

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 10 JUNE 2025**

**PLANNING APPLICATION - BELL ROCK 32 LADYLOAN ARBROATH DD11 1PW**

**GRID REF: 363944 : 740493**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application No. [24/00762/FULL](#) for the erection of 6 no. short-term lettable accommodation units and associated services at Bell Rock 32 Ladyloan Arbroath DD11 1PW.

**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 permission for the erection of 6 no. short-term lettable apartments and associated services on land to the rear of the Bell Rock Restaurant.
- 3.2 The site is within the development boundary of Arbroath, and forms part of the operational curtilage of the Bell Rock Restaurant. The site sits to the rear of the existing restaurant adjacent to Wallace Street, and currently contains a garage structure, boundary walls enclosing a gazebo and car parking accessed from Wallace Street.
- 3.3 The development would involve the removal of the boundary walls and garage structures to facilitate the erection of two buildings. Unit 1 would contain 4 no. 1-bedroom apartments and Unit 2 would contain 2 no. 2-bedroom apartments for short term let use. The proposed buildings would provide accommodation on two levels and would be of flat roof design, with a mix of facing brick, render and cladding to the external walls. Access to the upper level flats would be taken from an external walkway on the Wallace Street side of the proposed building. The plans include provision for 9 parking spaces, accessed from Wallace Street. Garden ground would be provided to the rear of the apartments. Submitted information suggests that foul drainage from the development would be directed to the public sewer and surface water managed via a soakaway. The plans also indicate that the access into the Bell Rock Chipper car park to and from Wallace Street would be closed off.
- 3.4 The application has been amended to provide additional parking. Proposed Block Plan 6032\_B\_304 REV B, Proposed Plans 6032\_B\_305 REV B and Drainage Design TBR-DD-001 supersede all previous versions.
- 3.5 The application has been subject of notification and publicity as required by legislation.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 There are numerous planning applications and associated advertisement consents relating to this site. The most relevant history is as follows:-
- 4.2 23/00022/FULL for Extension and alterations to existing restaurant and takeaway to form function suite at ground floor level and 12 no. hotel bedrooms with en-suite facilities at first floor level with associated services was "Withdrawn" on 22 August 2023.
- 4.3 24/00482/FULL for Demolition of the existing storage area and erection of extension to building for storage was determined as "approved subject to conditions" on 12 September 2024.

#### **5. APPLICANT'S CASE**

- 5.1 Drainage Calculations and Rainfall Modelling – these calculations support the surface water drainage design proposals included with the application drawings.
- 5.2 Transport Statement – the transport statement explains in detail the proposed parking and access arrangements, and indicates that the site is a sustainable location, offering a genuine modal choice of access to the site via walking, wheeling, cycling and public transport, as well as access via private car. It indicates that as part of the proposed development, the applicant intends to utilise space within the new car parking area for deliveries to stop whilst they unload. It also indicates that in order to reduce traffic on Wallace Street and to better utilise the infrastructure works currently being carried out on Ladyloan/Burnside Drive the developer proposes to close the rear access to the restaurant car park.
- 5.3 The information submitted in support of the application is available to view on the [Public Access](#) system.

#### **6. CONSULTATIONS**

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Roads (Traffic)** – indicates that the proposed parking meets the council's standards for residential development and notes the proposal to close the rear access to the restaurant car park in order to reduce traffic on Wallace Street and to better utilise the infrastructure works currently being carried out on Ladyloan/Burnside Drive. Roads notes that the main restaurant car park is to remain otherwise unaffected by the proposed works and offer no objection to the proposal subject to conditions requiring footway installation and controlling the design of the proposed car parking.
- 6.3 **Scottish Water** - no objection.
- 6.4 **Environmental Health** - No objections subject to the imposition of a condition requiring a noise management plan.

#### **7. REPRESENTATIONS**

- 7.1 5 letters of representation were received from 5 households, all offer objections 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:

- Traffic and parking issues
- Access obstruction to emergency vehicles
- Health and safety concerns relating to demolition and construction works
- The development will obstruct views
- Impacts on amenity through overshadowing/loss of light

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

8.3 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.

8.4 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.

8.5 ALDP Policy DS1 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. The site is located within the development boundary for Arbroath but is not allocated or identified for any specific purpose.

