

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 7 August 2012

DC12/087 Removal of condition 9 of permission DC10/262/COU (to remove the obligation to provide a 2m wide footway along the front of the development) at Bowling Church, Dumbarton Road, Bowling by Cameron Mearns.

1. REASON FOR REPORT

- 1.1** This application has been subject to a representation from a Community Council. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Refuse** full planning permission for the reason set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a vacant church and hall located within the centre of Bowling. It was constructed in the late 19th Century and sits on the southern side of Dumbarton Road. It is constructed of sandstone and has a traditional ecclesiastical appearance and consists of the church, a hall and associated tower. The site extends to 0.1 hectares, with the footprint of the buildings occupying most of the plot. The site is located within a residential area, with housing directly to the east/north east and west/north west. The building is not listed but is of some architectural and historical value. Directly to the north, on the opposite side of Dumbarton Road is an area of maintained grass, whilst there is a railway line running along the southern boundary of the site. Beyond the railway line is the River Clyde. Further along Dumbarton Road to the west, there is a public car park which is approximately 30m from the site.
- 3.2** Bowling Church became surplus to the Church of Scotland's requirements several years ago, at which point it was sold off and has been vacant since. A planning application (DC10/262/COU) was approved in April 2011 which granted permission for the vacant church and hall to be converted into 4 dwellings with associated works including the erection of a single storey rear extension, the addition of a second floor to the church tower and landscaping. In order to preserve the building and avoid the need for either partial or complete demolition, it was accepted that it would not be possible to comply with the normal car parking standard for dwellings. As approved, permission DC10/262/COU would not have provided any off street car parking. A non material variation was subsequently granted to the application which

permitted the formation of four off street parking spaces at the front of the building.

- 3.3** The footpath along the site frontage is very narrow, being less than 1m wide, which is less than satisfactory in terms of pedestrian safety and makes the pavement unsuitable for people with wheelchairs, prams or buggies. The application to convert the church into dwellings provided an opportunity to address this deficiency, and widening of the pavement would serve to offset the lack of parking. The planning permission was therefore subject to a condition (9) which stated:

“A 2m wide footway shall be formed along the length of the site frontage with the A814 Dumbarton Road prior to the occupation of any residential unit within the site.”

Reason: In the interests of road and public safety”

The current application seeks to delete this condition and allow the conversion of the church into four dwellings without improving the footway along the front of the site.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service recommends refusal of this application to remove condition 9 of permission DC10/262/COU since the proposed residential development will generate vehicular and pedestrian trips. The upgrading of the footway to a safe and convenient standard will allow prospective users and visitors of the residential development to access not only the adjacent parking area but also the nearby public transport facilities and other village services.

5. REPRESENTATIONS

- 5.1** One letter of representation has been submitted by Bowling and Milton Community Council which objects to the proposal since the removal of condition 9 and the obligation to provide a 2m wide footway would compromise pedestrian safety, particularly as it is a route which is used by people walking to the railway station. The present footpath is dangerous to use due to its narrow width and either forces pedestrians to cross a busy road or walk along a sub standard section of the footway.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is located within an existing residential area where policy H5 seeks to safeguard and where possible enhance the character and amenity of residential areas. New housing development is supported provided it does not have an adverse effect upon the surrounding area. In addition, policy BE3 states that the Council will encourage and support the renovation rather than demolition of derelict properties which are not listed but which are considered

to contribute to the townscape character of the surrounding area. The conversion of the church to housing is in accordance with these policies.

- 6.2** In considering any application, it has to be assessed against the criteria listed in policy GD1, which requires proposals to provide public transport, pedestrian and cycling access. This is reiterated by policy T4 which states that developers should ensure that sites are well integrated into walking, cycling and public transport routes and should give priority to the positioning of footpaths at the main entrances to developments. It is considered that the removal of the requirement to provide a 2m wide footpath along the front of the development would have a detrimental impact on pedestrian safety and would therefore be contrary to policies GD1 and T4.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Car Parking Provision

- 7.1** When converting existing buildings for new uses it is not always possible or practical to comply with the standards which are normally required of new development. In the case of the application property, it was not possible to comply with the usual car parking standard of 1.65 spaces per dwelling (i.e. 7 spaces), and permission was granted on the basis that it would not have any on-site car parking. This was considered acceptable for three reasons:

- the proposal involved the retention of an attractive building and it was not possible to provide the full parking standard without partial demolition;
- the former church use also had no car parking facilities and there was therefore an existing shortfall; and
- the proposal provided an opportunity to improve the existing substandard footway, which would help to offset any problems arising from the lack of parking.

Additionally, and regardless of the parking shortfall, it was considered desirable to improve the footway along the site frontage because it was unsatisfactory in terms of the safety and convenience of pedestrians, including pedestrians accessing the application site. The permission was subsequently amended to include four car parking spaces. This reduced the parking shortfall, but did not eliminate it, and also it did not affect the reasons that improving the footpath is desirable.

Footpath Provision

- 7.2** The applicant has requested that the condition be deleted because the cost of the footway improvements is significant and he considers the cost to be disproportionate to the development proposed. The footway has been substandard for many years. The road safety problems associated with the narrow footway were greater when the building was used as a church. The applicant does accept that widening of the footway would be desirable, and has indicated a willingness to contribute towards its provision or to provide a strip of land for this purpose if the Council wishes to widen the footway itself, but he does not consider it reasonable for him to bear the full cost of the work.

7.3 It is accepted that the amendment to provide some car parking spaces on the site is an improvement which helps to make the site safer by reducing the likelihood of on-street parking. However, the rationale for requiring the widening of the footpath remains. The proposal involves conversion of the church building into dwellings, and it is reasonable to require that the pedestrian access to the new homes should be constructed to an appropriate standard. The widening of the footpath can be achieved physically and the point of contention merely relates to who should pay for the work. The Roads Service has been asked whether any footway renewals are programmed for Bowling in the near future but has advised that no relevant works are currently planned, and that they consider the upgrading of the footway to be the applicant's responsibility. Accordingly, the condition remains necessary in order to ensure that pedestrian access to the properties is safe and convenient, as well as helping to offset the remaining parking shortfall. Furthermore, Bowling and Milton Community Council have objected to the removal of the obligation to provide the 2 metre footway as it would compromise pedestrian safety and have also highlighted the shortcomings of the existing footpath provision.

8. CONCLUSION

8.1 Whilst the redevelopment and conversion of Bowling Church is to be welcomed and encouraged, there has not been acceptable justification given for not providing the improved 2m footway. Whilst it would undoubtedly reduce the cost of the conversion if the footway improvement was not required, its deletion would have an adverse impact upon road safety.

9. REASON

- 1. The proposal is contrary to policies GD1 and T4 of the West Dunbartonshire Local Plan 2010 since the footway improvement is necessary in order to ensure that pedestrian access to the site is safe and convenient, and to offset the shortfall in on-site parking provision.**

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Date: 20 July 2012

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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Representation;
3. Consultation responses; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: 3 (Dumbarton)