

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 22 OCTOBER 2024

PLANNING APPLICATION – DEWAR HOUSE, ACADEMY LANE, ARBROATH DD11 1AJ

GRID REF: 364489 : 741006

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application no. [24/00312/FULL](#) submitted on behalf of Ms Mayara Agnes for the change of use of an office building to form 19 flats and erection of one detached dwellinghouse at Dewar House, Academy Lane, Arbroath. 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 full planning permission for the conversion of Dewar House, former council offices, to form 19 flats, and the erection of a single detached dwellinghouse within the overspill car park that previously served the offices. Dewar House has been extensively altered and extended to the rear to facilitate the office use. The frontage onto Hill Street remains relatively original. Dewar House and its car park are within the Arbroath Abbey to Harbour Conservation Area, but the overspill car park is outwith the conservation area.
- 3.2 The application site measures 1958sqm in total. Dewar House and the various extensions to the rear accommodates around 700sqm of the site, with the remainder existing hardstanding/car parking. The frontage onto Hill Street is a traditional three storey sandstone building, while to the rear there are several extensions on various levels which results in a complex internal and external layout.
- 3.3 The proposal involves the removal of one ground floor extension at the rear of the building but seeks to reuse the majority of the existing fabric, both original and later additions, to form 19 dwellings. These vary from small bedsit to larger 3-bedroom flatted accommodation.
- 3.4 In addition to the conversion, the application seeks permission for a four-bedroom detached dwellinghouse within the overspill car park to the east of Dewar House, which has in the past housed a portacabin used as additional office space.
- 3.5 The application has been amended to include the abovementioned demolition of a rear extension; to reduce the number of conversion units from 20 to 19; to reduce the new build element of the application from two semi-detached homes to one detached house; and to alter the position and orientation of the new build house. Alterations have also been made to the car park, and landscaping proposals have been added.
- 3.6 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 determination of this application.

5. APPLICANT'S CASE

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

- Design Statement – this provides details of the existing site, and the proposed development, and an analysis of relevant planning policies. Notably it identifies the value of reinstating domestic use to an empty building, good connectivity to local services and open space, and minimal intervention to the fabric of the existing building.
- Transport Statement – this provides justification for the provision of less parking than required by the standards, due to the site being only just outwith the defined town centre, the proximity of other parking opportunities, and other modal options for access.

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system.

6. CONSULTATIONS

6.1 **Housing Service** – no objection subject to the provision of 25% affordable housing, which would ideally be delivered on site. The details of how the affordable housing requirement would be met would need to be agreed through a delivery package.

6.2 **Education Service** - no objection and no education contributions are necessary to mitigate the impact of the development.

6.3 **Parks & Burial Grounds** – no objection, but a financial contribution towards the provision or improvement of public open space in the area should be required in accordance with council policy.

6.4 **Environmental Health** - no objections in relation to amenity or contaminated land considerations.

6.5 **Waste Services** – confirms that the refuse lorry cannot access Academy Lane, and that the most suitable solution for refuse collection would be for individual bins to be taken to the park end of the lane for collection. Communal bins would not be suitable unless they were located on Hill Place.

6.6 **Aberdeenshire Council Archaeology Service** - no objection subject to a condition requiring the submission of a written scheme of investigation.

6.7 **Community Council** - There was no response from this consultee at the time of report preparation.

6.8 **Roads** – no objections as the proposed parking provision is acceptable as the development is within close proximity to all public transport amenities and several large off-street parking areas.

6.9 **Scottish Water** - no objections.

7. REPRESENTATIONS

7.1 6 representations have been received, all in objection to the proposal. 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 in objection:

- The proposed new build houses will impact on the privacy of adjacent houses and gardens.
- The proposed new-build development will have limited light due to the existing 3.3m high boundary wall (this point has been subsequently withdrawn by the commentator as a result of amendment to the proposal)
- Increase in parking issues in the area.
- Access to the parking area is narrow and cannot be widened.
- Emergency vehicle access is limited.
- Refuse vehicles cannot access the lane.
- Construction work will impact on those living nearby, and also will have access issues with the narrow lane.
- Additional pedestrian crossing should be provided to the front of the development.

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 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) (2023)
- [Angus Local Development Plan](#) (ALDP) (2016)

8.4 The development plan policies relevant to the determination of the 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 on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provisions 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 The property is located in the development boundary for Arbroath 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 Both NPF4 and the ALDP seek to encourage the reuse of brownfield land and buildings to help reduce the need for greenfield development. 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. The policy 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 smaller scale opportunities within an

existing settlement boundary.

