

Agenda



Local Review Body

Date: Wednesday, 29 November 2023

Time: 10:00

Venue: Civic Space, Council Offices, 16 Church Street, Dumbarton G82 1QL

Contact: Nicola Moorcroft, Committee Officer
Nicola.moorcroft@west-dunbarton.gov.uk
committee.admin@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Local Review Body** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSET

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)
Councillor Gurpreet Singh Johal (Vice Chair)
Councillor Karen Murray Conaghan
Councillor Ian Dickson
Councillor Daniel Lennie
Provost Douglas McAllister
Councillor June McKay
Councillor Chris Pollock
Councillor Hazel Sorrell
Councillor Sophie Traynor

All other Councillors for information

Date of issue: 15 November 2023

LOCAL REVIEW BODY

WEDNESDAY, 29 NOVEMBER 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 PROCEDURE 5 - 6

Submit copy of Procedure to be followed at the meeting.

4 APPLICATION FOR REVIEW 7 - 48

Submit review papers, for the following planning application:

DC23/055/FUL – Request planning permission for change of use of residential flat to short term let at 21F Townend Road, Dumbarton G82 2BA

WEST DUNBARTONSHIRE COUNCIL

LOCAL REVIEW BODY

PROCEDURE TO BE FOLLOWED AT MEETING

1. The Chair will introduce himself and the Members of the Review Body.
2. The Planning Adviser will outline the details of the application.
3. The Members of the Local Review Body will then ask any appropriate questions to the officers present, i.e. Planning Adviser of the Local Review Body and Legal Adviser.
4. If the Local Review Body then considers that there is sufficient information from the material before it, including the notice of review, the decision notice, and report of handling, and any further representations from interested parties, it may proceed to determine the review.
5. The Chair and the other Members of the Review Body will consider the information before them in terms of the submission by the applicant, the interested parties including any statutory consultees or other parties who have made representations and the report of handling.
6. If the Local Review Body decides that it requires further information or representations before it can determine the review they should agree what form this information should take, i.e.
 - Site visit
 - Written submissions
 - The holding of one or more hearing sessions
- 6.1 **Written Submissions**: The Local Review Body can request written submissions from the applicant or appointed officer, any other body or person they wish to receive information from. The Local Review Body should decide the matters on which the written submissions should address.
- 6.2 **Hearings**: If the Local Review Body decides that it wishes to hold a hearing in respect of the case, it should determine what matters it would wish to be considered at the hearing. The hearing will comprise of the applicant, any interested party who made representations in relation to specified matters, the appointed officer and any other body or person from whom the Local Review Body wishes to receive further representations or to provide information on specified matters.

- 6.3 Site Inspection: If the Local Review Body decides to hold a site visit, it must decide if the site visit is to be unaccompanied or accompanied by the applicant and any other party the Local Review Body considers should attend.
7. The Local Review Body can also agree to appoint an assessor to advise on specific matters generally of a specialist or technical nature. Where an assessor is appointed, those entitled to a hearing will be advised of the name of the assessor and the matters which they are appointed to advise on. The assessor may make a written report to the review body after the close of the hearing, which will be made publicly available.
8. After the written submissions, hearing or site inspection, the Local Review Body will move to determine the review and will outline their reasons to approve or refuse the review case.

APPLICATION FOR REVIEW:

DC23/055/FUL



16 Church Street Dumbarton G82 1QL Tel: 0141 951 7930 Email: development.management@west-dunbarton.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100647966-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="he Garden Suite"/>
First Name: *	<input type="text" value="Ewain"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wong"/>	Address 1 (Street): *	<input type="text" value="23 Westfield Park"/>
Company/Organisation	<input type="text" value="STAR 8 Limited"/>	Address 2:	<input type="text" value="Redland"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Bristol"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="BS6 6LT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="West Dunbartonshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="21F TOWNEND ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUMBARTON"/>
Post Code:	<input type="text" value="G82 2BA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676082"/>	Easting	<input type="text" value="240110"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use of residential flat to short term let

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refusal Policy 14 of NPF 4 Liveable Places : Mr Wong bought this property at Auction in a dilapidated state, he completely refurbished the property, investing in the fabric of the building and internal space., making the property sustainable for people to live in. This property allows contractors, local business people and visitors to stay in a comfortable property while working/visiting the local area. All the properties in the building are private. Please find attached separate document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Mr Wong had to apply for the new SLT licence and planning permission for change of use has been applied for and refused. We feel that the property as a whole and its usage has not been taken into consideration, there has been no complaints or any grievances from the residents living in the building, the business employs a local cleaning company, The refusal has been based on various policies which were not asked at the time of application and we would like to address them

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Replies to Policies that the decision was refused on

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

DC23/055/FUL

What date was the application submitted to the planning authority? *

22/03/2023

What date was the decision issued by the planning authority? *

21/09/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

I am hoping that the review process can be talked over not just the evidence I have provided, im not a professional at this and I don't want my limited knowledge of appeals to lose the appeal on not submitting the correct wording or documents.

