

Agenda



Planning Committee

Date: Wednesday, 10 October 2018

Time: 10.00

Venue: Council Chambers,
Clydebank Town Hall, Dumbarton Road, Clydebank

Contact: Craig Stewart, Committee Officer
Tel: 01389 737251, craig.stewart@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)
Bailie Denis Agnew
Councillor Jim Brown
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Diane Docherty (Vice Chair)
Councillor Douglas McAllister
Councillor Marie McNair
Councillor John Mooney
Councillor Lawrence O'Neill

All other Councillors for information

Date of Issue: 27 September 2018

PLANNING COMMITTEE
WEDNESDAY, 10 OCTOBER 2018

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 12

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 19 September 2018.

4 NOTE OF VISITATION 13

Submit, for information, Note of Visitation carried out on 18 September 2018.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

6 PLANNING APPLICATIONS

Submit reports by the Strategic Lead – Regulatory in respect of the following planning applications:-

- (a) DC18/137 – Formation of a sports pitch, including resurfacing, fencing, landscaping and installation of lighting at Cornock Street, Clydebank by West Dunbartonshire Council.

15 - 22

- (b) DC18/177 – Change of use of units 3 and 4 (from Class 1 retail and Class 10 Education facility) to Class 11 leisure facility at 32 High Street, Dumbarton by Energie Scotland.

23 - 29

- (c) DC18/162 - Removal of existing 15m telecommunications monopole mast, installation of replacement 17.58m monopole mast, 2 in number 0.6m diameter dishes and ancillary equipment cabinet at Argyll Road, Clydebank by MBNL on behalf of EE Limited and HG3 Limited.

To follow

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 19 September 2018 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Jim Brown, Gail Casey, Karen Conaghan, Diane Docherty, Jim Finn, Marie McNair and John Mooney.

Attending: Peter Hissett, Strategic Lead – Regulatory; Pamela Clifford, Planning and Building Standards Manager; Erin Goldie, Team Leader – Development Management; Anthony McGuinness, Team Leader – Forward Planning; Colin Newman, Team Leader – Building Standards; James Hall, Policy Planning Officer; Nigel Ettles, Section Head – Litigation and Craig Stewart, Committee Officer.

Apologies: Apologies for absence were intimated on behalf Councillors Douglas McAllister and Lawrence O'Neill.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 29 August 2018 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 28 August 2018, a copy of which forms Appendix 1 hereto, was submitted and noted.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATION

A report was submitted by the Strategic Lead – Regulatory in respect of the following planning application:-

DC16/175 & DC17/092 – Conversion of church and associated works to create a residential development at Former United Reform Church, Leven Street, Dumbarton, G82 1QU by Mr Paul Wilson.

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning and Building Standards Manager was heard in further explanation of the report.

Councillor Finn, Chair, advised that Mr Paul Wilson, applicant, was available to answer any questions/clarify any issues from Members. The Chair then invited Mr Richie Gallacher, objector, to address the Committee. Mr Gallacher was heard in respect of his representation.

After consideration and having heard the Team Leader – Development Management and relevant officers in answer to Members' questions, the Committee agreed:-

- (1) that it was minded to grant full planning permission and that authority be delegated to the Planning and Building Standards Manager to issue the decision subject to the conditions set out in Section 9 of the report as detailed within Appendix 2 hereto and to the satisfactory conclusion of the referral of the planning application to Scottish Ministers; and
- (2) to grant listed building consent subject to the conditions set out in Section 9 of the report as detailed within Appendix 2 hereto.

CONSERVATION AREA APPRAISALS AND BOUNDARY CHANGES

A report was submitted by the Strategic Lead – Regulatory seeking approval of alterations to the boundaries of the High Dalmuir, Clydebank; Knoxland Square, Dumbarton; and Lusset Road, Old Kilpatrick Conservation Areas.

