

PLANNING COMMITTEE

NOTE OF VISITATIONS – 19 AUGUST 2015

- Present:** Councillors Jim Finn, Denis Agnew ((a) only) and Tommy Rainey ((b) only)
- Attending:** Pamela Clifford, Planning & Building Standards Manager

SITE VISIT

Site visits were undertaken in connection with the undernoted planning applications:-

- (a) Former Dunclutha site, Parkhall Road, Clydebank

DC15/027 - Erection of 6 flats and 4 houses with associated landscaping, access road and boundary treatments at Site of "Dunclutha", Parkhall Road, Clydebank.

- (b) Land adjacent to Stirling Road, Glenpath, Dumbarton

DC14/096 - Erection of a 2½ Storey House and Installation of an Associated Driveway at Land Adjacent to Stirling Road, Glenpath, Dumbarton.

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 23 September 2015

Subject: DC14/096: Erection of a 2½ Storey House and Installation of an Associated Driveway at Land Adjacent to Stirling Road, Glenpath, Dumbarton

1. Purpose

- 1.1 To update the Planning Committee of matters arising in respect of this application since it was considered at the August Planning Committee

2. Recommendations

- 2.1 **Grant planning permission** subject to the conditions set out in Section 9 of the report to the 26 August 2015 Planning Committee (Appendix 1), and to the following additional condition:

9. The dwelling shall not be occupied until such time as the section of Glenpath between the site access and the junction with Barnhill Road (as marked on the approved plan) has been upgraded to the standard required by the Council's adopted Roads Development Guideline (or such other standard as might first be approved in writing by the Planning Authority). Details of the works to be carried out shall be submitted to and approved by the Planning Authority prior to any works on site and implemented as approved.

3. Background

- 3.1 The above application was continued by the Planning Committee on 26 August 2015, in order to give the applicant a further opportunity to address the Committee and to answer any questions which Members may have about the proposal.
- 3.2 The report on the application is attached as Appendix 1. As intimated at the 26 August Planning Committee meeting, in addition to the representations noted in that report, one of the neighbours subsequently provided copies of legal documents concerning the ownership of Glenpath and rights of access upon it. However, these issues are not material planning considerations.
- 3.3 The Committee also heard from Mr Anderson, a local resident, who spoke on behalf of himself and two other residents who object to the application. Having explained the residents' concerns about the design of the proposed

house, the suitability and legality of the access, and the impact on neighbours, drainage, trees and wildlife, Mr Anderson requested that the Committee refuse the application. Were the Committee minded to grant permission he requested that a condition be applied to require that Glenpath be upgraded to an adoptable standard so that it could be maintained by the Council.

4. Main Issues

- 4.1** Following discussions between Planning and Roads officers an additional condition relating to the upgrading of Glenpath is now recommended. This would require the applicant to upgrade Glenpath to an adoptable standard as far as the access into the driveway of the proposed new house. This would be required under the Council's adopted roads design standards because the number of houses on Glenpath exceeds the number for which a private access is desirable, and the addition of another large house would therefore trigger upgrading of the road as far as its new access point. The applicant is understood to agree to this requirement and has indicated that they would be able to carry the work out if required by a condition. Any legal issues concerning the ownership of the road in question and the applicant's right to carry out work to it would be a private legal matter and not a material planning consideration.

5. People Implications

- 5.1** None

6. Financial Implications

- 6.1** None

7. Risk Analysis

- 7.1** Not applicable.

8. Equalities Impact Assessment (EqIA)

- 8.1** An EqIA is not required.

9. Consultation

- 9.1** Not applicable.

