

**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 21<sup>st</sup> April 2021**

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**DC20/242: Planning Permission for change of use from Care Home to Single-use holiday let and formation of landscaped parking area**

**DC20/243: Listed Building Consent for internal alterations to form en- suites**

**Dalmoak House, Renton Road, Dumbarton by Lords Capital Scotland Ltd.**

**1. REASON FOR REPORT**

- 1.1** The planning application raises 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. The application for Listed Building Consent is linked to the planning application and is therefore also being presented for consideration.

**2. RECOMMENDATION**

- 2.1** Grant full planning permission (DC20/242) subject to the conditions set out in Section 9.1 below.
- 2.2** Grant Listed Building Consent (DC20/243).

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to the 'A' listed Dalmoak House which is a substantial Victorian country house located within a rural setting between Dumbarton and Renton. The associated walled garden and former stables block to the rear of the House are both B listed. The majority of the walled garden is still part of the grounds of Dalmoak House and the stable block was previously converted into housing and is no longer part of Dalmoak House and is under different ownerships. To the north-east and south-east, the site is bounded by fields and to the south-west the site is bounded by trees and a burn. The site is accessed by way of a private road lined with trees which leads up to the buildings from the original entrance gates on Renton Road.
- 3.2** Dalmoak House was constructed in the 1860s as a private residence, although its last active use was as a care home facility. The care home closed in December 2013 as the building could not readily be adapted to meet the current requirements for care accommodation and it has lain vacant for the last 8 years. Despite some alterations which were made to accommodate and support the former care home use, the building is notable for the high quality

of its maintained interior fabric, including ornate plaster ceilings, stained glass windows and original woodwork.

- 3.3** The current applications seek planning permission to bring Dalmoak House back into use as a single let holiday and tourist accommodation (Class 7 use) with only single bookings for the whole building will be taken. Individual rooms or parts of the property will not be made available for separate bookings. No single booking will be permitted to occupy the building for a continuous period in excess of a fixed timescale (e.g. in excess of 2 months).
- 3.4** Alongside the change of use of Dalmoak House, there is proposals to form a parking court to the front of the building immediately adjacent to the access track. This would comprise of a total of 12 informal parking bays formed using grasscrete and soft landscaping to delineate bays. Further to this, the existing long and inclining single track private access road is proposed to be upgraded throughout its length and resurfaced as part of the proposals. Refuse and recycling for the development is to be stored within an existing courtyard to the rear of the building.
- 3.5** In terms of physical works to the building itself, there would be no changes to the exterior of the building. Internally, the only alterations proposed are to form two new en-suites as part of the bedrooms on the first floor and alterations to existing en-suites on the ground floor and these are subject to the Listed Building Consent. The scope of works are modest and involve either the conversion of existing washrooms, the re-introduction of former connections to wet-rooms and the blocking of sections of temporary partition walls. Other than this the rooms within the building, including the principle apartments, entrance and hallway would remain unaltered and the original character of the property alongside its features and internal fabric including the cornicing, timber panelling and windows would be retained entirely.
- 3.6** Alongside the plans and drawings provided as part of the application, the applications are accompanied by a detailed Planning Statement and an Operation and Management Report which specifies how the use of Dalmoak House would operate alongside measures that would be put in place to control and manage the use. A detailed Conservation Report accompanies the Listed Building Consent proposals and specifically considers the impact of the internal alterations works on the listed building.
- 3.7** Previously, Planning Permission (DC14/037) and Listed Building Consent (DC14/038) were sought for a change of use from a care home to a hotel and event and conference centre and this also included a number of significant internal alterations to the ground floor to create a foyer, public rooms and offices as well as the formation of a 24 space car park to the rear on the existing lawn within the walled garden. These applications were refused in January 2015 by the Planning Committee. The applications were then subject to an appeal to Scottish Ministers who also dismissed the appeals on the grounds of insufficient information, impact on residential amenity of neighbouring residential properties and a nearby farming business. In contrast, the current applications are materially different and do not include

any proposals for events or functions use, the accommodation proposal is only for single let rather than multiple occupancy as it was before and the internal alterations are modest and limited in comparison.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposed development.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposed development subject to conditions regarding the implementation and upkeep of the management measures proposed in the applicant's Operation and Management Report and limitations to the use as proposed.
- 4.3** Historic Environment Scotland has no objection to the internal alterations proposed. They are content that the internal alterations would be minimal and would preserve the principal features of the interior of the building.