After discussion and having heard the Planning and Building Standards Manager and the Policy Planning Officer in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to approve the following changes to the High Dalmuir Conservation Area boundary:-
 - The inclusion of 48 Duntocher Road and adjacent street trees.
- (2) to approve the following changes to the Knoxland Square Conservation Area boundary:-

- inclusion of the original suburb of Knoxland from Wallace Street in the west to Buchanan Street in the East and from Glasgow Road in the North to Castlegreen Street in the South; and
 - inclusion of tenements on the northern side of Glasgow Road from no. 129-171 and Dumbarton East Railway Station.
- (3) to approve the following changes to the Lusset Road, Old Kilpatrick Conservation Area boundary:-
- inclusion of Kilpatrick Railway Station;
 - inclusion of houses on Station Road, Dumbarton Road and Thistlebank; and
 - inclusion of several other buildings of historic interest on the west side of Dumbarton Road, including the full plot and boundary wall of no. 91 Dumbarton Road (Bankside House).
- (4) that Appendix 1 to the report be submitted to the Scottish Ministers as the new boundaries of the three Conservation Areas.
- (5) to note that the High Dalmuir, Knoxland Square and Lusset Road/Mount Pleasant Drive Conservation Area Appraisals (March 2018) would be a material consideration in the determination of future planning applications affecting the Conservation Areas.

WEST DUNBARTONSHIRE LOCAL DEVELOPMENT PLAN 2 – PROPOSED PLAN

A report was submitted by the Strategic Lead – Regulatory seeking approval to publish the Proposed West Dunbartonshire Local Development Plan 2 (“the Proposed Plan”) for representations.

After discussion and having heard the Planning and Building Standards Manager and the Team Leader – Forward Planning in further explanation and in answer to Members’ questions, the Committee agreed to approve the Proposed West Dunbartonshire Local Development Plan 2 for publication.

DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT 2018

A report was submitted by the Strategic Lead – Regulatory providing an update on the progress of the Development Plan and seeking approval of the annual review of the Development Plan Scheme and Participation Statement.

The Committee agreed to approve the Development Plan Scheme and Participation Statement.

PROPOSED DUMBARTON TOWN CENTRE CONSERVATION AREA

A report was submitted by the Strategic Lead – Regulatory seeking agreement to approve the proposed Dumbarton Town Centre Conservation Area for consultation.

After discussion and having heard the Planning and Building Standards Manager and the Policy Planning Officer in further explanation of the report and in answer to Members' questions, the Committee agreed to approve the proposed Dumbarton Town Centre Conservation Area for consultation based on the boundaries proposed in the Dumbarton Town Centre Conservation Area Proposal Report.

ANNUAL REVIEW OF QUARRIES AND LANDFILL SITES

A report was submitted by the Strategic Lead – Regulatory providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area, and the status of the relevant restoration bonds which apply to three of the sites.

After discussion and having heard the Planning and Building Standards Manager in further explanation of the report and in answer to Members' questions, the Committee agreed to note the progress of the quarry and landfill sites, the status of the relevant restoration bonds and that a further update will be provided to a future Planning Committee during 2019.

SCOTTISH GOVERNMENT CONSULTATION ON BUILDING STANDARDS COMPLIANCE AND FIRE SAFETY

A report was submitted by the Strategic Lead – Regulatory advising of the publication of a Scottish Government consultation regarding Building Standards Compliance and Fire Safety and seeking approval of the response.

After discussion and having heard the Planning and Building Standards Manager and the Team Leader – Building Standards in further explanation of the report and in answer to Members' questions, the Committee agreed that Appendix 1 to the report be submitted as this Council's response to the consultation.

STREET NAMES FOR NEW HOUSING DEVELOPMENT SITE AT CASTLE STREET, DUMBARTON

A report was submitted by the Strategic Lead – Regulatory requesting approval of new street names for the housing development at Castle Street, Dumbarton.

After discussion and having heard the Planning and Building Standards Manager in further explanation of the report, the Committee agreed that Old Academy Way, Cronin Street, Hatters View and Hatters Lane be approved as the street names for the new housing development at this location.

The meeting closed at 11.28 a.m.

DRAFT

PLANNING COMMITTEE

NOTE OF VISITATION – 28 AUGUST 2018

Present: Provost William Hendrie, Bailie Denis Agnew and Councillors Jim Brown, Karen Conaghan, Diane Docherty and Jim Finn.