8.6 NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development. It indicates that development proposals for new or extended tourist facilities or accommodation in locations identified in the development plan, will be supported. The ALDP indicates that the tourism sector constitutes an important part of the Angus economy as it provides a major source of income and employment. The Arbroath development strategy seeks to protect and enhance Arbroath's wide range of visitor assets and further develop tourism and recreation facilities and accommodation, particularly along the seafront. ALDP Policy TC16 deals with tourism development and indicates that proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. It 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.

8.7 NPF4 and ALDP policies require consideration of a number of topics including contribution to the local economy; compatibility of land use; impacts of increased visitors on the surrounding area; amenity impacts; opportunities for sustainable travel, traffic and parking; design and impact on the built and natural environment; infrastructure (including flooding and drainage); and waste.

- 8.8 The proposal seeks to add to the offer of the established restaurant business located close to Arbroath seafront through the provision of guest accommodation in an underused area of its curtilage at the rear of the building. The development would make better use of previously developed land, and is well located for access to existing visitor facilities and attractions along the seafront and in the town centre. No information has been submitted to quantify the contribution the proposal would make to the local economy, but it is likely that additional visitor accommodation would result in additional visitor spend in the town and could support existing visitor assets in the area. There is a reasonable locational justification for the development as a diversification of an established restaurant operation, and the principle of providing additional tourism accommodation in this general location is supported by the development strategy for Arbroath.
- 8.9 The proposed accommodation would face onto Wallace Street at the rear of the restaurant. Wallace Street is principally residential in character and contains housing and flats, with the restaurant located on its east side fronting the A92. The accommodation would be located adjacent to the restaurant, and the restaurant is a use which generates some activity and the potential for cooking odours. It is understood that the flat which is located above the restaurant is in use as a short term let and the proposal would introduce further STL accommodation within the restaurant curtilage. Having regard to the advice provided by environmental health, it is considered that apartments used for short term let use in this location are unlikely to give rise to any significant land use compatibility issues in terms of their relationship to the restaurant or with the existing housing located on Wallace Street.
- 8.10 The proposal would result in additional activity on Wallace Street, which would be used for vehicular access to the accommodation. The proposal also requires to be considered in relation to potential impacts on the amenity of neighbouring property through noise, impacts on sunlight and daylight, and on privacy. Representations submitted identify concerns in relation to amenity impacts from loss of sunlight/daylight from the buildings, and as a consequence of construction activities and through increased traffic using Wallace Street. The plans identify that a parking area comprising 9 spaces would be formed to serve the accommodation, and that parking area would also be used for delivery traffic servicing the restaurant and by the existing flat above the restaurant. The main visitor car park serving the restaurant would be unaffected by the proposed works, other than by closing off the access between that car park and Wallace Street. The roads service has reviewed the level of parking provided and is satisfied that the provision would be adequate to serve the proposed development. They also note that the closing off of the car park access onto Wallace Street may help to reduce the use of Wallace Street by restaurant traffic.
- 8.11 In relation to other amenity impacts, the proposed buildings would be located on the opposite side of Wallace Street to the nearest housing, separated from the gable of housing to the west by around 17.5m. That distance is comparable to the distance between existing housing on the west side of Wallace Street and the proposal is unlikely to result in any significant impacts on sunlight, daylight or loss of privacy. The proposed car park serving the accommodation would be close to windows in property to the south at 34-36 Ladyloan and it is considered appropriate to seek a boundary treatment between that car parking area and the housing to reduce the impact of headlights from cars. In relation to potential noise impact from users of the accommodation, the environmental health service has no objection but has requested a planning condition to secure a noise management plan to identify steps to ensure such impacts are regulated, including provision for a complaints procedure. Impacts from construction activities would be short term and it is not uncommon for such impacts to be experienced during development works in existing built-up areas.

