

### **3 PLANNING APPEAL DECISIONS (AN88-2012)**

- (a) 309 STRATHMARTINE ROAD, DUNDEE - INCREASE IN NUMBER OF CHILDREN FROM 12 TO 25 AT MIXED USE OF DWELLINGHOUSE AND CHILDREN'S DAY NURSERY

Reference is made to Article 1(a) of the minute of meeting of this Committee of 19th December, 2011, wherein the above proposal was refused planning permission because the Council considered that:-

1. the proposed development was contrary to Policy 19 - "Private Day Nurseries" of the Dundee Local Plan Review 2005 as the use failed to comply due to its location on a heavily trafficked road and the impact that additional vehicles parking on Strathmartine Road would have on pedestrian road safety. There were no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy; and
2. the proposed development was contrary to Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 as the use of this detached house for a mixed use of dwelling and children's day nursery for 25 children failed to comply in respect of parking and traffic movement issues and noise and with other policies in the plan. There were no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.

The decision was subsequently 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 27th April, 2012. 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.

In reaching his decision the Reporter concluded in assessing the impact on neighbours that the increased comings and goings associated with the proposed increase in child numbers would be likely to have an unacceptable effect on the living conditions of neighbours contrary to Policy 1.

In terms of access and parking he concluded that the proposal met the Policy 19 standards and that allowing the appeal would not have detrimental consequences for road or pedestrian safety.

He felt that the benefits of an enlarged nursery business would not overcome the conflicts with aspects of the Development Plan or the harm to residents' amenity.

- (b) UNIT A1, KINGSWAY WEST RETAIL PARK - CONSENT TO DISPLAY ADVERTISEMENT

Reference is made to the decision of the Council on 8th February, 2012 under powers delegated to the Director of City Development, to refuse advertisement consent for the above proposal. The Council considered that the proposed advertisement, because of its excessive size, would be detrimental to the visual amenity of the area, detracting from the uniformity of the signage evident in the Retail Park and therefore contrary to Policy 63 (Advertising) of the Local Plan.

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

The appeal was determined by written representations and the decision was received by the Council on 15th May, 2012. Copies of the Reporter's decision letter have already been circulated to members by e-mail.

The Reporter DISMISSED the appeal.

In reaching his decision, the Reporter noted that the proposed enlarged fascia sign would be significantly larger than any of the other gantry mounted signs in the retail park and would disrupt the harmonious approach to advertisement signage that he considered to be a positive feature of the park. He also felt it would lead to an excessive level of signage on the premises which would detract from its appearance and from that of the park as a whole.