Attending: Pamela Clifford, Planning and Building Standards Manager; and Raymond Walsh, Interim Manager – Roads & Transportation.

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

Dumbarton Road and Glasgow Road, Clydebank

DC18/033 – Carriageway and footway realignment/resurfacing and public realm works to improve pedestrian and cycle routes/crossings, bus routes and civic spaces by WDC.

DC16/175 & DC17/092 – Conversion of church and associated works to create a residential development at Former United Reform Church, Leven Street, Dumbarton, G82 1QU by Mr Paul Wilson.

DC16/175

MINDED TO GRANT full planning permission and that authority be delegated to the Planning and Building Standards Manager to issue the decision subject to the following conditions and to the satisfactory conclusion of the referral of the planning application to Scottish Ministers:-

1. Notwithstanding the details shown on the approved plans, a sample of the proposed zinc cladding and window frames shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site. The development shall thereafter be completed in accordance with the approved details prior to occupation of any unit within the development.
2. Prior to the commencement of works on site, full details of the design and location of the southern boundary wall shall be submitted for the further written approval of the Planning Authority. This shall incorporate the re-use of stone from the existing hall. The development shall thereafter be completed in accordance with the approved details prior to occupation of any unit within the development.
3. Prior to the commencement of works on site, full details of the design and location of all balcony screening and balustrade shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation of any unit within the development.
4. Prior to the commencement of development on site details of the design and location of the cycle storage and bin stores shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation of any unit within the development.
5. Prior to the commencement of works, full details of all landscaping proposed, including hard and soft surfaces, shall be submitted for the further written approval of the Planning Authority. The landscaping shall thereafter be completed in accordance with the approved details prior to occupation of any unit within the development.
6. No residential unit shall be occupied until the vehicle parking spaces have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
7. During the period of construction, all works (including piling) and ancillary operations which are audible at the site boundary, or at such other places that

may be agreed with the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.

8. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
9. No development shall take place until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the adjacent supermarket, using BS 4142: 1997 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. The noise impact assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.
10. The finished ground floor level within the development shall be a minimum of 5m AOD, and no land raising shall be undertaken on site unless otherwise agreed in writing by the Planning Authority.

DC17/092

GRANT listed building consent subject to the following conditions:-

1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site. The development shall thereafter be completed in accordance with the approved details.
2. Exact details and specifications for the restoration of the boundary railings and wall (including at the new vehicular entrance) shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site. The development shall thereafter be completed in accordance with the approved details.

PLANNING COMMITTEE

NOTE OF VISITATION – 18 SEPTEMBER 2018

Present: Councillors Jim Brown, Karen Conaghan, Caroline McAllister and Marie McNair.

Attending: Erin Goldie, Team Leader – Development Management.

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

Former United Reform Church, Leven Street, Dumbarton

DC16/175: Conversion and extension to former church to form 10 dwellings with associated alterations and parking.

DC17/092: Conversion and extension to former church (listed building) into residential use with associated alterations and parking at Former United Reformed Church, Leven Street, Dumbarton by Mr Paul Wilson.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Planning Committee: 10 October 2018

DC18/137: Formation of a sports pitch, including resurfacing, fencing, landscaping and installation of lighting at Cornock Street, Clydebank by West Dunbartonshire Council.

1. REASON FOR REPORT

- 1.1** The proposed development raises issues of local significance and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9 of this report.

