

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 5 December 2012**

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**DC12/231: Erection of raised timber decking, lifting platform and access ramp (retrospective) at former Clydebank Central Church, 1 Montrose Street, Clydebank by Senex Investments Ltd.**

#### **1. REASON FOR REPORT**

- 1.1** This application relates to a retrospective application for alterations to a development which was determined by the Planning Committee. It is considered that the application raises issues of local significance and therefore should be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Grant** planning permission subject to conditions set out in Section 9.

#### **3. DEVELOPMENT DETAILS**

- 3.1** This application relates to the former Clydebank Central Church, which occupies a prominent location within the centre of Clydebank on the corner of Kilbowie Road and Montrose Street. The northern and eastern boundaries of the site are adjacent to houses, and to the west there are also residential properties on the opposite side of Kilbowie Road. To the south of the site, on the opposite side of Montrose Street, are the 'Atlantis' public house and flats. In May 2010 planning permission was granted to change the use of the former church into a licensed restaurant (decision DC09/287/COU). Work started on the property in 2011, and it is understood that the restaurant will open to the public by the end of November.
- 3.2** The original permission for the change of use would have employed a ramp on the Kilbowie Road frontage of the building to provide disabled access. However, as the property is located on a sloping site and is elevated in relation to the street, it was found that the approved ramp would have been too steep to comply with building regulations, and that whilst it would be possible to use an alternative design of ramp this would have to be extremely long and visually intrusive. The applicant has therefore provided decking along the front of the building from the entrance door to the north side of the Kilbowie Road frontage where the levels difference is only around 0.9m. and also a lifting platform. During installation of the lifting platform it became apparent that it would not provide a level access from the pavement as it would sit slightly higher than the pavement. To provide a level access in accordance with building regulations a ramp has therefore been constructed

from the edge of the pavement up to the lifting platform. The work is retrospective as it has already been carried out on site.

**3.3** The decking projects almost 3 metres out from the front of the building, and is 1.95m high at its highest point, with a 1.1 metre high handrail. The lifting platform at the northern end of the decking measures approximately 1.5 metres wide and approximately 2 metres in depth, with a control button on a post at a low level to allow users to operate the lift. A new opening has been formed in the low wall at the side of the property to allow access to the ramp which rises a total of 0.6 metres from beginning to end and is constructed from concrete slabs with a wooden handrail. From the entrance in the wall the ramp runs southwards before turning northwards again to connect with the lifting platform. There would be no steps at this point and it would therefore not be used by able bodied customers. The development would provide a level access suitable for disabled customers.

**3.4** The decking was constructed towards the end of 2011 and subsequently a retrospective planning application was submitted in November 2011(Ref.No.DC11/244) when it became clear that the works had been carried out without consent. When the application was submitted the applicant sought to use the decking as an outside seating area as well as a level access. This application has now been withdrawn and has been replaced by the present application which is under consideration

#### **4. CONSULTATIONS**

**4.1** West Dunbartonshire Council Roads has no objections provided that the decking is used only as an access to the property and not as a seating area, as this would increase the parking shortfall.

**4.2** West Dunbartonshire Council Environmental Health had no objections to the development based on the condition that it is only used as a disabled access and not as an outdoor seating area.

#### **5. REPRESENTATIONS**

**5.1** One representation has been received from the neighbouring property at 282 Kilbowie Road, which lies immediately to the north of the site. Their points of objection can be summarised as follows:

- The original application for change of use (Consent DC09/287/COU) received “significant objections” and only had consent granted provided that a number of conditions were adhered to, which included no erection of outside decking.
- The original access ramp was a small structure intended only for wheelchair access. The new combined decking and ramp have been erected without planning permission and have a footprint around 4 to 5 times larger than the ramp in the original application drawings.
- The entrance to the ramp is located on Kilbowie Road which is a major junction with double yellow lines. Due to the gradient of the road it is unlikely that patrons will use the Atlantis car park which will result in

traffic problems, and instead patrons and delivery drivers will use the adjacent residential roads to park which will raise safety issues for local residents.

- Loss of amenity due to removal of open lawn area at front of building.
- Overshadowing due to oppressive structure.
- Loss of privacy as garden and windows will now be overlooked.
- The application made to the licensing board did not include the decking area.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

- 6.1** The application 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. Where a non-residential use is proposed consideration should be given to whether the use is ancillary or complimentary to the residential area and whether it would result in a significant loss of amenity to surrounding properties. The principle of the church being used as a licensed restaurant has already been established by the earlier permission, and the current application for changes to the disabled access arrangements would not conflict with Policy H5 as discussed in Section 7 below.
- 6.2** Policy GD1 requires all new development to be of a high quality of design and to respect the character and amenity of the area in which it is located. Proposals are required to be appropriate to the local area in terms of land use, layout and design and the Council's roads, parking and access requirements should normally be met. The design and appearance of the development is considered to be appropriate, and the proposal is in compliance with Policy GD1.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### Appearance and Design

- 7.1** The original planning permission for change of use of the former church to a licensed restaurant was granted on the basis that this was an appropriate use for a site on the edge of the town centre and would secure the future of a derelict building of some architectural and historic interest. The design and appearance of the raised timber decking is considered to be acceptable. It is not out of scale with the existing building and it is considered that it has not resulted in overdevelopment of the site. The main entrance to the building has a large number of stairs leading up to it and it is not practical to provide a wheelchair ramp at this point, and the decking is considered to be an appropriate alternative. The lifting platform and ramp aid in the provision of a level access, which is required under current building regulations. During the previous application for the decking and lifting platform a new access was formed in the boundary wall immediately in front of the lifting platform. However, since the application was revised and a ramp has now been included the access in the wall has been moved further down the hill. To ensure that the original gap in the wall is repaired to an acceptable standard

in the interests of protecting visual amenity a condition has been recommended.

