

#### **4        ERECTION OF 39 DWELLINGHOUSES ON LAND EAST OF LINLATHEN HOUSE LODGE, ARBROATH ROAD, BROUGHTY FERRY (AN346-2006)**

Reference is made to Article 1(h) of the minute of meeting of the Development Quality Committee of 31 October 2005 wherein the Council resolved to grant planning permission for the above development subject to conditions and the conclusion of a Section 75 legal agreement relating to the provision of offsite works, contributions towards education provision, the maintenance of open spaces and the restoration of Linlathen West Bridge. In addition, it was immediately necessary for the application to be referred to Scottish Ministers due to the contravention of the development plan and the fact that the Council owned part of the site.

In February 2006 Scottish Ministers directed that the application be referred to them for determination.

The application was thereafter considered on the basis of written submissions and a site inspection held on 20 July 2006. The Reporter's findings, conclusions and recommendation were submitted to Scottish Ministers on 1 August 2006. The decision of Scottish Ministers to concur with the Reporter's recommendation that planning permission be granted with conditions, was received by the Council on 4 October 2006.

Copies of both reports are available in the Members' Lounges.

The Reporter concluded (and Scottish Ministers agreed) that although the proposals offended both the Structure Plan and the Local Plan Review this was counterbalanced by other material considerations viz the additional land supply would helpfully supplement shortfalls elsewhere and that other structure plan policies would not be undermined. The reporter was also satisfied that local or site specific difficulties could be satisfactorily surmounted.

In granting planning permission a total of 13 conditions were added reflecting those sought by the Council. However, the Reporter considered that he could not "safely advise" Scottish Ministers that contributions in support of local education provision should be sought through the Section 75 Agreement mechanism. As an alternative he advised that the Council had an opportunity to revisit this matter in negotiations in respect of the small part of the site which it owns. Scottish Ministers accepted this view. The other matters forming the heads of legal agreement have been included within conditions.

Members are asked to note the terms of the decision by Scottish Ministers and to refer the matter of education contributions to the Director of Economic Development to pursue in the manner indicated by the Reporter.