

City Chambers
DUNDEE
DD1 3BY

4th February, 2025

BAILIES

Will DAWSON

COUNCILLORS

Stewart HUNTER

Dorothy McHUGH

Dear Colleague

You are requested to attend a MEETING of the **LOCAL REVIEW BODY** to be held remotely on Tuesday, 11th February, 2025 at 2:00pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 or by email at committee.services@dundeecity.gov.uk by no later than 12 noon on Friday, 7th February, 2025.

Yours faithfully

GREGORY COLGAN

Chief Executive

AGENDA OF BUSINESS

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 MINUTES OF PREVIOUS MEETINGS - Pages 1 and 5

(Minutes of 10th December, 2024 and 14th January, 2025, copies attached).

3 LOCAL PLANNING REVIEW LRB01/2025 (AN5-2025)

PLANNING APPLICATION 23/00633/FULL - CHANGE OF USE TO SHORT TERM LET
(RETROSPECTIVE) - 1/2, 11 JANEFIELD PLACE, DUNDEE

Review documents have previously been circulated and are available to view on request.

ITEM No ...2.....

At a MEETING of the **LOCAL REVIEW BODY** held remotely 10th December, 2024.

Present:-

Bailie Will DAWSON
 Councillor Dorothy MCHUGH
 Councillor Michael CRICHTON (Articles I, II, IV and V)
 Councillor Stewart HUNTER (Articles I, II and III)

Bailie Will DAWSON, Convener, in the Chair.

The Chair welcomed those present to the meeting and briefly outlined the role of the Local Review Body and officers, in particular advising that, although the Planning Adviser was an employee of the Planning Authority, he had not been involved in the determination of the case under review and was present to provide factual information and guidance only.

I DECLARATION OF INTEREST

There were no declarations of interest.

II MINUTE OF MEETING OF 22ND OCTOBER, 2024

The minute of meeting of 22nd October, 2024 was submitted and approved.

III LOCAL PLANNING REVIEW LRB10/2024

PLANNING APPLICATION 24/00364/FULL - CONVERSION OF VACANT BASEMENT UNIT TO SERVICED OFFICES (CLASS 4) AND EXTERNAL ALTERATIONS - HIGH MILL, HIGHMILL COURT, DUNDEE

There was submitted Agenda Note AN37-2024 giving details of a request for a review of planning permission for the Conversion Of Vacant Basement Unit To Serviced Offices (Class 4) And External Alterations at High Mill, Highmill Court, Dundee.

The Planning Adviser gave a brief outline of the application and the reasons for refusal.

The Legal Adviser advised that the applicant had intimated in the Notice of Review that they had not raised any new matters which were not before the Appointed Officer at the time of reaching their decision and that the Local Review Body should take all documents submitted into consideration during its deliberations.

The Local Review Body considered the documentation submitted and having taken into account the provisions of the Development Plan, all material considerations and all matters raised at the Review upheld the determination of the Appointed Officer and refused application 24/00364/FULL under review for the following reasons:-

1. The application fails to comply with Policy 13 (Sustainable transport) of NPF4 and Policies 54 (Safe and Sustainable Transport), and 56 (Parking) of the Dundee Local Development Plan 2019 as no provision has been made for vehicle parking. The car parking demands generated by an office use of this scale have the potential to exacerbate existing parking problems in the local area with a detrimental effect on the capacity or safe functioning of the existing road network. There are no material considerations of a sufficient weight that would justify laying aside the provisions of NPF4 and the LDP to grant planning permission.
2. The application fails to comply with Policy 27 (City, town, local and commercial centres) of NPF4 and Policy 21 (Town Centre First Principle) of the Dundee Local Development Plan 2019 as the proposals would introduce a footfall generating use in an edge of centre location, and the applicant has not submitted a town centre first assessment to demonstrate that there are no sequentially preferable sites available in

the City Centre, or District Centres. The proposals have the potential to have a significant adverse effect on the vitality or viability of the City Centre or District Centres.

3. The application fails to comply with NPF4 Policy 26d (Business and industry) as the application site is not within an area allocated for business use and it has not been demonstrated that there are no suitable alternative locations as allocated in the LDP or identified in the employment land audit.

IV LOCAL PLANNING REVIEW LRB12/2024

PLANNING APPLICATION 24/00270/FULL - FORMATION OF ROOF TERRACE - 183 FISHER STREET, BROUGHTY FERRY, DUNDEE.

