

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 28 June 2021**

DC21/018/FUL: Change of use of office to flat at Flat 1/3 10 Castle Terrace, Castle Street, Dumbarton by Richmond Architects.

1. REASON FOR REPORT

- 1.1 The application relates to a proposal that is subject to an objection from a statutory consultee. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 That the Committee indicate that it is minded to grant planning permission and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision and to the satisfactory conclusion of the referral of the planning application to Scottish Ministers.

3. DEVELOPMENT DETAILS

- 3.1 The application site is a ground floor property located within a two-storey high, sandstone building in Dumbarton town centre. The site is bounded by residential properties on both sides, by a small parking area and “no- through” road at the front, and by vacant land to the rear and a supermarket.
- 3.2 The proposal involves a change of the use from an existing office to a flat. The property currently has two main rooms that are used as offices, along with a small toilet at the rear of the building. The layout would remain broadly the same, with the office at the front of the building becoming a bedroom, the office at the rear of the building becoming a lounge/kitchen/dining room, and the existing toilet would become a shower room. There would be no external alterations to the building and entry into the property would remain via the communal close.

4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service and Environmental Health Service have no objections to the proposed development.

- 4.2 Scottish Environment Protection Agency (SEPA) has objected to the proposal on the grounds that it would put people or property at risk from flooding.

5. REPRESENTATIONS

- 5.1 No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1 Policy RET1 relates to new developments such as retail, commercial leisure, cultural/public service developments and other key town centres uses, which should adopt the sequential approach to site selection. The principles underlying the sequential approach also apply to proposals to change the use of an existing development, where the proposals are of a scale or form sufficient to change their role and function. First preference is for such developments to be located within town centres. Policy GD1 seeks to ensure that all new development is of a high quality design, of an appropriate and compatible land use and that it respects the character and amenity of the surrounding area. Policy F1 aims to resist developments that are likely to increase the risk of flooding locally or are located in a functional flood plain and/or are likely to adversely affect an existing or potential flood attenuation area, unless in exceptional circumstances for essential infrastructure or regeneration priorities. Policy T4 aims to ensure that new developments are well integrated into walking, cycling and public transports routes.
- 6.2 The proposal complies with all the relevant policies contained in the Adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1 On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2 Policy SC3 relates to proposals involving non-retail uses within town centres and supports such uses where they encourage visits to the town centre and are appropriate to the town centre's role and function. Policy DS1 seeks to deliver successful places and sustainable design for all development proposals. Policy DS3 relates to accessibility and where relevant developments should include measures to ensure the development is easily accessible by active travel or sustainable means of transport. Policy DS6

relates to flooding and development will not be supported on the functional flood plain or, with regard to the Scottish Planning Policy Flood Risk Framework, where it would have a significant probability of being affected by flooding or increasing the probability of flooding elsewhere.

- 7.3** The proposal complies with all the relevant policies contained in the Local Development Plan (LDP1) Proposed Plan and is assessed fully in Section 7 below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18th December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of this application are affected by the Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 7.5** Dumbarton Policy 4 relates specifically to Castle Street and the land that lies to the south of it. Mixed-use development within this site, including residential development, will be supported in order to increase the number of people living in the town centre. Policy CP1 states that new developments must respond to their local context as well as protect and enhance the amenity of existing communities and neighbouring development sites. Policy SC1 aims to direct proposals for retail, commercial and leisure development, and other key town centre uses towards town centres in the first instance following the principles of the sequential approach. Policy CON1 aims to ensure that all new development is accessible with priority given to methods of active travel and public transport. Policy ENV6 states that development will not be supported on the functional flood plain or where it would have a significant probability of being affected by flooding or increasing the probability of flooding elsewhere.

- 7.6** The proposal complies with all the relevant policies contained in the Local Development Plan (LDP2) Proposed Plan and is assessed fully in Section 7 below.

