning authority.

Reason: In order to ensure that the development is built and occupied as affordable housing as that is the basis upon which the application has been assessed.

4. The recommendations proposed in the 'Bat Survey Report' for 'Invertay House, Monifieth, Angus' by Direct Ecology (dated 20.11.2021) shall be implemented in accordance with the details in this report unless otherwise modified by the conditions of a protected species licence.

Reason: In order to minimise any impact on bats and other species using the site.

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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APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES