

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 17 DECEMBER 2024

PLANNING APPLICATION – 14 MARINE HOUSE, BENTS ROAD, MONTROSE DD10 8PU

GRID REF: 372261 : 757921

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application no. [23/00678/FULL](#) by Mr Ewan Fraser for the change of use from a 2 bedroom residential flat to short term let accommodation at 14 Marine House, Montrose. This application is recommended for conditional approval.

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 application seeks planning permission for the change of use of a residential flat to short-term let accommodation at 14 Marine House, Montrose. A plan showing the location of the site is provided as Appendix 1.
- 3.2 The property in question is a two-bedroom top/ third floor flat located within Marine House which is a category C listed building. Car parking space is available within a communal car park at the rear of the property. There are no changes proposed to the external appearance of the property.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of notification and publicity as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the consideration of this application, and there are no records of any other short term let property within Marine House.

5. APPLICANT'S CASE

- 5.1 The following information in summarised terms has been submitted in support of the application and is available to view on the council's [Public Access](#) website: -
- The property is a flat with 2 bedrooms, a bathroom, kitchen and living room and has been operating for 7 years.
 - It is accessed from Bents Road and shares a stairwell with property at 4, 8 and 12 Marine House, which are located on the floors below.
 - There is a communal parking area at the rear of the property.
 - The flat can accommodate up to 4 guests.

- Stays are typically 3 days or weekly.
- The property would be available all year round, but occupancy levels are greater in the summer months.
- The applicant has never received a complaint from the neighbours with regard to the use of the property.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection.
- 6.2 **Angus Council – Environmental Health** – no objection, noting that it has received no complaints in relation to noise from the use of the property.
- 6.3 **Scottish Water** – There was no response from this consultee at the time of report preparation.
- 6.4 **Montrose Community Council** – There was no response from this consultee at the time of report preparation.

7 REPRESENTATIONS

- 7.1 11 representations have been received from 9 parties. The letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website.
- 7.2 In summary terms, the following issues are raised:
- **Impact on privacy and amenity, including noise**
 - **Loss of residential property**
 - **Parking is insufficient.**
 - **Flooding impacts**
- 7.3 In addition, the following matters have been raised and are addressed directly: -
- **Insurance, potential damage to property, maintenance, and factoring implications for other residents** – these are civil issues and are not material planning considerations.
 - **Health and safety issues** – matters related to the safe operation of a short term let property are generally issues that fall to be considered under the short term let licensing regime.
 - **Title deeds prevent commercial use** – this is a civil issue and is not material planning consideration.
 - **Neighbour and ownership notification issues** – neighbour notification has been carried out in the manner prescribed in legislation. Notably, all properties within Marine House have been served with notification of the application. The applicant has certified they are the only owner of the property to which the application relates.

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) (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 3 and have been taken into account in preparing this report. 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.

8.5 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.

8.6 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 states that proposals for tourism related development will take account of, among other things, compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. In relation to the reuse of existing buildings for short term holiday letting, the policy indicates such proposals will not be supported where it would result in an unacceptable impact on local amenity or the character of a neighbourhood or area; or the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

8.7 ALDP Policy TC16 indicates that proposals for new or improved tourism related facilities and 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.

8.8 The site is located within a development boundary, and it is reasonably well located in relation to surrounding services, facilities and public transport links. The property is a category C listed building, but the proposal would not affect the external appearance or fabric of the building and change of use of a single flat for the use proposed would not affect its character or setting. The proposed use would not directly impact any sites designated for other built or any natural heritage reasons and would have no impact on such interests in the wider area. The roads service has indicated it has no issue with the proposal in terms of access or parking.

8.9 The property is in an area that is primarily residential in nature. It forms part of a block of flats that is adjacent to a large public open space area associated with the Montrose seafront and golf courses. The outward appearance of the property would not change and in broad terms, the use would be compatible with character of the surrounding area. While available evidence confirms that visitors and visitor accommodation make significant contribution to the local economy and tourism is a priority sector in Angus, this is a single unit and any contribution it would make to the economy would not, in itself, be significant. Similarly, while the change of use would result in the property not being available as mainstream residential accommodation, there is no evidence to indicate that loss of a single flatted property from such use would be a significant issue within an urban area. In any case, the property could easily revert to mainstream residential use in the future. In these circumstances, the loss of mainstream residential accommodation is not considered determinative. In

very broad terms, the location of the proposed development for short-term let accommodation is compatible with development plan policy.

