

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead - Regulatory****Planning Committee: 12th February 2020**

Subject: Decision on appeal against refusal of application for petrol filling station, a jet wash facility and alterations to the car park at Livingstone Street, Clydebank (DC18/209).

1. Purpose

- 1.1** To inform the Committee of the outcome of the planning appeal.

2. Recommendations

- 2.1** That the Committee notes the decision taken by the Department of Planning and Environmental Appeals (DPEA) to refuse the appeal and uphold the Council's decision.

3. Background

- 3.1** The above application was refused on 24th April 2019 due to the development having detrimental impacts upon traffic, congestion and general amenity. The development was to be associated with the nearby ASDA supermarket. The applicant thereafter lodged an appeal against the refusal of the planning permission to the Scottish Government Department of Planning and Environmental Appeal's (DPEA). An update was provided to the August 2019 Planning Committee.

4. Main Issues

- 4.1** Following an initial assessment and a site visit to the site, the Reporter held a Hearing as part of the appeal process which took place on 15th November 2019 in Clydebank Town Hall. The Hearing was requested in order to clarify and discuss matters related to the effects of the development on the loss of parking and the predicted traffic movements and flows associated with the use. As part of the Hearing the Reporter also wanted to explore the methodology and scope of the transport and parking assessments undertaken as part of the initial application. Whilst the Hearing focused on the technical traffic matters associated with the proposal it provided an opportunity for the Reporter to consider and listen to the views of the appellant, their appointed transport consultants, the Council, the Council's appointed transport consultants, Councillors, the Community Council and also other interested parties.
- 4.2** Following the Hearing the Reporter initially deferred making an initial decision and requested the appellant provide a technical capacity assessment of the

Argyll Road/Living Street roundabout. This information was cited by the appellant during the Hearing but absent from all submissions made. The Council's appointed transport consultant provided a technical report in response to this and following receipt of this the Reporter advised that they had all the information required to make a decision.

- 4.3** On 29th January 2020, the Council received confirmation that the appeal had been refused. The Reporter's assessment of the application was extensive and covered a comprehensive review of all technical matters. The Reporter concluded that the introduction of a petrol filling station at the proposed location would have an adverse impact on queue length and hence delays at the Argyll Road/ Livingstone Street/ Coldstream roundabout. Given that the only access to Linnvale is via this roundabout, the Reporter considered that this impact would have an adverse and unacceptable effect on the amenity of those living within Linnvale and would therefore be contrary to the requirements of Policy GD 1 of the local development plan. The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan.
- 4.4** The Reporter outlined in their report that the input from Councillors and the Community Council at Hearing stage was relevant. It was considered that they effectively articulated a local knowledge and demonstrated a real life understanding of the current traffic, queuing and congestion issues in the locality and the impact on residential amenity as a result. Understanding this helped to form the view that the development would alter driver behaviour and generate new and altered trips to the area. On this basis, it was considered by the Reporter that regardless of the level of additional vehicles movements generated through the development, this would influence and impact upon an already difficult and sensitive situation and would be unacceptable.

5. People Implications

- 5.1** None.

6. Financial Implications

- 6.1** There are no financial implications for the report.

7. Risk Analysis

- 7.1** No risks have been identified.

8. Equalities Impact Assessment (EIA)

- 8.1** Not required.

9. Consultation

- 9.1** None.

10. Strategic Assessment

10.1 There are no strategic issues.

Peter Hessett

Strategic Lead - Regulatory

Date: 12th February 2020

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

Appendices: None

Background Papers:

1. Committee Papers
2. Appellant's Grounds of Appeal
3. Reporter's

Wards Affected: Ward 5 (Clydebank)