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

If more information is requited I can submit it, This is a successful business, paying local rates and using local business, employing local people, houses people who have had to move for insurance work to be completed at their property, local charities have used the property, families attending weddings and funerals, this is a service that is needed in the area, as not all hotels and bnbs are suitable for peoples needs

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Karen McCarthy

Declaration Date: 10/10/2023

Refusal Policy 14 of NPF 4 Liveable Places : Mr Wong bought this property at Auction in a dilapidated state, he completely refurbished the property, investing in the fabric of the building and internal space., making the property sustainable for people to live in. This property allows contractors, local business people and visitors to stay in a comfortable property while working/visiting the local area.

Policy 30 a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. b) Proposals for tourism related development will take into account: i. The contribution made to the local economy; ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; iii. Impacts on communities, for example by hindering the provision of homes and services for local people; iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; v. Accessibility for disabled people; vi. Measures taken to minimise carbon emissions; vii. Opportunities to provide access to the natural environment. c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area. d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance. e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in: i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits

Policy 30 b) Proposals for tourism related development will take into account: i. The contribution made to the local economy;

The Property is a very popular successful holiday let, visitors from all over the world have stayed in the property and enjoyed it very much, with ease of access to local transport links, and onwards to Loch Lomond or Glasgow

Policy E6 LDP

Tourism is recognised by the Council's Economic Development Strategy as a key economic sector for West Dunbartonshire. This reflects the proximity of Loch Lomond and the National Park and other visitor attractions such as Dumbarton Rock and Castle. Tourism facilities, including accommodation ranging from B&Bs to hotels, infrastructure such as car parks or paths and attractions, are supported by this Plan. They should be appropriately located and designed so as not to impact on residents and existing businesses, or the environment which attracts visitors to West Dunbartonshire.

21F Townend Road is appropriately located, it does not impact on residents ability to live in the building , in fact the fact that it is a holiday let, ensures the stairs are cleaned regularly and maintenance is carried out in the building.

Policy E6 Tourism Development The development of new and existing tourist facilities will be supported and encouraged throughout the Council area where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage and are in accordance with other relevant policies within the plan.

21F Townend Road has no effect on the policy E6

PLANNING APPLICATION:

DC23/055/FUL



16 Church Street Dumbarton G82 1QL Tel: 0141 951 7930 Email: development.management@west-dunbarton.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100622320-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

It is a 2 bedroom apartment, I would like to apply a change of use for this apartment to short letting use

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Has the work already been started and/or completed? *

☐ No ☐ Yes – Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

15/04/2022

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

These works were primarily cosmetic in nature and did not alter the fundamental structure of the apartment and we didn't need a short-term letting license at that time. Given recent government regulations in Scotland, a short-term letting license is now required to continue our short-term rental business. As such, I am currently in the process of applying for this license.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="The Garden Suite"/>
First Name: *	<input type="text" value="Ying Wai Edwin"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wong"/>	Address 1 (Street): *	<input type="text" value="23 Westfield Park Redland"/>
Company/Organisation	<input type="text" value="STAR 8 Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Bristol"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="BS6 6LT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="West Dunbartonshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="21F TOWNEND ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUMBARTON"/>
Post Code:	<input type="text" value="G82 2BA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676082"/>	Easting	<input type="text" value="240110"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

64.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

currently normal letting to a tenant

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☐ Yes
☐ No, using a private water supply
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

it is an apartment and i am only proposing to change of use. No work have to do / Change

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Ying Wai Edwin Wong

On behalf of:

Date: 22/03/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

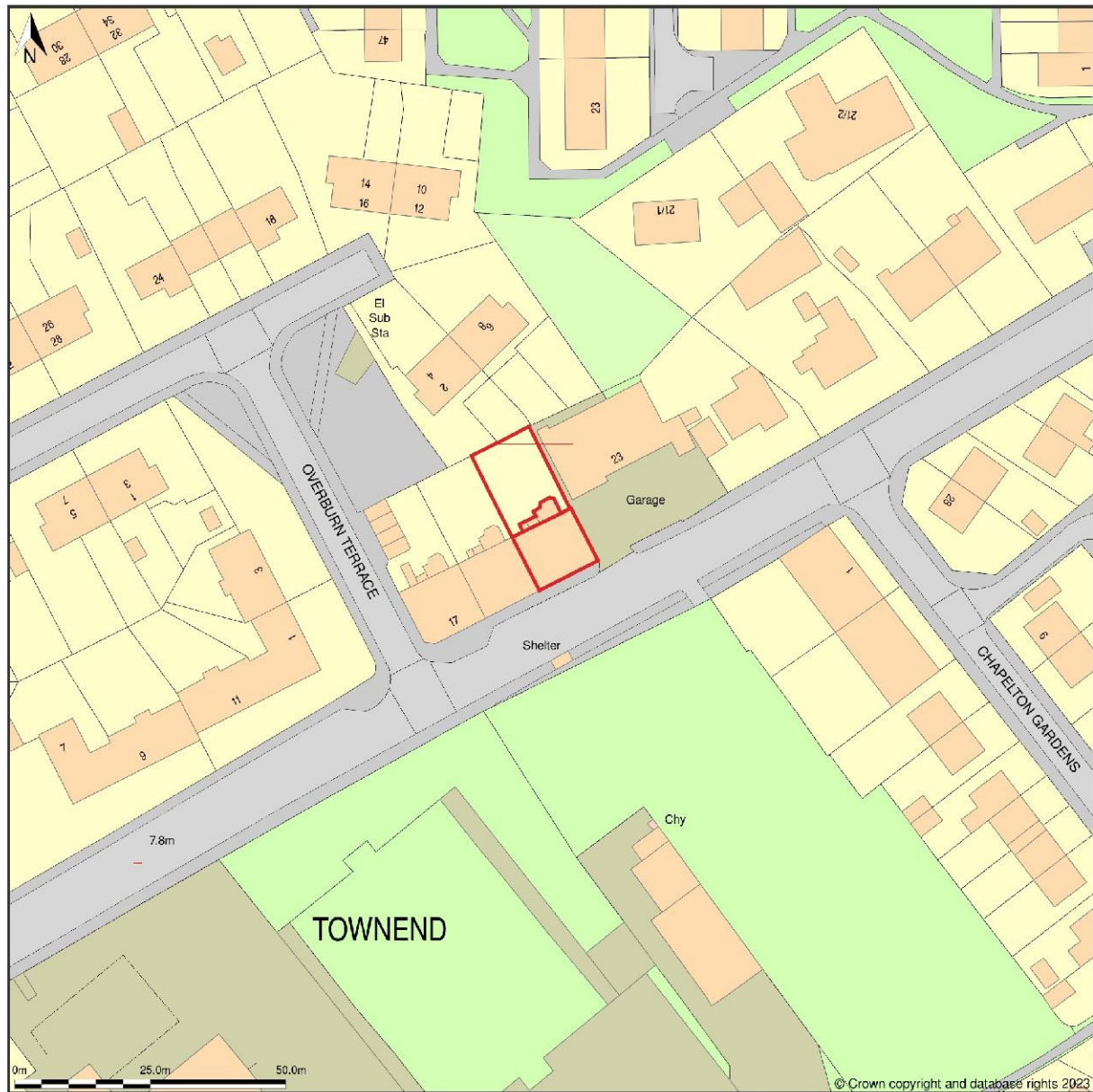
Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ying Wai Edwin Wong

Declaration Date: 22/03/2023

21f, Townend Road, Dumbarton, West Dunbartonshire, G82 2BA






Location Plan shows area bounded by: 240010.16, 675982.03 240210.16, 676182.03 (at a scale of 1:1250), OSGridRef: NS40117608. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

