

## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 27 January 2016 at 2.00 p.m.

**Present:** Councillors Denis Agnew, Gail Casey, Jim Finn, Jonathan McColl, John Mooney, Lawrence O'Neill and Tommy Rainey.

**Attending:** Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning and Building Standards Manager; Alan Williamson, Team Leader – Forward Planning; Jack McAulay, Manager of Roads and Transport; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Hazel Sorrell.

**Councillor Lawrence O'Neill in the Chair**

### DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda at this point in the meeting.

### MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 16 December 2015 were submitted and approved as a correct record.

### NOTE OF VISITATIONS

A Note of Visitations carried out on 14 December 2015, a copy of which forms Appendix 1 hereto, was submitted and noted.

### PLANNING APPLICATIONS

Reports were submitted by the Head of Regeneration and Economic Development in respect of the following planning applications.

New Applications:-

**(a) DC15/245 - Extension to existing car park at Strathleven Place, Dumbarton by West Dunbartonshire Council.**

Reference was made to a site visit which had been undertaken in respect of the above application.

The Planning & Building Standards Manager was heard in further explanation of the report and advised that a late representation had been received from Canon Conroy, Parish Priest at St Patrick's Church and made the terms of the representation known.

The Chair invited Mr Ian Ellis, representing Dumbarton East & Central Community Council to address the Committee. The Committee agreed that photographs by Mr Ellis be circulated to all Members present. Mr Ellis made the views of the Community Council known and was heard in answer to Members' questions.

The Chair then invited Mrs Rose Harvie, representing Silverton & Overtoun Community Council to address the Committee. Mrs Harvie made the views of the Community Council known.

The Chair then invited Mr Raymond Walsh, representing the Applicant, West Dunbartonshire Council, to address the Committee. Mr Walsh was heard in support of the application and in answer to Members' questions.

Mr Kevin Neeson, representing the St Patrick's Church Fabric and Finance Committee and Canon Conroy from St Patrick's Church and Mr Ian Murray, representing The Parish Pastoral Council for St Patrick's Church were then invited by the Chair to address the Committee. Mr Neeson and Mr Murray made their views on the application known and were heard in answer to Members' questions.

Councillor O'Neill, seconded by Councillor Rainey moved that:-

The Committee agree to grant planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 2 hereto.

As an amendment, Councillor McColl, seconded by Councillor Agnew moved that:-

The Committee refuse planning permission on the grounds that the development is contrary to Policy R1, of the adopted Local Plan and Policy GN1 of the emerging Local Development Plan and there was no case to justify additional parking. The proposed parking spaces were not needed and the development would result in the unnecessary loss of open space and cause adverse environmental impact.

On a vote being taken, 3 Members voted for the amendment and 4 Members voted for the motion. Thereafter, the motion was declared carried.

**(b) DC15/213 – Non-food retail development of 70,000 sq.ft (variation of condition 1 of permission DC12/131 to extend duration of permission) at St James Retail Park, Dumbarton by Legal & General UK Property Fund.**

Reference was made to a site visit which had been undertaken in respect of the above application.

The Planning & Building Standards Manager was heard in further explanation of the report and in answer to Members' questions.

The Chair invited Mr Fraser Littlejohn, representing the applicant to address the Committee. Mr Littlejohn was heard in support of the application.

The Committee agreed to grant planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 3 hereto.

**(c) DC15/207 – Part change of use to hot food take away (part retrospective) at 66C Dumbarton Road, Duntocher by Mr Kenneth Paul.**

The Planning & Building Standards Manager was heard in further explanation of the report.

The Manager of Roads and Transport was heard in answer to Members' questions.

The Chair invited Mr Kenneth Paul, the Applicant, to address the Committee. Mr Paul was heard in support of the application.

The Committee agreed to grant full planning permission subject to the conditions specified in section 9 of the report with the permitted hours being 0800 to 2200, details of which conditions are contained in Appendix 4 hereto.

**(d) DC15/250 – Erection of a new pavilion, reinstatement of entrance gates and extension and alterations to existing park depot at Levensgrove Park, Dumbarton by West Dunbartonshire Council.**

The Committee agreed to grant full planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 5 hereto.

## **CONSULTATION ON CENTRE STRATEGY FOR BRAEHEAD, RENFREWSHIRE**

A report was submitted by the Head of Regeneration and Economic Development seeking approval for this Council's response to Renfrewshire Council's draft Centre Strategy for Braehead, detailed within Appendix 1 to the report.

The Committee agreed that Appendix 1 to the report be submitted as this Council's response to the Consultation on Centre Strategy for Braehead, Renfrewshire.

## **CONSULTATION ON THE LAND USE STRATEGY FOR SCOTLAND 2016 – 2021**

A report was submitted by the Head of Regeneration and Economic Development advising of the content of the Draft Land Use Strategy for Scotland, currently subject to public consultation, and seeking approval for this Council's response to the consultation, detailed within Appendix 1 to the report.

The Committee agreed that Appendix 1 to the report be submitted as the Council's response to the Consultation on the Land use Strategy for Scotland 2016 - 2021.

## **FUTURE MEETINGS**

Following the Council decision to alternate meetings between Clydebank Town Hall and Garshake Road, Dumbarton from 1 January 2016, the Committee agreed to note the following locations for future meetings of the Planning Committee.

27 January 2016, 2.00 pm in Garshake Road, Dumbarton  
24 February 2016, 2.00 pm in Garshake Road, Dumbarton  
23 March 2016, 2.00 pm in Clydebank Town Hall  
27 April 2016, 10.00 am in Clydebank Town Hall  
25 May 2016, 2.00 pm in Garshake Road, Dumbarton  
22 June 2016, 2.00 pm in Clydebank Town Hall  
3 August 2016, 10.00 am in Garshake Road, Dumbarton  
31 August 2016, 10.00 am in Clydebank Town Hall  
21 September 2016, 2.00 pm in Garshake Road, Dumbarton  
26 October 2016, 10.00 am in Garshake Road, Dumbarton  
23 November 2016, 2.00 pm in Clydebank Town Hall  
21 December 2016, 10.00 am in Clydebank Town Hall  
25 January 2017, 2.00 pm in Garshake Road, Dumbarton  
22 February 2017, 2.00 pm in Clydebank Town Hall  
29 March 2017, 2.00 pm in Garshake Road, Dumbarton  
26 April 2017, 10.00 am in Clydebank Town Hall

## **CHAIR'S REMARKS**

The Chair, Councillor O'Neill provided a verbal update on the following recent developments:-

## **Scottish Government**

- Amusement/gaming centre within units 57-61, 36 Sylvania Way, Clydebank (DC15/041). Councillor O'Neill advised that the appeal had been 'called in' by the Scottish Ministers for determination as it involves the potential for detrimental impact from the perceived proliferation of gambling facilities within the area.
- Councillor O'Neill advised that additional information on the ongoing Local Development Plan/Duntiglennan Fields issue had been submitted to the Scottish Government and consideration was being given on how to progress this matter towards conclusion.

## **Annual Planning Convenors Conference, Glasgow 13 January 2016**

- Discussions regarding necessity for 5-year cycle of Main Issue Reports (MIRs) – general agreement from Convenors that this should be changed;
- Cabinet Secretary gave an indication that following the ongoing Planning Review that he would be intending to create a new Planning Act (if his party forms the Scottish Government);
- Discussions and general agreement from Convenors regarding the High Hedges Act and the implications for those complainants that could not afford the application (fees vary widely across all Local Authority areas) – DPEA officials will feed the above to the Planning Review team.

The meeting closed at 3.35 p.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 14 DECEMBER 2015**

**Present:** Bernard Darroch, Lead Planning Officer

**Attending:** Councillor Jim Finn

**Apologies:** Councillor John Mooney

**SITE VISIT**

A site visit was undertaken in connection with the undernoted planning application:-

(a) 157 High Street, Dumbarton

DC15/241 - Sub-division and change of use of a shop to form a hot food takeaway and a separate office unit with associated external alterations at 157 High Street, Dumbarton by Sky Pizza Ltd.

