

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 7 December 2010

Subject: The submission of planning enforcement appeal and a planning appeal relating to:

- (a) Part change of use of retail unit to an amusement arcade at Shopping Hall 1, 36 Sylvania Way South, Clydebank (DC10/194/COU).**
- (b) Erection of 25 flats with associated car parking and access road at land adjacent to Old Mill garage, Glasgow Road, Hardgate (DC10/078/FUL)**

1. Purpose

- 1.1** This report advises the Committee of the submission of a new planning enforcement appeal and a new planning appeal.

2. Background

Shopping Hall 1, 36 Sylvania Way South, Clydebank

- 2.1** An application seeking permission for the partial change of use of a retail unit within the Clyde Shopping Hall into an amusement centre was refused by the Planning Committee on 7 September 2010. The application was refused on grounds that the proposed amusement arcade would lead to a loss of retail floorspace within the defined retail core and the site is within an area of the town centre that is subject to current investment to improve its physical environment and which will increase in importance due to planned major developments nearby. Furthermore, it was considered that the proposal would undermine the prospects for achieving improved vitality and viability and would not serve to reinforce or revitalise the shopping centre. Following the refusal of planning permission and as the use is operational an Enforcement Notice was issued requiring the use to cease.

Land adjacent to Old Mill garage, Glasgow Road, Hardgate

- 2.2** An application seeking permission for the erection of 25 flats with associated car parking and access road on land adjacent to the Old Mill garage on Glasgow Road in Hardgate was refused by the Planning Committee on 5 October 2010. The application was refused on the grounds that it would constitute overdevelopment and have a detrimental

impact on the amenity of neighbouring properties; and that it would result in the fragmentation of a riparian wildlife corridor resulting in a negative impact on local biodiversity.

- 2.3** This is the second appeal to be made in relation to a proposed development on this site. In 2009 a similar development for the erection of 27 flats (DC08/392/FUL) was refused by the Planning Committee. An appeal was made against this decision, however, the reporter agreed that permission should not be granted and dismissed the appeal.

3. Main Issues

- Shopping Hall 1, 36 Sylvania Way South, Clydebank
3.1 An appeal against the planning enforcement notice has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a hearing.

- Land adjacent to Old Mill garage, Glasgow Road, Hardgate
3.2 An appeal against the decision to refuse the application has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of written submissions.

4. People Implications

- 4.1** The first appeal will require to be dealt with by the planning officer and the second appeal will require to be dealt with by officers from the Council's Legal service as the decision was contrary to the recommendation of the Planning Service.

5. Financial Implications

- 5.1** Any costs associated with these appeals will require to be met by the Planning services budget.

6. Risk Analysis

- 6.1** In the event of any of the decisions being judged by the Reporter to have been unreasonable, there is a risk that costs may be awarded against the Council.

7. Equalities Impact

- 7.1** None.

8. Conclusions and Recommendations

- 8.1** The outcome of the above appeals will be intimated to the Committee in due course.
- 8.2** It is recommended that the Committee note the receipt of these two appeals.

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Date: 22 November 2010

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Appendices:

None.

Background Papers:

- (a) Enforcement Notice Appeal submission DC10/194/COU dated 25 October 2010.
- (b) Appeal submission DC10/078/FUL dated 17 November 2010.

Wards Affected:

- (a) Ward 6 (Clydebank Waterfront)
- (b) Ward 4 (Kilpatrick)