10. Strategic Assessment

10.1 No strategic issues

Richard Cairns

Executive Director of Infrastructure and Regeneration

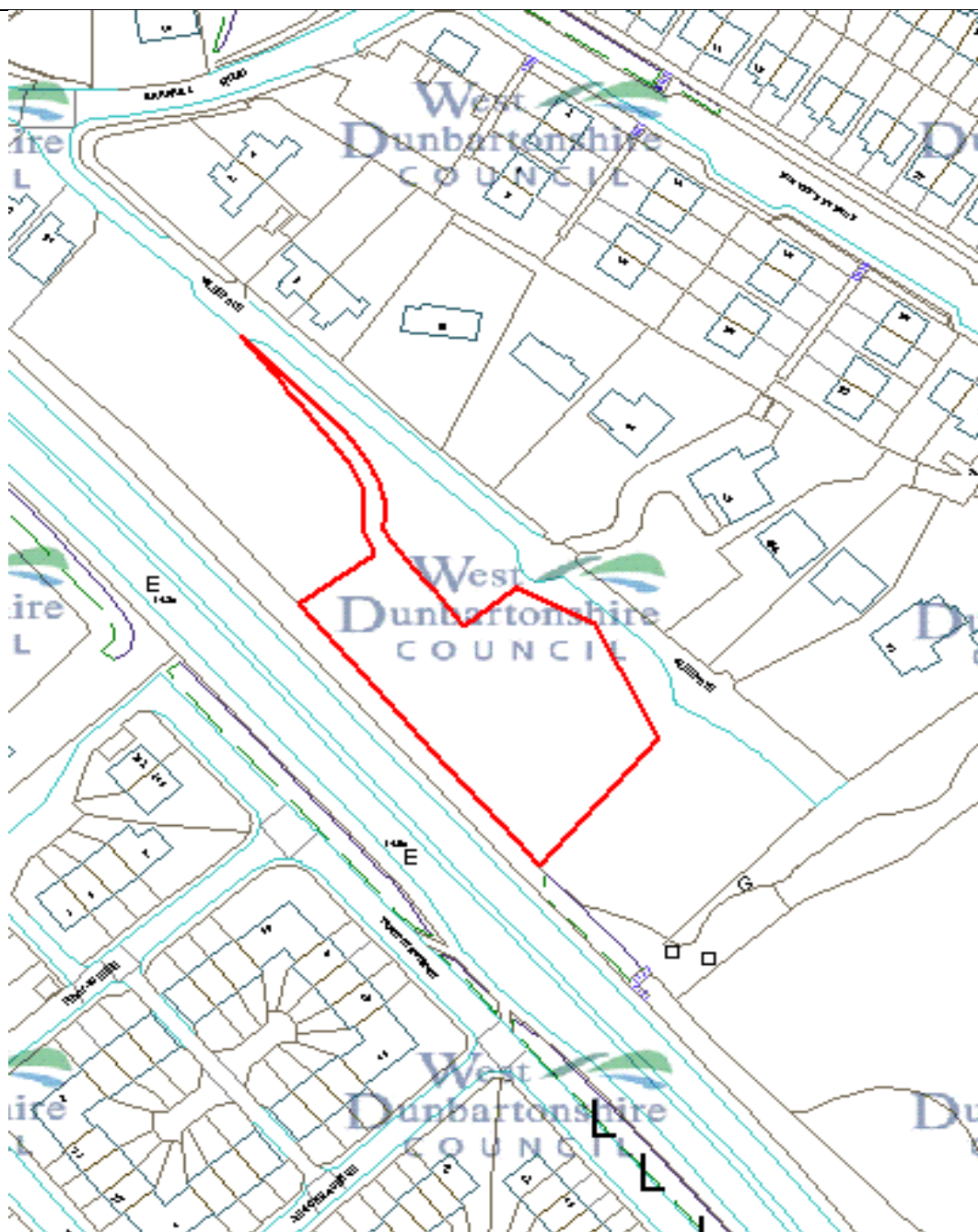
Date: 8 September 2015

Person to Contact:	Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development, email: Pamela.Clifford@west-dunbarton.gov.uk
Appendix:	1. Report to 26/8/15 Planning Committee
Background Papers:	1. Application forms and plans. 2. West Dunbartonshire Local Plan 2010 3. West Dunbartonshire LDP Proposed Plan 4. Consultation Responses 5. Representations
Wards affected:	Ward 3 (Dumbarton East and Central)

DC14/096

**Erection of 2 1/2 storey
dwellinghouse and
installation of associated
driveway and access**

**Land Adjacent To Stirling Road
Glenpath
Dumbarton**



WEST DUNBARTONSHIRE COUNCIL**Report by the Executive Director of Infrastructure and Regeneration****Planning Committee: 26 August 2015**

**DC14/096 Erection of a 2½ Storey House and Installation of an
Associated Driveway at Land Adjacent to Stirling Road,
Glenpath, Dumbarton**

1. REASON FOR REPORT

- 1.1** This application has been subject to a significant body of objection and a representation from a community council. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1** The application relates to part of a strip of land between Stirling Road and Glenpath. Glenpath is a single-track private cul-de-sac which runs parallel to Stirling Road but is further up the hillside, and it currently contains seven houses along its north-east side, most of which are large houses with sizeable plots. On the south-west side of Glenpath is a belt of undeveloped land which slopes down towards Stirling Road, from which it is separated by a low stone retaining wall and palisade type railings. This land is now overgrown with trees and shrubs, although some clearance of trees and vegetation took place last year. The difference in levels across the site is significant, and there is a drop of around 12m from Glenpath to Stirling Road. The applicant owns all of the land to the south of Glenpath, however the proposed house and its curtilage would occupy only around a third of the ground, located toward the south-east of the land. The application site itself is approximately 0.205 hectares in area.
- 3.2** The proposed development would consist of one very large detached house. The main part of the house would be 2½ storeys in heights and would contain 8 bedrooms. A single storey wing on the south-eastern side of this would contain a swimming pool, while a 1½ storey wing on the north-western side would contain a twin garage and self-contained “granny annexe” type subsidiary dwelling with 3 more bedrooms. The applicant has indicated that the house and annexe are to be a family home for several generation of his family. The house would be of significant size and would be of traditional

design, making use of features such as windows with vertical emphasis, window banding, tabling on gables and chimneys and dormers of traditional proportions. It would be finished in a white wetdash finish but with some reconstituted stone feature details, and a natural slate roof. Access to the site would be from Glenpath, where a new entrance would be formed some distance north west of the house itself, to allow the driveway to drop down to the level of the house. Ground levels would be altered by cutting into the hillside to create a level area for the dwellinghouse approximately mid-way between the levels of Stirling Road and Glenpath.