**DC15/245 - Extension to existing car park at Strathleven Place, Dumbarton by West Dunbartonshire Council.**

**Permission was GRANTED subject to the following conditions:-**

1. No development shall commence until the trees marked for retention on the approved plans have been protected by suitable fencing around the extremities of their crowns. Details of the fencing shall be submitted for the further written approval of the planning authority prior to the commencement of the development and shall be implemented as approved.
2. Prior to the commencement of development, full details of the landscaping scheme for the site, including replacement planting for the three trees to be removed as shown on drawing number 14232-SK-01, shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved not later than the next appropriate planting season after the car park is brought into use.
3. Prior to the commencement of development full details of the hardstanding and pedestrian areas shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved prior to the new car park being brought into use.
4. 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.
5. Prior to the commencement of the development, details of the cycle racks and the bollards and barrier to be installed at either end of the church car park shall be submitted for the further written approval of the planning authority and implemented as approved prior to the car park being brought into use.
6. Prior to the commencement of the development full details of the surface water drainage system shall be submitted for the further written approval of the planning authority and implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.
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 Saturdays and not at all on Sundays or Public Holidays.

**DC15/213 – Non-food retail development of 70,000 sq.ft (variation of condition 1 of permission DC12/131 to extend duration of permission) at St James Retail Park, Dumbarton by Legal & General UK Property Fund.**

**Permission was GRANTED subject to the following conditions:-**

1. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall include:
  - (a) site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping
  - (b) plans of each building showing its elevations and floor plans
  - (c) details of existing and proposed ground levels and finished floor levels
  - (d) details of external finishing materials
  - (e) details of the means of drainage and sewage disposal
2. Full details of the foul and surface water drainage system, shall be submitted at the same time as any application for the approval of matters specified in conditions referred to above for the approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.
3. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - (a) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Planning Authority.
  - (b) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer.
  - (c) any trees or shrubs removed, or which in the opinion of Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. At the same time as the first application for approval of the matters specified in conditions referred to above full details of the design and location of all

fences and walls to be erected on the site shall be submitted for the consideration and written approval of the Planning Authority.

5. At the same time as the first application for approval of the matters specified in conditions referred to above full details of all hard surfacing to be provided on the site shall be submitted for the consideration and written approval of the Planning Authority.
6. At the same time as the first application for approval of the matters specified in conditions referred to above, a comprehensive contaminated land investigation report shall be submitted together with a remediation strategy to treat, make safe and/or remove any existing contamination on the site.
7. Construction works shall be limited to between 08.00am to 6.00pm Monday to Saturday only with no site preparation or construction works on a Sunday.
8. At the same time as the first application for approval of the matters specified in conditions referred to above, a method statement for the prevention of nuisance from dust during dry weather conditions shall be submitted for the written approval of the Planning Authority.
9. No unit hereby approved shall be brought into use until the vehicular access to the site and the necessary mitigation measures to the road network, agreed as a result of final consideration of the Transportation Impact Assessment, have been implemented to the satisfaction of the Planning Authority. These mitigation measures should show that the proposal brings no net detriment to the road capacity on the A.814.
10. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the hours of operation to prevent mud being deposited on the public road.
11. The development hereby permitted shall be used solely for uses within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other purpose. The use shall further be restricted to non-food retailing only.
12. The total floorspace allowed by this consent is 6503m<sup>2</sup> (70,000 sq.ft) divided between three units, which shall comprise one unit of approximately 3252m<sup>2</sup> (35,000 sq.ft) and two further units with a minimum size of 1394m<sup>2</sup> (15,000 sq.ft). No further subdivision of these three units may take place without the benefit of a separate planning consent.

**DC15/207 – Part change of use to hot food take away (part retrospective) at 66C Dumbarton Road, Duntocher by Mr Kenneth Paul.**

**Permission was GRANTED subject to the following conditions:-**

1. Permission is granted for the sale of hot food for consumption off the premises subject to the following limitations:

That such sales shall be limited to sale of hot snacks (e.g. soup, hot filled rolls, pies, small portion meals) and shall be ancillary to the operation of the premises as a delicatessen shop/café and not the primary use of the premises; and

That such sales shall take place only between the hours of 0800 and 2200 on any day

2. That within 1 month of the date of this permission, details of an adequately sized grease trap to be installed at the premises shall be submitted for the written approval of the Planning Authority, and the approved grease trap shall thereafter be installed and maintained in operational condition.

DRAFT

**DC15/250 – Erection of a new pavilion, reinstatement of entrance gates and extension and alterations to existing park depot at Levensgrove Park, Dumbarton by West Dunbartonshire Council.**

**Permission was GRANTED subject to the following conditions:-**

1. During the period of construction, all works and ancillary operations (including deliveries) which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays unless otherwise agreed with the Planning Authority.
2. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of an adequate sized grease trap have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the new pavilion being brought into use and maintained as approved.
3. Prior to the undertaking of any demolition works, the buildings shall be checked for the presence of bat roosts and breeding birds. Work shall thereafter be undertaken to avoid any impact upon roosting bats or breeding birds.
4. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed with the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
5. 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 thereafter be implemented as approved.
6. Prior to the commencement of works on site, full details of all new hardstanding shall be submitted for the further written approval of the Planning Authority and implemented prior to the buildings hereby approved being brought into use.
7. Prior to the commencement of works on site, details of the design and siting of all external lighting shall be submitted for the further written approval of the Planning Authority and implemented prior to the buildings hereby approved being brought into use.



## PLANNING COMMITTEE

### NOTE OF VISITATIONS – 20 JANUARY 2016

**Present:** Councillors Jim Finn and Tommy Rainey

**Attending:** Lorna Ramsey, Planning Officer

**Apologies:** Councillors Patrick McGlinchey and Lawrence O'Neill

### SITE VISITS

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

(a) Strathleven Place, Dumbarton

DC15/245 – Extension to existing car park at Strathleven Place, Dumbarton by West Dunbartonshire Council.

(b) Land adjacent to St James Retail Park

DC15/213 – Non-food retail development of 70,000 sq ft (variation of condition 1 of permission DC12/131 to extend duration of permission) at land adjacent to St James Retail Park by Legal & General UK Property Fund.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Regeneration & Economic Development**

**Planning Committee: 24 February 2016**

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**DC15/216                      Siting of portacabins for use as temporary office  
(retrospective) at Muirhouses Cottage, off Cochno Road,  
Hardgate by DS Construction (Scotland) Ltd**

**1. REASON FOR REPORT**

- 1.1** The application is considered to raise issues of local significance and is subject to objection. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1 Refuse** planning permission for the reasons set out in Section 9 below, and initiate enforcement action requiring removal of the portable cabins and reinstatement of the land.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a site at Muirhouses Cottage, East Muirhouses, which is located in the Kilpatrick Hills and accessed via a private track off Cochno Road, Hardgate. East Muirhouses consists of a group of buildings:
- a pair of semi-detached cottages (Muirhouses Cottage and East Muirhouses Cottage);
  - a large animal shed owned and used by the University of Glasgow;
  - an area of hardstanding containing a collection of small agricultural buildings and outhouses across the road from the cottages (these are subject to another retrospective application DC16/013, which is the subject of a separate report before the Committee); and
  - the application site, which is a small area of ground to the north of the outbuildings containing an office building comprised of several portable cabin structures.

The applicant and his wife run a smallholding with pigs and chickens on fields to the north. A core path follows the line of the access track until it turns westwards 25m short of the turn-off into the application site.

- 3.2** This application is retrospective and relates to the siting of portable cabins for use as an office (Class 4). The office consists of five single storey portable cabins grouped together to provide a single open plan office space, private

office, meeting room and staff kitchen/toilet area. They have a total footprint of approximately 72sq/m and are flat roofed with a white painted exterior finish and uPVC windows. The portable cabins are connected to existing services on the site (including a septic tank).

- 3.3** The portable cabins are the office base for the applicant's pipe solution business (which installs water pipes at construction sites). There are 22 people employed by the firm. Three people, including two family members, work at the office and two managers visit the office at various times through the week. The other employees work at clients' sites, but some of them visit the site on a Monday morning before 0800hrs to receive their orders for the week. This typically involves 5 vans and 10 employees, who generally leave the site by 0820hrs Pipes and material deliveries are made directly to the construction sites and not to the application site.
- 3.4** The applicant has submitted a Planning Statement in support of their application. It states that the applicant is operating from the portable cabins as a temporary measure in order to establish his pipe business. The office originally began in an outbuilding that had previously been used by a dog grooming business ran by the previous owner of the site. The pipe business outgrew these premises so the portable cabins were brought onto the site. It is his intention to relocate the office to more permanent accommodation elsewhere once the business yields enough of a return to rent premises. He has therefore requested a two year temporary consent.
- 3.5** There is a separate application on the agenda for the erection of an agricultural building and outbuilding including associated works to form an area of hardstanding and landscaping (retrospective) for this site (DC16/013)

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Services have indicated that the track is a private road, and they have no objection to the proposal provided the informal passing places are intervisible, vehicles entering and leaving the private track will not impact on the public road at Cochno Road and suitable sightlines are achieved.
- 4.2** West Dunbartonshire Council Business Support is currently working with the client to support and grow the business and would continue to support the business in any suitable location within West Dunbartonshire.

#### **5. REPRESENTATIONS**

- 5.1** Seven representations have been received, comprising four objections and three in support of the proposal. The objections are from the adjacent cottage, a resident who uses the access track, Clydebelt and a resident of Lochgilphead who visits the area. The concerns can be summarised as following:

- the development adversely affects the amenity of the adjacent property and is visually unattractive;
- the business use is not in keeping with the agricultural uses of the area and the environment of the surrounding land;
- the site is in the Greenbelt where there is a presumption against such development, which is better suited to urban areas;
- the site is within the fringes of the Kilpatrick Hills and contributes to the setting and approach to the hills;
- the private road is single track and unsuited to the increased traffic, it increases the burden on those liable for the upkeep of the road, and creates risk for other users. Part of the road is a core path well used by walkers and the number of vehicles makes access difficult;
- there are inadequate services locally to afford proper private water supply and drainage of the site; and
- the retrospective nature of the application and the fact that the use and structures have been erected without permission.

**5.2** The representations in support of the application are from two residents who use the access track and a resident from Paisley who walks in the area. They state that:

- there is an improvement in the upkeep and appearance of the property and associated land, which was previously neglected;
- there is now regular maintenance and improvement to the private track being carried out by the business of benefit to all users; and
- the portable cabins are tucked behind existing buildings and are not readily visible.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

**6.1** The site is identified as within the Greenbelt where Policy GB1 presumes against development other than those categories indicated which include agriculture and forestry, re-use of vacant buildings, outdoor recreation, leisure or tourist proposals or where there is a specific locational requirement and established need which cannot be accommodate on an alternative site. The proposal for a Class 4 business use does not fall under any of these categories and it is therefore contrary to Policy GB1.

**6.2** Policy LE3 applies to business developments on sites other than those identified in the local plan and sets out criteria against which proposals are required to be considered. These criteria include circumstances where the development cannot be accommodated on any other available industrial/ business site in the Plan area; where there would be significant overall economic benefit to the Plan area; where there will be no significant undesirable landscape and amenity impacts; where there would be no major infrastructure implications; the site is accessible to public transport, walking

and cycling routes; and the proposed development conforms with other Local Plan policies.

- 6.3** Although the business does employ a number of staff, but this type of business could be accommodated on other more suitable industrial/business sites within Clydebank. The proposal does raise significant landscape and amenity issues as discussed below, and is not readily accessible other than by private motor vehicle. There are no major infrastructure implications. It also fails to conform to the local plan policy on Greenbelt areas. Therefore, considered against Policy LE3 there are not specific circumstances to allow this business use on this non identified business site.
- 6.4** The site is within an agricultural area and Policy L9 allows for some farm diversification. However, in this instance although the site is part of a smallholding the location of the business is neither ancillary to the rural character of the area nor does it enhance the viability of the agricultural unit, so cannot be considered positively in terms of Policy L9.
- 6.5** Policy E9 indicates that development within the Greenbelt should have particular regard to the landscape character and distinctiveness of the plan area and neighbouring areas. The site is close to the edge of the Kilpatrick Hills Regional Scenic Area where Policy RSA1 seeks to conserve the high quality landscape and indicates a presumption against development which would adversely impact upon landscape quality, character or visual amenity. As discussed in Section 7 below the proposal is considered to be contrary to Policy E9.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

- West Dunbartonshire Local Development Plan (LDP) (Proposed Plan)
- 7.1** The site is identified as within the Greenbelt where Policy DS2 restricts development out with the urban area to uses associated with agriculture, horticulture and forestry; leisure and tourism uses appropriate for a rural setting; appropriately designed extensions and outbuildings within the curtilage of existing buildings; the appropriate re-use of existing buildings; and, infrastructure with a specific locational need. The proposal does not fall under any of these categories and it is therefore contrary to Policy DS2.
- 7.2** The site is also within the Kilpatrick Hills Local Landscape Area which is also “Changing Place” location in the Plan. The LDP’s strategy for the Kilpatrick Hills is to protect and enhance landscape character, the integrated network of habitats and important geological features, and the accessible recreational resource. The Kilpatrick Hills Local Landscape Area - Statement of Importance sets out the distinctive qualities of the landscape character and informs the assessment of development proposals against Policy GN4 criteria.
- 7.3** Policy GN4 requires development proposals to take into account the local landscape character of the area, and ensure that the integrity of the

landscape character is maintained or enhanced. Development that could affect the Kilpatrick Hills will be required to protect, and where possible enhance, their special landscape qualities. The impact on the Kilpatrick Hills is discussed in more detail below but it is considered that the proposal is contrary to Policy GN4 on the grounds that the introduction of the office use and structures has an adverse impact on the integrity of the landscape character.

#### Principle of Greenbelt Development

- 7.4** A purpose-built modular office facility has been constructed on part of the smallholding land, and at least one full time employee who does not live at the site is based there. Additionally, other employees come and go from the site, albeit on an irregular basis.
- 7.5** The purpose of the Greenbelt is to help direct development towards the urban area whilst protecting the landscape setting of towns. In general, development is not supported within the Greenbelt other than that which is related to recognised rural uses (such as agriculture), which involves extensions to or re-use of existing buildings, or infrastructure projects for which there is a specific locational need. The application proposal does not satisfy any of these criteria and is therefore contrary to Greenbelt policies. In general, the establishment of commercial or industrial uses on greenfield land within the Greenbelt is to be discouraged, due to the potential for such development to erode the character of the Greenbelt, and also because such uses are more appropriate for sites within the built-up area. The application site is relatively remote, being well removed from residential areas and public transport routes, and it is not a suitable site for a general employment use.

#### Impacts on Landscape Character

- 7.6** The Kilpatrick Hills have a rugged upland landscape with craggy summits set within an undulating plateau. Land cover is open moorland of heather, rough grasslands and extensive blanket bog and the area is crossed with a series of burns some of which have been dammed to create lochs and reservoirs. The hills have the appearance of a remote and wild area, but there are abrupt transitions between the moorland hills, agricultural land and the urban area. The hills provide an important backdrop for a Clydebank and are readily accessible to recreational walkers.
- 7.7** The application site is within the agricultural zone on the edge of the Kilpatricks, but 250m to the north of the site is the abrupt transition zone between agricultural land and the moorland hills. Therefore the visual impact of the portable cabins on the upland landscape has to be carefully considered. They are located adjacent to an existing group of buildings which provide screening from the south, and although they extend the outer built line north of Muirhouses and beyond what was previously a tight grouping the overall impact of this extension on the landscape character is limited when viewed from the north. The portable cabins are white in colour and contrast with the surrounding countryside, but both cottages are also white and from a distance the portable cabins do not impact greatly upon the appearance of the group of buildings. They cannot be seen from the core path used by walkers to access

the Kilpatrick Hills, as the path diverts to the west before Muirhouses. However, although they are not readily visible they are temporary buildings of an urban nature and for that reason are not suitable as a permanent feature within this countryside area. The introduction of these structures is detrimental to the character of this zone and may set a precedent for similar types of uses/buildings, to the detriment of those qualities of the area which Policy GN4 and the Kilpatrick Hills designation seek to protect.

#### Residential Amenity

- 7.8** In addition to the applicant's own property the house most affected by the proposal is East Muirhouses Cottage (to which the applicant's home is semi-detached). The other dwellings nearby are two houses at West Muirhouses Farm some 250m to the north west, from which the application site is visible but it is unlikely that the activities there would cause any disturbance.
- 7.9** Relative to East Muirhouses Cottage the portable cabins are located behind various smallholding outbuildings and cannot be directly viewed from the residential properties, although they are visible on the approach to the houses. The number of office-based employees is small (three), two of whom reside at Muirhouses Cottage, so the traffic and noise disturbance from staff working at the office is normally minimal. However, there are other employees who "check-in" to the office on a weekly basis and although this is limited to certain days of the week and occasional visits by the contract manager, there is greater potential for disturbance to arise from this due to the quiet rural setting previously enjoyed. It is therefore considered that the current operation of the business has an unacceptable impact upon the neighbouring residents.

#### Road and Traffic Issues

- 7.10** Access to the site is by way of a private road which is shared access for seven residential properties/farms (including the applicant's property), and the University-owned farmland. It is 1.4km in length from the start at Cochno Road to Muirhouse cottages and it is single track for the entire length. There are no formal passing places, but there are opportunities for vehicles to pass one another using the junctions of various access tracks and, provided these are intervisible, Road Services have no objections. They also indicate that the increase in use of the track as a result of the business is considered to be relatively low: it is a private road and their concern is to ensure vehicles can enter and leave the public road safely. The sightlines required are achievable where the track meets Cochno Road in this respect. The track is a core path popular with walkers and some concerns have been expressed about the risks to non-vehicular users. The condition of the road is poor in places with low vehicle speeds necessary to negotiate the potholes and as a result it is not considered that there is significant conflict between vehicles and walkers. Therefore, whilst additional vehicles using the track will lead to an increase in residents meeting other vehicles passing by, and the inconvenience of this is acknowledged, the road is a private one and the overall increase in use is marginal. Issues relating to wear and tear of the private road are private legal matters for the owners concerned.

### Supporting the Business

- 7.11** The Council is supportive of new businesses and employers; however this is not a suitable location for an operation of the nature and scale that has developed. The applicant has expressed a desire to relocate the business to more suitable premises, and support is being offered by the Councils Business Support Team to find new premises and to allow the business and its associated employment to continue. The Council's Estates Section has indicated that there are several business premises currently available within the Clydebank area which may be suitable.

## **8. CONCLUSION**

- 8.1** The siting of portable cabins and their use as an office base does not comply with the adopted local plan and emerging local plan. The area is identified as Greenbelt and within the Kilpatrick Hills Local Landscape Area where there is a presumption against uses which may impact on the integrity of the landscape character. Whilst the portable cabins do not have a significant visual impact, they are not attractive structures and are of a temporary nature. This form of development is not appropriate for this rural location. The nature of the use would also set a precedent for similar commercial/business uses in rural locations to the potential detriment of the character of the Kilpatrick Hills. A number of justifications have been put forward by the applicant but none of these is considered to outweigh the policy considerations, so it is recommended that the application be refused and enforcement action be pursued to remove the office cabins and reinstate the site.

## **9. REASONS**

- 01.** The proposal is contrary to Policy GB1 of the adopted West Dunbartonshire Local Plan 2010 and Policy DS2 of the emerging West Dunbartonshire Local Development Plan, in that the development is not of a type appropriate for a Greenbelt location and the establishment of such a use within the Greenbelt would erode its character.
- 02.** The proposal is contrary to Policy LE3 of the adopted West Dunbartonshire Local Plan 2010 in that the location is not suitable for general business/employment development, and the business operation is of a nature which would be more appropriate for a more accessible site within the built-up-area.
- 03.** The proposal is contrary to the Policy E9 of the adopted West Dunbartonshire Local Plan 2010 and to the aims of the Kilpatrick Hills Changing Place and Policy GN4 of the emerging West Dunbartonshire Local Development Plan, in that the development has an adverse impact upon visual amenity and the landscape character of the Kilpatrick Hills.

04. The proposal will introduce a business use into an area which enjoys a quite rural setting and this will have an adverse effect on the amenity currently enjoyed by the adjacent residential properties.

**Jim McAloon**  
**Head of Regeneration & Economic Development**  
**Date: 10 February 2016**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** None

**Background Papers:**

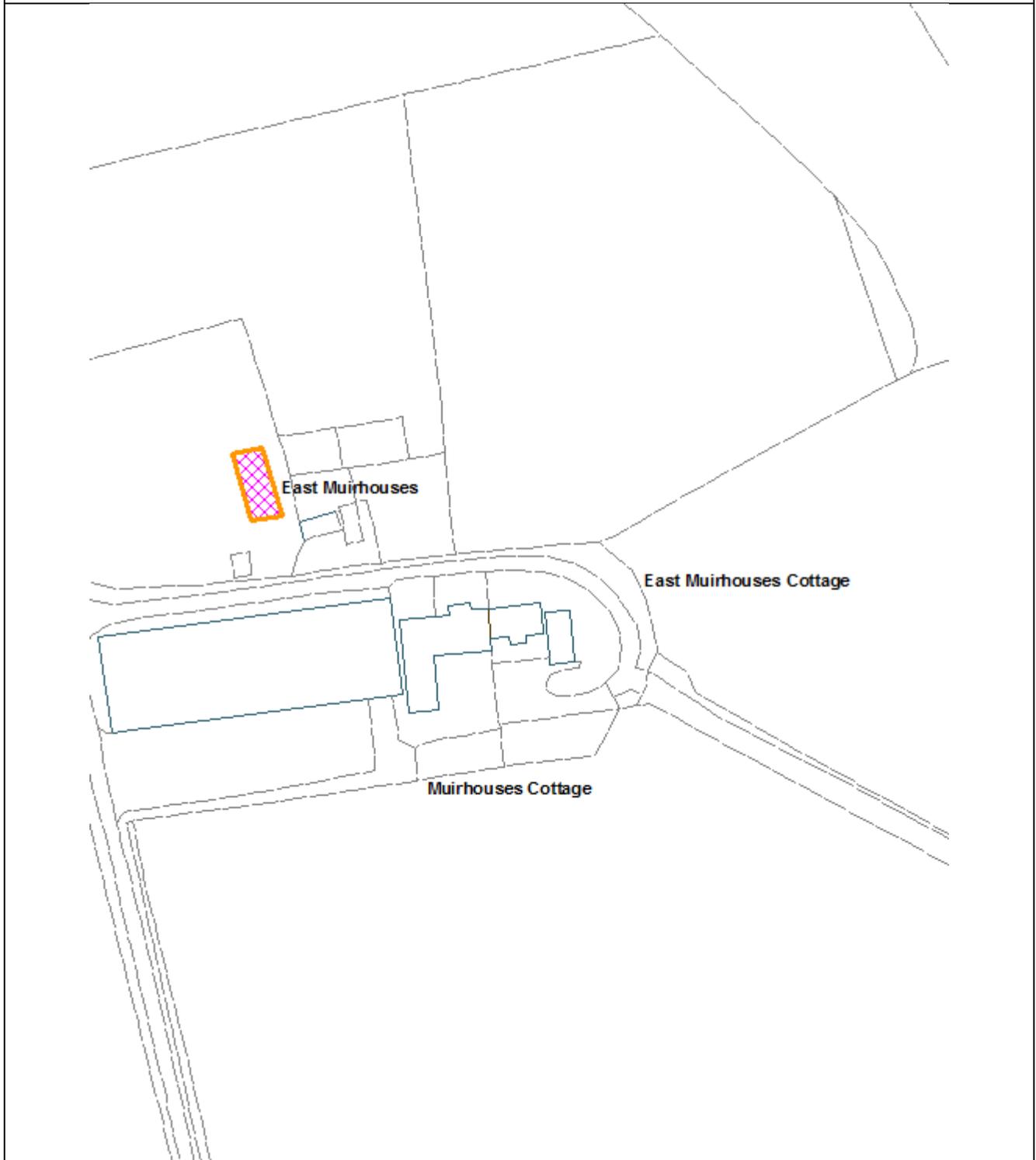
1. Application forms and plans.
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP Proposed Plan
4. Consultation Response
5. Representations