#### **5. REPRESENTATIONS**

- 5.1** Seven representations have been received which object to the planning application, most of which are from local residents. The full versions of each representation are available on the electronic planning file for the application and available for public viewing but for the purposes of this report, they have been summarised below:

##### Residential Amenity and Disturbance

- Noise and disturbance will be generated both internally and externally from people gathering and congregating, movement of guests, music playing, drinking alcohol, smoking, and outside parties. The use if permitted, would result in significant adverse impact on the residents/owners of Dalmoak Stable Cottages, the local farming business and the residents/owners of the gatehouse given their proximity to Dalmoak House.
- The design and orientation of neighbouring properties at Dalmoak Stable Cottages is such that they face Dalmoak House. Given this, any guests using the land to the rear of the house would be able to overlook and disturb the privacy of these properties including their private garden areas.
- No details have been provided for a designated smoking area or shelter and there is concerns that guests could congregate at the side or rear of the house to smoke.
- No planning condition can be imposed to limit or stop guests wandering or moving around the grounds of the 'estate' at Dalmoak. This means guests would be at liberty to walk around the surrounding land and nearby residential properties. Guests being able to use grounds of Dalmoak House at any time

of day or night would invade privacy and significantly impact upon established residential amenity.

- The introduction of such a use, including multiple guests, gatherings, traffic and activity would destroy the idyllic, rural, countryside environment and setting.
- The Council has focused on addressing unintended or unanticipated noise 'from the property' and has shown no recognition of the potential impact of noise from other sources including people gathering outside the house, wandering and leisure activities.
- Independent noise surveys including a current baseline from each residential property neighbouring the site should have been conducted to inform residents, local farmers and the Council of the true extent of the impact.
- Local residents and neighbours would need to escalate any disruption to local authority services and the Police and this would impact the availability of resources for other residents and businesses who need it more.
- Guests are going to be left within the building unsupervised for the duration of their stay and without onsite staff so there is no control in place.
- Despite the measures set out in the Operation and Management Plan, it is going to be impossible to suitably vet and control guests to ensure that the building is not used inappropriately.
- Guests hiring Dalmoak House can bring their own provisions of food and drink and this cannot be controlled or limited. This could lead to unrestricted amounts of alcohol being consumed and in turn cause anti-social behaviour, impacting residential amenity.

#### Principle of the Use of Building

- The Council's planning policies states that it will only support tourist development uses if they are appropriately located and designed as to not impact upon residents. These proposals do not have a locational need will not preserve amenity..
- A single let tourist facility does not bring economic benefit to an area like Dalmoak or West Dunbartonshire. Such a use does not result in employment opportunities, even on a casual basis and there is no guarantee that the applicant would use produce and services from within West Dunbartonshire. The applicants company is based in London and any profit from the use of the building will flow to areas out with West Dunbartonshire.
- It is suggested that the proposed use would ensure the preservation of Dalmoak House and this should be encouraged however there are alternative uses available for Dalmoak House which would not have such significant adverse effects on residents. It should not be perceived that the only way to secure the future of Dalmoak House is to use it as a tourist venture. There has been previous interest for it to be used a single residential property or high level apartments, both of which constitute uses which could safeguard

the building and at the same time not compromise residential amenity of neighbouring residential properties.

- Significant investment is required to the internals and external of Dalmoak House to renovate it to allow it to accommodate the use proposed. It is evident that maintenance has not been carried out for several years and it is considered that the building requires extensive repairs to be capable of safely providing a suitable space for intended use.

#### Road, Access and Parking

- The road used to access the property has been in disrepair for several years and it would require significant investment from the applicant to restore it to allow for the increase in traffic. It is unlikely that the applicant will repair it to the standards which would be required and insufficient detail is provided as part of the planning application to indicate otherwise.
- Residential properties and Dalmoak House share one access route and any obstruction on this route during upgrade works could lead to a blocking of access for residents and emergency services.
- The applicant does not explain how emergency services will access the site or for the fire hydrant which will need to be relocated to accommodate parking.
- Concern that vehicles do not use the car parking area and instead park around the curtilage of the building, potentially obstructing the legal right of passage to residential properties.