- 3.3** The site contains a number of trees, which screen the existing houses at Glenpath from view from Stirling Road. However, the site is not covered by a Tree Preservation Order, and several trees were removed and partial areas of the site cleared of bushes prior to the application being submitted, mainly in the footprint of the proposed house and its driveway. The remaining trees on the site are mainly along the Stirling Road edge and are shown as being retained to provide privacy and noise screening for the new house, although some thinning and replanting is likely to be necessary.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service and the Trunk Roads Authority have no objections. There should be no pedestrian or vehicular access onto Stirling Road, and suitable boundary treatment and screening should be maintained along this edge of the site. Access from Glenpath is acceptable in road safety and traffic management terms, but as this street is private any issues relating to rights of access and maintenance are private legal matters for the applicant and other owners to resolve.
- 4.2** West Dunbartonshire Council Access Officer, Greenspace and Environmental Health Services and SNH have no objections, subject to conditions.
- 4.3** Scottish Water had not responded at the time of writing this report.

5. REPRESENTATIONS

- 5.1** Eleven representations have been received in relation to the proposal, from ten individuals/households and Silverton and Overtoun Community Council. All object to the proposal, for the following reasons:
- Over-development of the site;
 - Size, scale, height and design of proposed house out of character with surrounding area;
 - Concerns that building is intended as a hotel;
 - Glenpath's condition unsuitable for additional traffic;
 - Applicant's right to access the site from Glenpath private road is disputed;
 - Loss of view / outlook from nearby homes;

- Noise from construction work will affect neighbouring houses;
- Trees provide noise buffer for A82 and further loss will increase traffic noise for neighbours;
- May increase risk of flooding of A82, and proposal should incorporate Sustainable Urban Drainage Systems
- Proximity to A82 an unsatisfactory environment for a new house due to traffic noise and poor air quality;
- Loss of trees from the site, both prior to the application and as a result of it;
- Impact on wildlife on the site, including bats, deer and birds;
- Building would prevent wildlife movement through the site;
- Possibility of a right of way on the site; and
- Contrary to policies H5, E1 and F2 of adopted local plan

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The application site is within an Existing Residential Area, where Policy H5 indicates that character and amenity will be safeguarded and where possible enhanced. Development within existing residential areas will be considered against the following criteria:-
- Need to reflect the character of the surrounding area in terms of scale, density, design and materials;
 - Requirement to avoid overdevelopment which adversely affect local amenity, access or parking, or would be out of scale with surrounding buildings;
 - Need to retain trees, hedgerows, open space and other natural features.
- 6.2** Policy GD1 contains general requirements for all development, which in addition to these criteria also include matters such as appropriate massing, height, aspect, privacy, natural environment, access and drainage. Detailed consideration of the design, scale, form, layout and materials are contained in Section 7 below, and it is concluded that despite the size of the proposed house and some loss of trees, overall the proposal would be in keeping with Policies H5 and GD1.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (WDLDP) Proposed Plan

- 7.1** The site is within an Existing Neighbourhood where Policy BC3 seeks to protect the residential amenity, character and appearance of existing neighbourhoods. New residential development on gap sites within such areas is acceptable subject to the design and impact on the local area being appropriate.

Residential Development: Principles for Good Design

- 7.2** The Council's supplementary guidance on residential development applies to developments of 3 or more houses so is not directly applicable to this proposal; however some of the document's general guidance is still considered relevant. The guidance seeks to ensure that housing developments give importance to the local context, are design-led, and promote the six qualities of good design. The design of the proposal is discussed below, and it is considered that the proposal would accord with the guidance.

Planning History

- 7.3** Outline planning permission for residential development on the whole of the land between Glenpath and Stirling Road was granted in March 1996 (decision DB2371) and renewed in September 2000 (WP00/155). At the time the applicant and landowner was the Scottish Office / Scottish Executive. The land was subsequently sold into private ownership, but the permission for housing never progressed to a detailed application and the permission was allowed to lapse.

Principle of Development

- 7.4** The application site is part of an undeveloped gap site within a residential part of the town, and the development of such sites for residential purposes is supported by the relevant policies subject to site specific considerations and suitable design, layout etc. In this case, the site forms part of a larger strip of land alongside the A82, which has never been developed and which had become overgrown. The trees and shrubs on the site provide a green area alongside the A82 but are otherwise of no particular value, and it is considered that subject to the maintenance of a green buffer along the edge of the A82 there is no objection to the principle of developing on the site.
- 7.5** Whilst the application site is large enough to accommodate several house plots, the proposal is for a single large plot containing one very large house. The size of the plot is similar to those of some of the larger existing houses on the north-east side of Glenpath, but the house would be larger than any others nearby. The design of the house is considered below, but in principle it is considered that a single large house is acceptable, and it would potentially have less of an impact on the area than would arise from developing the land with several smaller houses.

Prominence and Screening of Site

- 7.6** The proposal would involve excavation of the sloping site to create a level base for the house, which would be elevated in relation to Stirling Road but well below the level of Glenpath. The new house would be readily visible from Glenpath, but would be at a lower level than the street and would be well separated from the existing houses as these are generally well set back within their plots and even more elevated than the street itself. Whilst the new house would introduce development on the south-west side of Glenpath it is considered that this would be appropriate in terms of the character of the street. It would however be appropriate to retain a suitably green boundary

treatment along this street to protect its semi-rural character, and this could be controlled by a condition.

- 7.7** Relative to Stirling Road, the new house would be elevated, and on account of its size the house would potentially be quite prominent. However, its prominence would be reduced by the retention of the existing trees along the edge of the site. A detailed tree survey has not been provided as they are not subject to any tree preservation order and it is considered that none of the trees is of particular individual value, but a condition could be imposed requiring agreement of a detailed tree survey and landscaping scheme showing precisely which trees were to be retained, and that new planting would be involved. It is considered that subject to retaining as many trees as possible and augmenting these with new planting where appropriate, the house would not appear unduly prominent in the street or from A82.

