

4 PLANNING APPEAL DECISION (AN17-2019)

Appeal Decision – 18/00115/FULM (PPA-180-2057) Linlathen Village, Broughty Ferry, Dundee

Planning application reference 18/00115/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 Planning Committee at its meeting on 18 June 2018. The Committee refused the application because it:

- was premature and could prejudice the delivery of the Western Gateway;
- was premature to the outcome of the examination of the Proposed Dundee Local Development Plan 2017;
- would result in overdevelopment to the detriment of the amenity of the surrounding area;
- would exacerbate capacity issues within local infrastructure and community facilities;
- would increase vehicle movements on the local road network and result in congestion;
- would fail to provide adequate in-curtilage parking for all houses; and
- would be contrary to Policy 32 of the Dundee Local Development Plan in proposing the SUDS scheme within open countryside.

The Reporter concluded that things have changed since the previous application/appeal and the proposal would be in accordance with the Dundee Local Development Plan 2019. As a result, it is not premature. The Reporter also noted that the proposal would not amount to overdevelopment and would provide an acceptable level of parking provision. In terms of infrastructure, the Reporter noted the Council's supplementary guidance on developer contributions and agreed that education and road improvements should be sought via Section 75 Planning Obligation, but did not consider additional healthcare provision to be necessary or proportionate in scale and nature to the development proposed. Lastly, the Reporter stated that whilst the SUDS area was outwith the allocated housing site within open countryside, it would only involve earthworks with no prominent above ground built forms, and would be acceptable.

As a result, the appointed Reporter **UPHELD** the appeal and **RESOLVED TO GRANT PLANNING PERMISSION** subject to a Section 75 Planning Obligation and conditions. Planning permission shall not be granted until such a time as the required Section 75 has been completed. The Reporter provided a period of 16 weeks for this to occur. Failing which, he shall consider whether planning permission should be refused or granted without a planning obligation.