

4. PLANNING APPEAL DECISIONS (AN31-2005)

(a) 1A CARDEAN STREET - FIRST FLOOR EXTENSION TO FUNERAL DIRECTORS' BUSINESS

Reference is made to Article 1b of the Minutes of the Development Quality Committee of 24th May 2004 wherein the above proposal was refused planning permission because the Committee considered that the proposal was contrary to Policy H1 of the adopted Dundee Local Plan 1998 due to the potential increase in traffic and parking in the area and that there were no material considerations which would justify exceptional approval. The Director had recommended approval with conditions.

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

The appeal was determined by written representations and the decision was received by the Council on 15th November 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues were the likely impact of the proposal on residential amenity in terms of Policy H1; and, in the event that there would be a material negative impact, whether approval was nonetheless justified by other material considerations.

In summary, the Reporter concluded that the appellants' arguments concerning their changing business environment was influential and that the increased resulting activities would be small scale and would not have any material bearing on traffic generation or parking demand. The Reporter was satisfied that there were no issues of overlooking or noise would arise which could not be controlled by conditions. The design was found to be satisfactory.

Accordingly the appeal was **UPHELD** with conditions relating to noise attenuation, the application of opaque glass to a window and the submission of finishing materials.

(b) ADVERTISEMENT CANOPY AND SIGNAGE TOWER AA (HALFORDS) UNIT, KINGSWAY WEST RETAIL PARK - ALTERATIONS TO CANOPY HEIGHT AND ERECTION OF SIGNAGE TOWER

Reference is made to the decision of the Council on 2 July 2004, under powers delegated to the Director of Planning and Transportation in consultation with the Convener, to refuse planning permission because it was considered that the proposed structure would detract from the established visual amenity and harmony of the retail park. The proposed stand-alone feature would not physically relate to any unit and would be detrimental to the visual amenity of the area.

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 21 December 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposals conformed to the provisions of the development plan and, if not, whether an exceptional approval was justified by other material considerations.

In summary the Reporter concluded that the proposals did not conflict with Policy BE6 of the adopted Dundee Local Plan because it would not be unreasonable, given the layout of units in this portion of the Park, for the entrance of this unit to be marked with a separate signage tower.

Accordingly, the appeal was **UPHELD** with a condition requiring the removal of the signage tower should the Halfords unit and associated yard be no longer used as a separate operation.

(c) UNIT A1 (TOYS R US) KINGSWAY WEST RETAIL PARK, DUNDEE - ERECTION OF ILLUMINATED SIGNS

Reference is made to the decision of the Council on 1 July 2004, under powers delegated to the Director of Planning and Transportation in consultation with the Convener, to refuse Advertisement Consent for the erection of 4 illuminated signs to be applied to the west, south and east elevations of the building (these signs would have dimensions of 12 x 3 metres or 7 x 2 metres and be position 7.4 metres above ground level); and above the entrance gantry (13.7 metres x 3.2 metres and 9.1 metres above ground level). Express consent was refused as being contrary to Policy BE6 of the Dundee Local Plan 1998 and Policy 63 of the Finalised Dundee Local Plan Review as the signage was considered to fail to meet the approved "signage zone" agreement for the Retail Park leading to an adverse impact on amenity.

The decision was appealed by the applicant under the provisions of Section 182 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997 and Regulation 21 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

The appeal was determined by written representations and the decision was received by the Council on 6 December 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issue to be whether the signage would be contrary to the interests of amenity or public safety.

In summary the Reporter concluded, in relation to the elevational signage that these would not be overly dominant or incongruous given the scale of the building and that a similar scale of sign has been erected on an adjacent building. Advertisement Consent was granted in respect of these signs. The sign over the gantry was considered to be injurious to amenity not being comparable to other similar signs throughout the Park and this element of the proposals was refused advertisement consent.

Accordingly the appeal was **UPHELD IN PART** as detailed above.