



City Chambers
DUNDEE
DD1 3BY

7th December, 2012

Dear Sir or Madam

DEVELOPMENT MANAGEMENT COMMITTEE

You are requested to attend a MEETING of the **DEVELOPMENT MANAGEMENT COMMITTEE** to be held in the **Committee Room 1, 14 City Square, Dundee** on Monday, 17th December, 2012 at 6.00 pm. (Please note change from usual venue).

Yours faithfully

DAVID K DORWARD

Chief Executive

AGENDA OF BUSINESS

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 DEPUTATIONS

(a) 6 BATH STREET, BROUGHTY FERRY - EXTENSION OF CELLAR (RETROSPECTIVE)

A request has been received for a deputation to address the Committee relative to objections to the above mentioned application, which is recommended for approval.

(b) CHURCHILL PLACE, BROUGHTY FERRY - ERECTION OF 15 FLATS

Requests have been received for deputations to address the Committee both relative to objections and in support of the above application, which is recommended for approval.

- (c) 32-34 MAINS LOAN - APPLICATION TO REMOVE CONDITION 11 OF PLANNING APPLICATION 09/00348/FUL WHICH REQUIRES THE FOOTWAY ON EAST SIDE OF MAINS LOAN TO BE UPGRADED

A request has been received for a deputation to address the Committee in support of the above application which is recommended for approval.

3 PLANNING APPLICATIONS

(Reports enclosed).

- 4 **POWERHOUSE, MILTON OF CRAIGIE RETAIL PARK, MILTON OF CRAIGIE ROAD NORTH, DUNDEE - MODIFICATION OF S75 PLANNING OBLIGATION ASSOCIATED WITH PLANNING APPLICATION D16262 TO ALLOW THE SALE OF PET FOOD AND ALL PET RELATED PRODUCTS**

(Report No 487-2012 enclosed).

5 APPEAL DECISION (AN205-2012)

Location: Land to the West of 17 Elcho Drive, Broughty Ferry, Dundee
Proposal: Change of Use from Open Space to Garden Ground

Reference is made to Article II(C) of the minute of meeting of this Committee of 17 September 2012 wherein the above proposal was refused planning permission contrary to the Director's recommendation because the Council considered that:

- 1 The proposed change of use would result in the loss of an area of public open space which makes an important contribution to the amenity of those using the adjacent footway and cyclepath.
- 2 The proposed change of use would result in a more intensified use of this area of ground to the rear of properties on Glendevon Way, resulting in an adverse impact on the environmental quality enjoyed by local residents by reason of noise contrary to Policy 1 of the adopted Dundee Local Plan Review 2005 and there are no material considerations that would justify a departure from the Development Plan in this instance.

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 26 November 2012. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter ALLOWED the appeal and granted planning permission.

In reaching his decision the Reporter considered that the determining issue was whether, in the context of the provisions of the Development Plan, a change of use to garden ground was justified, particularly taking into account the amenity of adjacent residential property.

He considered that the appeal site was an important component of the buffer area between the A92 Arbroath Road and the houses to the south but did not perform an active open space function. He felt it was not visually prominent and was difficult to access. He therefore concluded that its incorporation into the garden of 17 Elcho Drive would not alter the basic function of the land.

He saw no reason why 17 Elcho Drive, having a larger garden than its neighbours, would lead to higher noise levels and did not think the change of use would lead to a loss of privacy. He concluded that there would be no conflict with Policy 1 of the adopted Local Plan. In granting consent he imposed conditions requiring the use of the land to be limited to purposes incidental to the enjoyment of the house at 17 Elcho Drive, requiring the noise attenuation bund to be retained in perpetuity, requiring the trees not to be felled or lopped without the consent of the Council and any boundary treatment to be agreed with the Council.

6 DELEGATED ITEMS (AN206-2012)

It is reported for the information of the Committee that from 22 October to 21 November 2012, 38 applications were decided under delegated powers. Four of these applications attracted objections and of these applications 3 were approved and one was refused.