#### Other Matters

- There is a comparable proposal in Argyll and Bute Council area. This single use let has resulted in the amenity of its neighbours being compromised in a negative way and the evidence available demonstrate this.
- The drone photographs of Dalmoak House submitted as part of the application are misleading and show no signs that residential properties neighbour the site.
- The application does not mention any proposals for the re-installation of the fuel tanks for heating Dalmoak House. This would need planning permission.
- The area where the car parking is proposed is next to the field where cattle graze. The safety and wellbeing of this livestock could be adversely impacted by the noise and disturbance that car activity and movements can bring.
- The Operation and Management Plan cites Vets for Pets as a company who use the building for residential training bookings. This company has been contacted and they have advised that they would only be interested in using the venue if it was converted.

- There are additional risks of vandalism and unwanted attention from Dalmoak House being used as a tourist accommodation and this could put neighbouring residential properties at risk as well.
- The prospect of a rotation of visitors would impact nearby residents way of living and create stress due to an increased need to be vigilant. It would also incur costs, requiring residents to expand upon current CCTV and security measures which would otherwise not be necessary.

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

### West Dunbartonshire Local Plan 2010

- 6.1** The site is located within the Green Belt. Policy GB1 states a general presumption against development in the Green Belt except in certain circumstances, including the appropriate re-use of vacant buildings which would be desirable to retain for their local significance, historic or architectural character; and outdoor recreation, leisure or tourist proposals which are appropriate for the countryside, contribute to the social and economic development of the Plan area and are not contrary to other policies and proposals contained within the Adopted Local Plan.
- 6.2** Policy BE2 states that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting is not adversely affected. Policy BE4 encourages the productive re-use of vacant or underused listed buildings where this is compatible with surrounding land uses.
- 6.3** Policy LE7 states that proposals for business development near to residential properties will be supported where residential amenity or the surrounding uses are not adversely affected. Policy LE8 states the Council will support applications for tourist industry developments throughout the Plan area provided that they satisfy certain criteria; no adverse environmental, landscape, infrastructure or transport implications, clear locational need, significant economic benefit and conformity with other relevant policies.
- 6.4** The private access road and the land bordering the south-west edge of the site are a Local Nature Conservation Site (LNCS) and are partially covered by a Tree Preservation Order (TPO). Policy E3A states proposals should not adversely impact upon the integrity or character of a LNCS. Policy E4 states that the Council will continue to protect trees covered by TPO.
- 6.5** Policy GD1 is an overarching policy and requires that all new development is of a high quality design and respects the character and amenity of the area it is to be located within. One of these requirements also includes recognising the value of the historic environment. Policy GD2 supports the redevelopment of underused, vacant and/or derelict land and buildings for appropriate uses where any such proposal is compatible with surrounding land uses and be in compliance with other Local Plan policies.

- 6.6** The proposals are compliant with the above policies and this is considered in more detail 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 Duntiglennan 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 DS2 states that development outwith the urban area will be restricted to the opportunities identified by the Plan and certain specified uses, including leisure and tourism uses required and appropriate for a rural setting, and the reuse of existing buildings which are desirable to retain for their significance or historic or architectural character subject to that character being retained. In addition to this, development in the Greenbelt or countryside must be suitably located, designed and landscaped to minimise impact on its setting and not undermine the purpose of the green belt at that location. Policy GE4, similar to Policy LE8 of the Adopted Local Plan, supports new tourist accommodation in appropriate locations where it avoids adverse impacts on the green network and built heritage.
- 7.3** Policy BH3 supports appropriate enhancements and alterations which would result in the retention or restoration of a listed building where this is appropriate in terms of design and use. Policy GE4 supports new tourist accommodation in appropriate locations which avoid adverse impact on the green network or built heritage. The proposals deliver and comply with all of these strategies/aims.
- 7.4** Policies GN3 and GN5 seek to protect Local Nature Conservation Sites (LNCS) and Tree Preservation Orders (TPOs) from development which adversely impacts upon special characters of these areas.
- 7.5** These policies broadly correspond with the equivalent local plan policies described above and the proposals are considered to be consistent with them.

### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.6** The modified LDP 2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position

and has significant weight in the assessment and determination of planning applications at this time.