3. DEVELOPMENT DETAILS

- 3.1** The site is currently occupied by a grass playing field which is enclosed by 3m high metal fencing, with the site area extending to 1586sq.m. There is a gradual drop in levels across the site of approximately 2.5m from the highest point at the north western corner at Cornock Street to the lowest point at the south eastern corner. The site is located within a residential area with flatted properties located directly to the north, east and south of the site.
- 3.2** Planning permission is sought for the formation of a new all-weather multi use sports pitch which will replace the existing grass pitch. The existing boundary fencing will be replaced by 3m high weldmesh fencing, with three access points to the north, west and south. Due to the level differences on site, a gabion basket retaining wall will be formed along the northern and eastern edges of the pitch to create a level surface. The gabion retaining wall will vary in height from 0.5m to 2.8m, with an access staircase being formed in the south eastern corner of the site. Beyond the new fence, six floodlights will be erected, with three being located to the north of the pitch and three to the south. Each floodlight column will be 6m in height. Landscaping will be undertaken around the site including the planting of a row of trees along the southern boundary. There is no pavilion associated with the facility and sports pitch will be available for community use.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection subject to a condition which requires the provision of cycle parking.
- 4.2** West Dunbartonshire Council Access Officer supports the proposal.
- 4.3** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions requiring the design of the floodlighting and it to be switched off at 8pm.
- 4.4** West Dunbartonshire Council Housing Service supports the proposal and has worked with the tenants and residents association on the proposals and helped secure funding for the works through the 'Better Homes' campaign.
- 4.5** Glasgow Airport has no objection subject to a condition relating to the proposed landscaping on site.

5. REPRESENTATIONS

- 5.1** One representation from a local resident has been received which objects to the sports pitch as it includes lighting which will encourage older teenagers/youths to use the facility and congregate, particularly as there is a public house and licensed off sales nearby. They believe that the lighting will be too close to the surrounding housing.
- 5.2** In support of the proposal there are 29 representations from residents living in the local area. These can be summarised as follows:
- This type of facility is needed in this location, particularly as it will be accessible for disabled users;
 - The introduction of floodlighting and the all - weather surface would encourage use of the facility all year round, particularly during winter;
 - It would be a welcome community facility;
 - It would provide somewhere for local children to play;
 - It will contribute to enhancing the amenity of the surrounding area;
 - The facility may contribute to lowering anti-social behaviour in the area;
 - The introduction of lighting will make the facility feel more secure;
 - The facility will contribute towards improved health and well-being in the surrounding area.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan

- 6.1** The site is located within an 'Existing Residential Area' covered by policy H5 which seeks to protect the character and amenity of existing residential areas. Policy R3 supports the upgrade of recreational facilities. The replacement of the existing playing field with an all-weather sports pitch is acceptable at this

location and is considered appropriate for this residential area provided conditions are imposed regarding the design of the floodlighting to minimise light spillage and restricting the use/ timing when the floodlights can be used. In this case, the proposal would comply with the policies of the adopted plan. This is discussed further in paragraph 7.7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP 1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.

- 7.2** The site is located within an existing residential area covered by policy BC4, which seeks to prevent new development which would significantly harm the residential amenity, character or appearance of existing neighbourhoods. Policy DS1 applies to all development and supports proposals which avoid unacceptable impacts on surrounding uses. The replacement of an existing playing field with an all weather sports pitch is considered to be appropriate at this location and will not have a significant impact on the amenity of the area. The proposals are considered to comply with these policies provided the conditions regarding floodlighting are imposed.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.3** On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.
- 7.4** Policy GI1 supports the safeguarding and enhancement of existing sports facilities and policy H4 aims to protect residential amenity from developments that would cause unacceptable disturbance. Policy ENV8 requires appropriate mitigation for proposals that have potential to impact in terms of air, light and noise. Provided conditions are imposed regarding floodlighting, the proposals would be considered to comply with this policy.

Acceptability of the Use

- 7.5** The site has been used for recreational purposes for a considerable period of time and contains a grass football pitch within an area enclosed by fencing. The proposal would result in the continuation of this use and would replace the existing grass pitch, which is no longer of an appropriate standard, with a modern multi use games area. Although the application covers the same site area as the existing playing field, the actual all weather sports pitch will occupy a smaller area which will be enclosed by fencing. There will be three entrance points to the pitch, with two providing level access. The other access in the south eastern corner will be via stairs.

- 7.6** Although parts of the site will be raised by approximately 2-2.5m and supported by gabion baskets on the northern and eastern edges in order to provide a level surface, the new level of the pitch will not result in an unacceptable relationship being created with neighbouring properties. In order to further enhance the development between the site and the neighbouring properties to site, landscaping will be undertaken which will include the planting of a row of trees along the southern boundary of the site which will provide some screening. Overall, the upgrade of the existing facilities is to be welcomed. The location, layout and design of the development are all considered to be acceptable.

