

City Chambers
DUNDEE
DD1 3BY

7th January, 2025

Bailie 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, 14th January, 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, 10th January, 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 MINUTE OF PREVIOUS MEETING - Page 1

(Minute of 12th November, 2024, copy attached).

3 LOCAL PLANNING REVIEW LRB01/2025 (AN1-2025)

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.

At a MEETING of the **LOCAL REVIEW BODY** held remotely 12th November, 2024.

Present:-

Bailie Will DAWSON
Councillor Dorothy MCHUGH
Councillor Michael CRICHTON

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 LOCAL PLANNING REVIEW LRB09/2024

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

This item was withdrawn.

III 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 AN34-2024 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, after discussion, agreed to hold an accompanied site visit. (Subsequently arranged for 3rd December, 2024).

IV LOCAL PLANNING REVIEW LRB05/2024

PLANNING APPLICATION 24/00317/FULL - INSTALLATION OF FLUE (RETROSPECTIVE) - 1 BLAKE PLACE, BROUGHTY FERRY, DUNDEE

There was submitted Agenda Note AN28-2024 giving details of a request for a review of planning permission for the Installation Of Flue (Retrospective) - 1 Blake Place, 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 not raised any new matters which were not before the Appointed Officer at the time of reaching their decision. The applicant had responded to matters which were raised in the Report of Handling and had submitted a number of documents to support their application for review. The Legal Adviser noted there were a number of documents particularly in relation to unreasonable behaviour and questions for the Local Review Body which the Local Review Body should not take into consideration. There were material considerations which were in other documents submitted, however the weight the Local Review Body would choose to give these was for their consideration.

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 and the site visit upheld the determination of the Appointed Officer and refused application 24/00317/FULL under review for the following reasons:-

1. The application fails to comply with the requirements of Policy 23 (Health and safety) of National Planning Framework 4, as the proposed development has an adverse effect on air quality and amenity in the local area, particularly for residents of the house adjacent to the application site. There are no material considerations of sufficient weight to justify a decision contrary to this.
2. The application fails to comply with Policy 39 (Environmental Protection) of the Dundee Local Development Plan (2019) due to the close proximity to a neighbouring residential property and the potential for smoke from the proposed development to have a significant adverse impact on residential amenity. There are no material considerations of sufficient weight to justify a decision contrary to this.

V LOCAL PLANNING REVIEW LRB07/2024

PLANNING APPLICATION 24/00150/FULL - ERECTION OF DWELLINGHOUSE, LAND SOUTH OF 144 STRATHERN ROAD, BROUGHTY FERRY, DUNDEE

There was submitted Agenda Note AN29-2024 giving details of a request for a review of planning permission for The Erection Of Dwellinghouse - Land South Of 144 Strathern Road, 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 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 and the site visit upheld the determination of the Appointed Officer and refused application 24/00150/FULL under review for the following reasons:-

1. The application fails to comply with Policy 14 (Design Quality and Place) of the National Planning Framework 4 and Policy 1 (High Quality Design) of the Dundee Local Development Plan 2019 as it would not respect the surrounding area in terms of topography, scale and design. These factors result in a development which would not be in keeping with the local area and one which would have a detrimental impact on the amenity of neighbouring properties. There are no material considerations of sufficient weight to justify a decision contrary to this.
2. The application fails to comply with Policy 10 (High Quality Design) of the Dundee Local Development Plan 2019. The proposal would result in a building that would be of an excessive scale for the application site, would not be in keeping with the surrounding area and would have a detrimental effect on the amenity of neighbouring

properties in terms of its overbearing impact. There are no material considerations of sufficient weight to justify a decision contrary to this.

3. The application fails to comply with Policy 13 (Development of Garden Ground for New Housing) of the Dundee Local Development Plan 2019. The proposal would result in a building that would be of an excessive scale for the application site, would not be in keeping with the surrounding area and fails to provide a minimum of 120 sqm of private, useable garden ground. There are no material considerations of sufficient weight to justify a decision contrary to this.

VI LOCAL PLANNING REVIEW LRB08/2024

PLANNING APPLICATION 24/00182/FULL - FORMATION OF DOORWAY AND ERECTION OF GARAGE (RETROSPECTIVE), 26 WESTFIELD ROAD, BROUGHTY FERRY, DUNDEE

There was submitted Agenda Note AN30-2024 giving details of a request for a review of planning permission for The Formation Of Doorway And Erection Of Garage (Retrospective) - 26 Westfield Road, 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 at the time of reaching their decision. There was a paragraph giving details of the height difference between the height difference between the approved permission and actual height of the garage. The Legal Adviser indicated that the Local Review Body could seek clarification on this from the Planning Adviser when taking this information 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 and the site visit upheld the determination of the Appointed Officer and refused application 24/00182/FULL under review for the following reasons:-

1. The garage is of a height and massing which has an overbearing impact on neighbouring garden ground and the wider Long Lane streetscape. The garage is not in keeping with the character and scale of development in the surrounding area and fails to meet the requirements of Policy 16 of NPF4, Policy 11 of the Dundee Local Development Plan (2019) and the associated statutory Dundee Local Development Plan 2019 Supplementary Guidance Householder Development - Advice and Best Practice. There are no material considerations that would justify the approval of planning permission, contrary to the development plan.
2. The garage is of a height and massing which does not integrate with the character or scale of development in the surrounding area. The garage is detrimental to the character of the local streetscape and fails to preserve or enhance Broughty Ferry Conservation Area. The application therefore fails to meet the requirements of Policy 7 of NPF4 and Policy 51 of the Dundee Local Development Plan (2019). There are no material consideration which would justify the approval of planning permission, contrary to the development plan.

VII LOCAL PLANNING REVIEW LRB10/2024

PLANNING APPLICATION 23/00254/FULL - CHANGE OF USE FROM OFFICE TO 3 BEDROOM FLAT - 1/2 AND 1/3, 6 WHITEHALL CRESCENT, DUNDEE

There was submitted Agenda Note AN32-2024 giving details of a request for a review of planning permission for the Change Of Use From Office To 3 Bedroom Flat - 1/2 and 1/3, 6 Whitehall Crescent, 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 23/00254/FULL under review for the following reason:-

1. The proposal fails to comply with LDP policy 39 - Environmental Protection and NPF4 policy 23e Health and safety as the proposed flat is a noise sensitive use situated above a public bar/restaurant which is an existing noise source therefore the agent of change principle applies. It has not been demonstrated that the proposal can achieve a satisfactory level of residential amenity in terms of noise without impacting on viability of existing businesses or uses. Consequently, the proposal also fails to comply with NPF4 policy 9a - Brownfield, vacant and derelict land as it has not been demonstrated that the conversion is suitable for the proposed residential use.

VIII 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 AN33-2024 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, after discussion, agreed to hold an accompanied site visit. (Subsequently arranged for 3rd December, 2024).

Will DAWSON, Chair.