

## 4 PLANNING APPEAL DECISIONS (AN65-2018)

### FORMER KINGSPARK SCHOOL SITE APPEAL DECISIONS

Three planning applications were submitted to the Council for a residential development at the former Kingspark School Site at, Gillburn Road. The Planning Committee refused planning permission for all three applications. The applicant subsequently appealed all three decisions to Scottish Ministers.

#### Appeal Decision – 17/00765/FULM (PPA-180-2056)

Planning application reference 17/00765/FULM sought planning permission for a proposed residential development at the former Kingspark School site, Gillburn Road, Dundee.

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 is 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.

The appointed Reporter **DISMISSED** the appeal and refused planning permission for the development. The Reporter concluded that the proposed development does not accord with a fundamental Development Plan provision for the release of unallocated brownfield housing land. He found that LDP Policy 8 underpins the land use strategy of the development plan and therefore the proposal does not accord with the Development Plan. He also found that there were no material considerations which would justify granting planning permission. The Reporter stated that having considered all the other matters raised, there are none which would lead him to alter his conclusions.

#### Appeal Decision – 17/00766/FULL (PPA-180-2055)

Planning application reference 17/00766/FULL sought planning permission for alterations to an existing vehicle access, the extension of an existing footpath and the formation of a new footpath at the former Kingspark School site, Gillburn Road, Dundee.

The application was refused by the Planning Committee at its meeting on 16th April, 2018. The reason for refusal was that the application fails to comply with Policy 7 (High Quality Design) of the Dundee Local Development Plan 2014 as the design and layout of the proposals fail to address community expectations for improved access and footpaths across the site for community benefit.

The appointed Reporter **UPHELD** the appeal and granted planning permission for the development subject to 7 conditions to ensure compliance with standards relating to contaminated land and road safety. The Reporter concluded that there were no material considerations which would justify refusing to grant planning permission for the development.

#### Appeal Decision – 17/00767/FULL (PPA-180-2054)

Planning application reference 17/00767/FULL sought planning permission for works to open space to south of proposed residential development at the former Kingspark School site, Gillburn Road, Dundee.

The application was refused by the Planning Committee at its meeting on 16th April, 2018. The reasons for refusal were that the application failed to comply with Policy 41 (Flood Risk Management) of the Dundee Local Development Plan 2014 as the proposed re-grading of the land would disturb the existing ground and amend the site topography, resulting in the potential for detrimentally impacting on the existing flooding issues in the area and in particular the properties in Clive Road which bound onto the western edge of the site. Secondly, that it failed to comply with Policy 38 (Trees and Urban

Woodland) of the Dundee Local Development Plan 2014 as the proposed re-grading of land would result in unnecessary development which is detrimental to the application site including existing trees and of no material benefit to the community.

The appointed Reporter **DISMISSED** the appeal and refused planning permission for the development. The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the Development Plan, specifically Policy 38. In the absence of consent for neighbouring housing development, there are no other material considerations which would justify granting planning permission. The Reporter stated that having considered all the other matters raised, there are none which would lead him to alter his conclusions.