**Wards affected:** Ward 4 (Kilpatrick)

**DC15/216**

**Siting of portacabins for  
use as temporary office**

**Muirhouses Cottage  
Track From Cochno Road To Muirhouses  
Hardgate  
Clydebank  
G81 5QP**





## WEST DUNBARTONSHIRE COUNCIL

## Report by the Head of Regeneration &amp; Economic Development

Planning Committee: 24 February 2016

**DC16/013**                    **Erection of an agricultural building and outbuilding including associated works to form an area of hardstanding and landscaping (retrospective) at Muirhouses Cottage, off Cochno Road, Hardgate by Mr Donald Reddie**

**1. REASON FOR REPORT**

- 1.1** The application is considered to raise issues of local significance and is subject to objections. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

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

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a site at Muirhouses Cottage, East Muirhouses, which is located in the Kilpatrick Hills and accessed via a private track off Cochno Road, Hardgate. East Muirhouses consists of a group of buildings:

- a pair of semi-detached cottages (Muirhouses Cottage and East Muirhouses Cottage);
- a large animal shed owned and used by the University of Glasgow;
- the application site, comprising an area of hardstanding containing a collection of small agricultural buildings and outhouses across the road from the cottages; and
- a small area of ground to the north of the outbuildings containing an office building comprised of several portable cabin structures (this is the subject of another retrospective application DC15/216, which is the subject of a separate report before the Committee).

The applicant and his wife run a smallholding with pigs and chickens on fields to the north. A core path follows the line of the access track until it turns westwards 25m short of the turn-off into the application site.

- 3.2** This application is retrospective and relates to various works within the land to the north of the University animal shed, on the north side of the access leading to the two cottages. This area contains an assortment of small buildings and sheds which pre-date the applicant's purchase of the site in

June 2013, most of which appear to be long-established. Some buildings were apparently used by the previous owner for a dog grooming business and are now uses ancillary to the smallholding and residential property at Muirhouses Cottage. The current application seeks retrospective consent for some recent work within this area, comprising:

- installation of a small agricultural building. This is within the existing group of outbuildings and is set back from the access track behind a small area of hardstanding. The building has a footprint of 25.4sq/m and has a gabled roof and a double door facing towards the access track. It is constructed of dark green profiled sheeting and is used as a machinery store for the smallholding;
- installation of a domestic outbuilding, which is used as a gym ancillary to the residential use of Muirhouses Cottage. This is positioned behind one of the existing outbuildings, and comprises a brown-coloured 5.1m by 7.1m building with a shallow mono-pitch roof, double doors on the east and north elevations and a toilet; and
- Resurfacing of the existing hardstanding around the buildings, and extension of the hardstanding into part of a field to the west of the outbuildings to create a yard area. All of the hardstanding has been carried out using type 1 hardcore.

**3.3** The hardstanding is used in association with the general use of the site including parking the vehicles under the ownership of the applicant and his family, and for the siting of equipment and machinery relating to the operation of the smallholding. It is noted that it is currently also being used for parking in relation to the operation of the business from the portable cabins that are subject of report ref. DC15/216 on this agenda. The applicant indicates that he wishes to keep the hardstanding once he relocates the portable cabins. There is post and wire fencing around the new hardstanding with an access gate into the field to the north. Hawthorn hedging has been planted along the north boundary and there is coniferous hedging recently planted along the south boundary adjacent to the track.

#### **4. CONSULTATIONS**

**4.1** No consultations are required to be carried out.

#### **5. REPRESENTATIONS**

**5.1** Representation has been received from Clydebelt who are in support of the small-scale agricultural holding and are not objecting to the erection of the agricultural building. However, they are concerned about the size of the hardstanding which they consider to be out of proportion to what should be necessary for a smallholding of this size and which has led to land being removed from agricultural use. They also consider that whilst the two new buildings are not out of keeping with those already there they do not enhance the setting of the greenbelt/countryside.

- 5.2** Representation has also been received from the adjoining property who partially objects to the proposals. Whilst they are generally supportive of the smallholding use, their concerns can be summarised as:
- the proposal is disproportionate to the operation of the smallholding and will place a strain on the access track, private water supply and sanitation provisions;
  - the extent of hardstanding is out of proportion to the scale of the smallholding;
  - the design and use of the outbuilding as a gym out with the curtilage of Muirhouses Cottage cannot be justified in the greenbelt; and
  - the loss of green fields is unjustified in biodiversity and aesthetic terms.

These issues are discussed further in section 7.0 below.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

- 6.1** The site is identified as within the Greenbelt where Policy GB1 presumes against development other than those categories indicated which include agriculture and forestry, re-use of vacant buildings, outdoor recreation, leisure or tourist proposals or where there is a specific locational requirement and established need which cannot be accommodate on an alternative site. The proposal is for uses that are not specifically identified as acceptable by Policy GB1. However, a recognised shortcoming of the policy, which is addressed in the emerging Local Development Plan, is that it does not allow for development ancillary to existing buildings such as proposed here.
- 6.2** Policy E9 indicates that development within the Greenbelt should have particular regard to the landscape character and distinctiveness of the plan area and neighbouring areas. The site is close to the edge of the Kilpatrick Hills Regional Scenic Area where Policy RSA1 seeks to conserve the high quality landscape and indicates a presumption against development which would adversely impact upon landscape quality, character or visual amenity. The buildings are sited within the established cluster of outbuildings and do not have any significant impact on the landscape setting of the Greenbelt or Regional Scenic Area.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP) (Proposed Plan)

- 7.1** The site is identified as within the Greenbelt where Policy DS2 restricts development out with the urban area to uses associated with: agriculture, horticulture and forestry; leisure and tourism uses appropriate for a rural setting; appropriately designed extensions and outbuildings within the curtilage of existing buildings; the appropriate re-use of existing buildings; and, infrastructure with a specific locational need. The development of

agricultural and domestic outbuildings and hardstanding is permissible under the policy and the proposal is considered to be in compliance with Policy DS2.

- 7.2** The site is also within the Kilpatrick Hills Local Landscape Area which is also “Changing Place” location in the Plan. The LDP’s strategy for the Kilpatrick Hills is to protect and enhance landscape character, the integrated network of habitats and important geological features, and the accessible recreational resource. The Kilpatrick Hills Local Landscape Area - Statement of Importance sets out the distinctive qualities of the landscape character and informs the assessment of development proposals against Policy GN4 criteria.
- 7.3** Policy GN4 requires development proposals to take into account the local landscape character of the area, and ensure that the integrity of the landscape character is maintained or enhanced. Development that could affect the Kilpatrick Hills will be required to protect, and where possible enhance, their special landscape qualities. The impact on the Kilpatrick Hills is discussed in more detail below but it is considered that the works have minimal impact on the integrity of the landscape character and do not conflict with Policy GN4.

#### Principle of Greenbelt Development

- 7.4** The property is an established smallholding with some livestock, and the development of equipment shed for agricultural purposes is in line with Greenbelt policies. Similarly, the development of a domestic outbuilding for use as a gym by the residents of Muirhouses Cottage is also reasonable. It is accepted that the building concerned is out with the domestic curtilage of the cottage, but its siting within the established group of outbuildings helps to minimise its visual impact and the use as a gym is linked to, and ancillary to, the residential use of Muirhouses Cottage and is acceptable within the greenbelt.
- 7.5** The hardstanding is linked to both the residential use and the smallholding, and development associated with existing agricultural and residential uses is acceptable within the greenbelt. It is accepted that the hardstanding covers a large area in excess of the requirements of the house and smallholding, however the area will be screened with hedging to reduce the visual impact and a condition is proposed to ensure it is only used for uses relating to the residential use and smallholding.

#### Impacts on Landscape Character

- 7.6** The Kilpatrick Hills have a rugged upland landscape with craggy summits set within an undulating plateau. Land cover is open moorland of heather, rough grasslands and extensive blanket bog and the area is crossed with a series of burns some of which have been dammed to create lochs and reservoirs. The hills have the appearance of a remote and wild area, but there are abrupt transitions between the moorland hills, agricultural land and the urban area. The hills provide an important backdrop for a Clydebank and are readily accessible to recreational walkers.

**7.7** The application site is within the agricultural zone on the edge of the Kilpatricks, but 250m to the north of the site is the abrupt transition zone between agricultural land and the moorland hills. Therefore the visual impact of the outbuildings and hardstanding area on the upland landscape has to be carefully considered. The new buildings are located within an existing group of outbuildings which are screened from the south by the cottages and the much larger animal barn. Viewed from the north, the overall visual impact of adding two further small buildings to the grouping is low. Both buildings are dark in colour and sit beside outbuildings which are painted white so do not impact greatly within the grouping of buildings. They cannot be seen from the core path used by walkers to access the Kilpatrick Hills as the path diverts to the west before Muirhouses. The visual impact of the hardstanding area on the Kilpatrick Hills is minimal: it is adjacent to and partly screened by a large barn, and to the east are the outbuildings associated with Muirhouses Cottage. It will be also screened by new planting once this is established, however it would be desirable that this area be kept in a tidy condition and not used for the siting of skips, storage containers or other potentially unsightly items. This could be controlled by a condition. Overall, it is considered that the visual impact of the development is minimal and that there is no conflict with any of the landscape policies.

**7.8** Representation has been received about the loss of part of the field having an adverse impact on biodiversity. Although parts of the Kilpatrick Hills are designated as areas of particular nature conservation interest (such as an SSSI or a Local Nature Conservation Site), and reference is made to the Hills in the Local Biodiversity Action Plan, there are no designations specifically on this site which is within an agricultural zone subject to grazing and other activities which may lower biodiversity in contrast to the upland areas beyond, where there are no such activities. It is not considered that the scale and location of the works will have an adverse impact on biodiversity.

#### Residential Amenity

**7.9** In addition to the applicant's own property the only dwelling affected by the proposal is East Muirhouses Cottage (to which the applicant's home is semi-detached). There are no adverse impacts on the neighbouring property in terms of overlooking or overshadowing. Both new buildings are on the opposite side of the track to the cottages and the nearest one, the gym building, is 40m away from the neighbouring property and is behind an existing outbuilding. The agricultural building is more prominent; being visible from the access track used by the neighbouring property, but is of a traditional agricultural style shed commonly found in the area. The outbuildings are within a tight grouping, in a well-maintained yard and with no adverse visual impacts resulting. In respect of the hardstanding, whilst it can be seen when the neighbouring residents passes by to access their property, it is more than 55m from the front elevation of East Muirhouses Cottage and will not be easily viewed from that position. Issues relating to the private road, use of the water supply and sanitation are private legal matters for the owners concerned.

## 8. CONCLUSION

- 8.1 The erection of additional buildings within an existing grouping of buildings complies with the policies of the adopted and emerging local plans. The area is identified as Greenbelt and within the Kilpatrick Hills Local Landscape Area where there is a presumption against uses which may impact on the integrity of the landscape character. The new buildings form part of the cluster of original buildings and do not have a significant visual impact on the landscape character or on the adjacent residential property. The uses proposed are acceptable and are justified in terms of the existing residential and smallholding use. The hardstanding area has been developed to support the smallholding and residential use and whilst it is accepted that it is a large area this will be mitigated through screening and will not have any adverse impacts on the greenbelt, the Kilpatrick Hills landscape character or the amenity of adjacent residential properties.

## 9. CONDITIONS

1. **The buildings and hardstanding area hereby approved shall be used purely for purposes incidental to the operation of the smallholding or the enjoyment of the dwellinghouse at the site and not for any other commercial purpose.**
2. **The hardstanding area shall not be used for the siting of storage containers, skips or similar items.**

**Jim McAloon**  
**Head of Regeneration & Economic Development**  
**Date: 10 February 2016**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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**Appendix:** None

**Background Papers:**

1. Application forms and plans.
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP Proposed Plan
4. Consultation Response
5. Representations

**Wards affected:** Ward 4 (Kilpatrick)





**WEST DUNBARTONSHIRE COUNCIL****Report by the Head of Regeneration & Economic Development****Planning Committee: 24 February 2016**

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**DC15/263    Change of use from vacant shop to hot food takeaway at  
196 Dumbarton Road, Old Kilpatrick by Omar Singh Uppal.****1. REASON FOR REPORT**

- 1.1** This report relates to an application which is subject to a representation from the local 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** **Refuse planning permission** for the reasons set out in Section 9.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a ground floor unit on Dumbarton Road in Old Kilpatrick. The site comprises one of a row of three small shops. The building is two storeys with flats above, and borders three storey flats on either side with the Forth and Clyde Canal opposite. The three shop units currently comprise the application site (a former newsagents); another vacant unit (a former dance supplies shop), and a hairdresser's shop. The two vacant units are both owned by the applicant, who currently uses the application unit as storage for other shops which he owns elsewhere. To the rear of the unit is a small back court area where the bins are stored.
- 3.2** The shops are set back from the road behind a broad footway and a small slabbed forecourt which is separated from the footway by concrete bollards. There is a bus stop directly in front of the shops, and immediately to the west is the signalised junction with Erskine Ferry Road and Barclay Street, which includes a pedestrian crossing over Dumbarton Road pedestrian guardrail extending as far as the frontage of the application unit.
- 3.3** It is proposed to change the use of the westernmost vacant shop into a hot food takeaway. The proposal also covers a small part of the neighbouring vacant shop, which would be used as a store for the takeaway. The applicant indicates that the premises would be a fish and chip shop which would operate from 4pm to 12 midnight daily. It is expected to employ 3 full time and 2 part time staff. Parking for 4 cars would be provided on the forecourt and footway in front of the application site and the neighbouring vacant unit.

## **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Services indicate that five off-street parking spaces should be provided for a takeaway. When the application was first submitted the application did not have any parking, but the applicant subsequently provided details of 4 spaces to be provided on the forecourt. However, as discussed in Section 7 below these proposed parking spaces are considered to be unacceptable in terms of the safety and convenience of road users, and the Roads Services objects to this proposal on the basis that there is no adequate parking provided.
- 4.2** West Dunbartonshire Environmental Health has no objection subject to conditions regarding grease traps, extraction/flue systems and noise attenuation measures.

## **5. REPRESENTATIONS**

- 5.1** Eleven representations have been received, comprising ten from members of the public and one representation from Old Kilpatrick Community Council. Their grounds of objection are summarised as follows:-

- absence or inadequacy of car parking for the proposed takeaway;
- parking for takeaway will exacerbate difficulty which residents already have finding parking spaces nearby;
- parking in front of shop likely to interfere with nearby junction and obstruct busy bus stop;
- concerns about safety of delivery vehicles accessing unit;
- adverse impact upon amenity of neighbouring flats;
- likelihood of disturbance and anti-social behaviour late into the evening;
- noise from extraction equipment;
- risk of cooking odours affecting residents;
- increased risk of fire;
- increase in litter and attraction of vermin;
- likelihood of large commercial waste bins being placed on forecourt/street;
- internal alterations will reduce the viability of the neighbouring vacant shop unit and make it less likely to find a new occupier;
- adverse impact on nearby hairdresser's shop;
- use would be out of character of residential area;
- there has never been a hot food takeaway in any of these units since the flats were built;
- there are already sufficient food and drink uses in Old Kilpatrick
- negative impact on property values

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

West Dunbartonshire Local Plan 2010

- 6.1** The site is within an area identified as an Existing Residential Area, where Policy H5 indicates that non-residential uses may be allowed where these are ancillary or complementary to the residential area and would not result in a significant loss of amenity to surrounding properties. It also states that 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.
- 6.2** Policy GD1 requires all development to be of a high quality of design and to respect the character and amenity of the area. It sets out criteria for consideration including requiring development to be appropriate to the local area in terms of land use, layout and design and to meet the roads, parking and access requirements of the Council.
- 6.3** The impact of the proposal upon the amenity of the residential area and the suitability of its parking arrangements are discussed in Section 7 below, where it is concluded that the proposal would not be in compliance with policies H5 or GD1.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP) (Proposed Plan)

- 7.1** The site is within an Existing Neighbourhood where the uses are predominantly residential, and where Policy BC4 does not permit development that would significantly harm the residential amenity, character or appearance of such areas. Policy SC3 indicates that non-retail uses within local centres will be assessed in terms of their impact upon the amenity of the centre and surrounding uses. Policy SD1 sets out the policy for the transport network and includes a requirement that development should comply with Roads Development Guidelines and relevant parking standards. As with the equivalent policies of the Local Plan, it is concluded that the proposal would be contrary to these policies.

### Principle of Hot Food Takeaway Use

- 7.2** The application site is part of a small parade of local shops within a predominantly residential area. In general, hot food takeaways can be appropriate uses for local centres, provided that these do not detract from residential amenity or give rise to other unacceptable impacts. Many residential areas include takeaways, including units in tenement properties below flats. There is therefore no objection in principle to a takeaway use at this location; however the specific impacts arising from the proposed use require to be considered.

### Impacts on Amenity

- 7.3** Hot food takeaway uses have an acknowledged potential to give rise to disturbance to immediate neighbours, as such uses typically involve the coming and going of customers late into the evening with attendant noise from traffic and car doors closing etc. Customers waiting for food may stand

outside smoking, and conversations can be audible to residents in nearby flats. These issues are likely to be problematic in relatively quiet areas.

- 7.4** The application site is relatively remote from other evening uses, with the only such use nearby being the Glen Lusset Public House 180m to the north. Although Dumbarton Road carries a relatively high volume of traffic, and there is associated traffic noise the application site is in a relatively quiet location. It is therefore likely that the coming and going of customers late into the evening would give rise to noticeable noise and disturbance to the immediate neighbours. Whilst acknowledging that similar issues might arise from a late-night convenience store use, it is nevertheless considered that the change of use of these premises to a hot food takeaway would detract from the amenity of local residents by reason of increased noise and disturbance during the evening/night.
- 7.5** Concerns have been expressed by objectors about the risk of cooking odour, and of noise from extractor fans. It is considered that these issues could be addressed by requiring a suitable standard of extraction system, and the Environmental Health Service has no objection to the application. Concerns about the risk of fire, bin storage arrangements, litter and the attraction of vermin are considered to be issues which could be addressed by suitable management/operation.

#### Parking and Road Safety Issues

- 7.6** The Council's parking standard for hot food takeaway uses requires the provision of 5 off-street parking spaces. The premises currently have no off-street parking available, so there is an existing shortfall of 2 spaces associated with the authorised shop use, which the proposal would exacerbate. In practice particular parking problems can arise with takeaways because some customers tend to stop as close as possible to the unit while they wait for their food. In this case, there is limited on-street car parking on Dumbarton Road due to the proximity and layout of the junction with Erskine Ferry Road, and there is significant demand for on-street parking in the area as few of the surrounding flats and houses have driveways. As residential parking demand is likely to be highest at night, there is a likelihood that the takeaway would give rise to unsafe and inconsiderate on-street parking obstructing the bus stop in front of the unit or interfering with sight lines around the adjacent road junction and pedestrian crossing.
- 7.7** In an effort to address these concerns, the applicant has provided an amended plan showing 4 parking spaces being provided within the forecourt and footway in front of the unit and the adjacent vacant shop. As the forecourt itself is of insufficient depth to accommodate parking spaces, these would be partly on the public footway. Instead of the present arrangement of a 3m footway and a 4.8m forecourt, the proposal would result in a 1m dropped kerb, 4.8m parking spaces and a 2m footway along the frontage of the shops. As the footway would be moved onto the forecourt, this would have to be adopted, which would not appear to be possible without the agreement of neighbouring landowners. There would also be various conflicts with sight lines due to the proximity of the parking spaces with street furniture

so the proposed arrangement would also require the re-siting of a lamppost, the bus stop/shelter and associated litter bin. It is notable that the forecourt was originally provided with bollards in order to prevent parking upon it. Overall, the proposed parking layout is both unacceptable and unachievable.

- 7.8** It is therefore considered that due to the lack of appropriate off-street parking the proposal would give rise to additional on-street parking at a location where this would detract from the safety and convenience of other road users. The Roads Service has therefore recommended that the application be refused.

## **8. CONCLUSION**

- 8.1** It is considered that the proposed use would not comply with Policies H5 and GD1 of the adopted local plan, or Policies BC4 and SD1 of the emerging LDP, in that the proposal would detract from the residential amenity of the surrounding area by giving rise to noise and disturbance late in the evening in a generally quiet residential area. The proposed use fails to comply with the Council's adopted parking standards to the detriment of the safety and convenience of road users.

## **9. Reasons for Refusal**

- 1. The proposed use would introduce significant potential for noise and disturbance to neighbouring residents, to the detriment of the residential amenity of the area, and would therefore be contrary to Policies H5 and GD1 of the adopted West Dunbartonshire Local Plan 2010 and Policy BC4 of the emerging West Dunbartonshire Local Development Plan.**
- 2. The proposed use would give rise to increased parking demand within an area where additional on-street parking would be to the detriment of the safety and convenience of other road users, whilst the proposed provision of off-street parking spaces would also be unacceptable due to their substandard layout and impact upon the existing road infrastructure. Accordingly, the proposal would be contrary to Policy GD1 of the adopted West Dunbartonshire Local Plan 2010 and Policy SD1 of the emerging West Dunbartonshire Local Development Plan.**

**Jim McAloon**  
**Head of Regeneration and Economic Development**  
**Date: 8 February 2016**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
email: Pamela.Clifford@west-dunbarton.gov.uk

**Appendix:** None

**Background Papers:**

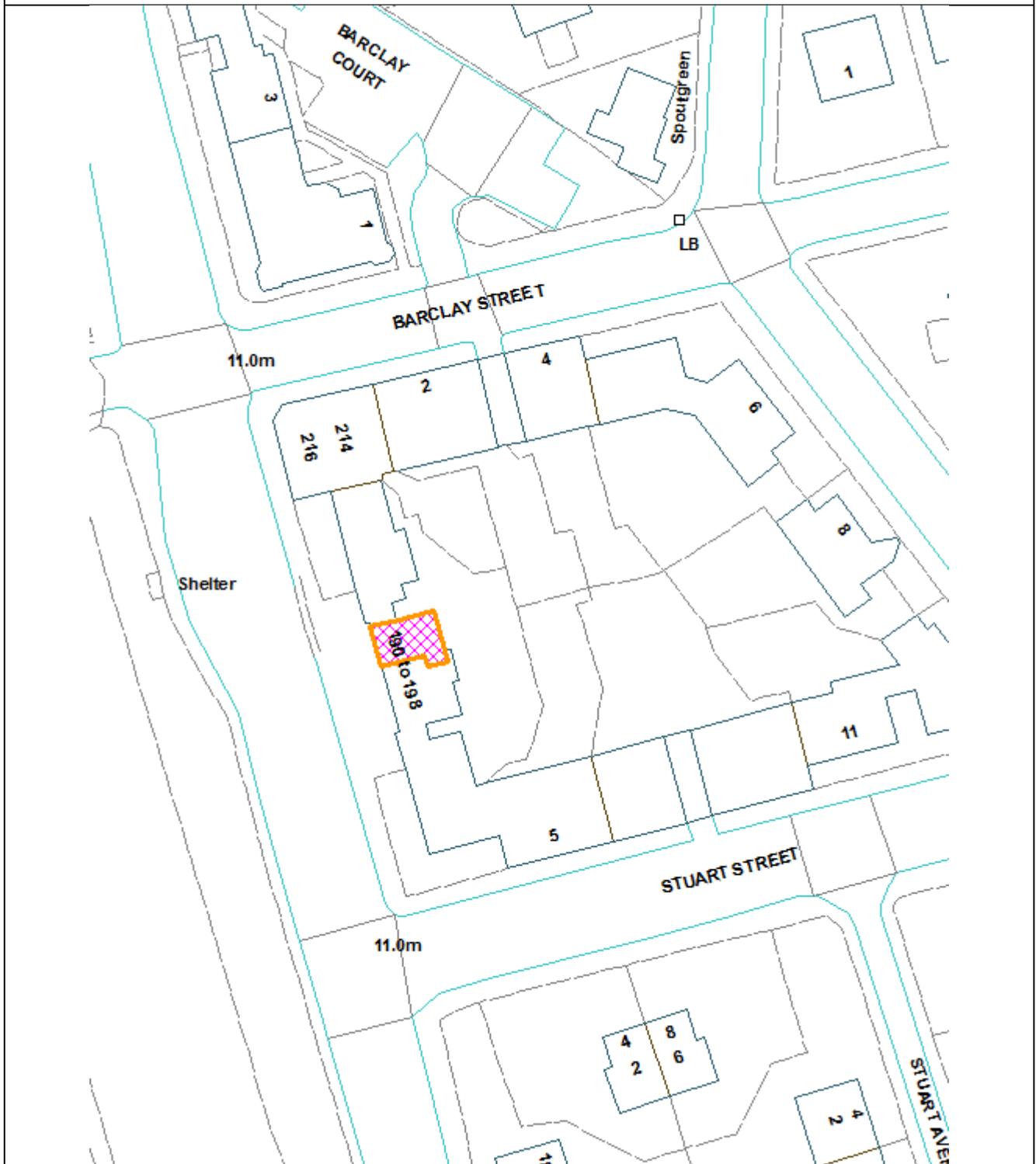
1. Application forms and plans.
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP Proposed Plan
4. Consultation Responses
5. Representations

