

**ANGUS COUNCIL****DEVELOPMENT CONTROL COMMITTEE****11 APRIL 1996**

**SUBJECT: PUBLIC INQUIRY INTO THE REFUSAL OF PLANNING APPLICATION D20391 FOR OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT ON LAND TO THE SOUTH OF MATTOCK ROAD/SCHOOL ROAD, WELLBANK, DUNDEE**

**REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

**Abstract:** Angus Council has inherited the decision of the City of Dundee District Council to refuse an application for Tulloch Homes/Hillcrest Housing Association for residential development at Wellbank. The decision has been appealed against and is to be heard at the Public Inquiry. Wellbank has the benefit of an up-to-date Local Plan which does not allocate the site for residential purposes and this report recommends that the Committee uphold the City of Dundee District Council's decision and authorise participation in the appeal on that basis.

**1 RECOMMENDATION**

It is recommended that the Committee -

- a accepts the decision of the City of Dundee District Council to refuse Planning Application D20391;
- b agrees that Officers of Angus Council participate in the public inquiry.

**2 INTRODUCTION**

- 2.1 The Angus Council has inherited the decision of the City of Dundee District Council to refuse Planning Application D20391 for residential development in Wellbank which became part of the administrative area of the Angus Council on Local Government Reorganisation.
- 2.2 The appeal site comprises 3.78 hectares of enable land lying to the south and east of a housing development and primary school at School Road/Mattock Road and to the east of an identified Local Plan housing site which is currently being developed.
- 2.3 The purpose of the report is to seek the authorisation of the Development Control Committee to participate in the appeal on the basis of the decision taken by the City of Dundee District Council.

**3 LOCAL PLAN POSITION**

- 3.1 The appeal site falls within the City of Dundee District Council Rural Areas Local Plan which was adopted in July 1994 following a Local Plan Inquiry. Development proposals for the village of Wellbank were considered at the Local Plan Inquiry.

The Reporter recommended that sites for an additional 30-35 houses be allocated in the Local Plan. These recommendations were incorporated into the Rural Area Local Plan. The appeal site was not included as a site for residential development but was designated as Open Countryside.

- 3.2 The City of Dundee District Council has prepared the Dundee District Local Plan which covers the entire District including the area covered by the Adopted Rural Areas Local Plan. In the context of the Dundee District Local Plan, given that the Rural Areas Local Plan was adopted as recently as July 1994, it was not considered appropriate to review the housing land allocations contained therein for the majority of villages in the Plan area. The appeal site was not allocated for housing in the Dundee District Local Plan which, when adopted, will supersede the Rural Areas Local Plan.
- 3.3 The non identification of the appeal site for development of housing for rent and for purchase by lower income groups was considered as part of the Dundee District Local Plan Public Local Inquiry which was held between November 1995 and March 1996. The Reporter's findings are expected in January 1997.
- 3.4 I have intimated to the Scottish Office Reporters Unit that it would be preferable if the date for the Public Inquiry was after the Reporters findings on the Draft Dundee District Local Plan were known as these findings will be material to the consideration of the Wellbank housing proposal.

#### 4 PLANNING HISTORY

- 4.1 The application that is the subject of this appeal is for the erection of approximately 48 houses on a 3.78 ha site. Although no details of the house types or design were submitted, as the application was for outline consent, the applicants stated that the development would be on the basis of low cost affordable houses for rent or sale. The proposal includes the provision of a playing field adjacent to the school.
- 4.2 At the time of consideration 8 letters of objection and 3 letters in support (one from the applicant) were received. The main grounds of objection were as follows:
- a contravention of the Local Plan;
  - b development over a right of way;
  - c increased traffic generated and lack of pavements at Mattocks Road;
  - d impact of further expansion on the character of the village.

