

4 PLANNING APPEAL DECISION (AN19-2024)

PLANNING APPLICATION 23/00617/PPPM: LAND TO SOUTH OF WEST GREEN PARK AND EAST OF DYKES OF GRAY ROAD (HOUSING SITE H42)

Planning application 23/00617/PPPM sought planning permission in principle for residential development (up to 58 residential dwellings) with associated landscaping, open space, access, infrastructure, and other associated works. The application was refused by the Planning Committee at its meeting on 12th February, 2024 for the following reasons:

- 1 the applicant has not provided a Statement of Community Benefit. The proposal therefore fails to explain the proposal's contribution to local housing requirements, local infrastructure and residential amenity contrary to Policy 16b of National Planning Framework 4. There are no material considerations of sufficient weight to justify approval of the application; and
- 2 the proposal fails to consider the need for affordable homes and does not propose any form of affordable housing. The proposal therefore fails to demonstrate compliance with Policy 16e of National Planning Framework 4. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2072 was submitted and the Reporter appointed by Scottish Ministers issued a notice of intention on 10th January, 2024. The Reporter intends to ALLOW the appeal and GRANT planning permission in principle.

The full appeal decision can be accessed via:

<https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S0ZDRVGCMUJ00&activeTab=summary>

The determining issues in the appeal were the principle of development, the reasons for refusal, the density of the proposed development, and transport and access arrangements.

The Reporter noted that the majority of the site was allocated for residential development in the LDP. Although the proposal would not comply with Policy 5 of NPF4 due to the land being prime agricultural land and housing not being in the list of exceptions to that policy, it does gain support from Policy 16 of NPF4 and Policy 9 of the LDP due to the allocation of the site for housing. On that basis, the Reporter was satisfied that the principle of housing development on the appeal site has been established.

Although the Reporter accepted that the appellant had failed to comply with the wording of NPF4 Policy 16 by not providing a Statement of Community Benefit, they were satisfied that the information expected to be included in a statement has been incorporated within other documents provided with the planning application.

The second reason for refusal was the failure to consider the need for affordable housing. The Reporter noted that Part e) of Policy 16 of NPF4 supports development proposals for new homes where provision is made for affordable homes to meet an identified need. Notwithstanding this, the policy goes on that this is unless LDPs set out the circumstance in clause ii) where a lower contribution is justified, and that the contribution is to be provided in accordance with local policy or guidance.

The Reporter notes that the LDP does not contain a specific policy relating to affordable housing and that the LDP's developer contributions requirements at this location do not include an affordable housing contribution. Further to this they noted that the Council's Developer Contributions supplementary guidance is statutory and it is therefore part of the development plan and as such has sufficient weight to be taken into consideration under the provisions of NPF4 Policy 16 part e). The Supplementary Guidance does not require affordable housing contributions.

For those reasons, the Reporter considered that the absence of affordable housing would be consistent with the development plan and is not contrary to part e) of Policy 16 of NPF4.

The other matters including the density of the site, transport and access arrangements, drainage, biodiversity, energy, noise, footpath links, archaeology and ground conditions were all considered by the Reporter and they were satisfied that the application of planning conditions would satisfy the relevant development plan policies.

The final matter was that of a planning obligation relating to primary education contributions and a road upgrade. On that point, the Reporter has deferred the determination of the appeal for a period of up to 12 weeks to enable the obligation to be completed.

Claim for Award of Expenses

The appellant submitted a claim for an award of expenses during the appeal process, which will be dealt with in a separate Decision Notice. At the time of writing that has not been published.