Lighting and Noise

- 7.7** The existing pitch is not floodlit however as part of the new sports pitch 6 floodlights are proposed which will be 6 metres in height. Three will be located to the north of the pitch and three to the south. The northern row of floodlights will be over 30m from the residential properties which are to the south of the pitch. The southern row of floodlights will be over 50 metres to the properties to the north. As agreed through consultation with Environmental Health, the floodlights must be designed to ensure that they do not adversely affect the amenity of neighbouring properties by creating excessive illumination and they must also be controlled and set so that they are switched off at 8pm. This means that the facility is unlikely to be used past 8pm in the winter months when it is dark. The design and timing of the floodlighting can be controlled through planning conditions. Whilst there will be a degree of noise associated with the use of the pitch, it is an existing facility which operates without any restrictions at present. The upgrading of the pitch will provide an improved community facility and the benefits of this are detailed in the letters of support as summarised in section 5.2 of this report. With regards to the letter of objection regarding concerns over flood lighting, this can be suitably addressed through the planning conditions regarding the design and use of the floodlighting.

8. CONCLUSION

- 8.1** The construction of a new sports pitch is welcomed and complies with local planning policies. It represents an opportunity to upgrade an existing recreational facility and contribute towards the enhancement of health and wellbeing in the surrounding residential area. The Council's Environmental Health Service has no objection to the proposal subject to the floodlighting being restricted through a planning condition. Overall, the proposal is considered to be acceptable and will provide an upgraded and enhanced recreational facility.

9. CONDITIONS

1. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The hard surfaces shall thereafter be completed in accordance with the approved details prior to the facility being made available for use.
2. The floodlighting to be erected on site shall be switched off at 8pm on a daily basis.
3. No development shall take place on site until such time as details (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours) of the floodlights have been submitted to and approved in writing by the Planning Authority. The floodlights shall then be implemented in accordance with the approved details and shall be maintained in this condition. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.
4. Prior to the commencement of works on site, full details of the design and location of two cycle racks shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the facility being made available for use.
5. No development shall take place until full details of landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <https://www.aoa.org.uk/>). These details shall include the species, number and spacing of trees and shrubs. No subsequent alterations to the approved landscaping scheme shall take place unless submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The scheme shall thereafter be implemented as approved prior to the facility being made available for use.

Peter Hessett
Strategic Lead - Regulatory
Date: 19 September 2018

Person to Contact: Pamela Clifford, Planning, Building Standards
email: Pamela.Clifford@west-dunbarton.gov.uk
0141 951 7938

Appendix: None

Background Papers:

1. Application forms and plans
2. West Dunbartonshire Local Plan 2010

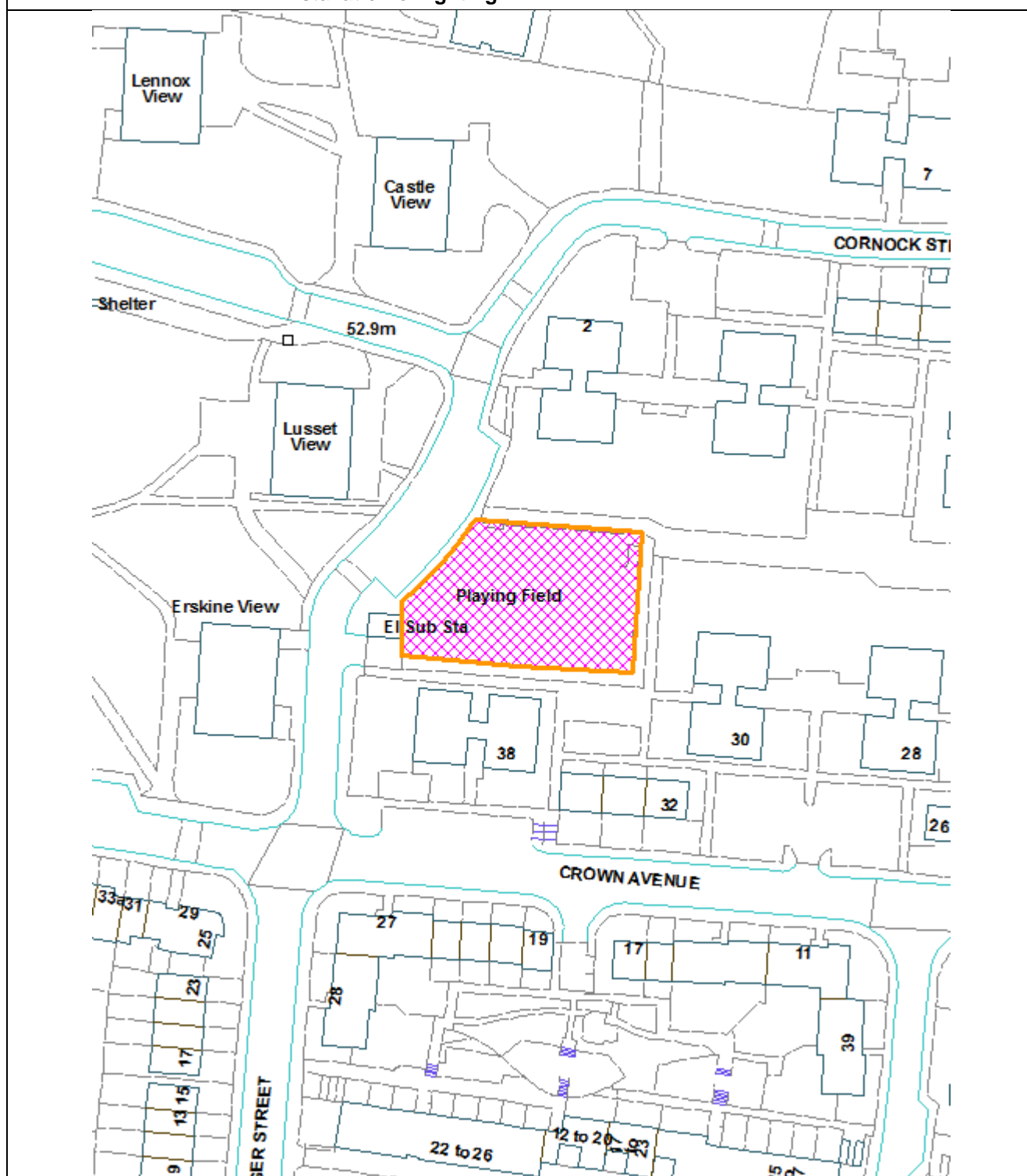
3. West Dunbartonshire Local Development Plan
Proposed Plan
4. West Dunbartonshire Local Development Plan
Proposed Plan 2
5. Consultation Responses
6. Representations

Wards affected: Ward 5 (Clydebank Central)

DC18/137

Refurbishment of existing
playing field to sports pitch
including resurfacing,
fencing, landscaping and
installation of lighting

Recreation Ground
Cornock Street
Clydebank



WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Planning Committee: 10 October 2018

DC18/177: Change of use of units 3 and 4 (from Class 1 retail and Class 10 Education facility) to Class 11 leisure facility at 32 High Street, Dumbarton by Energie Scotland.

1. REASON FOR REPORT

- 1.1 The proposal is a departure from the Development Plan and it is recommended that planning permission is granted. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 **Grant** full planning permission subject to the conditions set out in Section 9 of this report.

3. DEVELOPMENT DETAILS

- 3.1 The application relates to two units (Unit 3 and Unit 4) located on the north side of Dumbarton High Street which are attached to the Artizan Centre. Both units are located on the ground floor and form part of a traditional three storey building constructed in the 1930s, with an attractive upper façade. The ground floor consists mainly of glazing, with pedestrian access taken directly from High Street. Both units are currently vacant. Unit 3 was designed for retail use approximately ten years ago and has never been occupied. Unit 4 was used by Clydebank College for almost ten years.
- 3.2 Planning permission is sought to form a gym that is part of a national chain of gyms located throughout the UK. Internally, the units would be reconfigured to form a single unit containing reception area, café, gym/fitness space, changing facilities, sauna, steam room, office space and studio space. It is anticipated that the gym will directly employ 6-8 staff, with around 5 further freelance class instructors and up to 8 self-employed personal trainers working within the gym. In addition to the gym use, sports massage, physiotherapy and beauty therapy may also be offered. The proposed opening hours are Mon-Fri 6am to 10pm and Sat-Sun 8am to 6pm. Externally, the only alteration proposed is that the existing entrance door to Unit 3 would be removed and the frontage glazed. Unit 4 would provide the main entrance.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal as there is sufficient town centre parking available.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal.

