

### 3 PLANNING APPEAL DECISION (AN30-2008)

#### LAND TO WEST OF PITKERRO MILL, KELLAS ROAD, DUNDEE - ERECTION OF SIX DWELLINGHOUSES AND GARAGES

Reference is made to Article I(g) of the of the minute of meeting of this Committee of 18th June, 2007, wherein the above proposal was refused planning permission because the Committee considered that the proposals would add to potential flooding problems; adversely affect the nature conservation value of the site; add to traffic safety and congestion problems; and would detract from the visual amenity of the area.

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 written representations and the decision was received by the Council on 23rd January, 2008. Copies of the decision letter from the Department of Planning and Environmental Appeals have already been circulated to members by e-mail.

The Reporter **UPHELD** the appeal and granted planning permission with a range of conditions relating to landscaping, tree protection, drainage, land contamination, design and public transport issues.

In reaching his decision the Reporter found as follows:

- (a) The principle of developing the site had been established through Proposal 68A of the adopted local plan subject to certain constraints being overcome, eg potential for flooding.
- (b) Subject to the design of the proposed embankment, the Reporter was satisfied that the flood risk to Riverside Cottage would not increase.
- (c) The area identified as floodplain could by the use of conditions prevent it from being used as private garden ground.
- (d) A condition could also be used to require the continuity of water supply to the pond to be made secure before work starts on site.
- (e) The Reporter agreed with the terms of the applicant's ecology report which indicated a net improved natural environment as a result of the development.
- (f) Subject to the submission of replacement planting proposals the development was considered to accord with Policy 72 of the adopted local plan.
- (g) The pursuit of a cycle path link was considered unnecessary.
- (h) The positioning of two garages required to be dealt with by means of condition.
- (i) There was no likelihood of the development having any material impact on traffic congestion or traffic safety.
- (j) Although there would be an impact on Pitkerro Mill, a "C" grade listed building, this was considered not to be sufficient enough to warrant the rejection of the proposals.