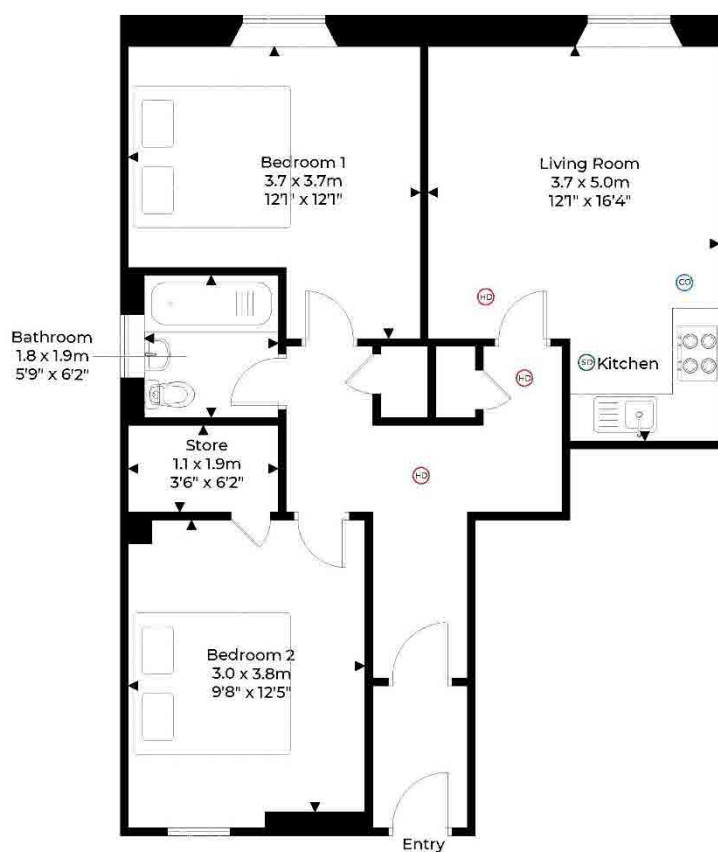
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21F Townend Road, Dumbarton, G82 2BA
 Approximate Gross Area
 64 sq m / 689 sq ft



-  : Heat Detector
-  : Smoke Detector
-  : Carbon Monoxide Detector



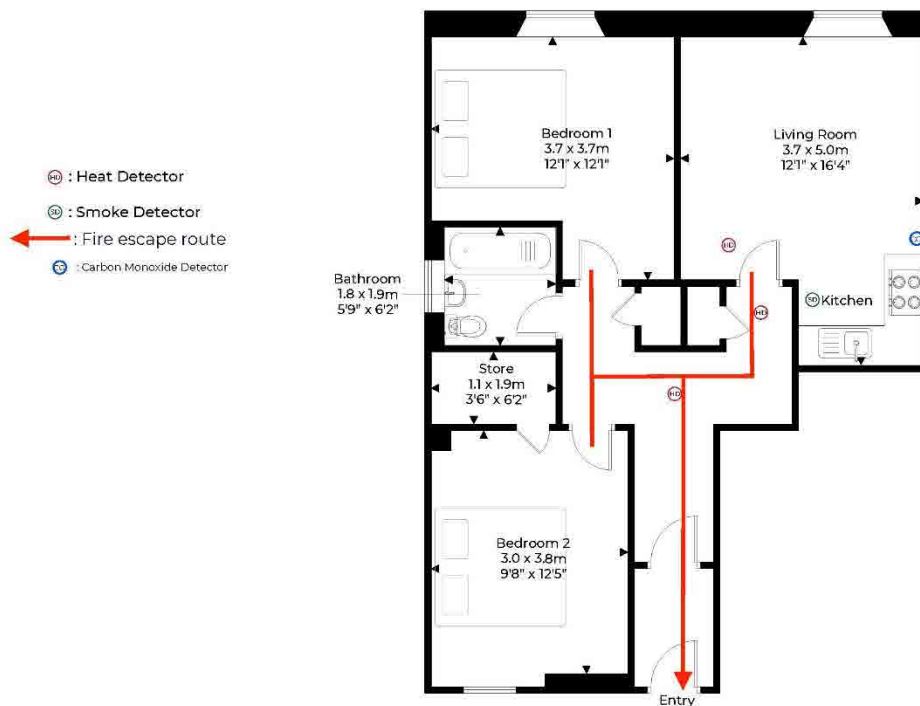
2nd Floor

Scale 1 : 50

Disclaimer : This diagram is for illustrative purpose only. All reasonable care has been taken in the preparation, but no warranty is given as to the accuracy of the information. This document does not constitute any part of any offer or contract. Dimensions shown are approximate only. Prospective parties should rely on their own enquires.