There was submitted Agenda Note AN38-2024 giving details of a request for a review of planning permission for the Formation Of Roof Terrace - 183 Fisher Street, Broughty Ferry, Dundee.

The Planning Adviser gave a brief outline of the application and the reasons for refusal.

The Legal Adviser advised that the applicant had intimated in the Notice of Review that they had raised new matters which were not before the Appointed Officer when the application was determined. This consisted of information regarding a similar project which had been approved by the Planning Department which was located in proximity to the appeal site at James Place, Broughty Ferry, Dundee, and which was not available at the time of the original application. The Legal Adviser advised that this information would have been known to the Planning Department when making their decision therefore considered that the Local Review Body should therefore take all documents submitted into consideration during its deliberations.

The Local Review Body considered the documentation submitted and having taken into account the provisions of the Development Plan, all material considerations and all matters raised at the Review reversed the determination of the Appointed Officer and approved application 24/00270/FULL subject to the undernoted conditions:-

1. The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The eastern side of the roof terrace shall be fitted with an opaque glazed screen.

Reason: To ensure an appropriate level of privacy is afforded to neighbouring properties.

V LOCAL PLANNING REVIEW LRB11/2024

PLANNING APPLICATION 23/00635/FULL - CHANGE OF USE TO SHORT TERM LET (RETROSPECTIVE) - 22L MARINE PARADE WALK, DUNDEE

There was submitted Agenda Note AN39-2024 giving details of a request for a review of planning permission for the Change Of Use To Short Term Let (Retrospective) – 22L Marine Parade Walk, Dundee

The Planning Adviser gave a brief outline of the application and the reasons for refusal.

The Legal Adviser advised that the applicant had intimated in the Notice of Review that they had not raised any new matters which were not before the Appointed Officer at the time of reaching their decision and that the Local Review Body should take all documents submitted into consideration during its deliberations. The Legal Adviser further noted that the DPEA decision for Thorter Row was also relevant when determining this review.

The Local Review Body considered the documentation submitted and having taken into account the provisions of the Development Plan, all material considerations and all matters raised at the Review reversed the determination of the Appointed Officer and approved application 23/00635/FULL subject to the undernoted condition:-

The development hereby permitted shall be commenced within three years from the date of this permission.

Reason:

To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

Will DAWSON, Chair.

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ITEM No ...2.....

At a MEETING of the **LOCAL REVIEW BODY** held remotely 14th January, 2025.

Present:-

Bailie Will DAWSON
Councillor Dorothy MCHUGH
Councillor Stewart HUNTER

Bailie Will DAWSON, Convener, in the Chair.

The Chair welcomed those present to the meeting and briefly outlined the role of the Local Review Body and officers, in particular advising that, although the Planning Adviser was an employee of the Planning Authority, he had not been involved in the determination of the case under review and was present to provide factual information and guidance only.

I DECLARATION OF INTEREST

There were no declarations of interest.

II MINUTE OF MEETING OF 12TH NOVEMBER, 2024

The minute of meeting of 12th November, 2024 was submitted and approved.

III LOCAL PLANNING REVIEW LRB01/2025

PLANNING APPLICATION 23/00633/FULL - CHANGE OF USE TO SHORT TERM LET (RETROSPECTIVE) - 1/2, 11 JANEFIELD PLACE, DUNDEE

There was submitted Agenda Note AN1-2025 giving details of a request for a review of planning permission for Change Of Use to Short Term Let (Retrospective) - 1/2, 11 Janefield Place, Dundee.

The Planning Adviser gave a brief outline of the application and the reasons for refusal.

The Legal Adviser advised that the applicant had intimated in the Notice of Review that they had raised some matters which were not before the Appointed Officer when the application was submitted. Some of the matters raised were not relevant therefore would not fall to be considered by the Local Review Body, and were the applicant's Freedom of Information requests, comparing Planning and Licensing regimes, and also the comparison and examination of other planning decisions in relation to similar matters. The applicant also mentions a Short Term Letting policy however Planning have confirmed that Dundee City Council does not have such a policy.

The Local Review Body considered the documentation submitted and, after discussion, agreed to hold an accompanied site visit. (Subsequently arranged for 4th February, 2025).

Will DAWSON, Chair.