

WEST DUNBARTONSHIRE COUNCIL

Report by the Director of Development and Environmental Services Planning Committee: 5 April 2006

**Subject: Appeals at: Livingstone Street, Clydebank;
Cross Cottage, 1 to 3 William Street, Duntocher;
258 to 260 Faifley Road, Hardgate; and
Land bounded by Valeview Terrace and Stirling Road,
Dumbarton**

1.0 Purpose:

- 1.1** To inform members of the outcome of three appeals to the Scottish Ministers and the submission of another appeal.

2.0 Appeal Decision: Livingstone Street, Clydebank

- 2.1** The first appeal relates to the installation of a telecommunications monopole at Livingstone Street, Clydebank (DC05-131) which was refused by Members, against officer recommendation, at Planning Committee on 7 September 2005. The application was refused as it was considered contrary to Policies DC4 and GD1 of the Clydebank Local Plan in that the installation would be visually prominent and likely to compromise the safety of road users.
- 2.2** The Reporter considered that the design and siting of the monopole and ancillary equipment would be appropriate for this location and consistent with the Development Plan. In addition the Reporter did not consider that any disruption to the road was sufficient to merit refusing planning permission and road safety would not be prejudiced by the occasional servicing of the installation.
- 2.3** The appeal was upheld and consent approved with conditions requiring the details of the colour/finish to be applied to the installation to be submitted to the Council for approval. In addition the Reporter awarded costs against the Council in this matter.

3. Appeal Decision: Cross Cottage, 1 to 3 William Street, Duntocher

- 3.1** The second appeal relates to a condition attached to the planning consent for the erection of 12 flats at this site. The appellant was seeking a reduction in the sightlines onto Dumbarton Road.
- 3.2** The Reporter considered that road safety is an important consideration and dismissed the appeal. He considered that the appellant had no technical

reason for not meeting the sightline specified in the condition and there are no exceptional circumstances to allow the reduction in the sightline.

4. Appeal Decision: 258 to 260 Faifley Road, Hardgate

4.0 The third appeal relates to the refusal of planning consent for a change of use and alterations to a vacant retail unit to form a hot food take away. The application was refused on 22 June 2005, against recommendation, on the basis that the proposed hot food take away would have an adverse effect on the amenity of the nearby residential properties.

4.1 The Reporter upheld the appeal and approved planning permission subject to conditions. He considered that the change of use would not result in a significant loss of amenity to surrounding properties and there were no other material considerations to justify a refusal of planning consent. Conditions were attached requiring appropriate car parking/loading area to be formed; details of external materials and extraction system to be submitted and agreed; the premises are not permitted to open between 11pm and 7am.

5. Appeal Notification: Land bounded by Valeview Terrace and Stirling Road, Dumbarton

5.1 An appeal has been submitted against the refusal of outline planning permission for the erection of 26 dwellings and associated roads and parking. The Planning Committee refused the application on 7 September 2005 contrary to officers' recommendation. It was considered contrary to Policies H5 and TA2 of the Dumbarton District, District Wide Local Plan 1999, in that the proposed loss of open land would adversely affect the amenity and character of the area, and that the development would adversely affect the safety and convenience of road users.

5.2 The appeal was received by the Council on 17 February 2006 and will be dealt with by written submissions.

6. Recommendation:

6.1 Members are asked to note the appeal decisions and the submission of the new appeal.

Dan Henderson
Director of Development and Environmental Services

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Background Papers:

1. Letter of decision from the Scottish Executive Inquiry Reporter Unit dated 15/02/06 in relation to the appeal at Livingstone Street, Clydebank.
2. Letter of decision on claim of expenses from the Scottish Executive Inquiry Reporters Unit dated 15/02/06 in relation to Livingstone Street, Clydebank.
3. Letter of decision from the Scottish Executive Inquiry Reporters Unit dated 21 February 2006 relating to appeal at Cross Cottage/William Street, Duntocher.
4. Letter of decision from the Scottish Executive Inquiry Reporters Unit dated 13 December 2005 relating to the appeal at Faifley Road, Hardgate.
5. Letter of notification of appeal from S.E.I.R.U. dated 17 February 2006 relating to the appeal at Valeview Terrace/Stirling Road.

Wards affected: 5, 10, 8 and 14