

4 PLANNING APPEAL DECISIONS (AN48-2017)

- (i) APPEAL DECISION 16/00411/FULL (PPA-180-2048)
UNITS A3 AND A4, KINGSWAY WEST RETAIL PARK, 467 CLEPINGTON ROAD, DUNDEE

Planning application reference 16/00411/FULL sought planning permission for the conversion and alteration of an existing retail unit comprising external alterations to elevations, installation of a mezzanine floor and formation of external sales and display area to create garden centre. The application was refused by the Development Management Committee at its meeting on 15th August, 2016 on the basis that the proposal to sell clothing and footwear would undermine the Development Plan retail strategy and adversely impact on the City Centre, District Centres and Commercial Centres. The application was also refused because the applicant had failed to demonstrate that the development would have no detrimental impact on road traffic and pedestrian safety.

The Reporter concluded that it was a material consideration that a mezzanine floor could be inserted into the building without the need for planning permission; that the sale of clothing and footwear did not constitute development in itself; and that there was an existing planning obligation which already restricted the sale of clothing and footwear from the unit. The Reporter stated that the operational development proposed was a separate consideration to the restriction on clothing and footwear sales which is controlled by planning obligation. The sale of clothing and footwear is still restricted on the site and any proposal to remove that restriction would require the submission of a separate application to modify or discharge the planning obligation. As a result, the appointed Reporter ALLOWED the appeal and granted planning permission.

- (ii) APPEAL DECISION – 16/00329/FULM (PPA-180-2049)
LINLATHEN VILLAGE, BROUGHTY FERRY, DUNDEE

Planning application reference 16/--392/FULM sought planning permission for a residential development comprising 150 houses with associated infrastructure, access, landscaping, drainage, SUDS and open space. The application was refused by the Development Management Committee at its meeting on 21st November, 2016. The Committee refused the application because it was premature and could prejudice the delivery of the Western Gateway; would result in overdevelopment to the detriment of the amenity of the surrounding area; and would fail to provide adequate in curtilage parking for all of the houses.

The Reporter concluded that, for reasons of prematurity, the proposed development does not accord with the Development Plan and there are no material considerations that would justify a departure. The Reporter did not consider the reasons relating to overdevelopment or curtilage parking to justify refusal of the application. As a result, the appointed Reporter DISMISSED the appeal and refused planning permission.

- (iii) APPEAL DECISION – 16/00735/FULL (PPA-180-2050)
FLAT 2, 571 PERTH ROAD, DUNDEE

Planning application reference 16/00735/FULL sought planning permission for a proposed House of Multiple Occupancy for four persons. The application was refused by the Development Management Committee at its meeting on 20th February, 2016. The Committee refused the application on the basis that it was contrary to Policy 15 of the Dundee Local Development Plan 2014, and would result in an adverse impact on parking and residential amenity in the area.

The Reporter concluded that whilst the application was contrary to Policy 15, there were material planning considerations which justified approval of the application. Namely, the Reporter stated that the granting of planning permission was justified by the site specific circumstances of the appeal site, the ample and readily available storage facilities and communal garden ground and proximity of off-street parking provision. As a result, the appointed Reporter ALLOWED the appeal and approved planning permission.