Design of House

- 7.8** In terms of the style of building, the surrounding area is not characterised by one particular style of house, with Glenpath containing a mixture of old stone two-storey villas and more modern 1970s/80s style properties. Other houses in the area are smaller mid-century semi-detached and terraced houses on the opposite side of Stirling Road. The proposed house would therefore not clash with any established building style. At 2½ storeys the building would be higher than most of the surrounding 2 storey houses, but the addition of dormers in the roof space does not significantly add to the building's height and these are considered beneficial to the building's appearance.
- 7.9** The detailed design of the house has been the subject of considerable discussion and amendment during the course of the application. For a building of this size it is important that the proportions and detailing are correct, as the dimensions of ordinary modern suburban houses do not necessarily lend themselves to being "scaled up" to quite the extent required. A traditional and formal style has therefore been employed, resembling a small manor house. Whilst the resultant house would be imposing on account of its size, its style would be classical and understated. Proportions and details would be of a traditional character, and the use of high quality traditional materials such as wetdash and natural slate would be in keeping with this. Overall, it is considered that the house would be of attractive appearance in its own right, and that it would be in accordance with the requirements of Policies H5 / BC3 and with the Council's Residential Development Design Guidelines,

Impact on Neighbouring Houses

- 7.10** The properties on the opposite side of Stirling Road are a considerable distance away from the site, separated from it not only by the dual carriageway but also by Fourth Avenue, and although the new house would be elevated there would be no impact on these properties. In relation to the houses on Glenpath itself, those close to the proposed house are all well set back within their own plots and positioned further up the hillside than the new house would be. There would therefore be no overlooking or overshadowing issues. At present these houses look out onto trees, and the development

would result in parts of the roof of the new house being visible from the front windows of the neighbouring houses. However, due to the difference in levels most of the house would be below the level of the street, and views of the roof would be minimised by boundary landscaping, including the retention of some of the existing trees/shrubs. Overall, it is considered that the proposal would not have any unacceptable impact on any neighbour.

Impact on Trees

- 7.11** Prior to the application being submitted trees and shrubs were cleared from some parts of the site by the applicant. The site is not covered by a tree preservation order so there was no requirement to gain permission from the Council to undertake these works. The trees removed were those which needed to be removed to develop the site, and the applicant has left the other trees as it is desired to retain as many trees as possible. The proposed drawings indicate that the trees along the main northern and southern boundaries would be retained, although the plans do not include a detailed tree survey. This could be required by a condition, which could also specify that trees be retained along both street boundaries, along with new planting where appropriate to strengthen the screening of these area.

Wildlife and Conservation

- 7.12** Whilst the site is heavily overgrown and is doubtless providing a habitat for wildlife, there is no evidence of any protected species being affected. A bat survey was submitted with the application, which concluded that although there was no evidence of current use by bats, the site had potential for bat foraging. However, as the majority of the existing trees are to be retained within the site it is unlikely that the development would adversely affect bats. Some objections had referred to the development preventing wildlife movement through the site, but the planned retention of a continuous tree belt along the frontage would allow small animals to move through the site to and from the relatively small undeveloped area to the North West.

Access and Road Safety

- 7.13** The site would require the formation of a new access from Glenpath, near to the junction with Barnhill Road. The location of the new access would be to the west of the new house, in order to allow the driveway to drop gradually down to the level of the building. The access road is not adopted and is a private road which is understood to be in the ownership of various residents and the Ministry of Defence (apparently as a result of historic pipeline interests). The location and design of the access are considered appropriate in road safety terms and there are no objections from the Council's Roads Service. Whilst some objectors have claimed that the applicant does not have a right of access without obtaining the agreement of other landowners, any such requirements would be a private legal matter for the applicant to resolve. An informative can be added to the decision specifying that the granting of planning permission does not imply any rights in relation to access over the private road.
- 7.14** The Scottish Government's Trunk Roads Division has indicated that no access should be formed onto the A82, either for pedestrians or vehicles, and

that boundary treatment and landscaping should be designed to make informal access impractical. The suggestion for landscaping along this boundary coincides with the intentions for this boundary, and can be addressed by the relevant condition.

Other Issues

- 7.15** In relation to the quality of residential environment for the new house, there is no reason to expect air quality or noise levels to be any different from the many existing houses which front the A82. The proposed house is set back from the road behind trees, and appropriate sound insulation could easily be incorporated into its construction.
- 7.16** Surface water from the roof and hardstanding areas would require to be drained on site, but the site is easily large enough to accommodate a private soakaway and approval of the detailed design of the surface drainage can be addressed by a condition.
- 7.17** Whilst some objections referred to the possibility of a right of way on the site, the Council's Access Officer has no record of any claimed right of way here. There is a gate and steps leading up from Stirling Road adjacent to Hunter's Burn, but these have evidently been disused for many years, and they are some distance out with the application site. Presumably there was once a path connecting these steps up to Glenpath, but if so its alignment is not shown on any old Ordnance Survey maps and there is no trace of it on the ground. As the application site does not border these steps, the current proposal would not prevent the future re-establishment of a link to these steps.
- 7.18** Concern has been expressed that the house may be intended for use as a hotel rather than a family dwelling. It is understood that this is not the case, and any such use would in any event require a separate planning permission for change of use. It would however be appropriate to impose an informative making this clear, and also confirming that the self-contained annexe could not be used as a separate dwelling without also having a specific planning permission.

