

#### **4 APPEAL DECISION (AN78-2017)**

Planning application reference 17/00191/FULL sought planning permission for the erection of a Class 3 use, drive-thru and hot food/drink takeaway use, and the erection of a children's day nursery (Class 10). The application was refused by the Development Management Committee at its meeting on 25th May, 2017. The reason for refusal was that the development was contrary to the Policies 1 and 4 of the Dundee Local Development Plan 2014 because none of the proposed uses were within Class 4, 5 or 6 for which the site is allocated, nor was the development ancillary to the Principal Economic Development Area. Additionally, the proposed Class 3 uses would not protect the vitality or viability of Dundee's City Centre, District Centres or Commercial Centres.

The appointed Reporter **UPHELD** the appeal and granted planning permission for the development on the grounds that the proposed development would provide ancillary services to primarily meet the needs of businesses and employees with the Principal Economic Development Area. Whilst the Reporter agreed that the proposed Class 3 and Class 10 uses were contrary to Policy 1, she stated that the application of that policy needed to be considered in the context of the spirit and intent of the policy and be read together with the content of Policy 4. As the Council would maintain a 5 year supply of employment land and the services were considered to be ancillary, the Reporter supported the development.

For these reasons, the Reporter concluded that the proposed development complied with the relevant provisions of the Development Plan and stated that there were no material considerations which would justify refusing to grant planning permission for the development.