21F Townend Road, Dumbarton, G82 2BA
 Approximate Gross Area
 64 sq m / 689 sq ft



2nd Floor

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**PLANNING APPLICATION CONSULTATION
RESPONSES**

DC23/055/FUL

Contact: Sarah Johnson
Tel:

Planning Application No:	DC23/055/FUL
Applicant:	STAR 8 Limited
Proposed Development:	Change of use of residential flat to short term let
Location:	21F Townend Road
Type of Consent:	-
Ref. No(s) of drg(s) submitted:	

Proposal Acceptable?	Y or N
1. EXISTING ROADS	
(a) General Impact of Development	NOTE
(b) Type of Connection(s) (road junction/footway crossing)	
(c) Location(s) of Connection(s)	
(d) Sightlines (.....)	
(e) Active Travel Provision	
2. NEW ROADS	
(a) Widths (.....)	
(b) Layout (horizontal/vertical alignment)	
(c) Junction details (location/s/radii/sightlines)	
(d) Turning Facilities	
(e) Traffic Calming	
(f) Active Travel Provision	
(g) Provision of Utilities	
3. SERVICING AND CAR PARKING	
(a) Servicing Arrangements/Driveways	
(b) Car and Cycle Parking Provision (.....)	
(c) Maximum Parking Standards	
(d) Layout of Parking Bays/Garages	

[illegible]

4. RECOMMENDATION	No objections
-------------------	---------------

5. CONDITIONS/REASONS FOR REFUSAL/DEFERMENT:-

6. NOTES FOR INTIMATION TO APPLICANT

(i) Construction Consent (S21)*	
(ii) Road Bonds (S17)*	
(iii) Road Opening Permit (S56)*	
(iv) Transportation Statement / Assessment	
(v) Flood Risk Assessment	

*** Relevant Section of Traffic Signs Regulations and General Directions (TSRGD)

Signed
Head of Land Services

Date _____

Copies to:

From: [Development Management](#)
To: [planning scanindex](#)
Subject: FW: DC23/055/FUL- 21F Townend Road Dumbarton
Date: 06 July 2023 14:07:23

From: Adeyemi Roland <Adeyemi.Roland@west-dunbarton.gov.uk>
Sent: 05 July 2023 16:22
To: Ash Hamilton <Ash.Hamilton@west-dunbarton.gov.uk>
Cc: Development Management <Development.Management@west-dunbarton.gov.uk>
Subject: DC23/055/FUL- 21F Townend Road Dumbarton

Hi Ash,

I have no objection to the above planning consultation. It should be noted with the applicant that short term let properties have previously resulted in noise complaints and if these are received they will be investigated by this service.

The applicant should also be advised that local authorities have established a short term let licensing scheme as on 1 October 2022, and operators will have to apply for a licence.

Kind regards

Adeyemi Roland

Environmental Health Officer
Environmental and Public Protection Group
Environmental Health
West Dunbartonshire Council
16 Church Street
Dumbarton
G82 1QL
Tel: 07500485147

PLANNING APPLICATION REPRESENTATIONS

DC23/055/FUL

Comment on Planning Application

About You

Please provide details about yourself

Forename *

Susan

Surname *

Reid

Address *

17D Townend Road

Details

Please provide details regarding this planning application

Case Type

FUL

Comments *

I'm very concerned that there are 2 separate things going on here. Firstly a change to the use of a flat in a residential building, and secondly it would appear that part of the adjoining garage area is to be made into a car hire place. I have objections because the building is residential and the renting out of a flat on short term basis means that there will be different people coming and going rather than staying on a long term basis. I'm also concerned about the effect this and the removal of some space in the garage area will have on parking which is already very difficult.

Do you support the proposal

No

APPOINTED OFFICER'S DECISION:

DC23/055/FUL

WEST DUNBARTONSHIRE COUNCIL
REPORT OF HANDLING (Delegated)

APP NO: DC23/055/FUL
CASE OFFICER: Ash Hamilton
ADDRESS/SITE: 21F Townend Road, Dumbarton, G82 2BA
PROPOSAL: Change of use of residential flat to short term let

1. Site Description/Development Details

This application relates to second floor flat situated within a three storey tenement style block of flats which has a shared entry and stairwell and is located on the northern side of Townend Road in Dumbarton. The flat has a floor area of 64sqm and is comprised of 2 bedrooms, hallway, living room/kitchen, bathroom and a storage cupboard.

The property is located in a mixed use area with flatted properties to the north, flatted properties and a newsagents to the west, a garage to the east, and Townend Road and a playing field/sports area to south

It is proposed to change the use of the existing residential flat (Sui Generis) to a short term let accommodation (Sui Generis). No internal or external changes to the property are proposed.

A supporting statement on the operation and management of the short term let notes that the property would be let through Airbnb and Booking.com to a maximum of 6 people for their desired amount of time. Specific aspects such as gas, electrical and water safety would be carried out by qualified personnel. While the proposed will largely be managed remotely, the applicant has advised that they will visit the property weekly to ensure the health and safety of everyone is protected.

No information has been provided on how the proposed short term let would be operated and managed.

2. Consultations

WDC Environmental Health – no objection

WDC Roads – no objection

3. Application Publicity

The application was subject to neighbour notification.

4. Representations

One objection was received. The points raised can be summarised as follows:

- Concern that a short term let use will result in different people coming and going rather than staying on a long term basis
- Concern about impacts on parking.

While the objection raised issues relating to the use of the neighbouring garage, these are not material to this application and are therefore not considered below.

5. Relevant Policy

National Planning Framework 4 (NPF4)

- Policy 1 – Tackling the climate and nature crisis
- Policy 2 – Climate mitigation and adaptation
- Policy 14 – Design, Quality and Place
- Policy 30 - Tourism

West Dunbartonshire Local Plan (2010)

- Policy H 5 – Development within Existing Residential Area
- Policy GD 1 – General Development
- LE 8 – Tourist Industry Development

West Dunbartonshire Local Development Plan Proposed Plan (2020)

On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration.

- H4 – Residential Amenity
- Policy CP1 – Creating Places
- E6 – Tourism Development

6. Appraisal

In assessing this application, the material considerations are the relevant policies of National Planning Framework (NPF) 4, the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan2, as identified in section 5, and the impact on neighbouring residential amenity.

Policy 14 of NPF4 notes that proposals will be supported where they are consistent with the six qualities of successful places; healthy, connected, distinctive, pleasant, sustainable and adaptable. Criterion (d) advises that proposals which are detrimental to the amenity of the area will not be supported. Looking at the Local Plan, Policy GD1 states that new proposals should be appropriate to the local area in terms of land use and meet the parking requirements of the Council. Policy H5 advises that the character and amenity of existing residential areas, as identified on the Proposals Map, will be safeguarded and where possible enhanced. Any non-residential uses would be appraised with regard to whether they can be considered ancillary or complementary to the residential area, and whether they would result in a significant loss of amenity to the surrounding properties. It is noted that a significant loss of amenity might occur in the form of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance. Looking at the proposed LDP2, Policy H4 includes a general presumption against the establishment of non-residential uses within residential areas which would potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents. Policy CP1 seeks to ensure that all development takes a design led approach and seeks to protect and enhance the amenity of existing communities.

With respect to local amenity, specifically noise, it is noted that the flat is adjacent to Townend Road, with a playing field/sports area and garage in close proximity. While this proximity means that the application property is already subject to a medium level of activity and associated ambient noise during the day and into the evening, it needs to be considered whether the proposed short term let would significantly increase the existing noise level and cause disturbance to nearby residents. Tourism accommodation, particularly in the form of short term let booked online, while akin to residential use in some respects, contrasts with traditional residential use as short term lets are normally and expectedly greater in their intensity than a residential use. They are characterised by a lack of regularity and routine, with frequent arrivals and departures at varying times, sometimes during the late evening and early hours of the morning, depending on the travel arrangements of the guests. This level of activity is likely to generate a significant level of noise as it would, at least part of the time, involve the movement of luggage into and around the property and other activities typically associated with the arrival and departure from a holiday let. Existing noise levels may also be increased by occupancy levels which are often higher than normal. The additional servicing that operating a short term let requires compared to a residential use is also likely to increase the level of disturbance, with knock on effects on residential amenity. More generally, there is concern that transient visitors may have less regard for neighbour's amenity than individuals occupying the property as their principal home. It is considered that all the above aspects would be particularly pronounced in the high season for tourism. In light of the above, it is considered that the noise likely to be generated by the level and type of activity outlined above would be very noticeable to neighbouring flats within no.21 due to the main door entries and staircase being shared. In the absence of any information on the operation and management of the proposed use, it is reasonable to assume that the short term let would be operated and managed remotely, which means that any noise disturbance would not be subject to on-site control. Overall, it is considered that the proposal is likely to result in significant noise disturbance to

neighbouring flats in no.21. It is therefore not supported by Policy 14, Policy GD 1, Policy H 5, Policy H4 and Policy CP1.

Looking at wider amenity, it is noted that the objection raised concern about parking. It is considered that the proposal would have a neutral on parking, with the consultation response from the Roads service raising no objection. The proposal is also not expected to have any negative impacts with respect to the waste generated by the proposal, with the consultation response from the Environmental Health raising no concerns.

Policy 30 of NPF4, specifically criterion (e), advises that proposals for the reuse of existing buildings for short term holiday letting will not be supported where they would result in; (1) an unacceptable impact on local amenity or the character of the local neighbourhood; (2) the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. Policy LE 8 of the Local Plan requires tourist related proposals to satisfy a number of criteria, which include the demonstration of a clear economic benefit and that there will be no adverse environmental effects. Looking at the proposed LDP2, Policy E6 states that while the development of new and existing tourist facilities will be supported and encouraged throughout the Council area, such developments must be in accordance with other relevant policies within the plan.

As detailed above, the proposal is likely to have significant adverse effects on local amenity, specifically in relation to noise disturbance. While it is accepted that there is an economic benefit to West Dunbartonshire from the overall provision of tourist accommodation, the application has not demonstrated the economic benefits of this specific proposal or why the loss of residential accommodation is justified in this instance. With regard to the last point, it is noted that the residential use of a property generates a degree economic benefit, in terms of the spend on services to maintain the property and the use of other local services by residents. Further to the above, the proposal is not supported by Policy 30, Policy LE 8 or Policy E6.

This change of use proposal does not raise any concerns with respect to the climate and nature crises, climate mitigation or adaptation. Aside from the impacts on residential amenity detailed above, the proposal does not conflict with the six qualities of successful places.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is unacceptable as it does not comply with the relevant policies contained in the National Planning Framework 4 (NPF4), the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan (LDP2) as there would be significant detrimental effects on residential amenity due to noise disturbance, a clear economic benefit has not been established or the loss of the existing residential accommodation justified. Planning permission should be refused.

7. Recommendation

Refuse planning permission for the following reasons:

1. The proposed development is contrary to Policy 14 of NPF4, Policies GD 1 and H5 of the Local Plan (2010), and Policies H4 and CP1 of the Local Development Plan Proposed Plan 2 (2020) as it would have a detrimental impact on residential amenity.
2. The proposed development is contrary to Policy 30 of NPF4, Policy LE8 of the Local Plan (2010) and Policy E6 of Local Development Plan Proposed Plan (2020) as it would have a detrimental impact on residential amenity, a clear economic benefit has not been established and the loss residential accommodation is not justified.

8. Added Value

None.

9. Conditions

None.

FOR NOTING

1. The plans referred to as part of this decision are:
 - Location site plan with corrected outline
 - 21F Townend Road – Floor Plan – 1-50
 - 21F Townend Road – Floor Plan without fire escape

Refusal of Planning Permission

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS

#

Proposal Change of use of residential flat to short term let

Site 21F Townend Road
Dumbarton
G82 2BA

Applicant STAR 8 Limited

Agent N/A

Class of Development Local Development

Decision Type Delegated

WEST DUNBARTONSHIRE COUNCIL, AS PLANNING AUTHORITY, IN EXERCISE OF THEIR POWERS UNDER THE ABOVE-MENTIONED ACTS AND ORDERS, AND HAVING CONSIDERED YOUR PROPOSED DEVELOPMENT, THE PLAN(S) DOCQUETTED AS RELATIVE THERETO AND THE PARTICULARS GIVEN IN THE ABOVE APPLICATION, HEREBY:-

**DECISION: REFUSE PLANNING PERMISSION FOR THE REASON(S)
CONTAINED IN THE ACCOMPANYING PAPER(S) APART**

DATED THIS: 25th day of August 2023

Signed 
For West Dunbartonshire Council

Planning, Building Standards and Environmental Health Manager
16 Church Street
Dumbarton
G82 1QL

Reason for Refusal

1. The proposed development is contrary to Policy 14 of NPF4, Policies GD 1 and H5 of the Local Plan (2010), and Policies H4 and CP1 of the Local Development Plan Proposed Plan 2 (2020) as it would have a detrimental impact on residential amenity.
2. The proposed development is contrary to Policy 30 of NPF4, Policy LE8 of the Local Plan (2010) and Policy E6 of Local Development Plan Proposed Plan (2020) as it would have a detrimental impact on residential amenity, a clear economic benefit has not been established and the loss residential accommodation is not justified.

FOR NOTING

1. The plans referred to as part of this decision are:
 - Location site plan with corrected outline
 - 21F Townend Road – Floor Plan – 1-50
 - 21F Townend Road – Floor Plan without fire escape

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING ETC. (SCOTLAND) ACT 2006

RIGHTS OF AGGRIEVED APPLICANTS (DELEGATED DECISIONS)

1. If this decision involves a refusal of planning permission or the granting of permission subject to conditions, and if the applicant is aggrieved by this decision, they may seek a review of this decision with the Local Review Body within 3 months of the date of this notice.