8. CONCLUSION

- 8.1** The development of the site for residential development is in accordance with the adopted and emerging local plans. Whilst the proposed house is large, it is considered to be of an appropriate design and appearance, subject to the retention of suitable screening along the road boundaries. It is considered that the impact upon neighbouring houses would be acceptable and that overall the development would be in keeping with the appearance and character of the surrounding area.

9. CONDITIONS

- 1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved. Such materials shall include the use of natural slate for roofs and wetdash render for elevational treatment.**
- 2. Prior to the commencement of any works on the site the position of the house shall be pegged out on site for inspection and further written approval of the Planning Authority.**
- 3. No trees or shrubs shall be felled or removed from the site until such time as a detailed tree survey and proposed landscaping scheme have been submitted to and approved by the Planning Authority. These shall detail the position of all significant trees and clearly identify those which are to be felled and those for retention. The tree retention and landscaping proposals shall ensure the retention and where necessary enhancement of screening along the Stirling Road and Glenpath boundaries of the site. The landscaping and tree retention shall thereafter be implemented as approved, with new planting taking place not later than the next appropriate planting season after the occupation of the house. The scheme shall also include details of the maintenance arrangements, which shall retain the boundary screen planting in perpetuity, and the landscaping shall thereafter be maintained in accordance with these details.**
- 4. No development shall commence until such time as a detailed levels plan showing ground and finished floor levels and detailing the extent of any cut and fill operations has been submitted to and approved by the Planning Authority. The development shall thereafter be implemented in accordance with these levels unless otherwise agreed in writing by the Planning Authority.**
- 5. Prior to the commencement of development, full details of any fences, walls, railings or gates to be erected shall be submitted for the further written approval of the planning authority and implemented as approved. Such boundary treatment on Stirling Road shall be of a type which prevents pedestrian access.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no pedestrian or vehicular access shall be formed from the site onto Stirling Road at any time.**
- 7. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be**

carried out between 8am and 6pm Mondays to Fridays, 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.

8. No development shall commence until such time as the details of the surface water drainage arrangements have been approved in writing by the Planning Authority. Such drainage arrangements shall ensure that there is no run-off from the site onto the public road.

Informative:

Permission is granted for a single house with ancillary domestic accommodation. Any use falling out with Use Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) would require a separate application for planning permission, as would any subdivision of the house into multiple separate dwellings.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 13 August 2015

Person to Contact: Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development, email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers:

1. Application forms and plans.
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP Proposed Plan(2013)
4. Consultation Responses
5. Representations

Wards affected: Ward 3 (Dumbarton East and Central)

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 23 September 2015

**DC15/073 Change of Use from Vacant Industrial Unit to
Gymnastics Club by Dynamite Gymnastics Club at Unit
1, 12 North Avenue, Clydebank Business Park**

1. REASON FOR REPORT

- 1.1** This application is for development which raises issues of local significance, and under the terms of the approved Scheme of Delegation it requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a vacant industrial unit measuring 250m² in floor area, which is part of a larger building containing various industrial units located in the northern part of Clydebank Business Park. The application unit occupies most of the western end of the building, but the north-western corner is separately occupied (by Griffin Air Systems). Communal parking spaces exist at the west and south of the building, while to the north it backs onto the railway line. The letting agent advises that the unit has been vacant since 2012. Whilst the business park consists primarily of office and industrial uses, there are a small number of other uses, including a ladies' gym at Fleming Court, 2 North Avenue (permission DC08/001) and a private training gym at Block 10, Baird Court (DC11/127). There are also other non-industrial uses including a sit in/takeaway café and a children's nursery located elsewhere within the business park.
- 3.2** It is proposed to change the use of the unit from light industrial use to a gymnasium (Use Class 11 – Assembly and Leisure). There would be no external changes to the building, and the existing parking and access

would be used. A typical session at the unit would involve around 5 coaches and 40 members.

- 3.3** The applicant is a club which provides gymnastics activities for children and young people. The club is affiliated to Scottish Gymnastics and has become an incorporated company with charitable status. It currently has 14 coaches and 402 members, and operates classes 7 days a week out of 4 separate rented venues. The club is currently based at Yoker Sports Centre but also uses Clydebank Playdrome and facilities in Easterhouse and Renfrew. It also has connections with Gavinburn Primary School in Old Kilpatrick where it provides an after school club and runs an adult gym fitness class. Membership of the club is stated to have expanded rapidly, and as most of their classes are already full they have a waiting list for membership. The club has struggled to obtain sufficient let time, space and storage at its various existing venues to satisfy demand. At the existing Clydebank Playdrome, for example, the club has to use an external storage container for its equipment, and the club is uncertain about whether they can be accommodated in the forthcoming replacement leisure centre at Queens Quay. The club therefore wishes to obtain their own accommodation to secure their future, allow them to expand membership, and to provide the specialist gymnastic equipment which is necessary for members to progress to higher skill levels.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads and Economic Development Services each have no objection to the proposed use.
- 4.2** West Dunbartonshire Leisure Trust have indicated that the gymnastics club currently use the Playdrome as one of its venues. In terms of increasing the number of time slots available to the gymnastics club, the availability of additional slots is limited and these may be at times which would not suit the gymnastics club. These issues are likely to remain when the new leisure centre at Queens Quay is opened to replace the Playdrome. There are also limited additional venues in the Leisure Trust, none of which would be likely to suit the gymnastics club's particular requirements.

