

4 APPEAL DECISION (AN164-2015)

LOCATION: SITE OF DOUGLAS HOUSE, BALUNIE DRIVE, DUNDEE
PROPOSAL: PROPOSED CHILDREN'S NURSERY AND BUSINESS START-UP/COMMUNITY HUB WITH ASSOCIATED CAR PARKING AND EXTERNAL MULTI-USE GAMES AREA

Reference is made to Article II(b) of the minute of meeting of this Committee of 17th November 2014 wherein the above proposal was refused planning permission contrary to the Director's recommendation. The Council refused the application on the grounds that it did not satisfy Policy 16 of the Dundee Local Development Plan as it would have a substantial effect on the environmental quality enjoyed by local residents due to parking, traffic movements and noise disturbance.

The decision was appealed by the applicant, the appeal was determined by a hearing and written representations and the decision was received by the Council on 27th May 2015. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter DISMISSED the appeal and refused planning permission.

On a preliminary matter the Reporter concluded that a revised layout plan indicating revised drop off and parking arrangements was not before the planning authority or those who made representations to the planning application at the time the decision was made, and so it was excluded from consideration in the appeal.

In reaching her decision the Reporter considered that having regard to the provisions of the development plan, the main issues in the appeal were:

- 1 the potential impact on the road network (and the residential amenity of nearby residents) arising from traffic movement generated by the proposed development;
- 2 the potential impact on the residential amenity of nearby residents arising from any noise generated by the proposed development; and
- 3 any other material planning considerations which may outweigh those matters.

In assessing the application against Policy 16 of the Local Development Plan she felt that based on the original layout, there was a risk that parking could not be adequately accommodated on site, particularly at peak times and that there would be no capacity for visitors or business hub users to park and that customers of the nursery could then face circulation and congestion issues with the potential for a negative impact on the surrounding road network. She concluded that the proposed development was not appropriate in relation to car parking, and it would have a detrimental effect on local residents to an extent that would be contrary to Policy 16 of DLDP.

In relation to noise she felt that the nature of the use, the proposed hours of operation and the distance to the nearest houses meant that the development was appropriate and would not have a significant impact on residents in terms of Policy 16.

She therefore concluded that the proposal did not comply with the Development Plan in terms of parking and traffic movement and that there were no other material considerations which would justify granting planning permission.