

City Chambers  
DUNDEE  
DD1 3BY

6th March, 2024

BAILIE

Will DAWSON

COUNCILLORS

Mark FLYNN

Dorothy McHUGH

Dear Colleague

**LOCAL REVIEW BODY**

You are requested to attend a MEETING of the **LOCAL REVIEW BODY** to be held remotely on Tuesday, 12th March, 2024 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](mailto:committee.services@dundeecity.gov.uk) by no later than 12 noon on Friday, 8th March, 2024.

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 MEETINGS OF 7TH NOVEMBER, 2023 AND 16TH JANUARY, 2024 - Pages 1 and 5**

(Copies attached).

**3 LOCAL PLANNING REVIEW LRB03/2024 (AN8-2024)**

PLANNING APPLICATION 23/00606/FULL – LAND BETWEEN 60 AND 62 FINTRY PLACE,  
BROUGHTY FERRY, 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 on 7th November, 2023.

Present:-

Bailie Will DAWSON  
Bailie Christina ROBERTS  
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 LRB06/2023**

PLANNING APPLICATION 22/00850/FULL – CONSTRUCTION OF NEW SINGLE STOREY DWELLING AND SEPARATE SINGLE GARAGE WITHIN GARDEN GROUND OF EXISTING PROPERTY - GARDEN GROUND AT, 31 YEWBANK AVENUE, BROUGHTY FERRY, DUNDEE

There was submitted Agenda Note AN35-2023 giving details of a request for a review of planning permission for Construction of New Single Storey Dwelling and Separate Single Garage Within Garden Ground of Existing Property - Garden Ground at, 31 Yewbank Avenue, Broughty Ferry, Dundee.

Papers had been circulated and the Local Review Body had requested an accompanied site visit, which had taken place on 7th November, 2023.

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 appeal statement did not include anything that the Appointed Officer would not have been aware of. The Legal Adviser considered that the Local Review Body should therefore take all documents submitted into consideration during its deliberations.

Thereafter, having considered all the information, having taken into account the provisions of the Development Plan, all material considerations, the findings of the site visit and all matters raised at the review, the Local Review Body considered that there were material considerations of sufficient weight to justify approval of the proposal and therefore reversed the Appointed Officer's decision and approved planning permission reference 22/00850/FULL subject to the undernoted conditions:-

1. Prior to any works on site details of the amended site access must be agreed and the access must be formed and constructed to Dundee City Council standards and specifications.

Reason: In the interests of vehicle and pedestrian safety.

2. The hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

3. 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.

4. Full details and the location of electric vehicle charging points shall be provided and approved in writing by the Council. Thereafter the electric vehicle charging points shall be installed in strict accordance with the details approved by this condition prior to the completion of the development hereby approved.

Reason: In the interests of sustainable travel measures.

5. Prior to the commencement of any works on site, a statement will be submitted to and agreed in writing by the Council demonstrating that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating in this approved development.

Reason: In the interests of sustainable development.

6. The total noise from all mechanical and electrical plant/services shall not exceed NR 35 during the night as measured 1 metre external to the facade of adjacent residential accommodation. For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason: In the interests of residential amenity.

7. Prior to the commencement of any works on site, a detailed surface water drainage/ SUDS design including drawings, calculations (Please provide exceedance flow route (overland flood route drawing) for exceedance of the 1:200 year storm event), full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason: In the interests of flood protection.

8. Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason: In the interests of flood protection.

9. Prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason: In the interests of flood protection and visual amenity.

**Informative**

A Vehicular Access (VA) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway.  
Baillie Roberts asked that her dissent be noted.

Will DAWSON, Chair.

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At a MEETING of the **LOCAL REVIEW BODY** held remotely on 16th January, 2024.

Present:-

Bailie Will DAWSON  
Bailie Christina ROBERTS  
Councillor Dorothy MCHUGH

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 Advisers were employees of the Planning Authority, they had not been involved in the determination of the case under review and were present to provide factual information and guidance only.

### **I DECLARATION OF INTEREST**

There were no declarations of interest.

### **II MINUTE OF PREVIOUS MEETING**

The minute of meeting of 5th December, 2023 was noted.

### **III LOCAL PLANNING REVIEW LRB08/2023**

PLANNING APPLICATION 23/00033/FULL – APPLICATION UNDER SECTION 42 FOR THE REMOVAL CONDITIONS 1, 8 AND 11 OF PLANNING PERMISSION 22/00306/FULL - 484 PERTH ROAD, DUNDEE

There was submitted Agenda Note AN3-2024 giving details of a request for a review of a planning application under section 42 for the removal conditions 1, 8 and 11 of planning permission 22/00306/FULL - 484 Perth Road, Dundee.