- 7.7** Policy GB1 is similar to the Greenbelt policies of the other two plans and states that development in the Greenbelt will be restricted to: residential development in accordance with Policy H1, agriculture/horticulture/forestry related development, rural diversification uses, leisure, recreation and tourism, and the appropriate re-use of existing buildings, which it is desirable to retain for their local significance or historic or architectural character. The proposed development aligns with a number of the criteria including the appropriate re-use of a building of significance, history and character and the use of the building for tourism and accommodation purposes. Policy E6 in relation to Tourism Development, similar to Policy LE8 of the Adopted Local Plan and Policy GE4 of LDP1 supports the development of new tourism facilities subject to them having no adverse impacts on the integrity of Natura 2000 sites, green network and the built heritage and that they are in accordance with other relevant policies of the Plan.
- 7.8** Similarly to Policy DS1 of Proposed Plan 1, Policy CP1 seeks to ensure that developments are of a high quality, adaptable and reflect a design led approach. Policy BE2 states that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting is not adversely affected and appropriate enhancement of listed buildings. Policies CP1 and CP2 both require developments to take account of on-site and off-site green infrastructure including trees.
- 7.9** Policy ENV1 covers Nature Conservation and Policy ENV4 relates to forestry, trees and woodland considerations. Policy ENV8 seeks to ensure that developments do not have a significant impact on established residential properties or other sensitive receptors by way of air, light and noise pollution. Where required proposals that have the potential to impact in any of these areas will require to demonstrate that their impact is not significant and provide adequate mitigation where necessary. The issues contained in the above policies are discussed in more detail in Section 7 below.

#### Principle of Proposed Use

- 7.10** The proposed use of Dalmoak House as a single let holiday and tourist accommodation use is considered to be acceptable in principle. Country houses such as Dalmoak House are increasingly being used as tourist accommodation as its size, appearance and rural setting provides a suitably attractive and compatible location for such uses. The Green Belt policies of the plans allows the re-use of important rural buildings such as Dalmoak House for suitable new uses, including tourism uses such as this proposal. The proposed use is fully supported by the tourism policies of all three development plans and it is considered appropriate for its countryside location. It would bring a new and sympathetic use into the currently vacant but important Category A listed building, safeguarding the building for the future as well as enhancing the area's tourism accommodation facilities at the same time. The compatibility of the use on other surrounding uses including



neighbouring residential properties is considered in more detail in the sub-sections below.

#### Listed Building Matters

- 7.11** The Category A listed building presents some specific challenges in terms of viable options for its re-use and occupation and this is evidenced by the fact that the building has been unoccupied for some time. Notwithstanding the points raised in some of the objections, since the previous applications were submitted in 2015, there has been no formal or recorded interest in the building in terms of planning submissions until these current applications were received.
- 7.12** The interior of the building is particularly ornate and well preserved and this was the main reason for its listing category previously being elevated from Category B to Category A by Historic Environment Scotland in the 1990s. Given this status, it would be difficult to subdivide the building into flats for example, without this having an adverse impact upon the interior spaces, which could detract significantly from the building's historic value and original character. The building is also very large and it is unlikely to be viable as a single house for modern living and this may explain the lack of interest in the building to date. Equally, the building no longer lends itself to the continued use as a care home, because of its size and the fact that it cannot easily be adapted to meet current care requirements and standards. Therefore, new uses and realistic options to re-occupy the building are particularly limited.
- 7.13** The current proposals would require minimal alteration of the interior layout and no changes are proposed to the exterior. All features which make up the internal fabric and listing of the building including the stained glass windows, ornate cornicing and feature ceilings would all be retained and unaltered as part of the proposals as would the room proportions. A detailed Conservation Report by a qualified professional has been provided in support of both applications and this documents the proposed changes to introduce new en-suites and alter existing ones. The conclusions of this assessment confirms that all internal changes proposed are to parts of the building that are not original, including rooms which have already been modified to previously accommodate for the former residents of the care home use. On this basis, it is considered that the proposals would have a negligible impact on the overall character and integrity of the listed building. Historic Environment Scotland (HES) have confirmed that they have no objections to the proposals and welcome such works will facilitate a new use for this important Category A listed building.
- 7.14** Aside from the internal alterations, the only other relevant change in terms of the impact on the building will be the changes in the grounds of Dalmoak House to form a new car parking area associated with the intended use. Whilst this will be located beyond the principal elevation of Dalmoak House, it will be constructed and designed sympathetically with the use of grasscrete finish and associated landscaping to minimise the overall impact of such works. These works will not significantly change or alter the character and setting of Dalmoak House on approach and conditions have been included

which will require details of the car parking facility alongside a landscaping scheme in and around it. Historic Environment Scotland have no objection to the inclusion of the parking area.