- 8.7 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.
- 8.8 In this case the site is within the development boundary for Arbroath and represents a small-scale development proposal. Reuse of vacant or underused buildings is supported by development plan policy and the site has good accessibility to nearby services. The character of the area is mixed, with a few public buildings, and some residential, retail, and commercial premises as well as public open space. Residential use would be compatible with surrounding land uses and its use would not adversely affect the character of the conservation area. There is no development plan policy protecting the most recent office use of the site. The broad principle of residential use and development in this area is compatible with development plan policy.
- 8.9 There are other relevant considerations set out in the NPF4 and ALDP as identified in the appendix to this report. Those most relevant to consideration of the detail of the proposal relate to amenity and quality of living environment; impact on the built and cultural environment; road safety; and infrastructure.
- 8.10 Development plan policy seeks to ensure that new residential development will provide a satisfactory level of residential amenity and to avoid unacceptable detrimental impact on the residential amenity of neighbouring properties.
- 8.11 In relation to the conversion of the existing buildings, the applicant has sought to utilise the existing fabric of the building with minimal alteration to the exterior of the building. The proposal would provide a range of house types from bedsits, to two and three-bedroom flats. This offers a range of living environments at a location adjacent to the town centre. The car parking area to the rear of the building would be reconfigured to provide parking space and a combination of communal and private garden space. While this is restricted by the physical limitations of the site, this is not unusual in urban areas, and it is not unusual where existing buildings are being converted. In general terms the proposed conversion would provide a range of property sizes in a manner that would provide a reasonable living environment having regard to the edge of town centre location.
- 8.12 The conversion would utilise existing buildings and would largely rely upon existing window openings with some very minor alterations. While the use of the building would change from office to residential, the overall impact on neighbouring property in terms of the physical presence of the building and potential for overlooking and loss of privacy would not change to any significant extent and would not be untypical in an urban area. Any reuse of the building would likely result in some impact on the amenity of occupants of neighbouring property and the current proposal, which involves very little by way of external alteration to the building, would generally minimise such impact.
- 8.13 The proposed new detached house, within the former overflow car park to the east of the site sits within a dedicated plot measuring around 560sqm. The house itself is proposed with a gable end facing Academy Lane, and the roof ridge running perpendicular to the lane. It would accommodate 4-bedrooms, with three on an upper floor served by rooflight style windows. The plot is of sufficient size to provide a reasonable level of residential amenity, with over 100sqm of private garden ground,

and off-street parking in accordance with the relevant standards. The proposal would ensure appropriate separation distance to neighbouring properties having regard to the context of the area and the council's guidance in advice note 14. The site is bounded to the north by a high wall, which would afford the residential properties beyond a good level of privacy. There is a public house to the northwest and an electrical sub-station on Academy Lane. However, those are a similar distance to existing residential property as the proposal, and the environmental health service has raised no concern regarding potential adverse amenity impacts arising from their proximity to the application site, subject to provision of a suitable boundary between the site and the sub-station. Similarly, in circumstances where existing dwellings are close to the public house, there is no reason to consider that the proposal would adversely affect the use of that venue. The proposal would provide a reasonable living environment for future occupants while maintaining the residential amenity enjoyed by occupants of neighbouring property.

- 8.14 Development plan policy seeks to ensure proposals provide a high quality of design and reflect the character and pattern of development in an area. They also seek to ensure that development does not adversely affect the setting of listed buildings or the character and appearance of conservation areas.
- 8.15 The single detached house would be of relatively traditional proportions and would not sit uncomfortably in the wider streetscene. It would not have an unacceptable impact on the setting of nearby listed buildings or the conservation area, and the design would be acceptable in terms of the council's design quality and placemaking supplementary guidance. It would have a natural slate roof which would be acceptable, but the proposed off-white colour of the roughcast finish would not be appropriate in an area characterised by red sandstone, and a condition is proposed requiring a red roughcast finish. The existing stone boundary wall to the Springfield Park Rose Garden is of some local importance and a condition is proposed that requires its protection during development and subsequent retention. With regard to the conversion of Dewar House itself, alterations to the fabric of the building would be limited and acceptable in terms of design. The traditional stone frontage to Hill Terrace is of some importance to the conservation area, and the reuse of the building in a manner that would secure its future is desirable. Minor alteration to windows on that elevation would have no significant impact on the character or appearance of the conservation area. The proposals are acceptable in terms of design and do not give rise to any significant issues in terms of built and cultural heritage considerations subject to proposed conditions, including a requirement for a programme of archaeological work.
- 8.16 The site is on the edge of the town centre, and it has good accessibility to surrounding shops and services. It also has good accessibility to public transport in the area. Vehicular access to the site would be taken from Academy Lane, and while it is narrow, it has been used to serve the car park associated with the application property for many years. It is relevant to note that if the building was reused as office accommodation, the existing car park could be used without restriction. It is also relevant to note that any reuse of the building would likely result in use the lane to access the car parking areas. It is possible that such use would generate more vehicular traffic on Academy Lane than the proposed residential development and the roads service has advised it has no objection to the proposed access arrangements.
- 8.17 The proposed new build dwelling would have dedicated parking space within its curtilage for 2 - 3 cars and the roads service has confirmed this arrangement is acceptable. The car park to the rear of Dewar House would be reconfigured to provide outdoor greenspace for the proposed flats as well as parking provision. The resultant layout would provide one car parking space per flatted dwelling and this falls below the normal parking requirement for a development of this nature where around 33 spaces would be required. However, relevant guidance indicates that parking

