

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 6 March 2013

Subject: Determination of an appeal in relation to the refusal of application DC12/087 for 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 Former Church of Scotland, Dumbarton Road, Bowling, G60 5AZ.

1. Purpose

- 1.1** To advise the Committee of the outcome of a recent planning appeal.

2. Recommendations

- 2.1** That the Committee **notes the outcome of this appeal.**

3. Background

- 3.1** Delegated decision DC10/262/COU granted planning permission to convert the former Church building into residential flats, subject to a condition which required that a 2m wide footway be provided along the frontage of the development. A subsequent application (DC12/087) sought to remove the condition, but was refused by the Planning Committee on 7 August 2012 because the condition was considered to be necessary in the interests of road safety. The applicant appealed to the Scottish Ministers against this refusal, and the appeal was dealt with by way of written submissions.

4. Main Issues

- 4.1** The Reporter considered that the existing footway running along the front of the application site is of very unsatisfactory width, measuring only 70-90cm. Since there is a slight bend at this location, passing vehicles are very close to the pavement, making passage difficult for able pedestrians and almost impossible for wheelchair users and those pushing prams or pushchairs. As a result, pedestrians would be forced to walk on or cross the road, which is potentially unsafe due to the width and traffic flow of the road and the reduced visibility on the bend. The Reporter noted that whilst the existing footway had functioned as the only access to the building when it was in use as a church, this situation would have been unsafe for the congregation, and he considered that the fact that the deficiency already existed did not provide a justification for failing to remedy it when the opportunity arose in the context of new development. Accordingly, the appeal was dismissed and planning permission refused.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications.

7. Risk Analysis

7.1 A risk assessment is not required.

8. Equalities Impact Assessment (EIA)

8.1 An equalities impact assessment is not required.

9. Consultation

9.1 No consultation was required.

10. Strategic Assessment

10.1 There are no strategic issues.

Elaine Melrose

Executive Director of Housing, Environmental and Economic Development

Date: 15 February 2013

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Appendices: None.

Background Papers: Appeal decision dated 21 January 2013.

Wards Affected: Ward 3 (Dumbarton)