

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 22 APRIL 2014**

**INVERALDIE INN, DALZIEL ROAD, INVERALDIE, TEALING**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission for the removal of Condition 2 from application No 12/00827/FULL to allow the applicant to operate small business from home at Inveraldie Inn, Dalziel Road, Inveraldie, Tealing.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (Appendix 1); and
- (ii) review the case submitted by the Applicant (Appendix 2).

**2. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the Appeal.

**3. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**4. CONSULTATION**

In accordance with Standing Order 47(3), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**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.

**SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**E-Mail: LEGDEM@angus.gov.uk**

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

**APPLICATION NO. 13/00361/FULL  
APPLICANT: MR LOUIS LUMSDEN FOR INVERALDIE INN, DALZIEL ROAD,  
INVERALDIE, TEALING DD4 0RH**

**ANGUS COUNCIL'S SUBMISSION**

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## REPORT OF HANDLING

Application Number:	13/00361/FULL
Description of Development:	Removal Of Condition 2 From Application 12/00827/FULL To Allow Applicant To Operate Small Business From Home
Postal Address:	Inveraldie Inn Dalziel Road Inveraldie Tealing Dundee DD4 0RH
Name of Applicant:	Mr Louis Lumsden

Details of any variation under Section 32A:

There have been no amendments to this proposal.

Representations:

One representation has been received which raises concern in relation to the proposal. The following observations are made:

Adverse impact on road safety - this point will be discussed below.

Policies:

TAYplan (2012)

The application has no bearing in strategic terms and the policies of the strategic development plan are not referred to in this report.

Angus Local Plan Review

Policy S1: Development Boundaries

Policy S6: Development Principles (Including Schedule 1: Development Principles)

Policy SC17: Industrial and Business Use

Officer Report:

Publicity:

The application has been subject of neighbour notification and was advertised in the Dundee Courier on 26 April 2013 as required by the Development Management Procedure Regulations.

Consultations:

The Roads Service has been consulted on the proposal and following the submission of further information in respect of the proposed intended business has offered no objections.

The Environmental Health Service has objected to the application on the basis that the removal of the condition and the operation of a small business from the garage would be detrimental to the amenity of neighbouring residential dwellings due to noise generated by workshop activities and associated vehicle movements.

Tealing Community Council has objected to the application with concerns relating to the location of the proposed workshop; noise impacts associated with a vehicle repair business and adverse impacts on road safety.

## Relevant Planning History

Planning application 12/00827/FULL for the conversion of the former Inveraldie Inn to a dwellinghouse with garage/workshop was submitted on 31 August 2012. The application was approved subject to conditions under delegated powers on 2 November 2012. Condition 2 of that permission states that: -

That the garage/workshop shall be used only for purposes incidental to the dwellinghouse hereby approved.

Reason: In the interests of the residential amenities of the occupiers of adjacent dwellings and in order that any change within the relevant use-classes may be subject to the approval of this Authority.

## Supporting Information:

The applicant's agent submitted a letter in support of the application which can be summarised as follows:

The application to remove condition 2 of planning permission 12/00827/FULL is requested as the applicant who is a qualified mechanic is retiring from being a lorry driver and now wishes to return to being a mechanic and instead of fixing cars in his spare time or as a hobby which he originally intimated the workshop would be used for he now wishes to use it for his livelihood. He would be the only employee of the business and as he lives next door he would not have any vehicles to drive to work. It would be intended to operate the business from 0800 - 1800 Monday to Saturday keeping noise to an absolute minimum. The size of the workshop is such that it can only accommodate 1 or 2 cars at any time and there will be no MOT testing or any paint spraying facilities within the premises. All vehicles or any parts of vehicles will be stored inside the garage and will not distract from the visual appearance of the area.

A further letter was submitted in response to the consultation responses and this can be summarised as follows:

Only one repair bay is proposed and 3 customer parking spaces can be provided in front of the workshop which is in accordance with the requirements of Councils Roads Standards.

The concerns in relation to noise are surely unfounded given that the application property ran as a public house with a license from 1100 until 0000 4 days a week and until 01000 3 nights of the week often playing loud music. Surely a small scale car repair workshop would be far more attractive than a pub for local residents. In respect of the immediate neighbouring residential properties one is owned and lived in by the applicant and the other will have a new residential property between it and the workshop. There is already a commercial use with regular deliveries from arctic lorries with a fork lift off loading goods to store in the adjacent buildings which will generate more noise than this proposal.

In respect of the Community Council the existing business on the corner is in a worse location than the application property with regards to safety and given that the applicant will only be able to work on 1 vehicle at a time there would not be and road safety issues. In terms of visual impacts the building would be visually improved when compared to the previous appearance of the building.

## Assessment:

The application property is located within the village of Inveraldie some 82 metres to the west of the A90 (T) dual carriageway. The single storey semi-detached application property which is a former public house sits within a plot measuring some 323 square metres. The application site is bound to the north by a storage building; to the east and south by residential properties and to the west by Dalziel Road. The northern boundary of the application site consists of a timber fence and the south elevation of the neighbouring storage building; the eastern boundary consists of a hedge; the southern boundary consists of the mutual gable with 11 Inveraldie Terrace and the western boundary consists of a number of bollards.

The application seeks the removal of condition 2 attached to planning permission 12/00827/FULL which states:

2. That the garage/workshop shall be used only for purposes incidental to the dwellinghouse hereby approved.

Reason: In the interests of the residential amenities of the occupiers of adjacent dwellings and in order that any change within the relevant use-classes may be subject to the approval of this Authority.

The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As amended) as it constitutes an application to develop land without compliance with conditions attached to a previous permission. In this case the application proposes to remove a condition that requires the garage/workshop be used only for purposes incidental to the dwellinghouse. For this type of application, the legislation (S42) indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)).

The main consideration in the determination of this proposal relates to residential amenity and access therefore the main policy considerations in this instance are criteria (a) and (d) of Schedule 1 of Policy S6 which pay due regard to amenity considerations and access arrangements associated with development proposals. It is also relevant to consider whether there are any material considerations that need to be taken into account in the determination of the proposal. In this case the third party representations and the planning history associated with the application site are material.

In considering the appropriateness of condition 2 as attached to planning permission 12/00827/FULL it is necessary to have regard to Circular 4/1998 which sets out Government policy on the use of planning conditions. The tests for conditions are discussed in relation to this proposal below:

Necessary - the condition requires the garage/workshop to be used only for purposes incidental to the dwellinghouse. At time of the original planning application (as acknowledged in the applicants supporting statement) it was indicated that the garage/workshop was to be used for hobby purposes. The planning authority was concerned that the garage/workshop had potential to be used for commercial purpose and recognised that given the proximity to nearby housing there was potential for such use to impact adversely on the amenity of occupants of that housing. It was considered necessary to attach a condition to prevent such use in order to safeguard the amenity of neighbours. In this respect the condition is considered necessary.

Relevant to planning - development plan policy requires amenity impacts of development to be considered and amenity impacts are always a material planning consideration. Criterion (a) of Schedule 1 of Policy S6 specifically indicates that amenity of existing property should not be adversely affected by matters such as smells or fume; noise levels and vibration; or disturbance by vehicular or pedestrian traffic. The use of the garage/workshop for purposes that are not incidental

to the dwellinghouse could result in unacceptable amenity impacts on existing property. The condition seeks to safeguard amenity and is therefore relevant to planning.

Relevant to the development permitted - the proposed garage/workshop was an integral part of application 12/00827/FULL. The condition seeks to control the use of the garage/workshop and is therefore relevant to the development permitted.

Enforceable - the condition would be enforceable as a breach of its terms would be apparent if the garage was being used for purposes which were not incidental to the dwellinghouse and action could be taken to stop works in the event that a breach occurred.

Precise - the condition sets out how the garage/workshop can be used and identifies that it can only be used for purposes incidental to the dwellinghouse. Should the applicant seek to operate the garage/workshop for non-domestic purposes then this must be pursued through the submission of a planning application. In this respect the condition is precise.

Reasonable in all other respects - Circular 4/1998 indicates it is reasonable to impose a condition to prohibit a change to a particular use and in this respect the condition allows the planning authority to control a possible change between use classes. The condition is considered reasonable in all other respects.

In this respect condition 2 of planning permission 12/00827/FULL is considered to meet the tests for conditions set out in Circular 4/1998.

It is relevant to have regard to any material change in circumstance since the planning permission was granted. In this respect it is noted that the Environmental Health Service has objected to the application as there are residential properties immediately adjoining the site and the likely noise generated and vehicle movements associated with a business use from the garage/workshop would be detrimental to the amenity of the residential properties. Policy SC17 indicates that outwith allocated sites employment proposals within use classes 4 (business), 5 (general industry) and 6 (storage and distribution) will only be permitted in locations within development boundaries where the proposal is not detrimental to the surrounding amenity. The repair of vehicles is considered to be a class 5 use (general industry) and given the operations associated with such a use they are unlikely to be carried out without detriment to the amenity of residential properties. I agree with the Community Council and Environmental Health Service that the operation of a business from the garage/workshop would be likely to have unacceptable impacts on the amenity of adjoining residential properties and I do not consider that this would be an acceptable situation.

It is noted that the Roads Service has indicated that it does not object to the current application to remove the condition having regard to road safety implications. In providing this response it has been noted that only 1 servicing bay is proposed therefore only 3 customer parking spaces are required to meet the Councils Roads Standards. It is noted that the area in front of the application property has no footway and the 3 parking bays would encompass this entire area. The village of Inveraldie is typified by narrow streets with very few properties benefiting from off-street parking. Consequently, demand for on-street parking is high and due to the narrowness of the road, traffic congestion can occur. Whilst the applicant's intention may be to operate a small business it would be difficult to guarantee that the premises would be operated in such a manner and there is the potential that vehicles waiting to be worked on could be parked in the surrounding streets. Additional parking demand as a consequence of a business being operated from the application property would be likely to have an impact on the amenity of current residents as increased congestion would be likely. I do not consider that this would be an acceptable situation. I note that representations have been received raising concern regarding these issues. I therefore conclude that the residential amenity of neighbouring residential properties would be adversely affected if the garage/workshop was to be used for the operation of a business premises.

The applicant suggests that the use of the premises as a commercial garage would have less impact on amenity than the previous use of the premises as a public house. However that previous use has ceased. Planning permission has been granted for use of the premises as a dwelling and the use of the garage/workshop is restricted to ancillary purpose to ensure that it does not give rise to unacceptable amenity impacts. I agree with relevant consultees that the introduction of a commercial garage would have an unacceptable adverse impact on the amenity of the area, particularly given the proximity of neighbouring residential property.

In conclusion, local plan policy would not support this site as a suitable location for a commercial garage/workshop given the proximity of neighbouring residential property and the potential for adverse impact on the amenity of occupants of that neighbouring property. Third parties and consultees have raised concern regarding potential amenity impacts associated with the commercial use of the premises and I share those concerns. I do not consider that it would be possible to adequately safeguard the amenity of the neighbouring occupants through the use of planning conditions and in this respect consider that this is not a suitable location for a use of the nature that would be allowed through the removal of the existing condition 2. The existing condition meets the relevant tests for conditions as set by Government and is necessary to safeguard amenity. In these circumstances it would not be appropriate to remove the condition and there are no material considerations that would justify removal of the planning condition.

No legal agreement is required.

DECISION: REFUSAL

Reasons upon which decision is based:

1. That condition 2 of planning permission 12/00827/FULL is necessary in order to avoid potential adverse impact on the residential amenity of occupants of nearby properties.

**DEVELOPMENT BOUNDARIES**

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

**Development boundaries:**

*Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.*

**Policy S1 : Development Boundaries**

**(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.**

**(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.**

**(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.**

**Public interest:** *Development would have benefits for the wider community, or is justifiable in the national interest.*

*Proposals that are solely of*

*commercial benefit to the proposer would not comply with this policy.*



**DEVELOPMENT PRINCIPLES**

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

**Policy S6 : Development Principles**

**Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.**

**Schedule 1 : Development Principles****Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

**Roads/Parking/Access**

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

**Landscaping / Open Space / Biodiversity**

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

**Drainage and Flood Risk**

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

**Waste Management**

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

**Supporting Information**

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

## **Industrial And Business Use**

2.50 Not all business and industrial activities will be located on existing or proposed employment land allocations. Where new employment development is proposed within a settlement, is in a suitable location, and can be accommodated without detriment to amenity, such proposals will normally be welcomed.

### **Policy SC17 : Industrial And Business Use**

**Outwith allocated sites employment proposals within Use Class 4\* (business), Class 5\* (general industry), and Class 6\* (storage and distribution) may be permitted in locations within development boundaries where the proposal:**

- **can be accommodated within existing or planned infrastructure capacity;**
- **is not detrimental to the surrounding amenity; and**
- **accords with other relevant policies of the Local Plan.**

\* As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

**KellyR**

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**From:** GwynneAG  
**Sent:** 10 June 2013 16:19  
**To:** KellyR  
**Subject:** RE: PLANNING APPLICATION 13/00361/FULL- Removal Of Condition 2 From Application 12/00827/FULL To Allow Applicant To Operate Small Business From Home at Former Inveraldie Inn

Ruari

Although the supporting statement reads that all vehicles and vehicle parts will be stored within the building, The Road Standards require 3 customer spaces per bay, therefore as the statement has indicated that there will be two vehicles for repair I would require six bays. These bays will be required for customers to park their vehicles when enquiring about work to be completed etc.

Therefore unless the applicant can show customer parking bays I would not support the removal of condition two.

Adrian

**KellyR**

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**From:** GwynneAG  
**Sent:** 26 September 2013 14:51  
**To:** KellyR  
**Subject:** RE: PLANNING APPLICATION 13/00361/FULL - INVERALDIE INN, DALZIEL ROAD, INVERALDIE, TEALING

Ruari

I have review the amended drawing, Proposed plan (04/09/13) and can confirm that it address my concerns

Adrian

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From: KellyR  
Sent: 18 September 2013 14:56  
To: GwynneAG  
Subject: PLANNING APPLICATION 13/00361/FULL - INVERALDIE INN, DALZIEL ROAD, INVERALDIE, TEALING

Adrian

I refer to the above planning application and your response of 11 June 2013 to the planning application.

I am in receipt of an amended drawing and additional statement from the applicant's agent to try and address your concerns. The information can be viewed at the following link: <http://planning.angus.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MLE7AFCF07200>

I would be grateful if you could review this information and advise within the next 14 days whether it addresses your concerns.

Regards

Ruari

**Ruari Kelly | Planning Officer (Development Standards)** | Angus Council | Communities - Planning & Transport | County Buildings, Market Street, Forfar, DD8 3LG. Tel: (01307) 473306; E-mail: [KellyR@angus.gov.uk](mailto:KellyR@angus.gov.uk)

**KellyR**

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**From:** Keenank  
**Sent:** 10 June 2013 16:02  
**To:** KellyR  
**Cc:** ThomsonSD  
**Subject:** 13/00361/FULL - Removal Of Condition 2 From Application 12/00827/FULL To Allow Applicant To Operate Small Business From Home at Former Inveraldie Inn

**13/00361/FULL - Removal Of Condition 2 From Application 12/00827/FULL To Allow Applicant To Operate Small Business From Home at Former Inveraldie Inn**

Ruari

I refer to the above application referred to me for consultation. I can confirm I have looked at the plans, reviewed the supporting documentation and visited the site. At present the existing garage has planning permission for domestic use only and the applicant is seeking to remove this restriction to enable the garage to be used on a commercial basis.

I note the intended hours of operation as being 8.00am – 6.00 pm Monday to Saturday and that there are two residential properties immediately adjoining the site. In my opinion this proposal would therefore be contrary to Policy SC17 as it would be detrimental to the amenity of the residential dwellings due to noise generated by associated vehicle movements and workshop activities.

I would therefore object to the removal of condition 2 of 12/00827/FULL and would recommend refusal of application 13/00361/FULL.

Regards  
Kathy

Mrs Kathy Keenan, Environmental Health Officer, Angus Council, Communities, Regulatory, Protective & Preventative Services (Environmental Health), County Buildings, Market Street, Forfar, DD8 3WE, Tel: 01307 473240

**KellyR**

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**From:** Keenank  
**Sent:** 01 November 2013 16:39  
**To:** KellyR  
**Cc:** ThomsonSD  
**Subject:** RE: PLANNING APPLICATION 13/00361/FULL - INVERALDIE INN, DALZIEL ROAD, INVERALDIE, TEALING

Rauri

Apologies for not responding sooner.

I have viewed the supporting information supplied by the applicant's agent and would comment as follows:

- When we assess the likely impact on neighbouring properties we look at what is being applied for and any current issues that this may or may not cause. We do not consider any historical uses of the property.
- The agent mentions a flat in his supporting statement as a buffer from any noise effects to the property to the rear. The flat itself a noise sensitive property. In my opinion this would therefore still be contrary to Policy SC17.

Based on the above my comments submitted on 10 June are still valid and I would still object to the removal of condition 2 of 12/00827/FULL and would recommend refusal of application 13/0036/FULL.

Should you need further information do not hesitate to contact me.

Regards  
Kathy

Mrs Kathy Keenan, Environmental Health Officer, Angus Council, Communities, Regulatory, Protective & Preventative Services (Environmental Health), County Buildings, Market Street, Forfar, DD8 3WE, Tel: 01307 473240

**LeslieA**

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**From:** [REDACTED]  
**Sent:** 27 April 2013 15:19  
**To:** PLNProcessing  
**Cc:** KellyR  
**Subject:** Planning

Planning&transport

Tealing community council  
C/o 6 dalziel road inveraldie  
tealing by Dundee angus  
DD40RH

County buildings  
Market street  
forfar

REFplanning application13/00361/full (original12/00827/full) Inveraldie Inn  
Tealing community council strongly object to removal of condition of only for domestic purpose  
placed on original application for the following reasons

Location is unsuitable for use as vehicle repair workshop  
Impact on local area , noise nuisance,visual appearance  
Impact on traffic movement,road safety &access onto busy entrance to residential streets parking  
problems with close proximity to childrens play area  
History of applicant surrounding current residence with un licensed vehicles

We therefore propose that commercial repair workshop be refused

Regards Graeme Reoch TCCchair and planning contact



30 April 2013



Angus Council  
Angus House Orchardbank Business Park  
Forfar  
Angus  
DD8 1AX

## SCOTTISH WATER

Customer Connections  
419 Balmore Road  
Glasgow  
G22 6NU

Customer Support Team  
T: 0141 355 5511  
F: 0141 355 5386  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [connections@scottishwater.co.uk](mailto:connections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 13/00361/FULL  
DEVELOPMENT: Dundee Tealing Inveraldie  
OUR REFERENCE: 625983**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Sheena McLure**  
Customer Connections Administrator

Letter from Mrs Moira Paton, 9 Inveraldie Terrace, Inveraldie, Tealing, Dundee, DD4 0QT, received 29 April 2013, reads as follows:-

"I am Mr Lumsden's next door neighbour at the back of the Inn and I have concerns about this business he is planning to start.

He had car repairs before in the old Scout Hall and there were a lot of problems.

There is no room at the front of the Inn. He has only a slightly wider pavement.

The car park across the road belongs to the tenants of the Court.

My problems are:

The road into the village is narrow.

There is a lot more traffic now.

Mr Lumsden has only the pavement in front of the Inn.

He has no way to get any other exit.

The road is on a corner with a junction just past the Inn.

There has also been new houses built just over the road to the right.

Last time he had lorries and vans and cars parked everywhere. It was a nightmare.

Please look into it carefully before any decision is made."

AC8

Council Dept

DALZIEL  
COURT

Inveraldie

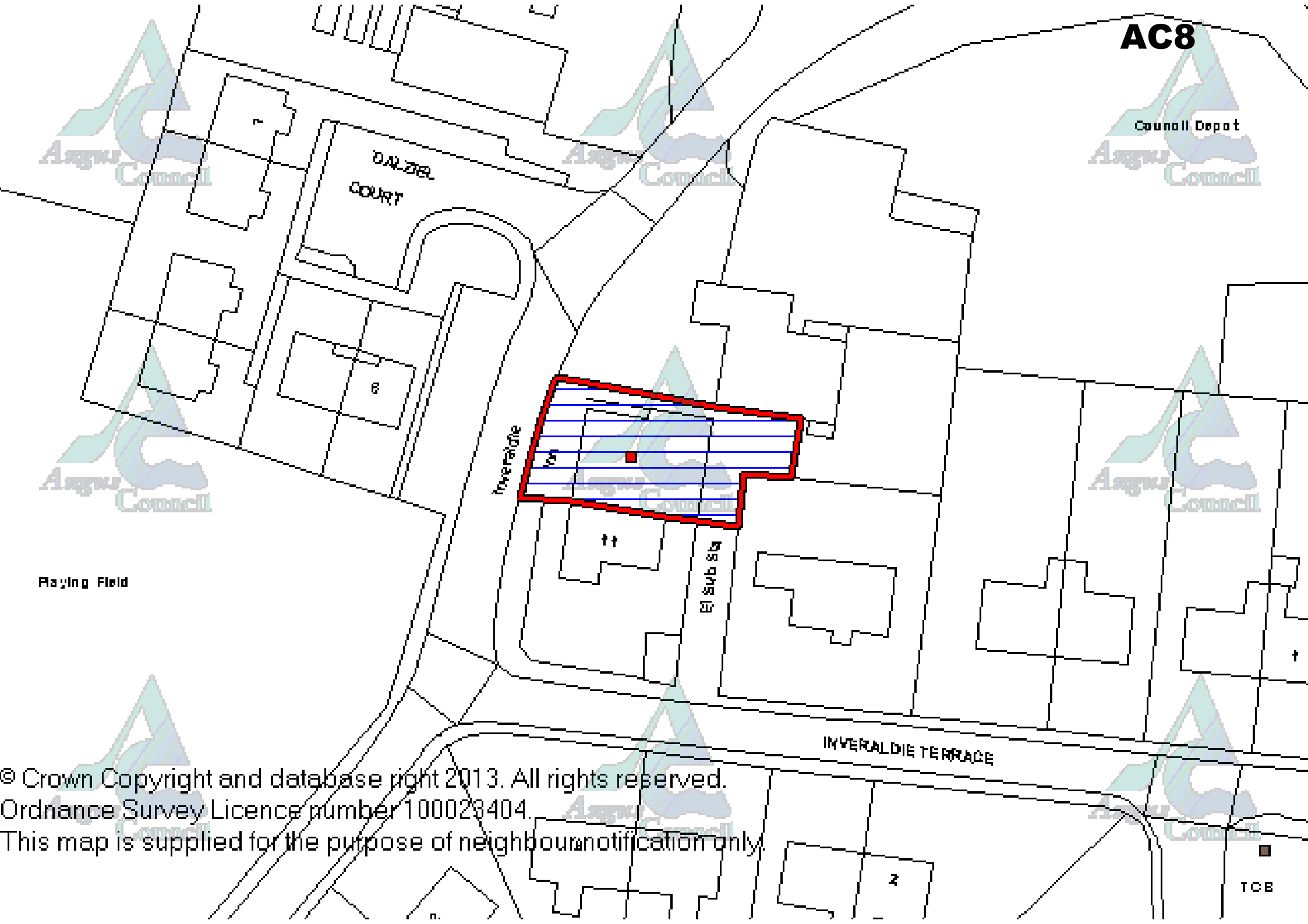
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INVERALDIE TERRACE

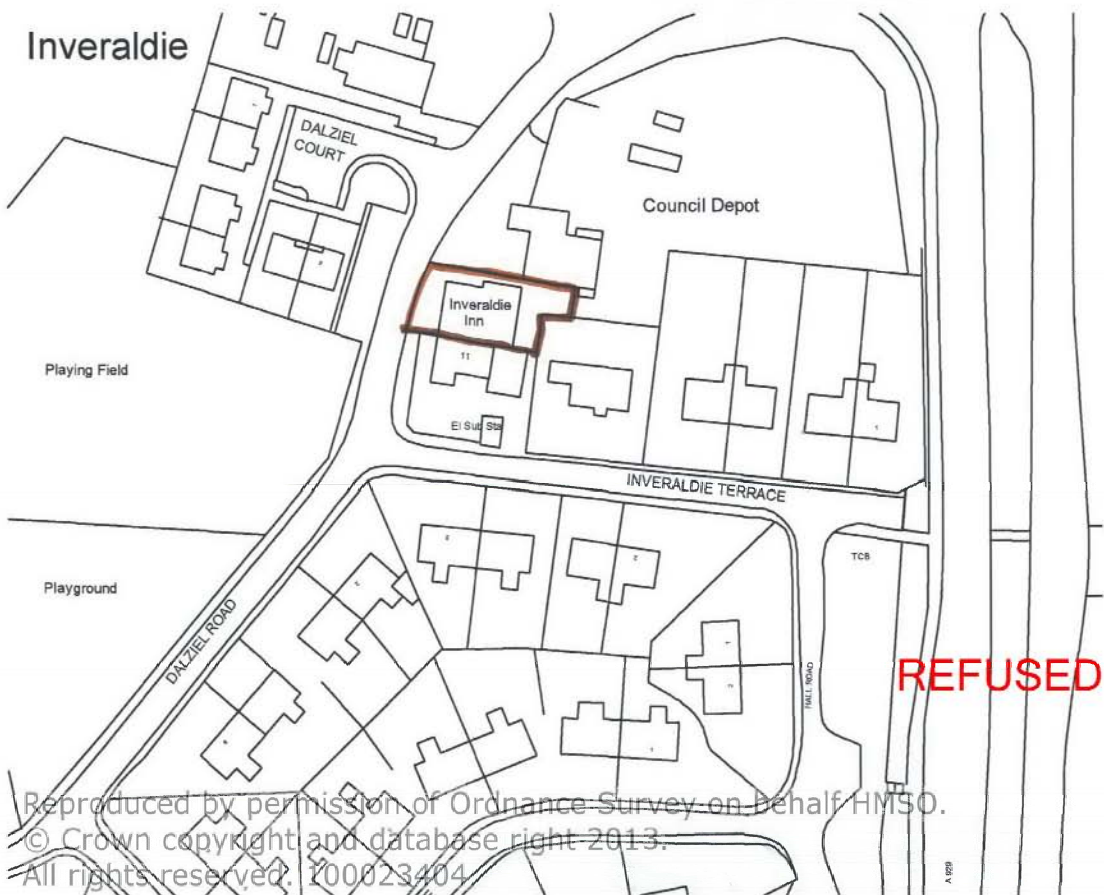
Playing Field

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TCE



**REFUSED**



**REFUSED**

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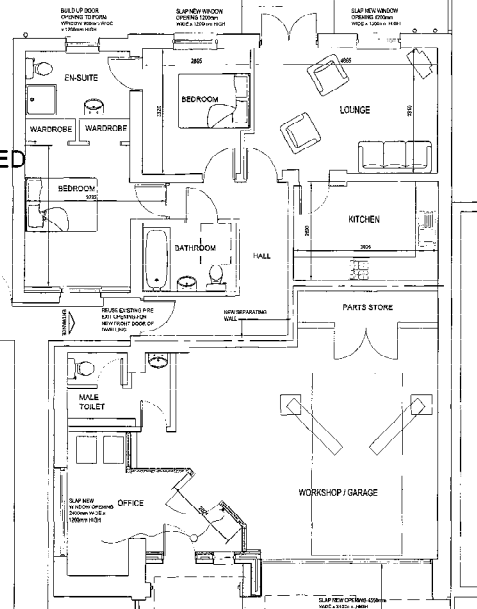
REAR GARDEN FOR HOUSE

BUILD UP BOOR OVERHANG TOPPING

SLIPWAY WINDOW

SLIPWAY WINDOW

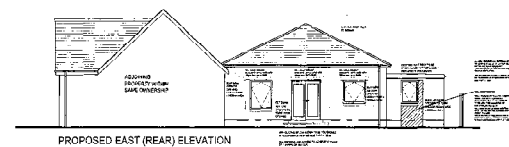
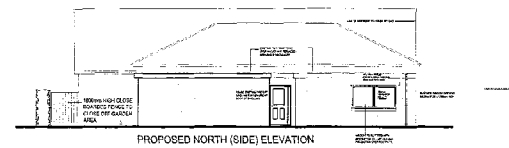
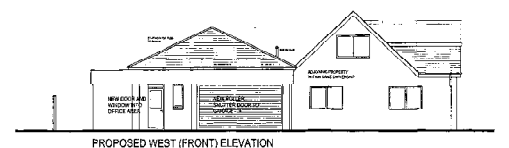
REFUSED



EXTENSION TO HOUSE AND DOWNST TO GARAGE ALREADY UNDER CONSTRUCTION

REFUSED

ADJOINING PROPERTY No 11 INVERALDIE TERRACE INVERALDIE (SAME OWNERSHIP)



ADJACENT PROPERTY

REFUSED

DOING WORKS

INJING OPEN YARD

REFUSED

DALZIEL ROAD

THE DRAWING IS THE PROPERTY OF PAUL J WILSON LTD. AND SHOULD NOT BE COPIED OR REPRODUCED WITHOUT PERMISSION

**Paul J Wilson Ltd.**  
Architectural Services

11 Inveraladie Terrace  
Inveraladie, Dundee DD9 1HU  
Tel: 01392 554444  
Email: paul@pauljwilson.co.uk

Client: MR L LUMSGEN 11 INVERALDIE TERRACE INVERALDIE

Drawing No: CONVERSION OF INVERALDIE INN TO 1 No. HOUSE AND GARAGE / WORKSHOP PLANNING DRAWINGS

Scale: 1:50 & 1:100 @ A1 Date: AUGUST 2012

Drawing Number: PJW/LUM/060 Revision: B

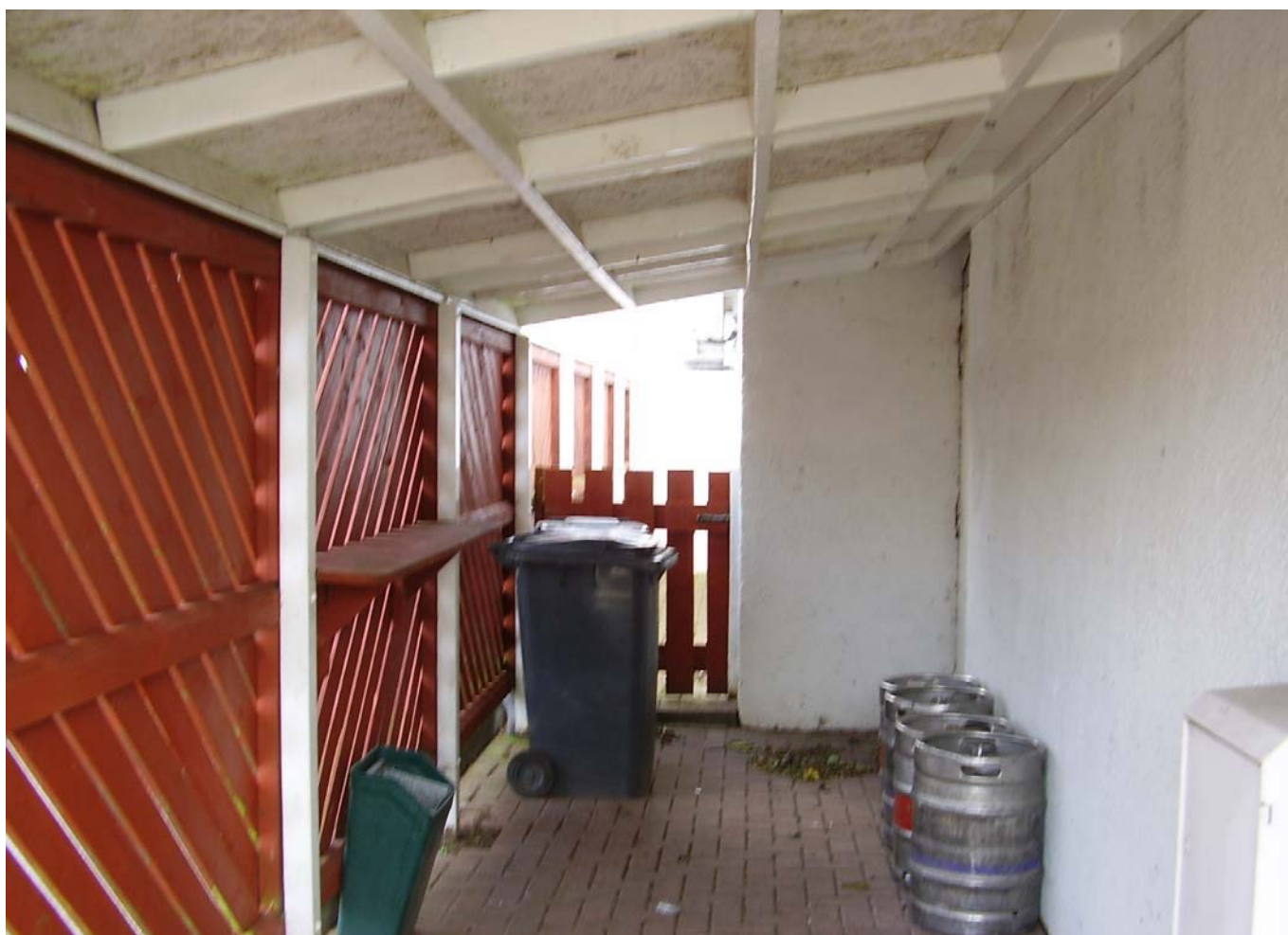


















ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND)  
REGULATIONS 2013

PLANNING PERMISSION REFUSAL  
REFERENCE 13/00361/FULL



To Mr Louis Lumsden  
c/o Paul J Wilson Ltd  
Architectural Services  
Nilebank Studio  
3 Rosebank Lane  
Forfar  
DD8 2BG

With reference to your application dated 16 April 2013 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Removal Of Condition 2 From Application 12/00827/FULL To Allow Applicant To Operate Small Business From Home at Inveraldie Inn Dalziel Road Inveraldie Tealing Dundee DD4 0RH for Mr Louis Lumsden

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby Refuse Planning Permission (Delegated Decision) for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 That condition 2 of planning permission 12/00827/FULL is necessary in order to avoid potential adverse impact on the residential amenity of occupants of nearby properties.

Dated this 24 January 2014

Iain Mitchell  
Service Manager  
Angus Council  
Communities  
Planning & Place  
County Buildings  
Market Street  
FORFAR  
DD8 3LG

# Paul J Wilson Ltd.



Architectural Services, Nilebank Studio, 3 Rosebank Lane, Forfar.

Supporting Statement for Removal of Condition No.2 from previous  
Planning Consent Ref : 12/00827/full

Our client Mr Louis Lumsden owns the former Inverladie Inn Dalziel Road Inveraldie and the adjoining house No.11 Inverladie Terrace Inverladie.

We are applying to have condition No.2 removed from the current Planning consent to allow him to operate a small business in the mechanical repair of cars and light commercial vehicles from the already granted workshop in the front half of the former Public house. He is a fully qualified mechanic but has been driving lorries for the past few years since the Inverladie Inn closed down. He now wishes to go back to being a mechanic, and instead of fixing cars in his spare time / as a hobby, which he originally intimated the workshop would be used for, he wishes to now use it as his livelihood. He would be the only employee of the business and as he lives next door he would not have any vehicles to drive to work in therefore this reduces the parking provision required.

Mr Lumsden would operate within the hours of 8.00am - 6.00pm Monday to Saturday, keeping noise to an absolute minimum.

The size of the workshop does not change from the previous drawings and consent therefore he can only have one or two cars in the building at anyone time so this will be a very small business offering repairs to cars and vans etc no MOT testing or any paint spraying facilities will be carried out on the premises. All vehicles or any parts of vehicles will be stored inside the building therefore not distracting from the outside appearance of the building.

We trust you find the above information useful however if you require any further information please contact us and we will seek the information from our client.

**Tel / Fax : 01307 467179 Email : [enquiries@pjw ltd.com](mailto:enquiries@pjw ltd.com)**

# Paul J Wilson Ltd.



Architectural Services, Nilebank Studio, 3 Rosebank Lane, Forfar.

Angus Council,  
Director of Planning,  
County Buildings,  
Market Street,  
Forfar.

04<sup>th</sup> September 2013

F.a.o. Mr Ruari Kelly.

RJ<  
RECEIVED

16 SEP 2013

M

Dear Sirs,

**Planning Ref. 13/00361/FULL Proposed Removal of Condition No. 2  
from Planning Consent 12/00827/FULL Former Inveraldie Inn  
Inveraldie Tealing.**

Please find enclosed a revised drawing showing only one repair bay and 3 customer car parking spaces following your telephone call and subsequent discussions regarding consultees responses to our application. Hopefully this will now satisfy the Roads Dept response and allow then to support the application also taking care of the neighbours objection regarding parking etc.

With regards to Environmental Healths comments, we find it incredible that they have concerns from a noise point of view given that the owner of the building ran it as a Public House with a licence from 11.00am until midnight 4 days of the week and until 1.00am 3 nights of the week. Often having live music....! Surely a small scale car repair workshop would be far more attractive than a pub for local residents. The officer also mentions that there are two residential properties close by. The adjoining one is owned and lived in by the applicant and the only other one is to the rear of the property which will have a new "flat" in between it and the Garage as part of the previously approved consent. The other adjoining neighbour is already a commercial use building with regular deliveries from arctic lorries with a fork lift off loading goods to store in the adjacent buildings. This activity would / does generate more noise than our clients proposals

Cont'd.....

Tel / Fax : 01307 467179 Email : [enquiries@pjw ltd.com](mailto:enquiries@pjw ltd.com)



**REPORT OF HANDLING**

<b>Application Number:</b>	<b>12/00827/FULL</b>
<b>Description of Development:</b>	<b>Conversion Of Inveraldie Inn To Dwellinghouse with Garage/Workshop Re-Application</b>
<b>Postal Address:</b>	<b>Inveraldie Inn Dalziel Road Inveraldie Tealing Dundee DD4 0RH</b>
<b>Name of Applicant:</b>	<b>Mr Louis Lumsden</b>

**Details of any variation under Section 32A:**

An amended drawing was submitted on 22 October 2012. The amended drawing (Drawing No. PJW/LUM/060 Rev. A) positions the garage access 6 metres from the rear of the adjacent footway/service strip to satisfy the requirements of Angus Council's Roads Division.

**Representations:**

None.

**Policies:**

TAYplan Strategic Development Plan (2012)

The application has no bearing in strategic terms and the policies of the strategic development plan are not referred to in this report.

Angus Local Plan Review

Policy S1: Development Boundaries

Policy S3: Design Quality

Policy S6: Development Principles (Including Schedule 1: Development Principles

Policy SC2: Small Sites

Planning Advice Note 14: Small Housing Sites

**Officer Report:**

Publicity:

The application has been subject of neighbour notification and was advertised in the Dundee Courier on 14 September 2012 as required by the Development Management Procedure Regulations.

Consultations:

The Head of Roads has offered no objections to the proposal subject to conditions.

Scottish Water has been consulted and has offered no objections.

Tealing Community Council has offered no comments on the proposal.

Relevant Planning History

96/01296/FULL – Alteration to Front of Public House – ACO 30/12/1996

98/00544/FULL – Erection of Outhouse to Store Kegs and Crates and Creation of a Beer Garden to Rear of Property – ACO

11/00871/FULL – Conversion of Inveraldie Inn to Form Two Dwellinghouses – ACO 08/11/2011

Supporting Information:

No supporting statement has been submitted for the planning application by the applicant or on behalf of the applicant.

Assessment:

The application property is located within the village of Inveraldie some 82 metres to the west of the A90 (T) dual carriageway. The single storey semi-detached application property which is a former public house sits within a plot measuring some 323 square metres. The application site is bound to the north by a storage building, to the east and south by residential properties and to the west by Dalziel Road. The northern boundary of the application site comprises a timber fence and the south elevation of the neighbouring storage building, the eastern boundary consists of a hedge, whilst the southern boundary is the mutual gable with 11 Inveraldie Terrace and the western boundary consists of a number of bollards.

The application proposes the conversion of the building to a dwellinghouse and garage. The proposed dwellinghouse will occupy the rear of the property and contain a lounge, kitchen, two bedrooms and bathroom. The proposed garage will be located at the front of the property. The external alterations to the building involve the creation of a garage door in the west elevation of the property, the formation of a window opening in the north elevation, the formation of three windows and the conversion of a window to a set of French doors at the east elevation.

The application site is not specifically allocated and lies within the Development Boundary of Inveraldie and as such it must be considered in line with the provisions of Policy S1 criterion (a). This policy indicates proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

The applicant proposes to change the use of the vacant public house on the site into a dwellinghouse. In this respect, Policy SC2 of the adopted Angus Local Plan Review forms the main basis for the determination of the application. The application site is located in a predominantly residential area although there is a commercial building and a yard to the north. However the nature of the use of the commercial building is such that I do not consider that it would impact significantly on residential amenity and in this respect I note that it is close to existing residential property. The proposed unit would be a similar distance from the yard, which is identified as a council depot, as existing residential property. In this respect I consider that the principle of residential development is generally compatible with surrounding land uses. The plot size is predefined as the proposal relates to the conversion of an existing building however the proposed plot size is broadly consistent with the more recent development at Dalziel Court to the west of the application site. Although 86 square metres of private garden ground is proposed for the dwellinghouse which is below the specified requirement of 100 square metres, the neighbouring properties to the west at Dalziel Court have comparable levels of private garden ground. Accordingly, I have no objection to the reduced level proposed. The proposed conversion will have no impacts on the neighbouring residential properties as the existing and proposed windows overlook Dalziel Road and the garden ground associated with the proposed conversion. The proposal is therefore considered to comply with Policy SC2.

In respect of the physical characteristics of the proposed development these elements fall to be considered against Policy S3 of the ALPR. As the proposed development relates to the conversion of an existing building the physical works proposed are minimal. The works include the slapping of new openings which includes the provision of a garage door at the front elevation. Overall the proposed alterations are acceptable in the context of the locale and are compatible with the council's design guidance. As such I consider that the proposal complies with Policy S3 of the ALPR. In complying with the requirements of Policy S3 the proposal is also considered to comply with criterion (b) of Policy S6.

In respect of Policy S6 only certain criteria from this policy are relevant in the determination of this application. Criterion (a) has been considered in the context of Policy SC2 and there is considered to be no adverse impact on the neighbouring residential properties. However, I note that the existing building is close

to neighbouring residential property and in this respect its lawful use as a public house would have potential to impact on amenity of nearby properties. In this regard the proposal might be regarded as removing what is now a non-conforming use. In respect of criterion (b) the proposal has been considered against Policy S3 and the proposal will not result in an unacceptable visual impact. In respect of roads/parking/access these elements fall to be considered against criterion (d) of Policy S6. The Head of Roads has been consulted on the proposal and has considered the application in terms of the traffic likely to be generated by it and its impact on the public road network. Whilst he initially raised concern as the proposed garage door was located less than 6 metres from the rear of the adjacent footway/service strip, an amended drawing has been submitted that addresses this concern. On this basis it is considered that the application complies with criterion (d) of Policy S6. The proposal does not give rise to any significant issues in terms of the remaining criteria.

The proposal complies with relevant policies of the Local Plan and is therefore compatible with Policy S1 criterion (a).

I recognise that the loss of the public house in a small rural settlement is regrettable and this is material to the consideration of the application. However an extant planning permission for the conversion of the property into two dwellinghouses has previously been granted planning permission (Appn: 11/00871/FULL refers) and the potential removal of what may now be considered a non-conforming use offers some wider benefits. The reestablishment of such a use in this location may not be desirable in the longer-term given potential amenity impacts. Accordingly, in this instance, I find the proposal acceptable.

In conclusion the proposal will provide for a new use for an existing building within a development boundary in a manner that is broadly compliant with development plan policy. There are no material considerations that justify refusal of the application.

No legal agreement is required.

**DECISION: CONDITIONAL APPROVAL**

**Reasons upon which decision is based:**

That the proposal will provide for a new use for an existing building within a development boundary in a manner that is broadly compliant with development plan policy and there is some wider benefit in securing the removal of a public house which is otherwise in close proximity to residential property. There are no material considerations that justify refusal of the application.

**Conditions:**

1. That the development hereby approved shall be begun before the expiration of three years from the date of this planning permission.
2. That the garage/ workshop shall be used only for purposes incidental to the dwellinghouse hereby approved.

**Reasons:**

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In the interests of the residential amenities of the occupiers of adjacent dwellings and in order that any change within the relevant use-classes may be subject to the approval of this Authority.

## ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**PLANNING PERMISSION APPROVAL  
Reference 12/00827/FULL**



To: **Mr Louis Lumsden  
c/o Paul J Wilson Ltd  
Architectural Services  
Nilebank Studio  
3 Rosebank Lane  
Forfar  
DD8 2BG**

With reference to your application dated **5 September 2012** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

**Conversion Of Inveraldie Inn To Dwellinghouse with Garage/Workshop Re-Application at Inveraldie Inn Dalziel Road Inveraldie Tealing Dundee DD4 0RH  
for Mr Louis Lumsden**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 That the development hereby approved shall be begun before the expiration of three years from the date of this planning permission.
- 2 That the garage/ workshop shall be used only for purposes incidental to the dwellinghouse hereby approved.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 In the interests of the residential amenities of the occupiers of adjacent dwellings and in order that any change within the relevant use-classes may be subject to the approval of this Authority.

The reason(s) for the foregoing decision by the Council are as follows:-

That the proposal will provide for a new use for an existing building within a development boundary in a manner that is broadly compliant with development plan policy and there is some wider benefit in securing the removal of a public house which is otherwise in close proximity to residential property. There are no material considerations that justify refusal of the application.

Dated this **2 November 2012**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR DD8 3LG

## NOTES

The decision was based on the following amendment(s):-

1. An amended drawing was submitted on 22 October 2012. The amended drawing (Drawing No. PJW/LUM/060 Rev. A) positions the garage access 6 metres from the rear of the adjacent footway/service strip to satisfy the requirements of Angus Council's Roads Division.