provision can be reduced where affordable housing units are proposed and where there is good accessibility to public transport. NPF4 policy 13 indicates that development proposals which are ambitious in terms of low/ no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes. The provision of greenspace for the flatted dwellings is considered desirable and a reduction in parking provision is considered appropriate in circumstances where the proposal involves conversion of an existing building at an edge of town centre location with nearby on-street and nearby off-street parking, and where the area is well served by public transport. The roads service has confirmed that the proposed parking provision is acceptable in this case. The approach of accepting reduced car parking provision is appropriate in the circumstances of this case, and a condition is proposed that requires provision of appropriate cycle parking.

- 8.18 The restricted width of Academy Lane is such that it cannot be accessed by bin lorries. Dewar House itself sits on the rear of the footway of Hill Place, offering little opportunity for bins to be stored to the front of the site, and such an arrangement would be undesirable at a prominent location. The council's waste service has advised that the most appropriate solution towards waste management would be for bin storage to be provided to the rear of the building, and for bins to be taken to the south (Springfield) end of Academy Lane for collection. The single detached house may be able to leave bins for collection on Academy Street. A condition is proposed requiring precise details of the bin storage and collection arrangements, and this may necessitate the provision of a temporary bin collection point in the vicinity of Springfield.
- 8.19 Policy requires development of this scale to make appropriate contribution towards affordable housing provision and it is relevant to have regard to the council's developer contributions and affordable housing supplementary guidance. In this case the proposal necessitates the provision of five affordable units, and it would be desirable to see this delivered on site. A condition is recommended to require a S75 planning obligation to secure an appropriate delivery package for this requirement.
- 8.20 Open Space within the site is limited by the physical characteristics of the site and the need to provide car and cycle parking, and bin storage. However, the applicant has made attempts to maximise the use of the space to the rear of Dewar House, incorporating genuinely useable drying greens and some planting. Notwithstanding that, the resultant provision does not meet the council's open space standards, and in accordance with policy provision it is appropriate to require the provision of a financial contribution towards the provision or improvement of public open space in the area. Conditions are proposed to secure that contribution and to require precise details of the layout of open space and communal areas, including landscaping and subsequent maintenance.
- 8.21 The reuse of an existing building is consistent with those policies that seek to give weight to the global climate crisis as it conserves the embodied energy. The proposal will otherwise be required to comply with relevant energy and performance standards set out in building regulations.
- 8.22 The proposal does not give rise to significant issues in terms of other development plan policy.
- 8.23 The proposal provides for the reuse of a vacant building to provide residential accommodation and the erection of a new build dwelling within a defined development boundary. 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 conversion of the existing building and the provision of new residential accommodation is in general compliance with the development plan subject to planning conditions.