Principle of Development

- 7.7** The site is located within Dumbarton Town Centre and the policies of the adopted local plan and proposed local development plans support a sequential approach to site selection for new retail, commercial leisure, cultural and public service developments along with other key town centre uses including residential. The principles underlying this approach also apply to proposals involving a change of use of an existing building. First preference is for town centre sites where sites or buildings are suitable for conversion. It is recognised that non-retail uses make an important contribution to a town centre's character, sense of place and how well it functions with houses and flats providing a resident population that will

support local shops and businesses, and contribute to security and activity, particularly in the evening. While staff working in the existing office may make some contribution to the local economy, for example, through the use of local shops, any person residing at the property is also likely to use local shops and businesses, as well as participate in the evening economy through local restaurants and public houses. A resident is also likely to use other local facilities such as schools, libraries and leisure centres. It is considered that the loss of an office use at this location will have little impact on office provision within the local area, and the change to residential use will help to support other town centre uses. The principle of changing the use of the property from an office to a flat is therefore considered to be supported by the policies of the adopted and proposed local development plans as it will contribute to the vitality and viability of the town centre.

- 7.8** The property is located within a building with other flatted units. The proposed change to residential use would therefore be in keeping with its immediate surroundings. It should be noted that planning permission was granted in 2004 to change the use of the property from a flat to an office. The property has therefore been used as an office for the last 17 years, but prior to this it was in residential use. The proposal would see the property return to its original use and as no representations have been received this is considered to be acceptable.

Scottish Planning Policy

- 7.9** Scottish Planning Policy advises that alterations to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems. The proposed change of use will not impact on the functional floodplain or increase the risk of flooding locally and therefore the proposal complies with this policy.

Flood Risk

- 7.10** The property is identified on SEPA flood maps as being within an area at medium risk from coastal flooding due to its location near to the River Leven, and it is also located next to an area at medium risk of surface water flooding. For this reason SEPA have objected to the proposal on the grounds that it would put people or property at risk. In addition to this, local plan policies seek to avoid developments that would either be at significant risk of flooding or increase the risk of flooding elsewhere. The proposal involves an existing building and no external changes are proposed therefore the development would not increase the risk of flooding elsewhere. The Council's Roads Service as Flood Authority have not raised any concerns about the proposed residential use nor objected to it. Further to this, the property was in residential use until 17 years ago and the change to residential is not an entirely 'new' use and the property is at no greater risk of flooding than the other ground floor flats within the building. It is therefore considered it would be difficult to justify preventing the property from reverting back to its previous use on the grounds of flood risk alone. In this instance, it is recommended that greater weight be given to the advice of the Council's Roads Service than the objection from SEPA. Therefore, under the Town and Country

(Notification of Applications) Scotland Direction 2009, if the committee are minded to approve the planning application it will require to be referred to the Scottish Ministers for their consideration as SEPA (a statutory consultee) have submitted an objection.

Parking

- 7.11** The property would be converted into a one bedroom flat, which would typically require one parking space. The property does not have any existing off-street parking provision or available ground to provide a parking space. However, there is an existing parking court immediately in front of the building, along with a number of delineated spaces at the side of the road, both of which are used by residents of the building. The adjacent Denny tank museum has its own private car park as do other nearby uses such as supermarkets and the Council offices. While in use as an office the applicant has stated that typically two members of staff, each with their own car, would be present on a typical day. Residential use is typically regarded as placing greater pressure on parking provision than an office use as the car effectively 'lives' at the property rather than 'visiting' as an office worker would travel home at the end of the day. However, in this instance, given the scale of the development and its minimal parking requirement of one space, along with the property's location within the town centre where it is a short walking distance to local amenities and train station/bus stop for longer journeys, it is considered that the development will not have a detrimental impact on existing parking provision for existing residents. An existing communal outhouse at the rear of the property will provide secure storage for a bicycle, which will help to support cycling as a sustainable method of transport. The Council's Roads service has no objections to the residential use on parking grounds. .

8. CONCLUSION

- 8.1** The proposal involves a change of use that would reintroduce a residential property to the town centre. The proposed use is appropriate as it would be located within a building occupied by other residential uses and it would also contribute to the vitality and viability of the town centre. Although the site may be at some risk from flooding, this is considered to be no greater than existing neighbouring properties. The proposal is supported by the policies of the adopted local plan and proposed local development plans and is considered to be acceptable.

9. CONDITIONS

- 9.1** No conditions are recommended.

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Date: 28 June 2021

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Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Consultation responses

Wards affected: Ward 3 (Dumbarton)