

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 22 OCTOBER 2024

**PLANNING APPLICATION – 67 DALHOUSIE COURT, LINKS PARADE, CARNOUSTIE
DD7 7JD**

GRID REF: 356100 : 734284

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application no. [24/00483/FULL](#) by Lotus Stays Ltd for the change of use from residential flat to short term let at 67 Dalhousie Court, Links Parade, Carnoustie. 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 first floor flat to a short-term let accommodation at 67 Dalhousie Court, Links Parade, Carnoustie. A plan showing the location of the site is provided as Appendix 1.
- 3.2 The property in question is a two-bedroom flat. A dedicated parking space is provided within the grounds and the property shares communal bins with other flats. There are no changes proposed externally to 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. However, members should note that planning permission has been granted for other property within the Dalhousie Court development and in the general area to be occupied as short term let, although none within the same flatted block as the application property.

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, 2 bathrooms, a kitchen and open plan living room, and a balcony.
 - It shares communal areas with a neighbouring property such as access doors, hallways, stairwells.

- The flat has its own parking space.
- The flat can accommodate up to 4 guests, but 2 guests is more typical.
- Minimum stay would be 3 days, but looking to target longer stays.
- The property would be available all year round.
- The property would use sound monitoring equipment to ensure that any disturbance is avoided.
- A local management company would be employed to look after the property.

6. CONSULTATIONS

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

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

6.3 **Scottish Water** – There was no response from this consultee at the time of report preparation.

6.4 **Carnoustie Community Council** – There was no response from this consultee at the time of report preparation.

7 REPRESENTATIONS

7.1 8 representations and one petition have been received. Seven representations and the petition raise objection, while one offers general comment. In total representations have been received from 11 addresses within Dalhousie Court. The letters and petition 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:

- The block is quiet and peaceful and has many elderly residents.
- Impact on the security and vulnerability of existing residents.
- Visitors using buzzer to gain access and trying to force door.
- Key boxes are not secure.
- Up to 8 people have been seen using the flat (4 renters and 4 visiting guests) and causing a disturbance to neighbours.
- Multiple trips from car to flat causes noise disturbance.
- Parking is insufficient, and visitors have brought commercial vans or caravanettes.

7.3 In addition, the following matters have been raised and are addressed directly: -

- **Use has commenced and operation is illegal as it is a business use from a residential property** – planning legislation makes provision for the submission of retrospective applications for planning permission. Planning law and policy does not prohibit short term let accommodation use in residential property. The legality of any existing operation is not a material planning consideration.
- **Insurance, 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.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

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

8.3 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.

8.4 The site is located in the development boundary for Carnoustie, within 400m of the town centre 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.

8.5 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.

8.6 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.

8.7 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 proposal would not affect the external appearance of the property and the use would not directly impact any sites designated for built or 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. While the building is in an area where there is some flood risk, the proposed use is no more vulnerable to such risk than main-stream residential accommodation.

8.8 The property is in an area that is characterised by a mix of tourism, leisure, and residential uses; it forms part of a block of flats that is adjacent to the Carnoustie Hotel 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.

- 8.9 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.
- 8.10 The property is a first 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 entrance to the flat is located close to the lift and stairwell, minimising the number of neighbouring dwellings that guests would need to pass to gain entry to the property. The presence of a lift to aid entry would also go some way toward minimising impacts associated with guests arriving at or leaving the property. The demand for parking is unlikely to alter significantly from the use of the property as a mainstream residential accommodation.
- 8.11 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 arrive and depart at unusual or unsociable hours, the availability of the lift means that associated 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.
- 8.12 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.
- 8.13 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.
- 8.14 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.
- 8.15 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.

- 8.16 In addition to the development plan it is necessary to have regard to other material considerations. In this case those relate to the planning history of the area and the letters of representation in so far as they raise relevant planning matters.
- 8.17 As indicated above, planning permission has previously been granted for the use of another property at Dalhousie Court as a short term let (number 14 – 23/00694/FULL). That property is located within a different building than the current proposal, but there would be no significant cumulative impact, and two properties in such use in different buildings would not change the overall residential character of the wider development. It is desirable to ensure a degree of consistency in decision-making, and the proposal is not materially different from the development previously approved. However, it is also 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.
- 8.18 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.
- 8.19 The property has two bedrooms and can accommodate up to four people. A property of this nature could generate a requirement for more than one parking space whether in residential or short term let accommodation use. Similarly, the nature of vehicle driven by someone occupying the property is unlikely to be determined by whether it is in residential or short term let accommodation use. 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.
- 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. 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.

REPORT AUTHOR: JILL PATERSON
EMAIL DETAILS: PLANNING@angus.gov.uk

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: LETTERS OF REPRESENTATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES