

4 PLANNING APPEAL DECISION (AN73-2019)

FORMER KINGSPARK SCHOOL, GILLBURN ROAD, DUNDEE

Planning application reference 17/00765/FULM sought planning permission for a residential development comprising 62 houses with associated infrastructure, access, landscaping, drainage, SUDS and open space. The application was refused by the Planning Committee at its meeting on 19th March, 2018. The reasons for refusal were that the application firstly failed to comply with Policy 8 (Housing Land Release) of the Local Development Plan 2014 as the application site was not allocated for housing. Secondly, the application failed to comply with Policy 44 (Air Quality) and Policy 55 (Accessibility of New Development) of the Dundee Local Development Plan (2014) as it would result in an increase in road traffic and associated parking pressures. Thirdly, the application failed to comply with Policy 38 (Trees and Urban Woodland) as the proposed development would result in the loss of mature trees within the site. Finally, the application failed to comply with Policy 36 (Open Space) of the Local Development Plan 2014 as the proposed development would not contribute to the enhancement and connectivity of open space and habitats.

Following the Reporter's dismissal of the appeal regarding 17/00765/FULM (PPA-180-2056) for the erection of 62 houses, the applicant appealed to the Court of Session. The Court of Session reviewed the appeal decision and concluded that the Reporter had not fully considered all material considerations in making their decision, and that the requirements of Policy 8 did not support the Reporters conclusions. The Court of Session subsequently quashed the Reports decision.

Following the Court of Sessions decision to quash the Reporter's decision, the appeal was returned to the DPEA for redetermination on 15th May, 2019.

The appointed Reporter **UPHELD** the latest appeal and granted planning permission for the development, subject to 20 conditions to ensure compliance with standards relating to landscaping, drainage and road safety on 1st October, 2019.

The Reporter concluded that within the adopted Dundee Local Development Plan 2019 the site is not protected as open space. The site is located on unallocated white land where Policy 9 gives some support to redevelopment for housing and to support regeneration. The Reporter concluded that the proposed housing development would make a positive contribution to regeneration objectives and improve the tenure mix in the area. The Reporter did not find anything in terms of layout, design, biodiversity, loss of green space or flood risk or the cumulative impact of other proposed developments that indicates that this site is not suitable for housing use. With regard to trees and bio-diversity, the Reporter considered that the proposed mitigation measures including landscaping was sufficient and was therefore satisfied that the impact on trees would not be unacceptable. The protection of trees and woodland, in accordance with the terms of the development plan, can be secured through condition.