

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Executive Director of Housing, Environmental and Economic Development (Housing & Regeneration Services)

Planning Committee: 6 November 2007

Subject: Planning Appeal Decisions for:

- DC04/477** **Erection of 23 townhouses, 219 flats and ground floor commercial floorspace, conversion of distillery building into 67 flats and commercial space, and associated access, parking and public spaces, at former Allied Distillers site, Castle Street, Dumbarton**
- DC06/420** **Formation of access road (partial reserved matters), at part of former bonded warehouses, Gooseholm Road, Dumbarton**
- DC07/022** **Alterations to junction of Gooseholm Road and Gooseholm Crescent, Dumbarton**

1. Purpose

- 1.1** To inform the Committee of the outcomes of three recent planning appeals.

2. Background

- 2.1** Planning application DC04/477 was refused by the Planning Committee on 1 March 2006 due to concerns about the retention of an existing mill/still tower, the layout, character and appearance of the proposed development, the number of car parking spaces and the design of the roads and parking areas. The appeal was subject to a public local inquiry, which took place between 1 and 9 August 2007.
- 2.2** Planning applications DC06/420 and DC07/022 were closely related, and were both refused by the Planning Committee on 6 June 2007, contrary to recommendation. The reason for both refusals was that the proposal would have a detrimental impact upon the operation of the Gooseholm Road / Townend Road junction. The two appeals were conjoined and were dealt with by way of written representations.

3. Main Issues

- 3.1** Decision DC04/477 (former Allied Distillers site, Castle Street, Dumbarton)
The Reporter shared the Council's concerns about the suitability of the mill/still tower for retention, and the failure of the layout to accord with the adopted Dumbarton Waterfront Design Guide. He also agreed with the

Council that the car parking arrangements and roads design were unsatisfactory. The appeal was therefore dismissed.

Decision DC06/420 (former bonded warehouses, Gooseholm Road, Dumbarton) and DC07/022 (junction of Gooseholm Road and Gooseholm Crescent, Dumbarton)

- 3.2** The Reporter noted that the appeal site has a prior outline planning permission for residential development, which included a condition requiring that vehicular access be by way of a new roundabout on the A82, and from the western end of Gooseholm Road. A transport assessment was prepared at the time of the outline application, which the Council found to be acceptable, and since that time no new evidence has been put forward to contradict these findings. As such, the appeals were upheld and reserved matters (DC06/420) and planning permission (DC07/022) were approved. Furthermore, the Reporter found that the Council had acted unreasonably in refusing the applications without a valid planning reason to do so. Accordingly, he found the Council liable for the appellant's costs in respect of these appeals.

4. Personnel Issues

- 4.1** There are no Personnel issues.

5. Financial Implication

- 5.1** The Council is liable for the appellant's costs in respect of the two appeals which were upheld.

6. Risk Analysis

- 6.1** There are no risk issues.

7. Conclusion

- 7.1** The decision in respect of the Allied Distillers site vindicates the Council's decision to seek the highest possible quality of design on this important town centre site. The decision also highlights the value of adopted supplementary design guidance, such as the Dumbarton Waterfront Design Framework.
- 7.2** The result of the appeals at Gooseholm Road emphasise the need to ensure that applications are determined in accordance with their planning merits, and that undue weight is not given to local opposition if this is not founded on valid planning reasons.

8. Recommendation

8.1 That the Committee notes the outcome of these three appeals.

Irving Hodgson

**Acting Executive Director of Housing, Environmental and Economic
Development (Housing and Regeneration Services)**

Date: 19 October 2007

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Appendices: none

Background Papers:

- a) Appeal decision letter dated 15/10/07 (DC04/477);
- b) Appeal decision letter dated 12/10/07 (DC06/420);
- c) Appeal decision letter dated 12/10/07 (DC07/022);
- d) Award of costs letter dated 12/10/07 (DC06/420 & DC07/022)

Wards Affected: Ward 3 (Dumbarton)