

PLANNING APPEAL DECISION (AN12-2008)

Location: 3-5 Raglan Street

Proposal: Demolition of Garage and Part Nursery and Erection of Replacement Nursery and Eight Flats

Reference is made to the decision of the Council on 6th June, 2007, under powers delegated to the Director of Planning and Transportation, to refuse planning permission because the Council considered that the proposal was contrary to the provisions of Policies 4 and 19 of the Dundee Local Plan Review 2005 (flatted development; inadequacy of parking and bike storage facilities; inadequacy of staff parking, dropping off facilities and outdoor play space in relation to the nursery element of the proposals).

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 a hearing held on 20th November, 2007 and the decision was received by the Council on 6th December, 2007. Copies of the decision notice have already been circulated to Members by e-mail.

The Reporter **DISMISSED** the appeal and refused to grant planning permission.

In reaching his decision the Reporter recognised the nursery provides a valuable community service and its retention is a reasonable planning objective. He also concluded that "provided other constraints are recognised", some additional residential development would be appropriate. Despite the terms of Policy 19 and Appendix 4 of the local plan's preclusion of flats over nurseries the Reporter concluded that such disadvantages in this case could be overcome by noise related conditions.

Turning to design matters the Reporter concluded that the design of the flats and the layout on such a restricted site was not satisfactory.

In regard to parking for the proposed flats the Reporter was not satisfied that in the light of the on street parking situation that a relaxation of standards was not appropriate. It was considered that the proposed parking for the nursery was acceptable. The issue of bike storage could be overcome by condition.

In conclusion the Reporter considered the development as a whole to be overdevelopment creating a poor residential environment and inadequate servicing.