- 8.12 The site is located in a position which offers ample opportunity for sustainable travel. The applicant has provided a transport statement that provides information in relation to the accessibility of the site. It suggests that the provision of EV charging will be considered in the design of the car park, and notes that the site is well located for access by walking, wheeling, cycling and public transport. The site is well located to benefit from the accessibility enhancements provided by the Arbroath, A Place for Everyone scheme. The proposal is consistent with the policy intent of NPF4 Policy 13 to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 8.13 Development plan policy promotes design quality and development which is in keeping with the townscape and pattern of development. Wallace Street contains a mix of single and two storey housing with ridged roofs at its northerly extent, rising to four storey flatted blocks at its south side. The restaurant itself is located to the east of Wallace Street fronting the A92 and is mostly single-storey with a smaller two-storey section containing an upper floor flat. The restaurant has an assemblage of mono pitched roofs. Ladyloan School is located north of Wallace Street and contains a mix of roof designs. The proposed apartments are of simple design, with flat roofs and two levels of accommodation. The blocks would be arranged with a stair between leading to an external walkway providing access to the upper floor apartments. Both blocks would overlook Wallace Street and the external finishes of brick, smooth render and cladding would provide a modern appearance, and would not be visually incompatible with surrounding development. The rear of the restaurant building does not contribute positively to the streetscene and the development of the proposed apartments would constitute a visual improvement in that area of Wallace Street. The buildings would be separated from the extended area of footway by landscaping and the design would create a pleasant environment. The design is compatible with the mixed pattern of development in the surrounding area.
- 8.14 The site is not subject of any national designation for cultural heritage reasons. The closest listed building is the Signal Tower Museum, a category A listed building which sits around 80m to the east of the site. The site is also around 30m from the Arbroath Abbey to Harbour Conservation Area. The proposed development would not adversely affect the setting of the Signal Tower Museum nor the conservation area and is physically separated from it by the A92 and by the existing restaurant building. The proposal would not adversely affect the setting of any cultural heritage features in the surrounding area.
- 8.15 The site is not subject of any natural heritage designation and there is no evidence to suggest that the proposal would adversely impact on protected sites or species. The proposal incorporates some soft landscaping which may represent a minor biodiversity enhancement given the brownfield nature of the site, but the development would have a relatively neutral impact on biodiversity. A planning condition is proposed to ensure the landscaping arrangements are implemented and maintained.
- 8.16 Development plan policy requires consideration of impacts on infrastructure. In terms of flood risk and drainage, available information suggests that the site is not subject to flood risk. Foul drainage would be directed to the public sewer, and surface water would be managed by sustainable means, both of which are compatible with development plan policy. Scottish Water has offered no objection to the proposal. The wider site offers ample space to collect waste and recycling.
- 8.17 A planning condition is proposed to ensure that the accommodation is occupied for holiday purposes only and to prevent its use as a permanent or principal residence, as required by ALDP tourism policy. The proposal does not give rise to significant issue in

terms of other relevant development plan policy considerations and is considered to be of an appropriate scale and nature for the location. The proposal is broadly in accordance with development plan policy subject to the proposed conditions.

- 8.18 In addition to development plan policy, it is relevant to have regard to material considerations, including the planning matters that have been raised in the letters of representation.
- 8.19 The key issue raised relates to impacts associated with increased traffic and demand for parking. As noted above, adequate parking would be provided within the site to accommodate the existing and proposed holiday accommodation, with space within the proposed parking area for short duration use by delivery traffic serving the restaurant. No alterations would be made to the quantity of parking available in the main restaurant car park, which has space for 24 cars (2 of which provide disabled parking). There is public parking nearby at the harbour, a short walk from the site (80m north) or on street by the Old Ladyloan School (150m south). The site is well located for access via sustainable travel (walking, wheeling, cycling and public transport) and NPF4 policy offers flexibility in relation to parking provision in urban locations that are well-served by sustainable transport modes. The connection between the main restaurant car park and Wallace Street is proposed to be closed off as part of the proposed works with the intention of reducing traffic on Wallace Street. This can be secured by planning condition to ensure it is carried out before the new accommodation is occupied. The roads service has reviewed the proposal including the proposed arrangements for parking provision, for the management of delivery traffic, and for the closing of the vehicular connection between the main restaurant car park and Wallace Street and it has no objection to the proposal. There is no reason to consider the proposal would hinder access for emergency vehicles, but illegal parking is not regulated by the planning system.
- 8.20 Matters relating to amenity are addressed earlier in this report. Having regard to advice provided by environmental health, significant amenity impacts on neighbouring property are not anticipated. The introduction of the short-term lets licensing arrangements will also provide further oversight of the management and operation of this type of accommodation. While the 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. The potential loss of a view from a residential property is not a material planning consideration. Matters relating to health and safety are governed by other legislation and are not material to the assessment of the application.
- 8.21 In conclusion, the proposal provides for the diversification of an existing business to provide short term let accommodation in a location where the Arbroath development strategy seeks to develop tourist facilities and accommodation. The site is within the development boundary and proposes development which is compatible with development plan policy. Impacts associated with the development can be mitigated by planning conditions, including conditions to ensure that the vehicular connection between Wallace Street and the restaurant car park is closed prior to the accommodation being occupied. Regard has been given to public comments and amendments have been made to increase parking provision. The proposal complies with development plan policy and there are no material considerations which justify refusal of planning permission.