The Planning Adviser gave a brief outline of the application and the reasons for refusal. An accompanied site visit had taken place on 9th January, 2024, and Environmental Health Officers had provided further information regarding their views on the conditions under review and had provided information with regards to the ongoing monitoring of noise levels in respect of this site.

The Legal Adviser advised that the Local Review Body that this application was a review of conditions 1, 8, and 11 only of the existing planning permission. Furthermore, the appeal statement did not include anything that the Appointed Officer would not have been aware of therefore the Legal Adviser considered that the Local Review Body should therefore take all documents submitted into consideration during its deliberations.

It was noted that on 12th December, 2023 Condition 8 was discharged by Dundee City Council and there was therefore no case for the LRB to consider in respect of that condition.

Thereafter, having considered all the information, having taken into account the provisions of the Development Plan, all material considerations, the findings of the site visit and all matters raised at the review, the Local Review Body varied the decision of the Appointed Officer and determined as follows:

- (i) to remove condition 1 of planning permission 22/00306/FULL;
- (ii) vary condition 11 of planning permission 22/00306/FULL to read:

11. The wedding dining use hereby approved in The Stables shall be restricted to no more than 30 taking place per year.

- (i) retain planning conditions 2, 3, 4, 5 ,6 ,7, 9 and 10 of Planning Permission 22/00306/FULL all as follows

2. The dining for weddings only use hereby approved in The Stables shall operate from 15:00 hours to 21:00 hours only.
3. In respect of the dining for weddings only use hereby approved, there shall be no on site cooking in The Stables at any time.
4. The total noise from the mechanical and electrical plant/services shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 07:00 to 23:00 hours and NR35 and NR25 are applicable for 23:00 to 07:00 hours.
5. At no time shall amplified music or vocals be provided/performed in The Stables. Music shall be so controlled as to be inaudible within any adjacent residential property.
6. With regard to the external dining/serveries/seating areas: Use of these areas for weddings shall be restricted to the following hours: September to June - open 11:00 hours Monday to Saturday and 12:30 hours on Sundays: closing at 21:00 hours July and August - open 11:00 hours Monday to Saturday and 12:30 hours on Sundays: closing at 22:00 hours. At no time shall amplified music or vocals be provided/performed in any external dining/serveries/seating areas.
7. The proposed change of use hereby approved shall only be used for dining for weddings only for up to 120 patrons and short term holiday letting accommodation. For the avoidance of doubt, The Stables shall not be used as a function suite for the purposes of social gatherings, parties and celebrations other than dining for weddings.
9. All servicing and deliveries, including loading, unloading or lay-up shall be between 08:00 to 18:00 hours Monday to Saturday and 10:00 to 16:00 hours Sunday. No deliveries shall take place outwith these times.
10. The pizza oven in the outside servery hereby approved shall only be operated by employees of the hotel and used only for the purposes of serving guests staying in the hotel and ancillary accommodation.
11. The wedding dining use hereby approved in The Stables shall be restricted to no more than 30 taking place per year.

Reason(s)

2. In order to protect surrounding residential amenity.
3. In order to protect surrounding residential amenity.
4. In order to protect surrounding residential amenity.
5. In order to protect residential amenity.
6. In order to protect surrounding residential amenity.
7. In order to protect the city centre and district centres and surrounding residential amenity.
9. In order to protect surrounding residential amenity.
10. In order to protect surrounding residential amenity.
11. In order to protect surrounding residential amenity.



**IV LOCAL PLANNING REVIEW LRB09/2023**

PLANNING APPLICATION 23/00458/FULL – CHANGE OF USE OF 5 BEDROOM FLAT TO 5 PERSON HMO - 2/2, 10 GARLAND PLACE, BARRACK ROAD, DUNDEE.

There was submitted Agenda Note AN4-2024 giving details of a request for a review of planning permission for the change of use of 5 Bedroom flat to 5 person HMO at 2/2, 10 Garland Place, Barrack Road, 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 Legal Adviser 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 upheld the determination of the Appointed Officer and refused Planning Application 23/00458/FULL for the following reason:

1. The proposed change of use of a tenement flat to a five-person House in Multiple Occupation is located outside the City Centre and accessed by a shared entrance. It would adversely impact on the amenity of neighbouring properties by virtue of the level of additional noise and disturbance generated by people accessing and exiting the shared entrance to the application property. The proposal has a lack of secure bike storage space and would also exacerbate existing parking problems within the surrounding area due to not providing any off-street parking facilities. The proposed development is contrary to the terms of Policy 16 (Houses in Multiple Occupation) of the Adopted Dundee Local Development Plan (2019). There are no material considerations of sufficient weight that would justify the approval of planning permission.

Will DAWSON, Chair.