**Wards affected:** Ward 6 (Clydebank Waterfront)

DC15/263

Change of use from Shop  
to Hot Food Takeaway  
(Fish and Chip Shop)

196 Dumbarton Road  
Old Kilpatrick  
G60 5DT





**WEST DUNBARTONSHIRE COUNCIL****Report by the Head of Regeneration & Economic Development****Planning Committee: 24 February 2016**

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**Subject: Clydeplan – Proposed Glasgow and the Clyde Valley Strategic Development Plan****1. Purpose**

- 1.1** To inform the Committee of the content of the Glasgow and the Clyde Valley Strategic Development Plan (Proposed Plan) and to seek the Committee's endorsement of the Plan.

**2. Recommendations**

- 2.1** It is recommended that the Committee endorse Clydeplan.

**3. Background**

- 3.1** The Glasgow and the Clyde Valley Strategic Development Plan will replace the current Strategic Development Plan which was approved in May 2012. The Proposed Plan builds on the outcomes of the Main Issues Report consultation, reported to Committee in March 2015, and sets the vision and strategic land use planning framework for the period to 2036. It is an important document for West Dunbartonshire as it sets the strategic planning context for the Glasgow City Region and the framework for the second Local Development Plan.
- 3.2** The Proposed Plan has been jointly prepared by, and is the settled view of, the eight constituent authorities of the Glasgow and the Clyde Valley Strategic Development Planning Authority. The Proposed Plan was approved for publication at the Strategic Development Planning Authority Joint Committee meeting on 14 December 2015.

**4. Main Issues**

- 4.1** Whilst the first Strategic Development Plan shared the then vision of the Clyde Valley Community Planning partnership, for this Plan a new vision focussing on the city region as a place has been created. This is:

“By 2036 Glasgow and the Clyde Valley will be a resilient, sustainable compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets ensuring it fulfils its potential as Scotland's foremost city region”.

- 4.2** The Vision is supported by a Spatial Development Strategy which has as its focus a ‘development corridor’ which runs across the city region including transformational projects such as Clyde Waterfront, which includes Dumbarton, Bowling and Clydebank. Other key elements of the Spatial Development Strategy are:
- The River Clyde – which has potential to offer greater leisure, recreation, visitor and sustainable transport activity as well as the potential to mitigate against flood risk
  - The Forth & Clyde Canal - which offers economic development, visitor economy, regeneration and surface water management opportunities
  - The Green Network - which seeks to address the need for green infrastructure across the city-region by linking urban and rural communities and promoting healthier lifestyles, better environments, greater biodiversity, stronger communities and economic opportunity.
  - The City Deal projects including the Exxon site.
- 4.3** The Plan is thereafter structured around the four planning outcomes set out in Scottish Planning Policy and key points from each section are outlined below.
- 4.4** The City Region as a Successful, Sustainable Place
- The identification of a network of strategic centres. There are 23 of these, with Glasgow City Centre at its apex.
  - Dumbarton and Clydebank are identified as town centres within the network of centres
  - Braehead is identified as a commercial centre.
  - Future actions for Clydebank include development of key sites and buildings and the improvement of accessibility through an enhanced public transport interchange and linkages to Queens Quay.
  - Future actions for Dumbarton include delivery of development on key sites and improvement of connectivity within the town centre and to Dumbarton Castle.
  - The identification of Clydebank Riverside and Lomondgate as Strategic Economic Investment Locations (SEILs).
  - Housing Supply Targets for West Dunbartonshire of 150 private and 80 affordable units per annum.
- 4.6** The City Region as a Low Carbon Place
- Support for the Scottish Government’s ambitions for a low carbon economy.
  - Support for heat mapping and heat networks and energy efficient technologies.
  - The identification of an onshore wind spatial framework, which identifies area with potential for wind farm development in West Dunbartonshire.
  - Support for the Zero Waste Plan.
- 4.7** The City Region as a Natural, Resilient Place
- Support for the Glasgow and Clyde Valley Green Network including identification of 16 Strategic Development Areas, three of which - Dumbarton, Bowling and Clydebank - are in West Dunbartonshire.

- Support for the retention and expansion of forestry and woodland.
- Requirement for Local Development Plans to designate a green belt.
- That an adequate and steady supply of minerals and aggregates is to be maintained.
- Protection of the water environment and adoption of a precautionary approach to the reduction of flooding.
- The development of a regional marine plan for the Clyde marine region will also be supported.

#### **4.8 The City Region as a Connected Place**

- Promotion of sustainable transport options and the further integration of land use and transport.
- Support for a public transport interchange in Clydebank
- Support for active travel – walking and cycling
- Support for improved accessibility to Glasgow Airport
- Support for High Speed Rail with a terminus in central Glasgow.

#### **Next Steps**

- 4.9** The next step in the preparation of the Plan will be the consideration of any representations made to the Strategic Development Planning Authority during the consultation period which runs to 29<sup>th</sup> February. Following this, the Plan will be submitted to Scottish Ministers in May 2016. Any unresolved issues raised during the consultation exercise will be subject to Examination by a Scottish Government Reporter prior to Ministers approving, modifying or rejecting the Plan.

### **5. People Implications**

- 5.1** None.

### **6. Financial Implications**

- 6.1** None.

### **7. Risk Analysis**

- 7.1** It was not necessary to carry out a risk assessment in relation to this report.

### **8. Equalities Impact Assessment (EIA)**

- 8.1** An equalities impact assessment for the Proposed Plan has been carried out by the Clydeplan Planning Authority.

### **9. Strategic Environmental Assessment**

- 9.1** A Strategic Environmental Assessment of the Proposed Plan has been carried out by the Clydeplan Planning Authority.

### **10. Consultation**

10.1 Not applicable.

**11. Strategic Assessment**

11.1 The Strategic Development Plan is considered to directly support the Council priorities to:  
Improve economic growth and employability  
Improve local housing and environmentally sustainable infrastructure

**Jim McAloon**

Head of Regeneration & Economic Development

Date: 10 February 2016

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**Appendices:** None

**Background Papers:** Clydeplan - The Glasgow and the Clyde Valley Strategic Development Plan (Proposed Plan) January 2016

**Wards Affected:** All