5. REPRESENTATIONS

- 5.1** One letter of support has been received from the business occupying the neighbouring unit. The grounds for support are that the applicant is a well-run and growing club which provides a valuable service to young people in

the Clydebank area, and the business park would benefit from having this long-term vacant unit brought back into use.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The Clydebank Business Park is designated as an Industrial and Business Use Site, where Policy LE1 applies. There is a presumption in favour of uses which positively extend the permanent employment potential of such sites, although the policy does allow for the reuse of existing industrial or business class sites for suitable alternative uses where this can be justified against such criteria as specific locational need, there being no adverse impact on the industrial land supply, lack of suitable alternative locations, economic and environmental benefits, the impact on the attractiveness of the location to industrial and business investment and there being no adverse affect on local infrastructure.
- 6.2** The Business Park is also designated as a Strategic Business Centre and Strategic Industrial and Business Location, and is within the central Clydebank Core Economic Development Area. Policy LE6 indicates that the Business Park is strategically important as a location for industrial, business and warehousing uses. Sites within the Business Park shall be safeguarded for economic development uses and there shall be a strong presumption against uses other than for business and industry. The proposal would result in the use of the premises for non-industrial purposes, and is therefore contrary to Policy LE6. However, as discussed below in Section 7 it is considered that the impact of this particular proposal would be acceptable, and that the proposal would not conflict with Policy LE1.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

- 7.1** On 8 April 2015, the Council advertised its intention to adopt the West Dunbartonshire Local Development Plan, incorporating all of the Examination Report recommended modifications (with the exception of those relating to the inclusion of Duntiglennan Fields, Duntocher as a housing development opportunity). On the same date, the Council advised the Scottish Ministers of its intention to adopt the Plan. The policies referred to below therefore incorporate the accepted recommended modifications. The formal adoption of the plan is presently with the Scottish Ministers.

- 7.2** The site is located within an area identified as an Existing Business and Industrial Area where Policy GE2 states that development of Use Classes 4, 5 and 6 uses will be supported within the existing business and industrial areas. Proposals for alternative uses will be assessed with regard to impact on the operations of existing uses in the area, impact on the suitability of the area for future industrial and business investment, impact of availability of land and buildings for business, industry or storage and distribution uses, the availability of other locations for the proposed use and positive contribution the proposed use can make to the area.
- 7.3** Policy DS1 has regard to all development and expects development to contribute towards creating successful places by having regard to the six qualities of a successful place, which include distinctiveness, the definition of which includes reflecting local urban form and fitting within the streetscape. These issues are considered below, and it is considered that the proposal is in accordance with Policies GE2 and DS1.

Locational Need/Alternative Locations

- 7.4** The applicant currently operates a sizeable gymnastics club from various rented sports facilities both within and outwith West Dunbartonshire. The size of the club is now such that it requires its own permanent accommodation to cope with demand and allow further expansion, whilst there is uncertainty over the future availability of some of their existing venues. Although the club operates within Glasgow and Renfrewshire, the applicant has indicated that a majority of their members are from West Dunbartonshire, so it is desirable that their new accommodation be within the Clydebank area. It is considered that the applicant provides a valuable service to local people who support the Council's corporate objectives of improving life chances for children and young people, and improving the wellbeing of communities.
- 7.5** Due to the nature of the use, there is a requirement for a relatively large unit containing an open area of at least 14m by 14m along with additional space for changing rooms, office space and toilets, etc. The applicant has looked at a number of alternative sites but considered them to be less suitable than the application premises:
- 870 South Street, Glasgow: premises were leased to another company which was able to rent multiple units;
 - Units 2 & 4 South Avenue, Clydebank Business Park: layout was unsuitable and unable to reach financial agreement;
 - 780 South Street, Glasgow; premises physically suitable but location was too remote from West Dunbartonshire client base;
 - 110 Dumbarton Road, Clydebank; site was too small and required significant upgrading.
 - Discussions have taken place between the applicant and the West Dunbartonshire Leisure Trust to establish where the Trust would be

able to offer additional facilities to meet the club's needs. However, neither the Playdrome, the new replacement leisure centre or any other Trust facility is likely to be able to offer all the time slots which the club requires to continue its growth.

- 7.6** The applicant has also provided a list of similar clubs within the west of Scotland, all of which have premises within industrial estates due to similar locational and accommodation issues. These include:-
- Urban Bounce Gymnastics at Milnbank Trading Estate, Glasgow;
 - Jump Gymnastics Club at Glencryan Road, Cumbernauld;
 - Irvine Bay Gymnastics Club at Quarry Road, Irvine;
 - Sapphire Gymnastics Club at Lochburn Road, Maryhill
 - Zippys Gymnastic Academy at Unit 48 Burnfield Avenue, Thornliebank

It is accepted that the space requirements of the proposed use would be difficult to accommodate other than within an industrial type unit or a large shop unit. Whilst a shop unit would possibly be more in line with planning policies (which generally seek to direct leisure uses towards town centres), the availability and cost of a large town centre shop unit would probably be uneconomic for a use such as that proposed. It is therefore accepted that the applicant has a requirement for an industrial type premises, and that Clydebank Business Park is in principle an appropriate location due to its convenient edge of centre location and good public transport links.