## **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):

### **Reason(s) for Decision:**

1. The proposal 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 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. Prior to the commencement of any development in connection with the planning permission hereby approved, the following shall be submitted to and approved in writing by the planning authority:

(a) a detailed noise management plan, which shall include a complaints procedure and contact details of the property management, and a list of neighbouring properties to be provided with a copy. Once approved all measures specified in the approved noise management plan shall be implemented in full, to the satisfaction of the Planning Authority.

(b) details providing for a boundary treatment on the south side of the proposed parking area to provide screening from car headlights between the proposed parking area and property at 34-36 Ladyloan, Arbroath. Thereafter, the approved boundary treatment shall be erected prior to the use of the car parking area hereby approved.

(c) details of the measures to be taken to close off the vehicular access from the Bell Rock Restaurant car park to Wallace Street including any boundary enclosure to be formed. Thereafter, the works to close the vehicular access between Wallace Street and the existing restaurant car park shall be completed prior to the occupation of any of the

accommodation hereby approved.

(d) plans and particulars of all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage. The approved particulars shall thereafter be completed in accordance with the approved details prior to the occupation of the development hereby approved.

Reason:

To ensure appropriate management procedures for noise are in place, to mitigate the impact of car headlights on the amenity of property at 34-36 Ladyloan, to ensure that the vehicular access onto Wallace Street from the restaurant is closed off in a timely manner, and to ensure a satisfactory standard of road construction,

3. Prior to the occupation of any of the accommodation hereby approved:-

(a) the proposed footway on the south-east side of Wallace Street shall be formed and constructed in accordance with the standards of Angus Council, as detailed on drawing number 6032\_305 Revision B;

(b) the nine parking spaces shown on drawing number 6032\_305 Revision B shall be provided, and thereafter shall be maintained in perpetuity for the apartments hereby approved, and the existing flat above the restaurant;

(c) the hard and soft landscaping shown on drawing number 6032\_305 Revision B shall be delivered.

(d) surface water drainage arrangements shall be delivered in accordance with the scheme shown on drawing TBR-DD-001.

Reason:

To provide adequate infrastructure in the interests of pedestrian safety and to encourage sustainable means of travel, to ensure appropriate parking is available for the development hereby approved, to prevent the flow of surface water onto the public road in the interests of traffic safety, to ensure the site is appropriately landscaped, and to ensure surface water drainage is dealt with by SUDS within the site.

4. The apartments hereby approved shall be used for short term let holiday accommodation only and no person shall occupy any of the accommodation hereby approved as permanent or principal residential accommodation. No apartment hereby approved shall be occupied by the same individual or group of individuals for a period exceeding a total of 12 weeks in any 26-week period. The operator of the site shall maintain a register of guests (including the name, address, dates of arrival and departure) of those staying at the site. On request, this guest register shall be made available to the Council as planning authority for inspection.

Reason:

In order to ensure that no permanent residence is formed in accordance with the requirements of development plan policy, and because permanent residential accommodation could give rise to different issues which have not been assessed.

5. The proposed parking spaces shall be designed to prevent the discharge of surface water onto the public road. If finished ground levels fall towards the public road, this shall include the provision of a cut-off drain within the parking spaces at the interface with the footway.

Reason:

In the interests of road safety, amenity and provision of appropriate parking.

**Notes:**

1. A Short Term Let Licence for this property will also be required. Further details are provided at:

[https://www.angus.gov.uk/licences\\_and\\_permits/short\\_term\\_lets?page\\_id=1848#item-details](https://www.angus.gov.uk/licences_and_permits/short_term_lets?page_id=1848#item-details)

2. To maintain the integrity and condition of the public road, the footway on Wallace Street must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus Council website for the purpose.

**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