

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 13 AUGUST 2024

PLANNING APPLICATION – SIGNAL TOWER, LADYLOAN, ARBROATH, DD11 1PU

GRID REF: 364038 : 740462

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application No. [24/00374/FULL](#) submitted by Angus Council for the change of use of land to allow the siting of a coffee trailer at Signal Tower, Ladyloan, Arbroath DD11 1PU. 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 applicant seeks the change of use of a small area of the courtyard within the Signal Tower Museum to allow for the siting of a coffee trailer. A location plan is provided as Appendix 1.
- 3.2 The Signal Tower Museum is a category A listed building. The change of use relates to a small area of the courtyard located to the north of the building. A coffee trailer measuring approximately 7.5sqm and 3m in height is located on the land and as such this application is retrospective.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation (Affecting the Setting of a Listed Building).
- 3.5 A site notice was posted for Setting of Listed Building on 19 June 2024.
- 3.6 The application requires to be determined by committee as it has attracted objection and is recommended for approval in circumstances where the council has an interest in the land.

4. RELEVANT PLANNING HISTORY

- 4.1 The building has been subject of a number of applications in the past, but none are directly relevant to this application.
- 4.2 Applications (24/00441/FULL and 24/00442/LBC) which relate to the property have been submitted for the refurbishment of the existing museum courtyard including replacement

of courtyard slabs, installation of access ramp and installation of timber and glass pods below the existing lean-to canopies, along with refurbishment of rear garden including forming an opening in the existing boundary wall and installation of gate, raising the ground level towards the rear of the site and hard and soft landscaping works. Those applications are under consideration.

5. APPLICANT'S CASE

5.1 No supporting information has been submitted.

6. CONSULTATIONS

6.1 **Community Council** - There was no response from this consultee.

6.2 **Angus Council Roads** - No objections.

6.3 **Scottish Water** - There was no response from this consultee.

6.4 **Historic Environment Scotland** - No specific comments and advises the application should be assessed in terms of relevant policy.

7. REPRESENTATIONS

7.1 One letter of representation was received, in objection to the proposal. The letter is provided at Appendix 2 and is available to view on the council's [Public Access](#) system.

7.2 The main points of concern are summarised below and addressed under planning considerations:

- **negative impact on the courtyard and setting of the signal tower museum which is an important local historical, cultural and listed building.**
- **the use could be more sympathetically accommodated on the land.**

7.3 In addition, the following matters have been raised and are addressed at this stage: -

- **the proposals affect the listed building and as such appropriate listed building consent should also be required** – Listed building consent is required for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. It is not required for development that affects the setting of a listed building. Listed building consent is not required in this case.
- **the appearance of the trailer should also appropriately reflect and compliment the setting** – this application relates to the use of land only and does not deal with the appearance of the trailer. The trailer does not constitute operational development and does not, in itself, require planning permission.

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 the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard 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.
- 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 in the ALDP states that within development boundaries, proposals will be supported where they are of an appropriate scale and nature and are in accordance with other policies of the local development plan.
- 8.7 The key issue in relation to the proposal is whether the use of land at this location is suitable for a takeaway van having regard to locational criteria provided by development plan policy, and issues related to amenity, built heritage, waste management and road safety/parking. The council's advice note 2/2018 provides guidance in relation to mobile hot food takeaway vans and the relevant planning considerations.
- 8.8 Development plan policy generally promotes a town centre first approach towards retail, commercial leisure, and related uses. The intention is to safeguard the vibrancy, vitality and viability of any of the town centres. However, policy is also supportive of tourism related development within development boundaries and indicates that such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.
- 8.9 Advice note 2/2018 indicates that mobile hot food vans are unlikely to be considered acceptable within established core retail areas, town centres, or residential areas. It indicates that they may be considered acceptable in locations such as industrial or other mixed-use areas where the proposed use is complementary to other existing uses and where the proposal is unlikely to impact on the vibrancy, vitality and viability of town centres. It provides advice relating to parking, waste and amenity considerations.
- 8.10 With specific regard to the location of the development within the courtyard of a category A-listed building, development plan policy indicates that proposals will only be supported where they will not adversely affect the integrity of the site or the reasons for which it was designated, any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits and appropriate measures are provided to mitigate any identified adverse impacts. The statutory tests set out above in relation to listed buildings and conservation areas are also relevant.

- 8.11 The coffee trailer would provide a convenient service for visitors to the museum and could be considered complementary to that use. The proposed use is located outside of the defined town centre, but it is directly associated with an existing tourist facility and in that respect the location is justified. The resultant use is small scale, and it is unlikely to result in any significant impact on the vibrancy, vitality, and viability of the town centre.
- 8.12 The site is around 70m from the nearest residential property, and the trailer is for the provision of hot drinks. It is therefore extremely unlikely to create any impacts on residential amenity in terms of noise or odours. The application site seeks the change of use of around 8sqm of the courtyard, which can only accommodate a very small van. This provides a degree of comfort that the granting of permission is limited to a very small-scale operation. The site is well served with waste facilities, and the development is not expected to give rise to any issues in this regard. Operating times will be limited by the opening hours of the museum itself.
- 8.13 The Signal Tower Museum, along with the associated Bell Rock Lighthouse is a significant part of the history of Angus. The proposal seeks to enhance the visitor experience by offering a coffee trailer on the site. The trailer is of small size and is moveable and not physically fixed to the listed building. The key consideration in this regard is therefore whether the location has a detrimental impact on the setting of the listed building. Historic Environment Scotland has not raised any objections to the proposal. The siting of the van is entirely reversible, and the location has been chosen to avoid any impacts on the key historic elements of the building. The van is not visible from outwith the courtyard. It is not considered to have any permanent detriment to the setting of the listed building, and the temporary impacts are appropriate offset by the benefit the facility can offer to visitors to the museum.
- 8.14 The site is not at risk of flooding, and the development will have no impact on the natural environment. The council's roads service has raised no objection in terms of road or pedestrian safety. The proposal does not give rise to any other significant issues in terms of development plan policy, and it is of an appropriate scale and nature for the location.
- 8.15 In broad terms, the proposal is compatible with the development plan.
- 8.16 It is also necessary to have regard to other material considerations, and in this case a letter of representation has been submitted in objection. Issues regarding the siting of the trailer and impact on the listed building are addressed above. There may be other areas within the courtyard where a trailer could be sited, but the proposed location is considered acceptable. Historic Environment Scotland has not objected to the development, and its statement that it affects the setting of a listed building is simply clarifying the reason why it is a statutory consultee on the application. The siting of the van does not involve any physical works that require listed building consent.
- 8.17 The proposal seeks to provide a facility that would enhance the visitor experience at the existing museum. It is compatible with the locational criteria identified in the development plan and it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

9. OTHER MATTERS

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

It is recommended that the application be approved subject to conditions for the following reasons, and subject to the following condition(s):

Reasons for Decision:

The proposal is in accordance with the development plan as it provides a facility to support an existing tourist attraction 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 and built environment, road safety or infrastructure, subject to the stated 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. In the event that the land is no longer required for the use hereby approved or if the trailer is not trading for a period of 6-months, the use of the land for the siting of the trailer shall cease, the trailer shall be removed, and the land returned to its original condition, all within 2-months of the date of cessation of trading of the coffee trailer.

Reason: In order to ensure that the land is returned to its previous condition when it is no longer required for the approved purpose in the interests of safeguarding the setting of the listed building.

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