Impact on Business Park

- 7.7** Whilst occupancy rates within the Clydebank Business Park are generally good, there are nevertheless various vacant units. The applicant has indicated that there are currently a total of 23 vacant units within the Business Park being marketed, and most of which (like the application site) readily lend them to subdivision or combination into smaller or larger units as required. The application unit has been vacant for several years, and it is not considered that its loss from the industrial land supply would have any significant impact upon the availability of space for businesses seeking to locate in the area. There are already two gyms elsewhere within the Business Park, and it is considered that such uses can contributed positively to the vitality of the area, especially where they offer a service to people working nearby. In this case the gym is aimed primarily at children, but adult fitness classes would also be provided. Whilst the proliferation of non-industrial uses within the business park is not generally to be encouraged, in this case the proposed use is considered to be appropriate, but it would be desirable to prevent changes of use to other Class 11 uses without further consideration of their impacts. This could be addressed by a condition.

- 7.8** In terms of the impacts of the proposed gym operation upon surrounding industrial uses, the main issue would be the coming and going of gym members from the site, with a potential for increased pedestrian and vehicle movements throughout the day compared to a typical office or light-industrial use. However, some types of business use would also share these characteristics, and in this case the site has adequate access for pedestrians so there should not be a conflict with heavy goods vehicles. Additionally, whilst the gym would operate 7 days a week, the majority of classes would be in the evening and weekends when the area is quieter and most businesses closed. Overall, the access and parking arrangements are considered appropriate and the Roads Service has no objection to the application subject to parking spaces being clearly delineated on the ground. In terms of other impacts, it is not likely that the proposal will give rise to any significant noise or other issues affecting nearby businesses.

8. CONCLUSION

- 8.1** Whilst the proposal conflicts with Policy LE6 of the adopted local plan, it is in accordance with Policy GE2 of the emerging LDP, which provides a more up to date reflection of the Council's position. The applicant has demonstrated that they have been unable to find suitable alternative premises, and the proposed gymnastics club can be accommodated within the Business Park without causing any significant adverse impact on the surrounding businesses or resulting in a significant loss of employment land. Due to the specific requirements of this leisure use, it should not set a precedent for a proliferation of non-industrial use which would be of detriment to the future development of the business park.

9. CONDITIONS

- 01. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any subsequent order amending, revoking or re-enacting that Order, the premises shall be used as a gymnasium / gymnastics club only, and not for any other purpose (including another 'Class 11' purpose) without the express permission of the Planning Authority.**
- 02. Prior to the occupation of the development hereby approved the associated ancillary car parking area for the unit shall be delineated on the site.**

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 8 September 2015

Person to Contact: Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development,
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers:

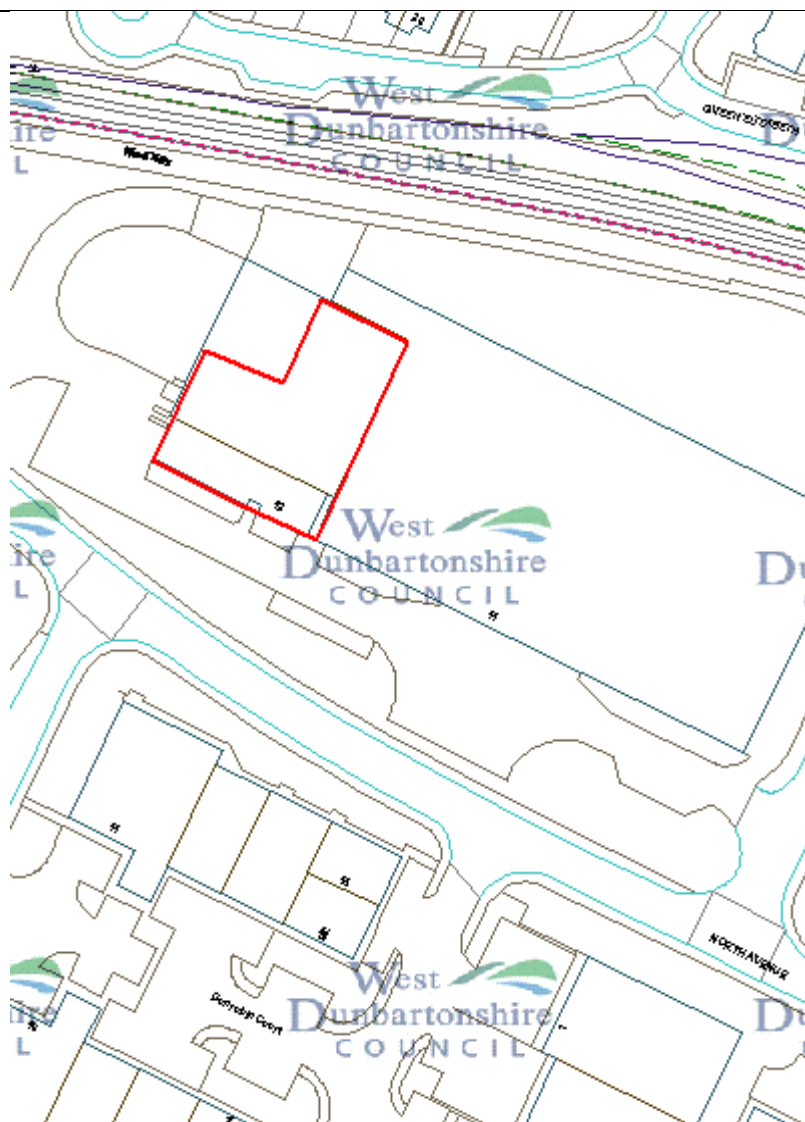
1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP (Proposed Plan)
4. Representation