- 8.24 In relation to material considerations, it is relevant to have regard to the planning matters that have been raised in letters of representation in so far as they have not been addressed above. It is also relevant to have regard to the default position that could arise if planning permission is not granted.
- 8.25 The proposed new build dwelling has been designed and positioned on site such that the amenity of occupants of neighbouring property should not be unacceptably affected. The resultant impacts would not be unusual or unacceptable in an urban area having regard to the existing pattern of development and council design guidance. The proposed conversion of Dewar House to residential accommodation would not give rise to any amenity impacts that could be considered unacceptable having regard to the lawful use of the building as office accommodation.
- 8.26 Issues associated with access, parking and refuse storage and collection are discussed above. For the reasons set out, the proposal is considered acceptable. As indicated, the site presents certain challenges, but those would likely arise to different extents in relation to any reuse of the site. The proposed development represents a suitable compromise between competing considerations that allows for the reuse of an important building in the conservation area. Any development works within an urban area would have some impact, but the reuse of the majority of the existing fabric of Dewar House would minimise construction activity, and it is not unusual for single dwellings to be constructed in constrained urban areas. The roads service has not identified a requirement for a pedestrian crossing on Hill Terrace, and the proposal would not give rise to increased need for a pedestrian crossing at that location in comparison to the lawful use of the building as office accommodation. There are no material planning considerations raised in the letters of representation which would justify the refusal of planning permission.
- 8.27 It remains relevant to note that the lawful use of the building is office accommodation. That use could recommence without the need for planning permission and that could give rise to traffic and amenity impacts similar to those associated with the current proposal. However, the economic situation in the area is such that there could be no guarantee that the building would be reused as office accommodation and there is no evidence of demand for any other alternative use. If a new use could not be secured for the property, its long-term future might be compromised and that would be detrimental to the character and appearance of the conservation area.
- 8.28 In conclusion, the proposal provides for the reuse of an underused office building to provide residential accommodation and the erection of a new build dwelling within the wider grounds of the building. The site is within a development boundary, close to the town centre, and well located in relation to shops, services, and public transport. The proposal will secure the future of a prominent building within the conservation area. In these circumstances the proposal is in accordance with the development plan as it will provide new residential accommodation 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 proposed conditions. 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 for reuse of an existing building and provision of new residential accommodation 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. The proposal would not adversely affect the character or appearance of the conservation area or the setting of listed buildings. 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. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation (as defined in section 27(4)(a)-(f) of The Town and Country Planning (Scotland) Act 1997) (as amended) in relation to the development until a planning obligation pursuant to section 75(1)(a) of the said Act relating to the land (or other suitable legally binding agreement) has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation (or other suitable legally binding agreement) shall provide that: -

a) a scheme for the delivery of a minimum of 5 affordable housing units or a suitable alternative provision in accordance with Policy TC3 of the Angus Local Development Plan (2016) and the Angus Council Developer Contribution and Affordable Housing Supplementary Guidance or any subsequent policy or guidance that replaces it shall be provided.

b) a financial contribution of £10,360 (index linked) shall be paid to the planning authority for the purpose of offsite provision or improvement of public park and/ or open space in the vicinity of the development.

Reason: To secure the provision of affordable housing and a financial contribution towards the offsite provision or improvement of public park and/ or open space in accordance with development plan policy and the approved developer contributions and affordable housing supplementary guidance.

3. 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 waste management scheme, detailing the provision of storage within the site for bins for each of the units hereby approved, and arrangements for where the bins will be taken and stored for collection, including measures for appropriate screening. The bin storage and collection facilities shall be provided prior to occupation of any dwelling hereby approved and refuse storage and collection shall thereafter be carried out in accordance with the approved scheme.
- (b) precise details for the layout, design, specification, and arrangements for the subsequent maintenance of all hard and soft landscaping works and communal outdoor areas within the site, including: -
 - (i) the location of new trees, shrubs, hedges and grassed areas;
 - (ii) a schedule of plants to comprise species, plant sizes and proposed numbers and density of planting;
 - (iii) the location, design and materials of all hard landscaping works and boundary enclosures including walls, fences and gates and cycle storage. For the avoidance of any doubt, the existing boundary wall between the new house plot and the Springfield Park Rose Garden shall be retained at its current height, and measures shall be identified for its protection during the course of development. In addition, a masonry wall finished in roughcast to match the house shall be provided between the new house and the adjacent electricity sub-station; and between the car park serving Dewar House and Academy Lane;
 - (iv) a programme for the completion of all proposed hard and soft landscaping, boundary enclosures, and cycle storage.

All landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of development or prior to the occupation of any residential unit, whichever occurs first. All communal outdoor areas shall be managed in accordance with the approved details following occupation of the development.

- (c) an archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.
- (d) revised details for the external colour finish of the proposed new build dwelling which shall be red in colour rather than off-white as identified on the approved drawings. For the avoidance of doubt, off-white roughcast is not approved as an external finish material for the new build house.
- (e) precise details of all windows and window alterations on the Hill Street elevation of the building.

Thereafter the development shall be undertaken in accordance with the approved plans as modified by the terms of this condition.

Reason: To allow the planning authority to verify the acceptability of the identified matters and to ensure that the development is undertaken in accordance with the approved details in the interests of the amenity of the area and to safeguard and record the archaeological potential of the area.

4. That the 19 car parking spaces associated with the 19 flats hereby approved within Dewar House shall be provided prior to the occupation of any flatted dwelling and shall thereafter be retained in perpetuity for the sole use of occupants of the flats.

Reason: To ensure that the parking is provided and available in perpetuity.

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