

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

30 JANUARY 1997

**SUBJECT: PLANNING APPEAL DECISION
SCHOOL ROAD/MATTOCKS ROAD, WELLBANK**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the decision of the Secretary of State in respect of an appeal against the refusal of Dundee City Council to grant consent for the erection of houses at School Road/Mattocks Road, Wellbank.

1 RECOMMENDATION

It is recommended that the Committee notes the decision of the Secretary of State and delegates the formulation of the terms of the requisite Section 50 Agreement to the appropriate officials.

2 INTRODUCTION

- 2.1 Angus Council inherited an outstanding appeal at reorganisation brought about by the refusal of Dundee City Council for the erection of low cost affordable housing for rent and sale (approximately 48 units) on land at School Road/Mattocks Road, Wellbank.
- 2.2 The applicants, Tulloch Homes/Hillcrest Housing Association, appealed against the refusal and a Public Inquiry was held from 4 to 6 June 1996 in front of a Reporter.
- 2.3 The Reporter's Findings of Fact and his reasoning and conclusion led to a recommendation that the appeal be upheld, however, in exercise of the powers under paragraph 3(1) of Schedule 7 to the Town and Country Planning (Scotland) Act 1972, the Secretary of State directed that he would determine the appeal himself. His decision, in line with that of his Reporter is reproduced below along with the condition imposed. Members will note that a Section 50 Agreement is also required to restrict the development to low cost housing. Should any member require to see the Reporter's much lengthier Findings of Fact, etc. copies can be made available from the Planning Department.

3 SECRETARY OF STATE'S DECISION

- 3.1 "The Secretary of State has carefully considered all the evidence presented at, and subsequent, to the inquiry, the Reporter's Findings of Fact and his reasoning, conclusions and recommendations thereon. He accepts the Reporter's Findings of Fact, agrees with his reasoning and recommendations and adopts them for the purpose of his own decision. Accordingly, the Secretary of State hereby gives notice of his intention to uphold the appeal and grant outline planning permission, subject to conditions as outlined in the Annex to this letter, to Tulloch Homes Ltd. and Hillcrest Housing Association Ltd. for the erection of low cost affordable housing for rent and

sale (approximately 48 units) on land south of School Road/Mattocks Road, Wellbank, by Dundee.

- 3.2 The Secretary of State's decision in respect of this appeal will be deferred, in the first instance for a period of three months, pending the successful conclusion and registration of an agreement, under Section 50 of the Town and Country Planning (Scotland) Act 1972, between the appellants, the landowner and the Planning Authority, to restrict the entire development to low cost affordable housing for rent or sale and to make provision for the ownership of the proposed playing field to be transferred free of charge to the local Education Authority.

3.3 CONDITIONS ATTACHED TO THE GRANT OF OUTLINE PLANNING PERMISSION: LAND SOUTH OF SCHOOL ROAD/MATTOCKS ROAD, WELLBANK, BY DUNDEE

1. Application for matters hereby reserved shall be made not later than the expiration of three years from the date of this permission and the development shall be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later.
2. Before any development commences on site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved;
 - (a) the layout of the site;
 - (b) the site, height, design and external appearance of the proposed dwellinghouse(s);
 - (c) the means of drainage and sewage disposal;
 - (d) details of the access arrangements;
 - (e) the provision for open space, including the proposed soccer pitch;
 - (f) the provision for car parking;
 - (g) the boundary walls/fences to be erected;
 - (h) the landscaping of the site;
 - (i) finished site levels/floor levels.
3. Notwithstanding the details to be submitted under condition 2, vehicular access shall be provided to Mattocks Road to the satisfaction of the Planning Authority prior to the occupation of any dwellinghouses.
4. Notwithstanding the details to be submitted under condition 2, a footpath on Mattocks Road between the road access and the existing footpath to Gagiebank

and School Road shall be provided prior to the occupation of any of the dwellinghouses to the satisfaction of the Planning Authority.

5. Notwithstanding the details to be submitted under condition 2, pedestrian access through the site from the southern end of School Road towards South Kingennie shall be maintained to the satisfaction of the Planning Authority.
6. The proposed soccer pitch and open space adjacent to Mattocks Primary School shall be provided in the location indicated on drawing 1703/003 and laid out to the satisfaction of the Planning Authority prior to the occupation of any of the dwellinghouses.”

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law and Administration and Director of Finance have been consulted in the preparation of this report.

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/JJ/KW
21 January 1997

Alex Anderson
Director of Planning, Transport & Economic Development