Wards affected: Ward 6 (Clydebank Waterfront)

DC15/073

**Change of use from vacant
industrial unit to
gymnastics club**

**Unit 1
12 North Avenue
Clydebank Business Park
Clydebank
G81 2QP**



WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 23 September 2015

Subject: Receipt of:

- a) An appeal decision in relation to change of use of 18 Britannia Way, Clydebank from retail to public house/restaurant and associated works (DC14/251); and
- b) Notice of an appeal against the refusal of planning permission for alteration to the permitted extent of quarrying operations and consequential amendments to approved landscaping, tree protection and restoration schemes at Dumbuckhill Quarry, Stirling Road, Dumbarton (DC14/168)

1. Purpose

- 1.1 To advise the Committee of (a) the decision in respect of a recent planning appeal and (b) the submission of a new appeal.

2. Recommendations

- 2.1 That the **Committee note** the decision and the receipt of the new appeal.

3. Background

18 Britannia Way, Clydebank (DC14/251)

- 3.1 A planning application to change the use of the majority of the existing Harry Corry home furnishings shop into a pub/restaurant, along with associated alterations including formation of a beer garden, was refused by the Committee on 25 March 2015 due to concerns that would result in the loss of a retail unit within the Retail Core and detract from the character and amenity of the shopping centre.

Dumbuckhill Quarry (DC14/168)

- 3.2 A planning application which sought to alter the permitted extent of quarrying operations and associated matters covered by conditions was refused by the Committee on 29 April 2015. The reasons for refusal related to the impact of the proposal on Dumbarton's landscape heritage since it would involve the lowering of a ridgeline and it would also result in the loss of protected trees. In addition, it was considered that the proposal would result in increased noise and disturbance to local residents.

4. Main Issues

18 Britannia Way, Clydebank (DC14/251)

- 4.1** The appeal was dealt with by way of written submissions. The Reporter considered that the two determining issues were (1) whether or not the loss of a retail unit would contribute towards the reinforcement and revitalisation of the shopping centre, and (2) the effect of the proposed new use on the character and amenity of the centre.
- 4.2** On the first point, the Reporter noted that while the shopping centre as a whole seemed to enjoy a high level of vitality and viability, the application site occupied a secondary frontage of the shopping centre which reduced its attractiveness to retailers. The current retailer occupied the premises under a short-term arrangement and efforts to market the unit for a permanent retail tenant had been unsuccessful. The unit was a relatively small part of the shopping centre, and other vacant units were available in the shopping centre to cater for any new retail operators. There was therefore no significant impact upon the town centre's retail function, and the proposed pub/restaurant would itself contribute to the vitality and viability of the centre by increasing footfall. Accordingly, the Reporter concluded that the proposal was in accordance with Policy SC2 of the emerging Local Development Plan, and that whilst it was contrary to Policy RET6 of the adopted Local Plan there were material considerations which justified a departure from this policy.
- 4.3** On the second issue, the Reporter noted that there were several food and drink uses in the vicinity of the site, although no public houses were nearby and overall he did not consider that there would be an undue concentration of any of these uses. Notwithstanding its position close to an entrance to the covered shopping mall, the loss of a shop from this secondary piece of frontage would not erode the attractiveness of the centre and the provision of outdoor seating would improve its attractiveness by providing new activity.
- 4.4** The Reporter therefore concluded that the proposal was acceptable, and the appeal was upheld.

Dumbuckhill Quarry (DC14/168)

- 4.1** An appeal against the refusal of this application has been lodged with Scottish Ministers. The appellant has requested that the appeal be dealt with by way of a site visit and written submissions. The Committee will be notified of the outcome of the appeal in due course.

5. People Implications

- 5.1** None.

6. Financial Implications

- 6.1** No award of costs was sought in respect of the 18 Britannia Way appeal. The appellant for Dumbuckhill Quarry has not submitted any application for the award of costs, although the time periods for doing so had not expired at the time of writing of this report.

7. Risk Analysis

- 7.1** No risks have been identified.

8. Equalities Impact Assessment (EIA)

- 8.1** An equalities impact assessment is not required.

9. Consultation

- 9.1** Not required.

10. Strategic Assessment

- 10.1** There are no strategic issues.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 3 September 2015

Person to Contact:	Pamela Clifford, Planning and Building Standards Manager, Housing, Environmental and Economic Development email: pamela.clifford@west-dunbarton.gov.uk
Appendices:	None
Background Papers:	<ol style="list-style-type: none">1. Application documents and plans;2. Refusal decision notices;3. Appeal decision letter (DC14/251);4. Appellant's grounds of appeal and associated documents (DC14/168).
Wards Affected:	Ward 6 (Clydebank Waterfront) – DC14/251 Ward 3 (Dumbarton) – DC14/168