The letters in support suggest the following:

- a drainage is available for extra housing;
- b the site will provide affordable low cost housing for rent or sale and there is an identifiable demand for this type of housing which is not being met;
- c the development will benefit the village, consolidate the school roll and support local services and community activities;
- d there is a willing developer and the land is surplus to agricultural needs;

- e the provision of a playing field for the school represents considerable planning gain.
- 4.3 In its consideration of the application the City of Dundee District Council undertook a number of consultations including Tayside Regional Council. The application was considered by Tayside Regional Council Planning Committee at its meeting of 23 February 1995 and agreed:
- 1 that the City of Dundee District Council be advised that the Regional Council would not object in strategic planning terms to the erection of low cost affordable housing for rent and sale; and
  - 2 that, should the District Council be of a mind to approve the application, which could substantially add to the size of Wellbank over a short period and which was on a site not identified for housing in the relevant Local Plans, the Regional Council would request that particular attention be given to the detailed siting and design of the new housing in order to retain the amenity of existing development, and to the comments of the Director of Roads and Transport, as detailed in paragraph 2.1 of Report No 257/95.
- 4.4 The Director of Roads had no objection, in principle, to the proposed development, subject to all matters regarding access, car parking, road layout (design and specification) being in accordance with the requirements of the roads authority. Further visibility sightlines of 4.5 x 60 metres shall be provided in each direction at the proposed new junction on Mattocks Road. These measurements cannot be achieved at the identified site. I noted a new access would be required to the cost of an existing house on Mattocks Road. This access would be outwith the site identified although within the applicant's control.
- 4.5 In its consideration of application D20391, the City of Dundee District Council determined that the issue was whether or not there were any overriding reasons for departing from the policies of the adopted Rural Areas Local Plan 1994 which designated the site as an area of Open Countryside.
- 4.6 Planning application D20391 for Outline Planning Permission for Residential Development for Tulloch Homes/Hillcrest Housing Association was refused by the City of Dundee District Council on 17 April 1995 for the following reasons:
- 1 the proposed development would contravene Policies P6-9 of the adopted Rural Areas Local Plan 1994 which allocate this site as Open Countryside and there are no overriding considerations that would justify the setting aside of Local Plan Policy in this case;
  - 2 the proposed development would prejudice the outcome of the Draft Dundee District Local Plan which allocates this site as Open Countryside;
  - 3 the proposed development would represent an undesirable intrusion into an area of Open Countryside and an unacceptable extension to Wellbank village by virtue of the extent of development currently approved at Wellbank and the need to restrict further development to the south and east of the village;

- 4 the proposed access for the development from Mattocks Road is substandard in terms of visibility sightlines and use of this access would be detrimental to traffic safety.

## 5 PLANNING CONSIDERATIONS

- 5.1 The issue for the Committee to consider is whether or not to accept the decision of the City of Dundee District Council and fight the appeal which will be heard at a Public Inquiry.
- 5.2 The village of Wellbank has, in recent years, experienced considerable development. The village originally developed along both sides of the B978 and had an L-shaped configuration. The Gagie Bank estate squared off the village form. This estate was developed under the Angus County Council Development Plan and consent of 52 houses.
- 5.3 The adopted Rural Areas Local Plan identifies 3 sites for housing purposes which, when developed, will provide for 35 houses. It is estimated that development of all 3 Local Plan sites could increase the 1991 population of Wellbank by some 23%.
- 5.4 In commenting upon the Rural Areas Local Plan the reporter made reference to restricting further development to the south and east of the village whilst stating that "in the longer term consideration could be given to upgrading the sewer system to allow the village to develop in a more balanced way by bringing land to the north of Mattock Road either side of the crossroads, within the drainage catchment areas."
- 5.5 I would concur with the reporter's view that it would be preferable to develop the village to the north of Mattock Road.
- 5.6 The promotion of development is best undertaken through the Development Plan process. Wellbank has the benefit of the Rural Areas Local Plan which is up to date. The promotion of additional development in Wellbank may have an impact for other Local Plan proposals. Other villages require development to support services.
- 5.7 It is considered that, in housing terms, a balanced community already does and will continue to exist.
- 5.8 It is, therefore, considered that the decision of the City of Dundee District Council to refuse Planning Application D20391 be accepted by the Angus Council and that the Council participate in the Public Inquiry on that basis. However, if the appellants at the public inquiry propose an acceptable alternative means of access on land within their control that can be implemented through a legal agreement or planning condition then the reason for refusal relating to access would not be contested.

## NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/IM/DB

Alex Anderson  
Director of Planning, Transport & Economic Development

13 March 1996