5. REPRESENTATIONS

- 5.1** One representation from a local resident has been submitted which supports the proposal as it would be an appropriate use for an unused space on a struggling high street.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site lies within Dumbarton town centre, where Policy RET5 states that applications for non-retail uses will be favorably considered where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. The site is also within the defined core retail frontage, where Policy RET6 seeks to protect and enhance the retail and commercial function by encouraging new and improved retail floor space. In the case of ground floor units within the core frontage there is a presumption against change of use of existing retail (Class 1) uses to non-retail uses. Applications for any change of use from a shop to a non-retail use will only be permitted where it can be satisfactorily demonstrated that such a change would reinforce and revitalise the centre and would not adversely affect the character and amenity of the area.
- 6.2** Policy GD1 states that all new development should respect the character and amenity of the area in which it is located. Whilst there are residential properties within the town centre, the proposed use is not considered likely to raise any issues with regard to noise, disruption or amenity. The proposal therefore complies with this policy.
- 6.3** The proposed gym is therefore in principle a departure from the development plan, however, it is considered that the proposed use would contribute positively to the vitality and viability of the town centre and would not have a detrimental impact on the character and amenity of the area. This is discussed further in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan 1 (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification

in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained un-adopted but continues to be a material consideration in the determination of planning applications.

7.2 The Dumbarton Town Centre and Waterfront "Changing Place" section of LDP1 supports a strong retail core but recognises that non-retail uses also contribute to town centres. The site is included within the core retail area and policy SC2 outlines that proposals for change of use of ground floor Class 1 uses within the core retail areas will be assessed in terms of:

- a) whether the change would significantly reduce the retail offer of the core retail area or parts of it;
- b) whether the change would lead to the concentration of a particular use to the detriment of the town centre's vitality and viability;
- c) the contribution the proposed use would make to the vibrancy of the town centre by increasing footfall;
- d) the availability and suitability of other locations in the town centre for the proposed use to locate; and
- e) whether the unit affected by the proposal has been vacant and suitably marketed for retail use.

The proposal is not entirely consistent with part (d) of Policy SC2, because there are vacant units available outwith the retail core. However, these units would not be of a sufficient size to accommodate a gym. These issues are discussed further below and it is considered that other considerations are sufficient to overcome the departure from this policy.

7.3 Policy DS1 relates to all development and expects that any proposal will contribute towards creating a successful place by having regard to the six qualities of a successful place. It is not considered that the development would have a detrimental impact on the amenity or character of the surrounding area by way of noise, odour or general disturbance and the proposal therefore complies with this policy.

West Dunbartonshire Local Development Plan 2 (Proposed)

7.4 On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.

7.5 The Delivering Our Places: Dumbarton Town Centre and Waterfront Strategy supports improvements including bringing vacant units into use and improving shop frontages. The strategy also supports mixed use development in the town centre. Policy 1 seeks a more diverse and vibrant town centre and encourages a range of uses where it accords with Policy SC 2. Within the Core Town Centre areas, Policy SC2 extends the range of uses and allows Class 11 (leisure facilities). The use of the units as a gym would comply with Policies 1 and SC2.

Scottish Planning Policy (SPP)

- 7.6** The SPP indicates that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into the town centre. A mix of uses to support vibrancy, vitality and viability throughout the day and into the evening should be encouraged. Within Dumbarton High Street, there is already a mix of uses including class 1 uses and banks, building societies, estate agencies, public houses, solicitors, betting shops and other services. It is considered that the proposal introduces a new use both for day and evening use and therefore complies with SPP.

