

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Planning Committee 19th August 2020

Subject: **Appeal to Scottish Ministers against the non-determination of planning application DC19/260 for the erection of 2 six storey flatted blocks, comprising 48 flats with associated road access, parking and infrastructure at former Dalnottar House steel site, Dumbarton Road, Old Kilpatrick by Link Group Ltd.**

1. Purpose

- 1.1** To provide the Committee with an update following continuation of the above planning application and to seek a view from the Committee on the appeal.

2. Recommendations

- 2.1** It is recommended that the Committee agree that the Council's response to the above appeal is set out in the June Planning Committee report contained in Appendix 1.

3. Background

- 3.1** The Planning Committee on 10th June 2020 agreed to continue the above application in order to allow for further discussions to take place with the applicant and agent with regard to the overall height of the proposed flatted blocks.
- 3.2** Since the continuation, the applicant has submitted an appeal to the Scottish Ministers as the application has not been determined by the Planning Authority within the statutory timeframe. As part of this process the Council are required to respond to the appeal in writing by 20th August. The view of the Planning Committee is sought on whether the application should be approved or refused by the Scottish Ministers and this view will be included within the Council's response. Thereafter the Scottish Ministers will determine the application. The Reporter assigned to the case has advised that they will visit the site unaccompanied as part of their assessment of the appeal.
- 3.3** Following the submission of the planning appeal to the Scottish Ministers, a further 3 objections to the application were received by the Council. The objections raise no new issues and the individuals have since been advised by the Council that the application will now be determined by the Scottish Ministers; copies of the 3 objections have been shared with the Scottish Ministers and the applicant.

4. Main Issues

- 4.1** Following the continuation of the above application, planning officers, the applicant and their design team met to consider both reducing the buildings from six to five storeys and alternatively reducing the overall height of the six storey buildings. The applicant advised that they could not reduce the number of storeys to five as this would result in a reduction from 48 to 40 affordable housing units and that the funding secured from the Scottish Government was on condition that 48 units would be delivered. The loss of 8 units would affect the terms and conditions of that funding which would result in the funding being returned and the development would not be delivered.
- 4.2** The applicant also explored ways to retain the 6 storey buildings but reduce the overall height of the flatted blocks and plans were submitted for review by officers. In order to retain adequate living accommodation, the most the buildings could be reduced, would be by approximately 1 metre. This is a modest reduction and had a significant impact on the design of the flatted blocks; specifically the interesting butterfly roof profile, an architectural feature that contributes positively to the overall design quality of the buildings and that would create a strong presence on Dumbarton Road. It was considered that the reduction in height by 1 metre and the consequential change to the roof profile had a detrimental effect on the building design and the appearance of the development from the streetscape and beyond. Having considered both of the options, the applicant decided not to formally pursue any changes to the proposed development but instead made an appeal of non-determination to the Scottish Ministers.
- 4.3** The report on the above application presented to June Planning Committee is contained in Appendix 1. Sections 7.11 to 7.15 sets out the main planning considerations and why the proposed development is considered to be acceptable in terms of the overall height of the flatted blocks and the relationship with neighbouring properties. The applicant has tried to address the comments of the Planning Committee however it has not been feasible to reduce the height of the flats from six to five storeys without having negative consequences for the deliverability of this affordable housing project. The second option of reducing the overall height of the six storey flatted blocks would adversely impact on the design quality of the development. Therefore the recommendation is to approve the application subject to the conditions set out in Section 9 as contained in the report in Appendix 1 and this would form the Council's response to this appeal.

5. People Implications

- 5.1** None.

6. Financial and Procurement Implications

- 6.1** There are no financial or procurement implications in terms of this report.

7. Risk Analysis

7.1 No risks have been identified.

8. Equalities Impact Assessment (EIA)

8.1 Not required.

9. Consultation

9.1 Consultation was undertaken as part of planning processes associated with the planning application.

10. Strategic Assessment

10.1 There are no strategic issues.

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Date: 19th August 2020

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Appendix 1 : Planning Committee Report : Ref DC19/210 (10/06/2020)

Background Papers: None

Wards Affected: Ward 6