- 8.10 The key development plan consideration relates to amenity, and whether impacts associated with use of the property as short-term letting accommodation would be significantly different from those associated with its continued use as mainstream residential accommodation such that it would have an unacceptable impact on the amenity of occupants of neighbouring property.
- 8.11 The property is a top/third floor flat of modest size with two bedrooms, and it can accommodate a maximum of four guests. This scale of use would be broadly comparable with use of the property as a mainstream dwelling. The stairwell to the flat serves three other properties, all located on floors below. Other flats within Marine House are accessed from separate stairwells, and the number of neighbouring dwellings that guests would need to pass to gain entry to the property is therefore limited. The demand for parking is unlikely to alter significantly from the use of the property as mainstream residential accommodation.
- 8.12 Existing residents may encounter unfamiliar persons within or in the vicinity of communal areas, but again, that could occur through use as mainstream residential accommodation if residents of a property had visitors. While guests may occasionally arrive and depart at unusual or unsociable hours, impacts should not be significantly greater than similar activity by residents, for example someone working a shift pattern involving late night or early morning arrival or departure.
- 8.13 In addition, while it is possible that the short-term let would be occupied every day of the year, such level of occupation and use is unlikely to be achieved. The short-term let use may give rise to different impacts on neighbours when it is occupied, but impacts are likely to be less than those associated with occupation as mainstream residential accommodation during those periods when it is vacant.
- 8.14 The overall character of this block of flats would remain residential in nature. In general terms and having regard to the limited size and configuration of the property, the amenity impacts associated with its use as short-term let accommodation are unlikely to be significantly greater than those associated with its lawful use as mainstream accommodation and in any case, are not judged to be unacceptable. The environmental health service has reviewed the proposal and raises no objection, noting that they have no record of noise complaint associated with use of the property over the 7 years it has already operated.
- 8.15 The external appearance of the building would not be altered. Those occupying the property would utilise existing refuse collection/ storage and recycling arrangements. The development would not result in unacceptable impacts upon existing infrastructure. If the property reverted to mainstream residential accommodation in the future that would be acceptable, and there is therefore no need to prevent its permanent residential occupation.
- 8.16 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 short-term letting accommodation is in general compliance with the development plan.
- 8.17 In addition to the development plan it is necessary to have regard to material considerations in the letters of representation in so far as they raise relevant planning matters.

- 8.18 Matters relating to the loss of mainstream residential accommodation and issues regarding amenity impacts are addressed above. As indicated, there is no reason to consider that an appropriately operated short term let accommodation unit could not operate from this property in a manner that would not give rise to unacceptable impact on the amenity of neighbours. While the short term let licensing regime is not an alternative to proper consideration of planning matters, it does provide a further control in circumstances where planning permission is granted. The licensing regime would allow action to be taken if, for example, serious issues arose related to anti-social behaviour associated with operation of the short-term let use. Available information suggests that there are no other short term let uses within Marine House. It is important to recognise that it may be undesirable to see several short-term let units approved within the same building, as that could change the overall residential character of the use and give rise to potentially greater amenity impact.
- 8.19 The property has two bedrooms and can accommodate up to four people. Short term let use of the property is unlikely to generate a greater requirement for parking than normal residential use of the property. The roads service has raised no objection to the application in relation to access or parking provision and the site is within proximity of good public transport links. The site is not within an area identified as being at risk of flooding from river, coastal, or surface water flooding. The applicant has indicated that they provide an information pack to ensure that guests do not dispose of inappropriate items in the drainage system; and they indicate that there have been no problems with blocked internal drains in the 7 years the property has operated as a short term let.
- 8.20 In conclusion, use of the property as short-term let accommodation is of a scale and nature appropriate to its location. The proposal is in accordance with the development plan as it will provide additional visitor accommodation in a manner that 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, main-stream residential accommodation, road safety or infrastructure. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The decision to grant 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 decision 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 condition(s):

Reason(s) for Approval:

The proposal is in accordance with the development plan as it will provide additional visitor accommodation in a manner that 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, main-stream residential accommodation, road

safety or infrastructure. The proposal does not adversely affect the special interest or setting of the listed building. 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.

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: LETTERS OF REPRESENTATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES