

LRB-2022-43

**Review of Condition 5 imposed on planning permission
22/00926/FLL - Erection of beauty treatment building to
form extension to existing Class 2 business and
associated works, 2 Errol Road, Invergowrie, DD2 5AD**

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form extension to existing Class 2 business and
associated works, 2 Errol Road, Invergowrie, DD2 5AD**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

Applicant(s)		Agent (if any)					
Name	FRESH INC MEDISPA c/o ELAINE KENNETH	Name	ANTHONY ROBERTSON DESIGN LIMITED				
Address	2 ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5AD	Address	62 DOCK STREET, DUNDEE, DD1 3DU				
Postcode		Postcode					
Contact Telephone 1		Contact Telephone 1	07902030911				
Contact Telephone 2		Contact Telephone 2	07751963959				
Fax No		Fax No					
E-mail*	HELLO@WESKETCHSPACE.CO.UK	E-mail*	HELLO@WESKETCHSPACE.CO.UK				
		Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>					
* Do you agree to correspondence regarding your review being sent by e-mail?			<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						

Planning authority	PERTH + KINROSS COUNCIL		
Planning authority's application reference number	22/00926/FLL		
Site address	2 ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5AD		
Description of proposed development	ERECTION OF BEAUTY TREATMENT BUILDING TO FORM EXTENSION TO EXISTING CLASS 2 BUSINESS AND ASSOCIATED WORKS		
Date of application	18 MAY 2022	Date of decision (if any)	5 JULY 2022

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:

CONDITION 5 WAS IMPOSED ON OUR PROPOSAL WITHOUT FULL CONSIDERATION AND THE BENEFIT OF THE FOLLOWING INFORMATION: THE APPLICANT'S BRIEF, APPLICANT'S BUDGET, COST OF MATERIALS, THE SITE CONSTRAINTS AND INTENDED PROXIMITY OF THE BUILDING TO THE APPLICATION SITE BOUNDARY, CONSIDERATION FOR ONGOING MAINTENANCE GIVEN THE LIMITED ACCESS TO THE BUILDING AS WELL AS THE OVERALL AESTHETIC QUALITIES OF THE FINISHING MATERIALS.

THE IMPLICATIONS OF CONDITION 5 CONFLICT WITH OUR OWN REQUIREMENTS, IN EFFECT, THE PLANNING AUTHORITY HAVE NOW BECOME A DESIGNER WITHOUT THE BENEFIT OF ALL THE RELEVANT INFORMATION NOTED ABOVE. IN ORDER TO COMPLY WITH THE REQUIREMENTS OF CONDITION 5 POTENTIALLY MAKES THE PROJECT FINANCIALLY UNVIALE TO THE APPLICANT DUE TO THE INCREASED COSTS ASSOCIATED WITH PROVIDING THE SEDUM GREEN ROOF AND NATURAL TIMBER CLADDING.

Site inspection

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

	Yes	No
1. Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" type="checkbox"/>	<input 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. The Local Review Body will have access to all existing papers related to the application. 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.

PLEASE REFER TO OUR ORIGINALLY SUBMITTED DRAWING 259 008A PROPOSED ELEVATIONS; IN REGARD TO THE FINISHING MATERIALS FOR THE NEW BUILDING, WE PROPOSED A FULLY ADHERED SINGLE-PLY WATERPROOFING ROOFING MEMBRANE, COLOUR BLACK AS THE ROOF COVERING AND CEDRAL CLICK FIBRE CEMENT VERTICAL CLADDING BOARDS, COLOUR BLACK SMOOTH FOR THE EXTERNAL WALLS.

THESE MATERIALS WERE SELECTED AFTER CAREFUL CONSIDERATION TO THE FOLLOWING INFORMATION: THE APPLICANT'S BRIEF, APPLICANT'S BUDGET, COST OF MATERIALS, THE SITE CONSTRAINTS AND INTENDED PROXIMITY OF THE BUILDING TO THE APPLICATION SITE BOUNDARY, CONSIDERATION FOR ONGOING MAINTENANCE GIVEN THE LIMITED ACCESS AS WELL AS THE OVERALL AESTHETIC QUALITIES OF THE FINISHING MATERIALS.

ON DETERMINATION OF OUR APPLICATION FOR PLANNING PERMISSION, CONDITIONS WERE IMPOSED; CONDITION 5 STATED THAT: THE FINISHING MATERIALS ARE NOT APPROVED. THE ROOF SHALL HAVE A SEDUM GREEN ROOF OR SIMILAR AND THE WALLS SHALL BE CLAD IN A NATURAL TIMBER CLADDING.

THESE CONFLICT WITH OUR OWN REQUIREMENTS, IN EFFECT, THE PLANNING AUTHORITY HAVE NOW BECOME A DESIGNER WITHOUT THE BENEFIT OF ALL THE RELEVANT INFORMATION. IN OUR OPINION, THEY HAVE MADE A MATERIAL CHANGE TO OUR PROPOSAL WITHOUT FIRST CONSULTING WITH EITHER OURSELVES, AS AGENT, AND IN TURN, THE APPLICANT, OUR CLIENT. WE WOULD ASK THAT OUR LOCAL REVIEW APPLICATION BE SUPPORTED SO THAT THE ORIGINAL FINISHING MATERIALS CAN BE REINSTATED AND CONDITION 5 ERASED FROM PLANNING PERMISSION REFERENCE 22/00926/FLL.

IN REGARD TO THE REQUIREMENTS FOR A SEDUM GREEN ROOF, THE COST TO PROVIDE THIS PER SQM IN COMPARISON TO THE WATERPROOFING ROOFING MEMBRANE WE ORIGINALLY PROPOSED IS SIGNIFICANTLY MORE EXPENSIVE. IF REQUIRED, THE ADDITIONAL WORKS REQUIRED TO THE STRUCTURAL ELEMENTS TO PROVIDE THE SEDUM GREEN ROOF WILL EXCEED THE APPLICANT'S BUDGET AND IN TURN THE PROPOSAL COULD BE ABANDONED; THE REQUIREMENT FOR A SEDUM GREEN ROOF MAKES THE PROJECT FINANCIALLY UNVIALE TO THE APPLICANT.

WE WOULD ALSO NOTE THAT THE VAST MAJORITY OF THE ROOF COVERING IS HIDDEN BEHIND PARAPET WALLS AND CANNOT BE VIEWED BY THE PUBLIC IN THE CONTEXT OF THE LISTED BUILDINGS; ONLY A SMALL SECTION OVER THE ENTRANCE LOBBY IS EXPOSED, SEE OUR ORIGINALLY SUBMITTED VISUALISATIONS.

THE ROOF COVERING IS ABOVE EYE LEVEL AND IS NOT IN DIRECT SIGHT. OTHER THAN FROM A BIRDS EYE VIEW AND THE INCREASED DEPTH OF THE FASCIA/SHUTTERING REQUIRED AROUND THE BUILD UP/LAYERS OF THE SEDUM GREEN ROOF; THERE WILL BE LITTLE/IF ANY AESTHETIC DIFFERENCE BETWEEN THE FULLY ADHERED SINGLE-PLY WATERPROOFING ROOFING MEMBRANE WE PROPOSED AND THE SEDUM GREEN ROOF IMPOSED BY CONDITION 5.

THE AESTHETIC APPEARANCE OF THE BUILDING FROM STREET LEVEL/ THE PUBLIC REALM WILL IN OUR OPINION BE NO DIFFERENT WITH EITHER ROOF COVERING; THE MATERIAL DIFFERENCE BETWEEN THE TWO IS THE INCREASED COST AND ONGOING MAINTENANCE OF THE SEDUM GREEN ROOF.

IN REGARD TO THE REQUIREMENTS FOR NATURAL TIMBER CLADDING ON THE EXTERNAL WALLS; DUE TO THE PROXIMITY OF THE BUILDING TO THE APPLICATION SITE BOUNDARY THIS SPECIFICATION IS NOT FIT FOR PURPOSE. PARTS OF OUR EXTERNAL WALLS ARE LOCATED NOT MORE THAN 1M FROM THE APPLICATION SITE BOUNDARY AND AS SUCH, ANY EXTERNAL WALL CLADDING SHOULD ACHIEVE A EUROPEAN CLASSIFICATION OF EITHER A1 OR A2, NON-COMBUSTIBLE OR LIMITED COMBUSTIBILITY. NATURAL TIMBER CLADDING EVEN WITH TREATMENT AND COATINGS CANNOT ACHIEVE THESE CLASSIFICATIONS THEREFORE THE BUILDING WOULD FAIL TO MEET THE REQUIREMENTS OF THE BUILDING STANDARDS IN REGARD TO SECTION 2 FIRE.

ONGOING MAINTENANCE, ACCESS AND DISRUPTION TO THE APPLICANT'S BUSINESS WAS ALSO A MATERIAL CONSIDERATION WHEN DESIGNING AND SPECIFYING THE FINISHING MATERIALS OF THE BUILDING. TIMBER CLADDING REQUIRES ANNUAL MAINTENANCE TO MAINTAIN ITS APPEARANCE, THIS WOULD DISRUPT OUR CLIENTS BUSINESS WITH A LOSS IN TRADE, PARTS OF THE BUILDING WILL ALSO BE INACCESSIBLE MAKING THEM VERY DIFFICULT TO MAINTAIN.

THE FIBRE CEMENT CLADDING BOARDS PROPOSED HAVE THE SAME AESTHETIC APPEARANCE AS TIMBER CLADDING BOARDS BUT THEY REQUIRE NO MAINTENANCE AND CAN BE LOCATED NOT MORE THAN 1M FROM THE SITE BOUNDARY THEREFORE THEY WILL NOT UNEVENLY WEATHER AND WILL NOT POSE A RISK OF FIRE SPREADING TO ADJACENT BUILDINGS.

FOR THE REASONS NOTED ABOVE, WE WOULD RESPECTFULLY REQUEST THAT CONDITION 5 BE ERASED FROM PLANNING PERMISSION REFERENCE 22/00926/FLL AND THAT THE ORIGINALLY PROPOSED FINISHING MATERIALS AS NOTED ON DRAWING 259 008A PROPOSED ELEVATIONS BE REINSTATED.

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.

Please do not submit copies of the original planning application form; plans; report of handling or decision notice. The Local Review Body will have access to all existing papers related to the application.

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:

<input checked="" type="checkbox"/>	Full completion of all parts of this form
<input checked="" type="checkbox"/>	Statement of your reasons for requiring a review
<input checked="" type="checkbox"/>	All documents, materials and evidence which you intend to rely on which are now the subject of this review.

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 from that earlier consent.

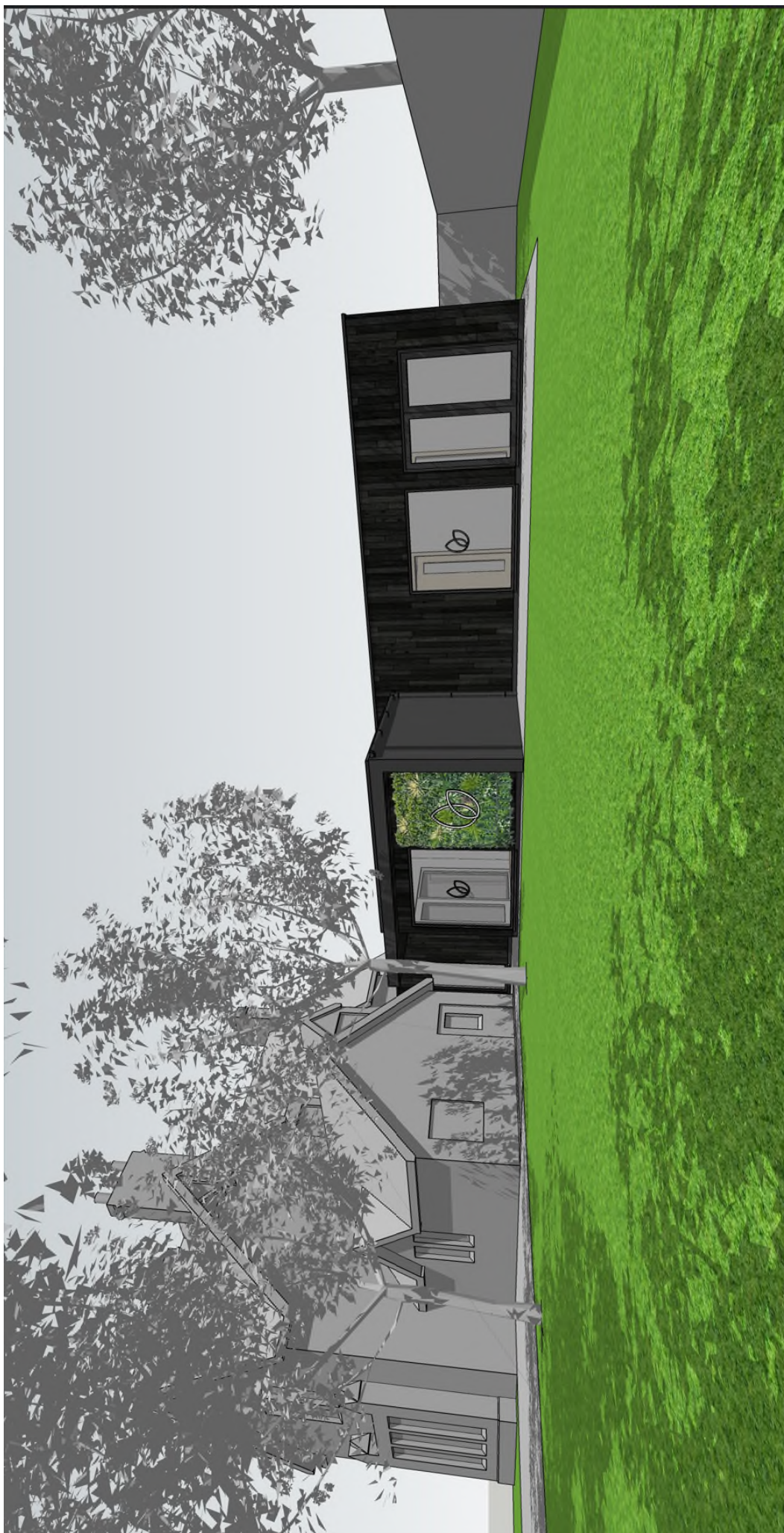
Declaration

I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed		Date	5 AUGUST 2022
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22/00926/FLL - Erection of beauty treatment building to
form extension to existing Class 2 business and
associated works, 2 Errol Road, Invergowrie, DD2 5AD**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in
applicant's submission, pages 220-222)*



Fresh Inc Medispa
c/o Anthony Robertson Design Limited
Stewart Robertson
62 Dock Street
Dundee
DD1 3DU

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **5th July 2022**

Town and Country Planning (Scotland) Acts.

Application Number **22/00926/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 2nd June 2022 for planning permission for Erection of beauty treatment building to form extension to existing Class 2 business and associated works at 2 Errol Road Invergowrie Dundee DD2 5AD subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 3 The proposed replacement tree planting shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 5 The finishing materials are not approved. The roof shall have a sedum green roof or similar and the walls shall be clad in a natural timber cladding. Prior to the commencement of any development on site details of the alternative finishing materials shall be submitted to and subsequently approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development and thereafter maintained.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan and Document Reference

01

02

03

04

05

06

07

08

09

10

11

12

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00926/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	1st August 2022	
Draft Report Date	5th July 2022	
Report Issued by		Date

PROPOSAL: Erection of beauty treatment building to form extension to existing Class 2 business and associated works

LOCATION: 2 Errol Road Invergowrie Dundee DD2 5AD

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a modular beauty treatment building to form an extension to an existing Class 2 business and associated works at 2 Errol Road in Invergowrie.

The proposed site is within the garden ground of the category C listed former schoolhouse at 2 Errol Road (LB 10843).

The former schoolhouse forms part of a category B group with the adjacent listed buildings including the attached former school, Invergowrie Parish Church, All Soul's Episcopal Church, the Old Rectory and former coach house and stables, and the associated stone boundary walls.

The applicant currently operates a beauty treatment facility within a category C listed building on the site and the proposal is to erect a single storey detached flat roof building in the open space to the west of the building. The building is proposed to accommodate additional treatment rooms, a small reception area and an accessible WC. The building is proposed to be pre-fabricated off site. It is proposed to be located behind the existing building line. The site is currently occupied by an attractive stone built C listed building which was granted a change of use in 2016 (ref:15/02181/FLL) to allow class 2 business use as a beauty salon. The site is bound by stone walls, mature trees and hedges. There are a variety of uses in the immediate vicinity, including business premises, food outlets, residential and education. A category A listed Episcopal Church is located immediately to the west.

An application for listed building consent on the site was refused in 2020 (ref:20/00675/LBC) due to overdevelopment and impact on the setting of the adjacent category A listed building.

An application for an extension on this site was the granted in August 2020 (20/00674/FLL) and this proposal is similar in terms of its form, position and scale but now seeks to form a separate building rather than a physically connected extension.

SITE HISTORY

03/01664/LBC Demolition and reconstruction of wall in set-back position (to facilitate footway widening) 16 December 2003 Application Approved

06/01028/LBC Alterations to raise the height of a boundary wall 19 July 2006 Application Approved

15/02181/FLL Change of use from residential (class 9) to beauty salon (class 2) 25 May 2016 Application Approved

16/01573/ADV Display of sign 22 November 2016 Application Approved

16/01578/LBC Alterations 22 November 2016 Application Approved

18/00549/FLL Erection of a dwellinghouse 19 June 2018

20/00674/FLL Extension to building, landscaping and associated works 13 August 2020 Application Approved

20/00675/LBC Alterations 7 July 2020 Application Refused

20/01083/LBC Alterations 24 November 2020 – application returned

22/00927/LBC Alterations 2 June 2022 – application returned

PRE-APPLICATION CONSULTATION

Pre application Reference: 20/00119/PREAPP

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 17 – Residential Areas
- 27A – Listed Buildings
- 40B – Forestry, Woodland and Trees: Trees, Woodland and Development
- 41 – Biodiversity
- 56 – Noise Pollution
- 60B – Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

CONSULTATION RESPONSES

INTERNAL

Conservation Team – no objection subject to alternative finishing materials

Environmental Health (Noise Odour) – no objection subject to condition

Transport Planning – discussed verbally and no objection

EXTERNAL

Historic Environment Scotland – no objection

Scottish Water – no objection

Dundee Airport Ltd – no comments

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Lack of car parking

The above issue is addressed within the appraisal section below.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

The site is located within the settlement boundary of Invergowrie and the principle of providing additional accommodation for the spa business is considered to be acceptable. Nevertheless, attention must be given towards the detailed of the proposal and whether it would impact on the character and amenity of the area. Consideration must be given to ensure that the proposal is not of detriment to the character and setting of the host building which is category C listed, or the character of a number of adjacent listed buildings. This is considered further below.

Design, Layout and Conservation Considerations

As outlined above the building on site is a category C listed building. The site is also adjacent to a number of listed buildings including the category A listed Episcopal Church. As such the design and layout should ensure the character and setting of these buildings is not compromised as required by Policy 27A of the Perth and Kinross Local Development Plan 2019 (LDP2).

The design of the proposed building is considered to be of high quality. The single storey design are welcome addition at this prominent corner site in Invergowrie. The contemporary approach also identifies a clear delineation between the traditional building and the more modern proposal, whilst complimenting each other. The set back of the building from the established building line also help to minimise the overall impact. Given the sensitive setting, however, it would be appropriate to use natural, sustainable materials for external finishes, such as a green roof and natural timber cladding rather than the proposed fibre cement cladding. This can be secured by condition. The design merits of the proposal, subject to this condition, are therefore considered to comply with the LDP2.

The proposed building is not considered to impact on the setting of the adjacent A listed church. The proposal does not interrupt the visual relationship between the schoolhouse and the A listed church to the west, given the set back which is proposed which had been a concern on previous proposals on this site.

Overall the proposal is considered to be acceptable and to accord with the LDP2.

Landscaping and Trees

With regards to landscaping, it is noted that no tree survey has been submitted but the existing trees are clearly marked on the submitted plans.

The context of this site this is appropriate rather than the requirement for a tree survey as there are no significant mature trees within the grounds. One small tree is proposed for felling which is considered to be acceptable. A replacement tree is proposed and its planting will be secured by condition.

Although there are no significant mature trees within the grounds, the mature shrubs and smaller trees are particularly important in the streetscape, forming the setting of the listed building group along with the mature trees on the West boundary (which are protected by a TPO). Conditional control will therefore be applied to ensure the protection of these trees in the interests of visual amenity and to protect the settings of the listed buildings.

Residential Amenity

Due to the presence of the site within a residential area, Environmental Health were consulted. They have no objection to the proposed development, subject to conditional control regarding plant equipment noise. This will therefore be applied to the consent accordingly in the interests of residential amenity.

The positioning, scale, design and orientation of the proposed extension also raise no adverse concerns in relation to overlooking or overshadowing.

Overall, there are not considered to be any issues in relation to residential amenity which cannot be controlled via a suitably worded planning condition.

Roads and Access

The site is located within the village centre of Invergowrie where there are good public transport links and on-street parking available. Furthermore, the site is easily accessible on foot and by bicycle meaning it is well catered for through sustainable transport means. Whilst an objection has been received from a neighbour regarding parking, this proposal does not increase the level of use of the site any more so than the previous approval on the site granted in 2020 which was considered to be acceptable in terms of parking provision. Given the location of the site and the likelihood of the site being accessed on foot and by public transport, the level of car parking is considered to be acceptable and in accordance with policy. The proposal has been discussed verbally with Transport Planning who have offered no objection.

Drainage and Flooding

The site is not located in an area of known flood risk and the proposals are not considered to create any drainage or flooding implications. The proposal therefore complies with policies 53B and C of the LDP2.

Economic Impact

The proposed development will enhance the facilities on offer for the existing business and thus is likely to result in a higher footfall, which in turn will have wider benefits to the surrounding area.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is approved subject to the following conditions.

Conditions and Reasons

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

3 The proposed replacement tree planting shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

5 The finishing materials are not approved. The roof shall have a sedum green roof or similar and the walls shall be clad in a natural timber cladding. Prior to the

commencement of any development on site details of the alternative finishing materials shall be submitted to and subsequently approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development and thereafter maintained.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4 An application for Building Warrant may be required.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

06

07

08

09

10

11

12

A + R

Anthony Robertson Design Limited
3 Broomhill Wynd, Monifieth, DD5 4RE

hello@wesketchnspace.co.uk
07902030911 | 07751963959

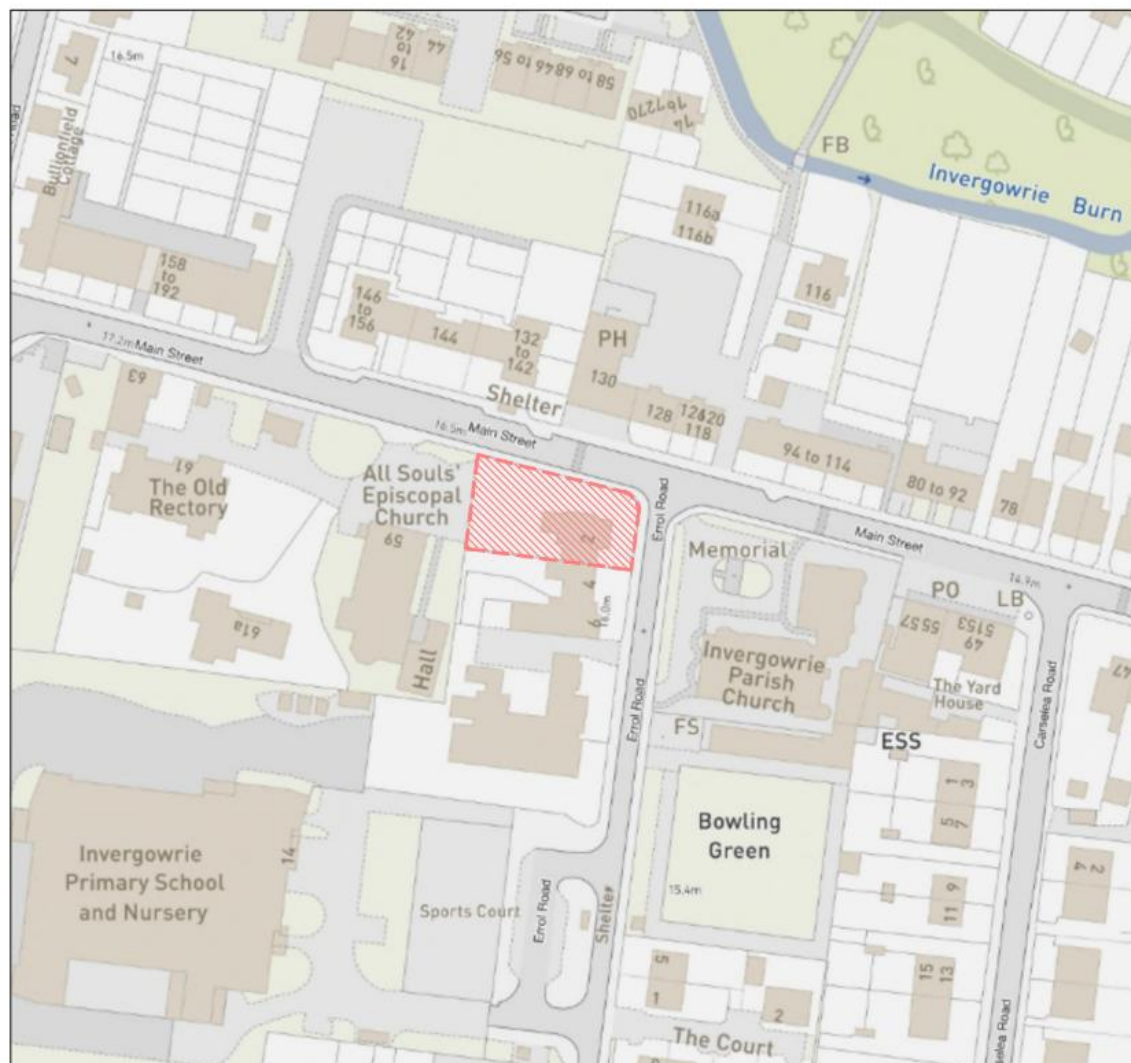
259

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth



Drawing Title | Location plan
Reference | 001

Date | April 2022



LOCATION PLAN
Scale 1:1250

0M 10M 50M 100M 150M

 APPLICATION SITE

wesketchnspace

A + R

Anthony Robertson Design Limited
3 Broomhill Wynd, Monifieth, DD5 4RE

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07902030911 | 07751963959

259

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth



Drawing Title | Existing site plan
Reference | 002

Date | April 2022



EXISTING SITE PLAN
Scale 1:500

0M 5M 25M 50M

 APPLICATION SITE 766SQM

wesketchnspace

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for business freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title Reference	Existing part site plan 003
A 20220601 Planning validation	

Date | April 2022



A + R

Anthony Robertson Design Limited
3 Broomhill Wynd, Monifieth, DD5 4RE

hello@wesketchnspace.co.uk
07902030911 | 07751963959

2 5 9

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth



Drawing Title | Proposed site plan
Reference | 009

Date | June 2022



PROPOSED SITE PLAN
Scale 1:500

0M 5M 25M 50M

APPLICATION SITE 766SQM

EXISTING

PROPOSED

wesketchnspace

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title | Proposed part site plan
Reference | D06
Date | April 2022
A 20220504 Client revisions
B 20220601 Planning validation



CONSTRUCTION EXCLUSION ZONE TO BE FORMED BENEATH THE CANOPY OF THE EXISTING TREES ADJACENT TO THE FOOTPRINT OF THE PROPOSED MODULAR BUILDINGS WITH TREE PROTECTIVE FENCING; 2.1M HIGH GALVANISED STEEL MESH HERAS FENCING IN ACCORDANCE WITH BS 5837: 2012.

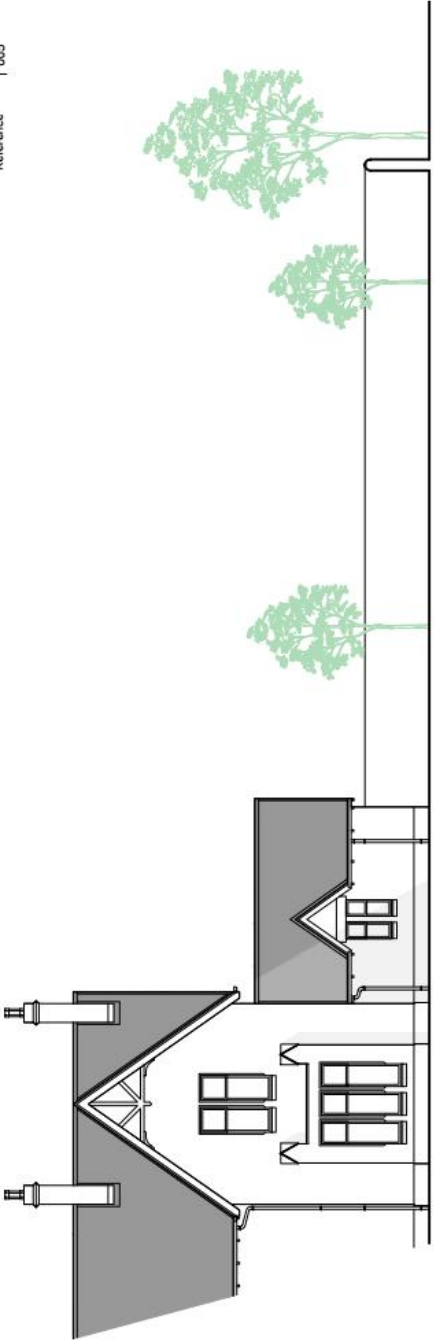
1MR CATEGORY C TREE TO BE REMOVED IN THE SOUTH WEST CORNER OF THE APPLICATION SITE; 1MR SUGGESTED REPLACEMENT ROMAN, CHERRY, WHITEBAM OR YEW TREE; GIRTH 10-12CM, HEIGHT 3-3.5M, POT SIZE 45L TO BE PLANTED IN THE FIRST PLANTING SEASON FOLLOWING COMPLETION OF THE DEVELOPMENT.



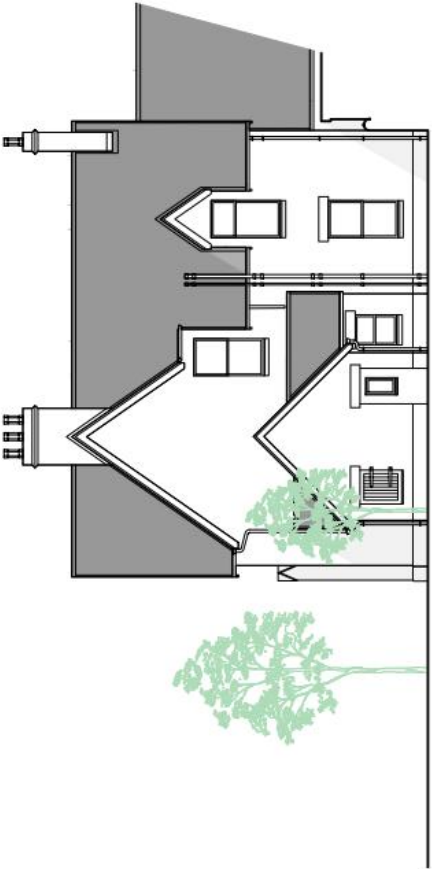
Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title | Existing north + west elevations
Reference | 005

Date | April 2022



EXISTING NORTH ELEVATION
Scale 1:100



EXISTING WEST ELEVATION
Scale 1:100
0M 5M 10M

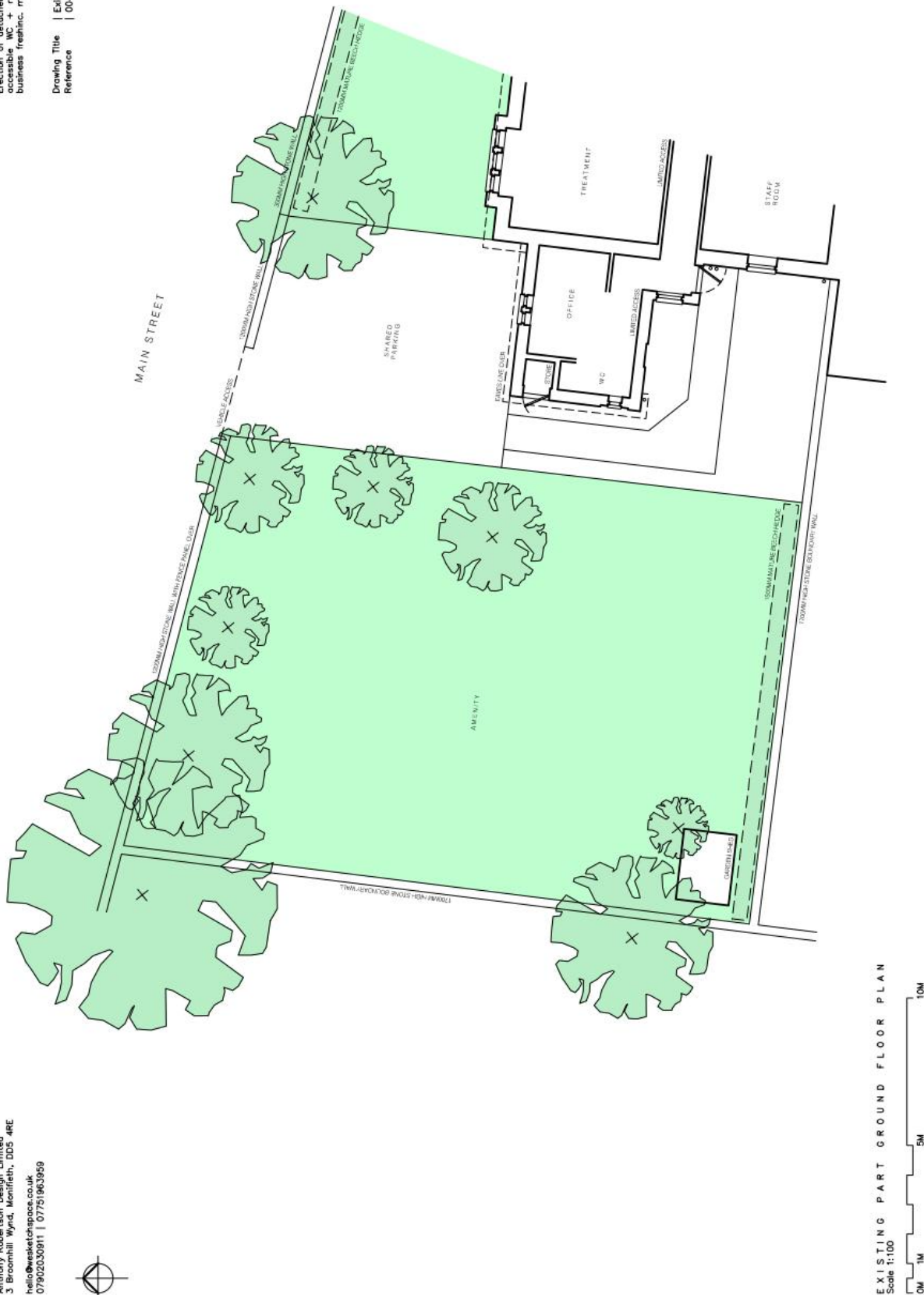


259

Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title | Existing part ground floor plan
Reference | 004

Date | April 2022



EXISTING PART GROUND FLOOR PLAN

Scale 1:100

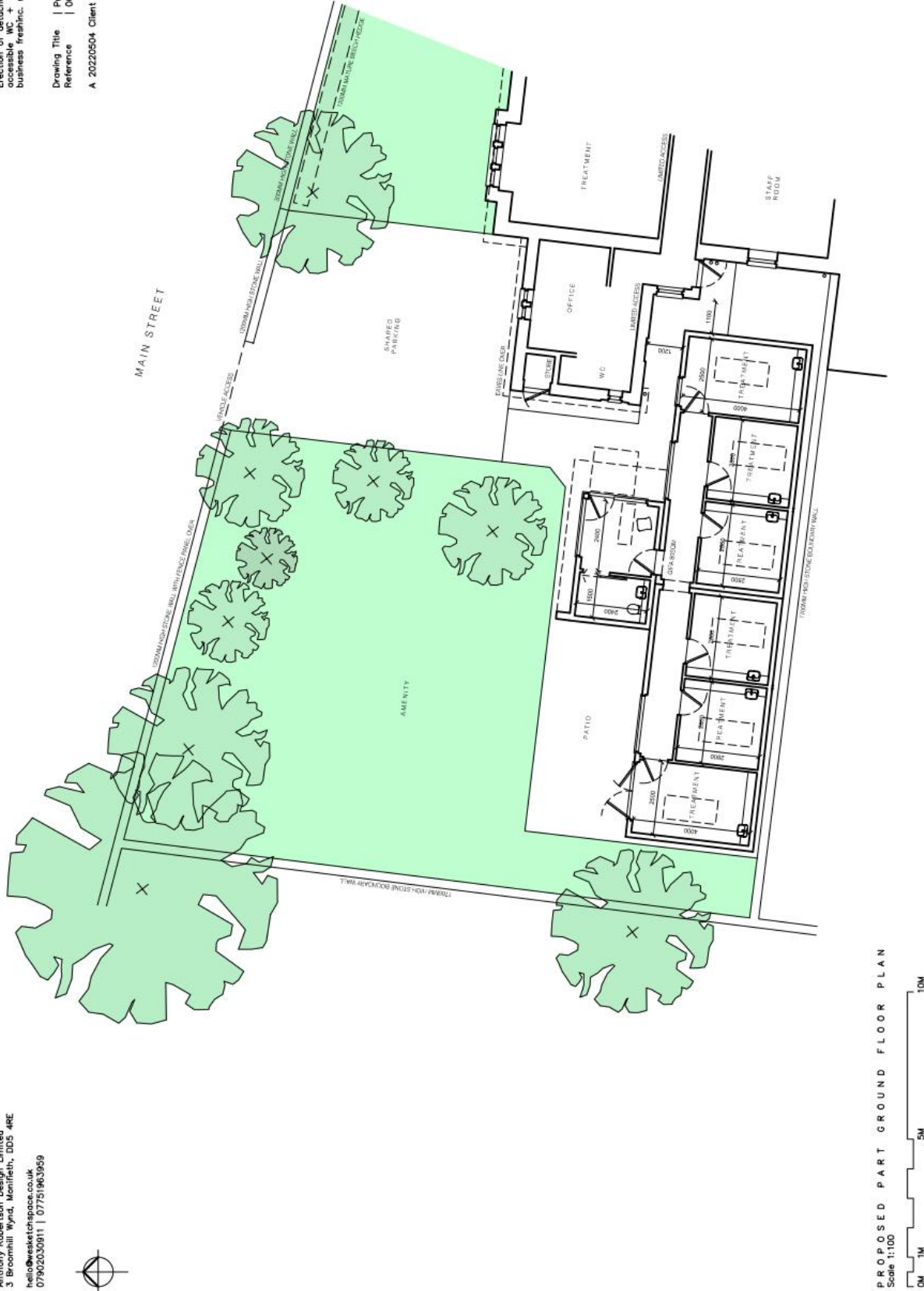




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Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title | Proposed part ground floor plan
Reference | 007
A 20220504 Client revisions
Date | April 2022



A + R

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07902030911 | 07751963959



CONSTRUCTION EXCLUSION ZONE TO BE FORMED BENEATH THE CANOPY OF THE EXISTING TREES ADJACENT TO THE FOOTPRINT OF THE PROPOSED MODULAR BUILDINGS WITH TREE PROTECTIVE FENCING; 2.1M HIGH GALVANISED STEEL MESH HERAS FENCING IN ACCORDANCE WITH BS 5837: 2012.

1M CATEGORY C TREE TO BE REMOVED IN THE SOUTH WEST CORNER OF THE APPLICATION SITE; 1M SUGGESTED REPLACEMENT ROMAN, CHERRY, WHITEBAM OR YEW TREE; GIRTH 10-12CM, HEIGHT 3-3.5M, POT SIZE 45L TO BE PLANTED IN THE FIRST PLANTING SEASON FOLLOWING COMPLETION OF THE DEVELOPMENT.

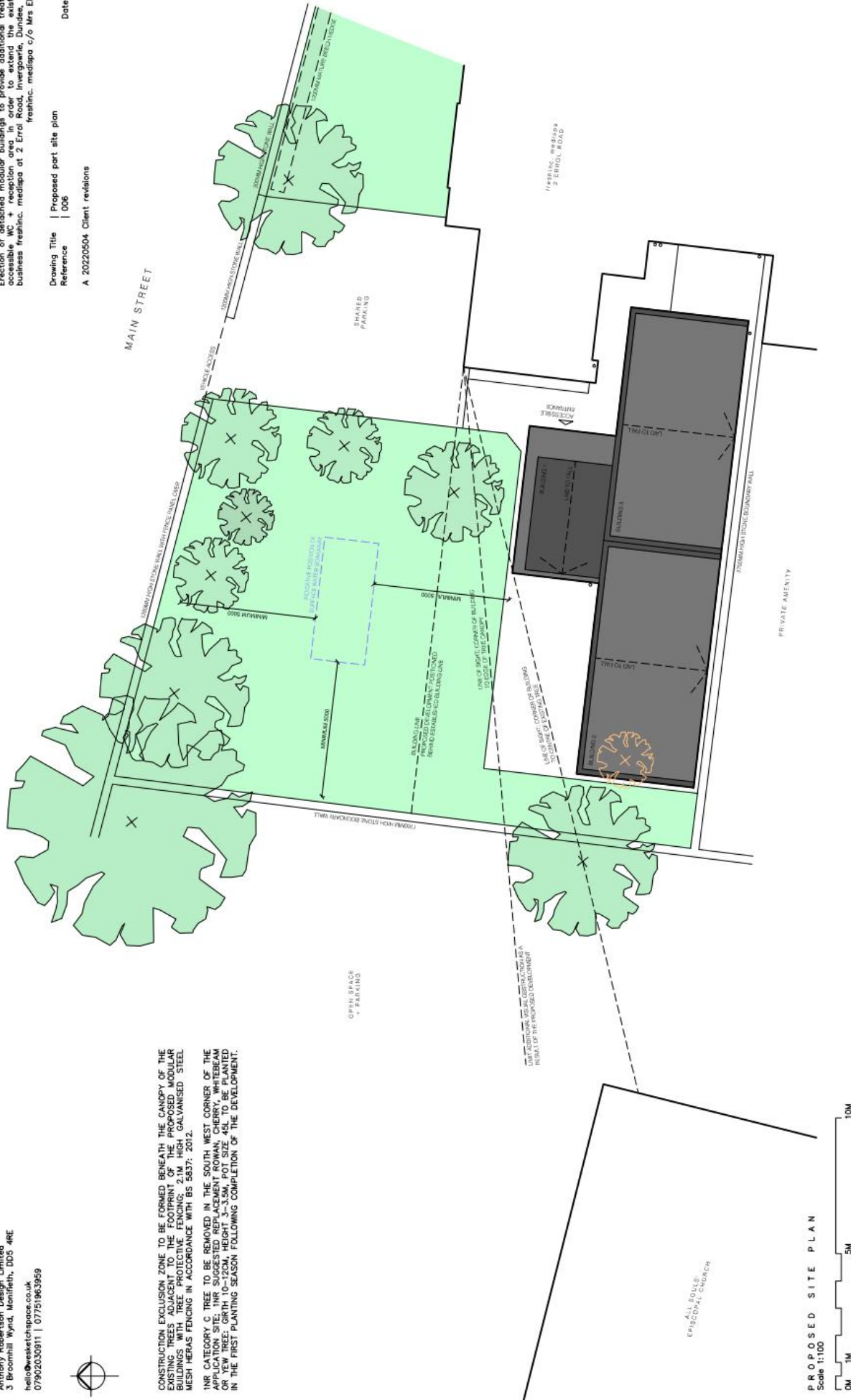
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Erection of detached modular buildings to provide additional treatment rooms, accessible WC + reception area in order to extend the existing Class 2 business freshinc. medspa at 2 Errol Road, Invergowrie, Dundee, DD2 5AD for freshinc. medspa c/o Mrs Elaine Kenneth

Drawing Title
Reference | 006

A 20220504 Client revisions

Date | April 2022







APPLICATION FOR PLANNING PERMISSION + APPLICATION FOR LISTED BUILDING
CONSENT

FRESHINC. MEDISPA, 2 ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5AD

ERECTION OF DETACHED SINGLE-STOREY MODULAR BUILDINGS TO PROVIDE
ADDITIONAL TREATMENT ROOMS, ACCESSIBLE WC + RECEPTION AREA IN ORDER TO
EXTEND THE EXISTING CLASS 2 BUSINESS FRESHINC. MEDISPA

PROPOSAL

DUE TO AN INCREASE IN DEMAND FOR AESTHETIC TREATMENTS AND ALSO THE FACT
THAT OUR CLIENT, FRESHINC. MEDISPA, HAS REACHED CAPACITY WITHIN THE EXISTING
C-LISTED BUILDING AT 2 ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5AD, WE PROPOSE
TO ERECT A DETACHED SINGLE-STOREY FLAT ROOFED BUILDING IN THE OPEN SPACE
IMMEDIATELY TO THE WEST OF THE EXISTING BUILDING.



FIGURE 1 | APPLICATION SITE

THE BUILDING WILL INCLUDE ADDITIONAL TREATMENT ROOMS, A SMALL SECONDARY
RECEPTION AREA TO WELCOME VISITING CLIENTS AND AN ACCESSIBLE WC AND WILL
BE FULLY PREFABRICATED OFF SITE IN ORDER TO MINIMISE THE CONSTRUCTION PERIOD
ON SITE AND DISRUPTION TO THE LOCAL AREA.

THE SINGLE-STOREY BUILDING WILL BE LOCATED ON THE SOUTH WEST CORNER OF
THE APPLICATION SITE, BEHIND THE BUILDING LINE, TO ENSURE THAT OUR PROPOSED
INTERVENTION HAS A MINIMAL IMPACT ON BOTH THE BUILT AND NATURAL
ENVIRONMENT OF THE LOCAL ENVIRONS.

SITE DESCRIPTION

THE APPLICATION SITE IS LOCATED SOUTH OF MAIN STREET, INVERGOWRIE AND WEST OF ERROL ROAD, INVERGOWRIE AT 2 ERROL ROAD, INVERGOWRIE FORMALLY KNOWN AS THE OLD SCHOOL HOUSE.

THE STONE BUILT SLATE ROOFED C-LISTED BUILDING LOCATED ON THE SITE WAS CONVERTED TO NON-DOMESTIC IN 2016, APPLICATION REFERENCE 15/02181/FLL, TO BRING FRESHING. MEDISPA TO PERTHSHIRE.

THE SITE IS BOUNDED WITH STONE WALLS, MATURE TREES AND HEDGES THAT CONTRIBUTE TO THE DISTINCT CHARACTER AND IDENTITY OF THE LOCAL AREA. WITHIN THE CURTLAGE OF THE APPLICATION SITE, THERE IS AMPLE SPACE FOR PARKING 2NR CARS AND THERE IS ALSO A LARGE OPEN GARDEN TO THE WEST.

THERE ARE A VARIETY OF USES SURROUNDING THE APPLICATION SITE; OTHER SMALL BUSINESS PREMISES, FOOD OUTLETS, RESIDENTIAL, EDUCATION AS WELL AS THE A-LISTED EPISCOPAL CHURCH LOCATED IMMEDIATELY TO THE WEST.

RELEVANT SITE HISTORY

20/00675/LBC | APPLICATION REFUSED. ALTERATIONS. REASONS FOR REFUSAL | THE PROPOSAL WAS CONSIDERED AS OVERDEVELOPMENT OF THE SITE AND THE IMPACT UPON THE SETTING OF BOTH THE ADJACENT C-LISTED AND A-LISTED BUILDINGS WAS CONSIDERED TO BE UNACCEPTABLE.

20/00674/FULL | APPLICATION APPROVED. EXTENSION TO BUILDING, LANDSCAPING AND ASSOCIATED WORKS

20/00119/PREAPP | ALTERATIONS AND EXTENSION TO BUILDING, LANDSCAPING AND ASSOCIATED WORKS. COMMENTS RECEIVED | PRINCIPLE OF THE DEVELOPMENT WAS IDENTIFIED AS BEING ACCEPTABLE. IT ALSO IDENTIFIED THAT THE SCALE OF THE PROPOSAL SHOULD BE REDUCED IN ORDER TO AVOID A NEGATIVE IMPACT ON THE SETTING OF THE ADJACENT A-LISTED EPISCOPAL CHURCH.

18/00549/FLL | REVIEW DISMISSED BY LOCAL REVIEW BODY. ERECTION OF DWELLING

16/01578/LBC | APPLICATION APPROVED. ALTERATIONS

15/02181/FLL | APPLICATION APPROVED. CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO BEAUTY SALON (CLASS 2)



FIGURE 2 | BUILDING FORM BELOW SKYLINE + LANDMARKS IE RESPECTING VIEWS AS WELL AS THE WIDER LANDSCAPE CHARACTER OF THE AREA

RELEVANT POLICIES | PERTH & KINROSS LOCAL DEVELOPMENT PLAN 2 2019
POLICY 1 | PLACEMAKING

POLICY 27 | LISTED BUILDINGS

POLICY 40 | FORESTRY, WOODLAND AND TREES

SCOTTISH PLANNING POLICY 2014

SUPPORTING STATEMENT

OUR PROPOSED NEW DETACHED BUILDING HAS BEEN DESIGNED AND SITED TO LIMIT ANY IMPACT ON BOTH THE EXISTING BUILT AND NATURAL ENVIRONMENT BOTH WITHIN THE CURTLAGE OF THE SITE AND ALSO OUTWITH THE BOUNDARY.

THE LINEAR SINGLE-STOREY FORM HAS BEEN POSITIONED ENTIRELY BEHIND THE BUILDING LINE, OUTWITH THE LINE OF SIGHT TO THE ADJACENT A-LISTED BUILDING LOCATED TO THE WEST OF THE APPLICATION SITE IN RESPONSE TO THE COMMENTS INCLUDED IN THE REPORT OF HANDLING, 20/00675/LBC. WE FIRMLY BELIEVE THAT OUR REVISED PROPOSAL HAS LITTLE/IF ANY IMPACT ON THE CHARACTER OR SETTING OF BOTH THE C-LISTED OR A-LISTED BUILDINGS WITHIN THE VICINITY.

IN REGARD TO POLICY 1, OUR PROPOSAL WILL CONTRIBUTE POSITIVELY TO THE QUALITY OF THE SURROUNDING BUILT ENVIRONMENT. THE DESIGN, FOOTPRINT AND SITING RESPECTS BOTH THE CHARACTER AND AMENITY OF THE CORNER SITE AND DOES NOT OBSTRUCT THE VISTAS AVAILABLE TO THE PROMINENT A-LISTED BUILDING WHEN TRAVELLING WEST ALONG MAIN STREET. THE CONTRASTING, PERHAPS MORE CONTEMPORARY FINISHING MATERIALS PROPOSED WILL CONTRAST THE TRADITIONAL MATERIAL PALETTES OF THE SURROUNDING BUILDINGS IN ORDER TO CREATE ITS OWN UNIQUE IDENTITY. THIS WILL ALSO ENSURE THAT THE PROMINENCE AND GRANDEUR OF THE LISTED BUILDINGS IS RETAINED.

WE DO NOT PROPOSE TO ALTER OR ABUT AGAINST THE LISTED BUILDING IN ANY WAY, THEREFORE IN REGARD TO POLICY 27, WE DO NOT BELIEVE THAT OUR PROPOSED DETACHED NEW BUILDING WILL HAVE ANY DETRIMENTAL IMPACT ON THE SPECIAL ARCHITECTURAL OR HISTORICAL INTEREST OF THE C-LISTED BUILDING WITHIN THE CURTLAGE OF THE APPLICATION SITE. AS NOTED PREVIOUSLY, WE DO NOT BELIEVE THAT THE SCALE, DESIGN OR POSITIONING OF THE PROPOSAL WILL ALSO AFFECT THE SETTING OF THE LISTED BUILDINGS.



FIGURE 3 | PROPOSED ACCESSIBLE ENTRANCE INCLUDING GREEN LIVING WALL + FRESHINC, MEDISPA GRAPHICS

WITHIN OUR SUPPORTING DOCUMENTS, WE HAVE ACCURATELY POSITIONED THE EXISTING TREES ON THE APPLICATION SITE AND THEIR SCALE. AS PART OF OUR PROPOSED WORKS, WE PLAN TO REMOVE AN EXISTING CATEGORY C TREE LOCATED ON THE SOUTH WEST CORNER OF THE SITE AND REPLACE IT WITH EITHER A ROWAN, CHERRY, WHITEBEAM, YEW OR OTHER SIMILAR NATIVE SPECIES. THIS WILL BE OF A SCALE AND GIRTH SIMILAR TO THE TREE BEING REMOVED AND WILL BE PLANTED ON THE NORTHERN BOUNDARY AT MAIN STREET IN THE FIRST PLANTING SEASON FOLLOWING COMPLETION OF THE DEVELOPMENT.

ALL EXISTING CATEGORY A AND B TREES WILL BE RETAINED AND PROTECTED DURING THE WORKS, AND DUE TO THE FACT THAT THE OVERALL NUMBER, DENSITY AND QUALITY OF TREES WILL NOT BE COMPROMISED WE WOULD SUGGEST THAT OUR PROPOSAL ALSO MEETS WITH THE REQUIREMENTS OF POLICY 40.

IN REGARD TO THE FLOODING AND SITE DRAINAGE; WE PROPOSE TO CONNECT ANY NEW FOUL INTO THE EXISTING COMBINED DRAINAGE SYSTEM WITHIN THE CURTILAGE OF THE PLOT, THE ADDITIONAL SURFACE WATER FROM THE NEW ROOF AREA WILL BE DISCHARGED VIA A SOAKAWAY LOCATED IN THE OPEN SPACE TO THE NORTH OF THE NEW BUILDING, POSITIONED AT LEAST 5M FROM ANY BUILDING OR BOUNDARY. FURTHER TO OUR RESEARCH, SEPAS FLOOD MAP DATA SHOWS NO RISK OF EITHER RIVER, COASTAL, SURFACE WATER OR FUTURE FLOODING ON THE APPLICATION SITE THEREFORE WE WOULD CONSIDER THE RISK OF FLOODING NEGLIGIBLE.

IN TERMS OF OPERATIONAL CONSIDERATION, THE PROPOSED NEW BUILDING WILL NOT IMPACT ON THE EXISTING PARKING PROVISION NOR THE OPENING OR SERVICING HOURS OF THE BUSINESS SO WE DO NOT BELIEVE IT WILL HAVE A DETRIMENTAL IMPACT ON THE LOCAL AREA AND NEIGHBOURHOOD.



FIGURE 4 | VIEW OF PRINCIPAL ELEVATION BEHIND EXISTING BUILDING LINE

CONCLUSION

WE FIRMLY BELIEVE THAT OUR PROPOSALS CONTRIBUTES POSITIVELY TO BOTH THE SURROUNDING BUILT AND NATURAL ENVIRONMENT OF THE AREA WHILST NOT HAVING A DETRIMENTAL IMPACT ON THE CHARACTER AND SETTING OF THE ADJACENT LISTED BUILDINGS OR TREES.

OUR PROPOSAL IS HIGH QUALITY IN DESIGN, IS FINISHED WITH A PALETTE OF HIGH QUALITY MATERIALS AND COMPLIES WITH ALL THE RELEVANT LOCAL DEVELOPMENT PLAN POLICIES AND OVERRIDING NATIONAL POLICIES.

OUR PROPOSED MODULAR BUILDING HAS BEEN STRATEGICALLY AND SENSITIVELY SITED AND SCALED IN ORDER TO RETAIN THE EXISTING MATURE TREES WITHIN THE CURTILAGE OF THE APPLICATION SITE, AT THE SAME TIME AS RESPECTING THE CHARACTER, SCALE AND PRINCIPAL ELEVATIONS/VIEWS OF THE ADJACENT LISTED BUILDINGS INCLUDING THE VISTAS TO THEM FROM THE PUBLIC ROAD AND FOOTWAY.

FOR THE REASONING INCLUDED IN THIS SUPPORTING STATEMENT WE SEE NO MATERIAL JUSTIFICATION OR OTHER REASON THAT WOULD RESULT IN REFUSAL OF PLANNING PERMISSION OR LISTED BUILDING CONSENT FOR WORKS PROPOSED AND ILLUSTRATED IN THE ACCOMPANYING DRAWINGS/DOCUMENT.

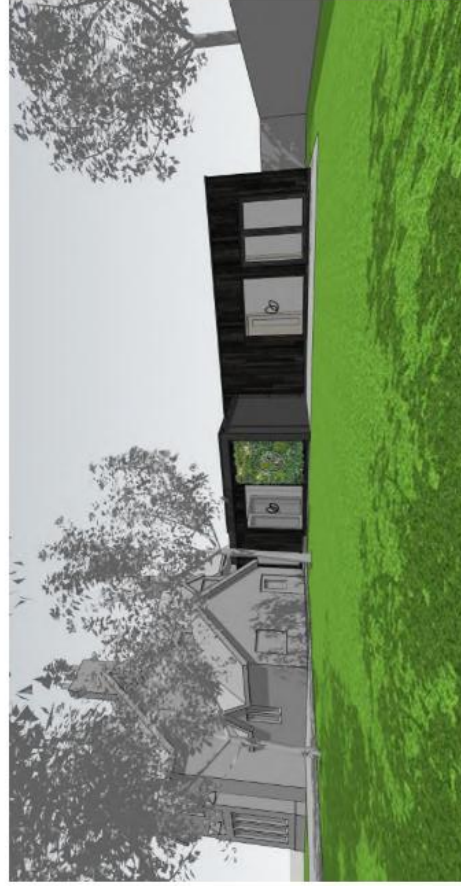


FIGURE 5 | OPEN SPACE + CATEGORY A AND B TREES RETAINED TO RESPECT THE CHARACTER AND NATURAL ENVIRONMENT OF THE LOCAL AREA

THIS SUPPORTING STATEMENT HAS BEEN PRODUCED FOR FRESHINC, MEDISPA % MRS ELAINE KENNETH IN REGARD TO THE APPLICATION FOR PLANNING PERMISSION AND APPLICATION FOR LISTED BUILDING CONSENT AT 2 ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5AD AND IS NOT INTENDED FOR USE BY ANY OTHER PERSON OR FOR ANY OTHER USE.

LRB-2022-43

**Review of Condition 5 imposed on planning permission
22/00926/FLL - Erection of beauty treatment building to
form extension to existing Class 2 business and
associated works, 2 Errol Road, Invergowrie, DD2 5AD**

REPRESENTATIONS

Louvain Pentley

From: HIAL Safeguarding <hialsafeguarding@traxinternational.co.uk>
Sent: 08 June 2022 13:57
To: Development Management
Subject: RE: Planning Application Consultation for Application No 22/00951/IPL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Your Ref: 22/00951/IPL
Our Ref: 2022/221/DND

Dear Sir/Madam,

Proposal: Residential development (LDP site H17) (in principle).
Location: Land 100 Metres North Of 8 Cameron Walk, Church Road, Woodside.

With reference to the above, our calculations show that, at the given position and height, this development would not infringe the safeguarding criteria for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Yours faithfully,

Ed

Ed Boorman
HIAL Safeguarding (Acting for and on behalf of Highlands & Islands Airport Ltd)



m: [REDACTED]
e: hialsafeguarding@traxinternational.co.uk
e: safeguarding@hial.co.uk

From: Laura McCreight [REDACTED]
Sent: 15 June 2022 16:30
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: Objection to planning application 22/00926/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Hello,

I have received the postal notification regarding the planning application for 2 Errol Road regarding the erection of a new treatment facility.

[REDACTED], I strongly object to this proposal. Currently Fresh Inc (the business situated at 2 Errol Road) do not provide sufficient parking for their customers. Already we have recurring issues with people parking in our courtyard, which is private parking for the 3 properties at 6, 8 and 10 Errol Road and is used by children and pets. On a number of occasions the clientele from Fresh Inc have verbally abused residents when asked to move their vehicles. This issue has been repeatedly raised with the company to no improvement.

The suggested plan does not extend what is already insufficient parking spaces (predominantly used by the staff) and therefore the issue will only be exacerbated.

If the planning application 22/00926/FLL is to take place I would object, unless controlled by a planning condition to ensure adequate parking provision on site for the number of staff and potential clients in the building at any one time. If this cannot be provided I do not think this should go ahead.

Regards

L. McCreight

[REDACTED]
please advise the sender immediately and delete this email.

Wednesday, 15 June 2022



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

2 Errol Road, Invergowrie, Dundee, DD2 5AD
Planning Ref: 22/00926/FLL
Our Ref: DSCAS-0066887-7S9
Proposal: Erection of beauty treatment building to form extension to existing Class 2 business and associated works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Clatto Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Hatton Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



By email to:
Developmentmanagement@pkc.gov.uk

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300058998
Your ref: 22/00926/FLL
21 June 2022

Dear Perth and Kinross Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
2 Errol Road Invergowrie Dundee DD2 5AD - Erection of treatment facility building and
associated works

Thank you for your consultation which we received on 08 June 2022. We have assessed
it for our historic environment interests and consider that the proposals affect the
following:

Ref	Name	Designation Type
LB12849	INVERGOWRIE, MAIN STREET, ALL SOULS' EPISCOPAL CHURCH, INCLUDING GATEPIERS AND BOUNDARY WALLS	Listed Building

You should also seek advice from your archaeology and conservation service for matters
including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on
the proposals. Our decision not to provide comments should not be taken as our support
for the proposals. This application should be determined in accordance with national and
local policy on development affecting the historic environment, together with related
policy guidance.

Further Information



This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00926/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	
Description of Proposal	Erection of beauty treatment building to form extension to existing Class 2 business and associated works		
Address of site	2 Errol Road, Invergowrie		
Comments on the proposal	<p>The proposed site is within the garden ground of the category C listed former schoolhouse at 2 Errol Road (LB 10843).</p> <p>The former schoolhouse forms part of a category B group with the adjacent listed buildings including the attached former school, Invergowrie Parish Church, All Soul's Episcopal Church, the Old Rectory and former coach house and stables, and the associated stone boundary walls.</p> <p>I am content with the scale and siting of the proposed modular building. Given the sensitive setting, however, it would be appropriate to use natural, sustainable materials for external finishes, such as a green roof and natural timber cladding rather than the proposed fibre cement cladding.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	24/06/2022		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00926/FLL

Our ref LRE

Date 30 June 2022

Tel No 

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

22/00926/FLL RE: Erection of beauty treatment building to form extension to existing Class 2 business and associated works, 2 Errol Road Invergowrie Dundee DD2 5AD for Fresh Inc Medispa.

I refer to your letter email dated 14 June 2022 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objection in principle to the application but recommend the undernoted conditions be included on any given consent.

Comments

This application is for the erection of a detached modular building to provide additional beauty treatment rooms for the existing beauty spa business. The building will provide an additional 6 treatment room, toilet facilities and a reception area.

There are residential properties within close proximity to the proposed beauty treatment building, the closest is 4 Errol Road.

Noise

There is the potential for noise from plant and equipment associated with the operation of the business. Therefore I recommend that the undernoted condition be included on any given consent to protect the residential amenity of neighbouring properties from noise.

Condition

EH10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.