Notice of Review forms and guidance can be obtained and submitted to us via the Scottish Government [ePlanning portal](#)

Alternatively the review forms may be submitted in writing to:

**West Dunbartonshire Council
Planning Local Review Body
16 Church Street
Dumbarton G82 1QL
0141 951 7930**

2. If permission to develop is refused or granted subject to conditions (whether by the Planning Authority or the Scottish Ministers), and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

RELEVANT POLICIES:

DC23/055/FUL

National Planning Framework 4

Policy 1 – Tackling the climate and nature crisis

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 – Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 14: Design, Quality and Place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 23 – Health and safety

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.
- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.
- j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Policy 30 – Tourism

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
 - i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.
- c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.
- d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.
- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Adopted West Dunbartonshire Local Plan 2010

Policy GD 1: Development Control

All new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. Proposals will be required to:

- be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy); developers will be required to submit design statements where appropriate;
- be energy efficient, including considering options for micro-renewable technologies;
- ensure that landscaping is integral to the overall design, that important landscape features and valuable species and habitats are conserved and where possible enhanced, and that there is an emphasis on native planting;
- ensure that the value of the historic and natural environment is recognised, and is not devalued or threatened by the proposal;
- ensure that open space standards are met;
- assess and address any existing or potential increase in flood risk and/or environmental pollution, provide drainage consistent with Sustainable Urban Drainage Systems design guidance and ensure that suitable remediation measures are undertaken on contaminated sites;
- demonstrate, where appropriate, that the development will not result in a negative impact on the water environment;

- ensure that increases in traffic volumes and adverse impacts on air quality are avoided or minimised by including provision for public transport, pedestrian and cycling access, and considering the need for a Green Travel Plan;
- meet the roads, parking and access requirements of the Council (particularly for disabled people and the emergency services) reflecting national guidance where appropriate;
- consider the availability of infrastructure and the impact on existing community facilities;
- minimise waste, and provide for the storage, segregation and collection of recyclable and compostable material; a Site Waste Management Plan may be required; and
- be consistent with other Local Plan policies.

Policy H5 Development within Existing Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced. Development within existing residential areas will be considered against the following criteria:

- the need to reflect the character of the surrounding area in terms of scale, density, design and materials;
- the requirement to avoid over development which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings;
- the need to retain trees, hedgerows, open space and other natural features;
- extensions to dwellings must complement the character of the existing building, particularly in terms of scale and materials, not dominate in terms of size or height, and not have a significantly adverse affect on neighbouring properties;
- the subdivision of the curtilage of a dwelling for a new house should ensure that the proposed plot can accommodate a house and garden; the new house and garden to be of a scale and character appropriate to the neighbourhood; sufficient garden ground should be retained for the existing house; the privacy of existing properties should not be adversely affected and separate vehicular accesses should be provided;
- with regard to non-residential uses, whether they can be considered ancillary or complementary to the residential area, and would not result in a significant loss of amenity to the surrounding properties. A significant loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance; and
- the proposal conforms with other Local Plan policies

Policy LE 8 – Tourist Industry Development

The Council will support applications for tourist industry developments throughout the Plan area conditional on the criteria below being satisfied. The Council

recognises the Forth and Clyde Canal Corridor and the Lower Clyde and Firth of Clyde as Tourism Development Areas.

All tourist related development proposals will be required to satisfy the following criteria:

- there are no adverse environmental, landscape, infrastructure and transport implications;
- it is shown there is a clear locational need;
- it is established there is a significant economic benefit;
- the proposal is compatible with Policy R 4 (within the Forth and Clyde Canal Corridor); and
- the proposal conforms with other Local Plan policies.

Proposed West Dunbartonshire Local Development Plan (LDP2, as modified 2020)

Policy CP1 Creating Places

New development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places. All new development is required to:

- a) Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.
- b) Ensure that streets are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.
- c) Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.
- d) Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.
- e) Ensure that the design and construction of new buildings and materials used are of a high quality, sustainable and suited to the climate and location;
- f) Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.

All new development is also required to accord with the guidance set out within the Creating Places Supplementary Guidance.

Note: Until such times as the Creating Places Supplementary Guidance is adopted by the Council, the 'Residential Development: Principles for Good Design' Planning Guidance, which is non-statutory, should be referred to by landowners and/or developers.

Policy H4: Residential Amenity

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;
- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

Policy E6 – Tourism Development

The development of new and existing tourist facilities will be supported and encouraged throughout the Council area where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage and are in accordance with other relevant policies within the plan.

SUGGESTED CONDITIONS:

DC23/055/FUL

1. Prior to the commencement of development, a Management Plan will be submitted for the written approval of the Planning Authority. Thereafter, the Management Plan will be implemented as approved.

Reason: In the interest of amenity.