

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 MARCH 1997

**SUBJECT: DEVELOPMENT CONTROL CONSIDERATION ARISING FROM
PUBLIC LOCAL INQUIRY FINDINGS INTO OBJECTIONS
TO FINALISED DUNDEE DISTRICT LOCAL PLAN**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report very briefly summarises findings and recommendations directly relevant to Angus arising from report of the Public Local Inquiry into objections to Finalised Dundee District Local Plan and suggests that these findings and the Finalised Local Plan taken together form part of the framework to the consideration of planning applications in the Monifieth/Sidlaw area in advance of the preparation and adoption of the Angus Local Plan.

1 RECOMMENDATION

It is recommended that the Committee notes the content of this report and accept that the Finalised Local Plan, taken together with the Reporter's recommendations, be treated as a material consideration in assessing and determining planning applications arising in this area in advance of the preparation and adoption of the Angus Local Plan.

2 INTRODUCTION

2.1 A Public Local Inquiry into objections to the Finalised Dundee District Local Plan was held between November 1995 and March 1996. The findings and recommendations of the Scottish Office Reporter who conducted the Inquiry have recently been forwarded to three unitary authorities now responsible for local planning in the geographical areas covered by the Plan, namely Angus Council, Dundee City Council, Perth and Kinross Council. The Monifieth/Sidlaw area that Angus Council inherited from Dundee District Council on Local Government reorganisation is covered by the Local Plan.

2.2 As with all Local Plan inquiries Reporters' recommendations are not binding on any of the Councils. However, as an independent and impartial party, the Reporters' conclusions merit the most careful attention and provide a major and material consideration in taking forward local planning guidance in this area.

3 BACKGROUND

- 3.1 A Public Local Inquiry is part of the process of adopting the Local Plan. The Inquiry specifically addresses objections lodged to the Plan which remain unresolved following the Planning Authority's consideration of responses received to the finalised draft of the Local Plan
- 3.2 In the case of the Dundee District Local Plan, the Inquiry considered outstanding objections to the Finalised Local Plan which remained following two earlier rounds of modifications which had incorporated various changes in responses to some objections.
- 3.3 Local Plan inquiries are major complex exercises often covering numerous wide ranging objections. The Dundee District Local Plan Public Inquiry was further complicated by:-
- the reorganisation of Local Government resulting in parts of the Local Plan areas straddling the boundaries of three new unitary authorities;
 - the timing of the final approval of the Tayside Structure Plan 1993 which is still awaited and which provides a strategic planning framework for the Local Plan.
- 3.4 The Inquiry Reporter took these factors into account, where possible, in reaching conclusions and recommendations. However, the Reporter specifically recognises that his recommendations cannot take into account the various post inquiry events including:-
- the subsequent issue of various national Planning Policy Guidelines and advice on, for example, housing land (NPPG3, PAN 38), retailing (NPPG8);
 - post inquiry appeal decisions.
- 3.5 As a result the Reporter cautions that certain topics considered at the Inquiry may require to be revisited and re-explored. This does not seriously undermine the general relevance of the inquiry findings but confirms that the merit of this Council's approach of reserving its position pending a final decision of the Tayside Structure Plan 1993.
- 3.6 Another matter to be taken into account is the fact that this Council is currently preparing the Angus Wide Local Plan which will include the Sidlaw/Monifieth area which is covered by the Dundee District Local Plan.

4 LOCAL PLAN INQUIRY FINDINGS

- 4.1 The Inquiry Reporter's conclusions and recommendation of particular interest to Angus Council concern:-
- housing strategy;
 - housing at Liff and Fowlis;
 - housing at Birkhill;
 - housing at South Grange, Monifieth;
 - housing at Kellas;
 - housing at Auchterhouse, Inveraldie/Tealing and Wellbank;
 - housing at Ballumbie House;
 - retail policies;
 - potential use of Strathmartine Hospital;
 - wastewater treatment plant at Panmurefield;
 - outer peripheral route investigation/Kingsway junctions.
- 4.2 Report No. 290/97 placed before the Planning and Transport Policy Committee on 6 March 1996 summarised the Reporter's findings which include a recommendation that the proposed housing allocation at Liff be reduced. The proposed housing allocations at Liff were the only aspect of the Plan that Angus Council formally objected to.
- 4.3 With respect to remainder of the housing allocations, the Reporter has proposed a new site at Birkhill for 90 houses and the allocation of a site for 48 low cost/rented houses on a site at Gagiebank East, Wellbank. The site at Wellbank was granted consent on appeal prior to publication of the Reporter's findings on the Local Plan.
- 4.4 Angus Council did advise Dundee District Council of its concerns regarding the proposed wastewater treatment plant at Panmurefield but the Reporter has recommended no alteration to the Local Plan.

5 PLANNING CONSIDERATIONS

- 5.1 In normal circumstances it would be usual practice for a Local Plan having reached this stage to continue to be progressed in its entirety towards adoption. The Planning Authority would therefore consider objections and the Reporter's report and decide on actions on each recommendation.
- 5.2 Report No. 290/96 proposed that the most appropriate course of action for Angus Council is not to progress directly towards the adoption of a Dundee District Local Plan separately from ongoing Local Plan work as part of the preparation of the Angus Local Plan. It concluded that progress on the Dundee District Local Plan to date, including the conclusions and recommendations arising from the Public Inquiry, represent a major and valuable input to the local planning and development control framework. The report advocated a pragmatic approach which recognises the opportunity to draw on this work in its context of the particular circumstances and opportunities now arising.

- 5.3 That statutory Local Plan framework for the Monifieth and Sidlaws area will continue meantime to be provided by the current adopted Local Plans for this area (Dundee Rural Areas Local Plan adopted 1989 and West Ferry/Monifieth Local Plan adopted 1984). Development proposals which vary from the provisions made in these adopted Plans will therefore continue to fall to be considered as departures. However, in considering and determining proposals requiring planning consent in this area it is suggested that full regard should also be made to the more recent findings where appropriate arising from preparation of the Dundee District Local Plan including the Reporter's recommendations. In short this should form a material consideration of some considerable weight.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7 CONCLUSION

- 7.1 It is concluded that the Reporter's findings and the Finalised Local Plan be treated as a material consideration on assessing and determining planning applications arising in the Monifieth Sidlaw area in advance of the preparation and adoption of the Angus Local Plan.

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/KW
4 March 1997

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