

### 3 PLANNING APPEAL DECISION (AN152-2011)

**Location:** 224-232 Hilltown, Dundee

**Proposal:** Planning Permission in Principle for the Erection of 12 Flats and one Shop

Reference is made to Article I (b) of the Minutes of the Development Management Committee of 16th May, 2011 wherein the above proposal was refused planning permission contrary to the Director's recommendation. The Council considered that the proposal was contrary to Policy 4 and Appendix 1 (Design of New Housing) of the Dundee Local Plan Review 2005, as no off-street parking was provided for the proposed dwellings and that there were no material considerations that would justify a decision contrary to this.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 29th August, 2011. Copies of the Reporter's decision letter have already been circulated to Members by email.

The Reporter **ALLOWED** the appeal and granted planning permission in principle subject to conditions.

In reaching his decision the Reporter noted that although there was insufficient space to provide the proposed flats with garden ground in accordance with Local Plan standards, this situation would not be much different from some of the existing flatted tenemental property in the area.

In terms of the lack of car parking, the Reporter accepted the applicants case that that it would not be economically viable to sacrifice the ground floor shop and flat to provide undercroft parking. Whilst the provision of parking would be beneficial, he did not consider that the absence of such provision would create any significant difficulties in terms of local availability of parking or any road safety problems.

He felt the site was unlikely to be redeveloped if it had to meet Local Plan parking and open space standards. He also considered that the proposed infill development would be appropriate and would fit in well with adjoining development, helping to re-establish the building fabric and urban form.

He considered that the proposal's positive contribution to the wider objectives of the Hilltown Regeneration Framework was an important material consideration that outweighed the failure to meet the Local Plan amenity space and parking requirements and that in any event the failure to meet those standards would have no significant adverse impact.

The conditions he imposed were broadly similar to those recommended by the Director of City Development.