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Acts 1959 and 1970, Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004.**

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS**

## **APPENDIX 2**

### **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

#### **APPLICATION FOR REVIEW**

**Inveraldie Inn, Tealing**

**APPLICATION NO 13/00361/FULL**

#### **APPLICANT'S SUBMISSION**

**ITEM 1.** Notice of Review Form

**ITEM 2.** Appeal Statement



**NOTICE OF REVIEW**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

For Official Use Only			
Date			

For Official Use Only	Date:
Form A1 received	__/__/__
Stage 1 Hearing	__/__/__
Stage 2 Hearing (if required)	__/__/__
Site Visit (if required)	__/__/__
Determination deadline	__/__/__
Decision reached	__/__/__

**Applicant(s)**

Name **MR L. LUMSDEN**

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name **PAUL J WILSON LTD.**

Address **NILEBANK STUDIO  
3 ROSEBANK LANE  
FORFAR  
DD8 2BG.**

Postcode

Contact Telephone 1 **0307 467179.**

Contact Telephone 2

Fax No

E-mail\* **PAUL@PJWLTD.COM**

Mark this box to confirm all contact should be through this representative:

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Site address **INVERALDIE INN, DALZIEL ROAD, INVERALDIE  
TEALING DUNDEE DD4 0RH.**

Application No **13/00361/FULL**

Description of proposed development **REMOVAL OF CONDITION 2 FROM 12/00897/FULL, TO ALLOW  
APPLICANT TO OPERATE SMALL BUSINESS FROM HOME, AT  
INVERALDIE INN DALZIEL ROAD INVERALDIE TEALING DD4 0RH.**

Date of application **16 APRIL 2013.** Date of decision (if any) **24 JANUARY 2014**

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.



### Nature of application

1. Application for planning permission (including householder application)
2. Application for planning permission in principle
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
4. Application for approval of matters specified in conditions

### Reasons for seeking review

1. Refusal of application by appointed officer
2. Failure by appointed officer to determine the application within the period allowed for determination of the application.
3. Conditions imposed on consent by appointed officer

### Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**ENVIRONMENTAL HEALTH'S LACK OF CONSIDERATION TO THE CURRENT USE OF BUILDING AND SURROUNDING USES.**

### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  |   |                                     |
|--|---|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>         |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

## List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

SEE ATTACHED.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Please Note 10 copies of all plans submitted are required

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

13th MARCH 2014

PAUL J WILSON LTD



Architectural Services, Nilebank Studio, 3 Rosebank Lane, Forfar.

**MARKED PRIVATE AND CONFIDENTIAL DUE TO INFORMATION  
REGARDING CLIENTS PERSONAL CIRCUMSTANCES.**

## Supporting Statement for Notice of Review

Mr L Lumsden, Inveraldie Inn, Dalziel Road, Inveraldie, Tealing by  
Dundee DD4 0RH

We are applying for a review of the recently refused application 13/00361/full as our client feels that the refusal to remove condition No.2 from the previous consent is unfair due to the Environmental Health Dept's concerns. Our client was granted Planning consent to convert the Pub into a flat at the rear of the pub and a workshop / garage at the front some time ago. However there was a condition put on that it was only for a domestic type of garage / workshop, this was acceptable to Mr Lumsden at the time as he was gainfully employed and could tinker away with cars, repair friends cars and restore old cars in his spare time etc.

Mr Lumsden's circumstances have changed and we had applied for the removal of Condition No.2 to allow him to actually set up his own small business and start charging folk for car repairs, operating from the aforementioned garage / workshop. His proposal for a small vehicle repair workshop is acceptable to the other Council Dept's criterion however Environmental Health would appear to think it's better having a noisy Public House with anti social operating hours next door to the residential properties rather than allowing a Small vehicle workshop to operate during daytime hours. How Environmental Health can consider this be better for the residential amenity of neighbours is beyond Mr Lumsden's belief....!

Apparently Environmental Health don't consider the current use of a building when assessing new applications..... that alone seems incredible !

**Tel / Fax : 01307 467179 Email : [enquiries@pjwLtd.com](mailto:enquiries@pjwLtd.com)**

# Paul J Wilson Ltd.



**Architectural Services, Nilebank Studio, 3 Rosebank Lane, Forfar.**

From a Planning point of view the current use of the building is a Public house, The Inveraldie Inn, that was licensed till late, 1am on Friday, Saturday and Sunday, with live music once a month, Karaoke was every weekend normally 8pm until 12.30am. Regulars often leaving the pub at these times with taxis sitting waiting until 1am finishing time. The Kitchen was operational producing cooking smells and the air conditioning units running all the time out the back. This current use surely has to be worse for neighbours than the small amount of noise a single ramped / lift vehicle workshop would produce during the day.

Immediately next door to the Pub is a commercial business with forklift operations from 7.00am to approx. 4.00pm deliveries from Artic Lorries happens once a day then smaller trucks throughout the day all off loaded by forklifts. This businesses yard backs on to the same neighbouring properties that our clients property does but yet a small vehicle repair shop is considered unacceptable.....!

Mr Lumsden has latterly been employed as a long distance lorry driver after having to close the doors on the pub due to the lack of regular customers and with more and more private functions being held in the Village Hall his turnover fell. The pub became unviable to run and Mr Lumsden had to close the doors with brewers loans still to be paid and mortgage on the property. Unfortunately our client has been made redundant from the lorry driving due to cut backs at the company he worked for and finding new work is proving very difficult given the present economic situation. He has managed to get temporary hours through an agency but is still struggling with his overheads on the pub loans etc.

The applicants mother lives with Mr Lumsden in the adjoining property which he owns (mortgaged), it is the applicants proposal to move his mother into the new flat to the rear of the workshop/garage and he will then stay in his own house, No. 11 Inveraldie Terrace thus reducing bills.

**Tel / Fax : 01307 467179 Email : [enquiries@pjw ltd.com](mailto:enquiries@pjw ltd.com)**

# Paul J Wilson Ltd.



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**Architectural Services, Nilebank Studio, 3 Rosebank Lane, Forfar.**

As mentioned earlier Planning permission is in place for this new property along with Building Warrant approval and with the applicant being made redundant he will ultimately spend more time in his workshop pottering about with cars making general workshop noises and carrying out repairs albeit without a business sign above the door with his name and telephone number on and without charging folk. He can do this quite legally as consent has been granted. All our client wants to do is set up a small business generating an income and actually operate it as per the hours and restrictions imposed if approved, whilst earning a living for himself and covering his debts.

The business would run as a small repairs workshop to cars and light commercials with only one vehicle at a time, due to space available as agreed with the Roads Dept. The hours of operation proposed by Mr Lumsden would be 8.30am to 4.30pm. Mon -Frid. with 8.30-1pm. Saturday. These can actually be enforced if Condition No.2 was to be removed where as if he carries works on his old cars as a hobby he could be "battering away" in the evening without any problem.

We ask that the current use of the building is taken in to account and that Condition No.2 be removed for the reasons stated above.

Paul Wilson

On behalf of

Paul J Wilson Ltd.

**Tel / Fax : 01307 467179 Email : [enquiries@pjw ltd.com](mailto:enquiries@pjw ltd.com)**

---

**Registered Office : Nilebank Studio, 3 Rosebank Lane, Forfar, Angus, DD8 2BG**