Loss of Retail Unit

- 7.7** Unit 3 whilst never being occupied was designed for retail purposes and so is regarded as a retail unit. The loss of a retail unit within a core retail area to an alternative use, in this case a gym, requires to be considered against the policy criteria of the Adopted and proposed Plans. Despite being actively marketed for the past 10 years, there has never been any serious interest in the unit for retail purposes. The marketing agent for the unit advises that the Artizan Centre has too much retail space for the demand and 11 of the 35 ground floor units have largely been vacant during the same ten year period. The retail unit has been offered to several retailers interested in such space and who have ongoing requirements for Dumbarton. However, these retailers have sought units with designated parking directly outside and this cannot be provided at this location. The unit also has a change of level internally and a narrow/deep configuration which was found to be unfavourable by retailers.
- 7.8** Within the Dumbarton High Street area, including the Artizan Centre, there is a relatively high proportion of vacant units, including vacant units of various sizes within the core retail area. The retail unit has been marketed for an extended period and it has not been possible to secure a long-term retail tenant. The loss of this unit is therefore unlikely to prevent any new future retail operator from finding suitable accommodation in the town centre. The proposed change of use of the retail unit to a gym is therefore considered to be acceptable in this regard.
- 7.9** Unit 4 is also currently vacant. It was last used by Clydebank College for educational purposes and is therefore not a retail unit. This unit has been marketed since the college vacated in December 2017 but there has been no registered interest for any use. The proposed change of use of the unit together with unit 3 for the purposes of a gym is considered to be acceptable and this is discussed further below.

Availability of Alternative Sites

- 7.10** The applicant has indicated that ground floor premises are preferred and the letting agents consider that the arrival of a nationally branded gym at this location will assist in their efforts to let other vacant retail units on High Street and College Way. Although other vacant units within the town centre were considered, the size of these units is generally not suitable for the type of use. The gym also needs to be located in a place which is readily accessible by public transport. Dumbarton is ideally placed in terms of public transport and

road access, and although the applicant looked at several other locations none of these were as accessible or otherwise as suitable as the town centre. The town centre was preferred because it is readily accessible and will contribute towards the ongoing regeneration of the area through bringing vacant premises back into use. The majority of the various vacant shop units within Dumbarton town centre are also within the designated retail core and therefore equivalent to the application site in terms of policy considerations. It is considered in this case that the use does reasonably require a town centre site, and that under the circumstances the use of a unit within the retail core is acceptable.

Vitality and Viability

- 7.11** There are a variety of uses within the High Street, which are reasonably distributed throughout the street and it is not considered that there is any undue concentration of non-retail uses. The proposed leisure use will bring members of the public to the unit on a daily basis, and the increased footfall would benefit other nearby businesses and shops and help to improve the vitality and viability of this part of the town centre, particularly in the evening.

7.12 Amenity

The proposed gym is within the core retail area of a town centre location. There are a number of uses that operate in the evening including public houses, restaurants and hot food take away. It is not considered the proposed use of units 3 and 4 as a gym will create adverse amenity issues in the evening for nearby residential properties given the town centre location there is no requirement to control the hours of operation.

8. CONCLUSION

- 8.1** The proposal would provide a long term tenant that would complement the existing uses within the town centre. The use as a gym would therefore contribute positively towards the vitality and viability of the town centre and bring two vacant units back into use. It therefore can be justified in terms of the policies of the adopted and proposed plans.

9. CONDITIONS

- 1.** **Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997, prior written consent of the Planning Authority will require to be sought for any change of use of unit 3 or 4 from a gym.**

Peter Hessett
Strategic Lead - Regulatory
Date: 21 September 2018

Person to Contact: Pamela Clifford, Planning, Building Standards
email: Pamela.Clifford@west-dunbarton.gov.uk
0141 951 7938

Appendix: None

Background Papers:

1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire Local Development Plan Proposed Plan
4. West Dunbartonshire Local Development Plan2: Proposed Plan
5. Consultation Responses
6. Representation
7. Scottish Planning Policy

Wards affected: Ward 3 (Dumbarton)

DC18/177

Change of use of units 3
and 4 (from Class 1 retail
and Class 10 Education
facility) to Class 11 leisure
facility

Unit 4
32 High Street
Dumbarton
G82 1LL

