

IV

PLANNING APPEAL DECISION

There was submitted Agenda Note AN30-2025 advising the Committee that Planning application 24/0247/FULL sought planning permission for the change of use of 3 Albert Road (also known as Jessie's Kitchen) to form 13 self-catering apartments and events space. The application was refused by the Planning Committee at its meeting on 31st January, 2025 for the following reasons:

1. The proposal fails to comply with Policy 8: - Visitor Accommodation - of the Dundee Local Development Plan, 2019, as the proposed accommodation is not small-scale B&B and guesthouse style accommodation and is located outwith the City Centre and Central Broughty Ferry as defined within the Proposals Map. There are no material considerations of sufficient weight to justify approval of planning permission.
2. The proposal fails to comply with Policy 30b of National Planning Framework 4 because the proposed development of 13 self-contained units used as short-term holiday lets is not compatible with the surrounding area in terms of the nature and scale of the proposed activities and impacts of increased overnight visitors. There are no material considerations of sufficient weight to justify approval of planning permission.
3. The proposal fails to comply with Policy 30e of National Planning Framework 4 because the proposed development of 13 self-contained units used as short-term holiday lets is not in keeping with the character of the neighbourhood and would have an adverse impact on local amenity and the character of a neighbourhood area. The application also fails to demonstrate that the loss of the residential accommodation within the building is outweighed by the local economic benefits which would be derived from the proposed short-term holiday letting use. There are no material considerations of sufficient weight to justify approval of planning permission.
4. The proposal would have an unacceptable impact on the amenity of residents in the surrounding area by means of noise from guests and music, and disturbance by vehicular movements. As such the application is contrary to Policy 23 - Health and Safety of National Planning Framework 4 and Policy 39 of the Dundee Local Development Plan, 2019. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2075 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 9th September, 2025. The Reporter ALLOWED the appeal and planning permission had been GRANTED subject to conditions.

The full appeal decision could be accessed via:

<https://idoxwam.dundee.gov.uk/idoxpa-web/> reference number 24/00247/FULL.

The determining issues in the appeal were the provisions of the Development Plan, the principle of the proposed development and the potential impact on the amenity and character of the area.

The Reporter concluded that the proposal would make a positive contribution to the local economy – directly through creation of jobs and indirectly through local suppliers and the construction phase.

The Reporter considered the lawful use of part of the building as a café and noted that surrounding uses were mixed density residential but that there was a degree of separation from the majority of existing neighbouring properties. It was also noted that the appellant would accept conditions related to hours of operation, waste collection and deliveries. The Reporter therefore concluded under NPF4 Policy 30b that the impact on local amenity and character is acceptable, subject to conditions and for similar reasons the proposal was also in compliance with NPF4 Policy 30 part e.

The Reporter did not consider that the loss of two residential flats would hinder the provision of homes and services for local people as required by NPF4 Policy 30e, concluding that the loss of 2 units was outweighed by the local economic benefits.

The Reporter agreed that the appeal proposal did not benefit from support from Dundee Local Development Plan Policy 8 – Tourist Accommodation as the site was 250m outside the central area (Broughty Ferry) and further from the City Centre, however, they concluded that the policy support from both NPF4 and DLDP, with the exception of the locational criterion in DLDP Policy 8, demonstrated that the principle of the development was acceptable, and that overall, there was compliance with the Development Plan.

In regard to vehicular movements, it was accepted that movements would be significantly lower than the previous use although acknowledged that movements would occur at later hours. The Reporter was satisfied that restricting guest access to outdoor spaces, music at events and timing of deliveries and servicing by planning conditions would minimise the potential for an adverse impact on residential amenity. Therefore, the Reporter was satisfied that the requirements of NPF4 Policy 30e and Policy 23 and LDP Policy 39 were met, subject to conditions which were attached to the Decision Notice.

The Committee agreed to note the Terms of the Note.