Impact on the amenity of the area.

- 7.2** Concerns about the potential for outdoor seating or smoking areas were raised at the time of the original change of use application. However, it was considered unnecessary to add a condition to the original consent to prevent the erection of decking as there was no decking shown on the approved drawings as any subsequent proposal for decking would therefore require a new planning application. In the previous application for the decking and lifting platform the applicant had intended to provide a small amount of outdoor seating on the decking, and the decking has been built wide enough to be capable of accommodating a single row of two-person tables as well as a 1.8m wheelchair corridor. However, this proposed use does not form part of the current application due to concerns raised during the previous application about further increasing the parking shortfall and the difficulty of limiting the decking's use to early evening to avoid causing disturbance to neighbours late at night. The use of the decking for external seating therefore forms no part of the application, and any such use would require a separate application for planning permission. The decking area also is not covered by the building's drinks license which further addresses the concerns of the adjacent neighbour relating to privacy. In addition, a condition can be used to ensure that adequate screening is provided between the decking and the neighbour's garden to prevent overlooking. It is also considered that the decking does not cause overshadowing of the neighbour's property as it measures only 0.9m high to the floor level at the end closest to the neighbour with a 1.1m high handrail on top. The decking is over 2 metres away from the boundary to the north of the site and over 5 metres away from the neighbour's house at 282 Kilbowie Road which further reduces any overshadowing effect, particularly as the neighbour's house sits at a slightly higher level as it is further up the hill.
- 7.3** For similar reasons, it is desirable to prevent the use of the decking as an informal smoking area, and the decking does not affect the more suitable area at the corner of the building which was approved as part of the original permission and has since been formed. A condition is recommended whereby the decking shall not be used as a smoking area or as an external seating area. Access to and from the decking from within the building is by way of a separate door adjacent to the bar area, and staff should be able to supervise its use. Notices could also be displayed to direct customers to the designated smoking area.
- 7.4** The entrance to the ramp is located on Kilbowie Road and the Road's section has no objections to this. The property already has an original pedestrian entrance onto Kilbowie Road, at the junction with Montrose Street, however, this is much further down the hill and could not be used as an access to the ramp due to the gradient of the slope. Parking for customers and deliveries has already been assessed under the original change of use application and as this application involves no increase in the seating area, it cannot be revisited under the current application.

#### Conditions on original change of use consent

- 7.5** The conditions on the original consent for a change of use from church to restaurant (DC09/287/COU) have all now been addressed. The conditions related to the submission of a noise impact assessment, as well as the submission of details relating to flues/grease trap, servicing arrangements, the proposed smoking area and boundary treatments. Details relating to all of the conditions have now been submitted and are acceptable. Environmental Health found the details submitted in relation to the noise impact assessment to be satisfactory. In particular, the agent has confirmed that only background music will be played and that no functions with amplified music will take place.

### **8. CONCLUSION**

- 8.1** The raised timber decking, lifting platform and ramp are considered to be acceptable in terms of their appearance and location. Subject to limitations on their use it is considered that they would not have any detrimental impact on the amenity of neighbouring residential properties. The proposal would contribute towards the re-use of an attractive and prominent building, and no representations have been received in connection with the application.

### **9. CONDITIONS**

- 01. The timber decking shall be used solely to provide level access to the property for people with reduced mobility, and shall not be used for any other purpose, including as an outdoor seating area or for the purposes of eating, drinking or smoking. Signs shall be displayed at the premises prohibiting use of the decking for any such purposes and directing smokers to the previously approved external smoking area.**
- 02. Within 1 month of the date of this consent full details of the infilled opening and the new opening formed in the stone wall facing onto Kilbowie Road and their treatment shall be submitted for the further written approval of the planning authority and shall be implemented as approved.**
- 03. Within 1 month of the date of this consent full details of the ramp handrail and its method of enclosure shall be submitted for the further written approval of the planning authority and shall be implemented as approved.**
- 04. Within 1 month of the date of this consent full details of the finishing materials to be used on the walls of the ramp shall be submitted for the further written approval of the planning authority and shall be implemented as approved.**
- 05. Within 1 month of the date of this consent full details of the colour and type of paint to be used on the lifting platform shall be submitted for the further written approval of the planning authority and shall be implemented as approved.**

06. Notwithstanding the submitted plans the northern boundary of the site adjacent to 282 Kilbowie Road shall be screened and landscaped. Within 1 month of the date of this consent details of the treatment and landscaping of this boundary shall be submitted to and approved by the Planning Authority and shall be implemented as approved.

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 19 November 2012**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010 and
4. Planning application no:s DC09/287/COU and DC11/244

**Wards affected:** Ward 5 (Clydebank Central)