- 7.15** The works proposed to Dalmoak House to bring it back into use as a single holiday let are considered to be acceptable and are in accordance with the policies of the Adopted and Proposed plans and will ensure the character and features of the building are both safeguarded and maintained.

Residential Amenity

- 7.16** The stable blocks situated behind Dalmoak House have previously been converted into 4 houses. It is understood that one of these is owned by the applicant. There is also a lodge house at the end of the private road which is approximately 250m from the site (offset by woodlands and intersecting land). The residents of some of these properties have raised concerns about disturbance, noise pollution, overlooking and impacts on privacy and residential amenity as detailed in Section 5 above.
- 7.17** The applicant has responded to concerns raised by residents relating to noise and disturbance by removing initial proposals which included an event and function facility and proposals to site a private outdoor amenity space within the grounds of the house. It was considered upon review that given the planning history, noise and activity that could be generated from events and functions and an associated outdoor amenity space, that these proposals would not be acceptable. The revised proposals now solely relate to the single let holiday accommodation use and the current proposals for Dalmoak House are now completely different in nature to the proposed hotel, event and conference centre uses which were refused planning permission and listed building consent in 2015.
- 7.18** In the Planning Statement, the applicant has provided further clarity and details regarding the function and characteristics of the proposed single let holiday use. Only single bookings for the whole building will be taken and no bookings will be permitted to occupy the building for a continuous period in excess of a fixed timescale (e.g. in excess of 2 months). Beyond this, the statement also confirms that no bookings can be taken for stays which include organised events such as weddings, organised parties such as stag and hens parties or other similar uses. The use is intended to specifically target clients such as extended family get-togethers, businesses for corporate and team-building stays and other guests who look to enjoy the outdoors and countryside.
- 7.19** In addition to the Planning Statement, a detailed Operation and Management Report has also been provided following a request of the Council's Environmental Health Service. This report specifically sets out the mitigation measures, vetting processes and protocols which will be put in place to ensure that the single holiday let use will be used for its intended purposes set out in the Planning Statement and not for alternative unacceptable uses or activities. Details include a stringent booking control and guest vetting process, on-site meet and greets upon arrival, the use of noise monitoring

equipment (noise limiting amplifier which caps volume levels for any music equipment and a noise output alerter which informs management and booking agent of excessive noise generation) which means noise levels can be monitored remotely by the local management agent at any time a set of bespoke house rules, directional signage to ensure guests arriving by vehicle know where to park and where to access the building, external CCTV equipment monitoring the grounds of Dalmoak House, refuse and waste arrangements, emergency response arrangements (including the presence of a local management and booking agent), the need for an upfront monetary booking deposit and specific clauses in the terms and conditions regarding unacceptable uses, noise, disruption and alcohol consumptions. All of these are proposed as a set of management measures to minimise the potential for Dalmoak House to receive unacceptable bookings including those for the types of events, circumstances and activities as described in the paragraph above.

- 7.20** The Council's Environmental Health Service have advised that this range of measures demonstrates that the applicant is undertaking all reasonable and available safeguarding measures to manage and control the proposed single let holiday use appropriately. On this basis, the Council's Environmental Health Section have no objections to the proposals subject to requiring adherence to the terms of Operations and Management Report alongside a restricted terms of usage to reflect the applicants use as set out in their planning statement. Both of these matters have been included as planning conditions.
- 7.21** In the representations submitted, concerns have also been raised about the potential for guests wandering the grounds of Dalmoak House as well as using the grounds during their stays for outdoor gatherings and informal parties all of which they believe would create a disturbance. As previously set out, the initial proposals included plans for a formalised outdoor amenity space, however this has been removed and is no longer part of the application. The proposals now have no features which seek to encourage or facilitate the use of the grounds of Dalmoak House for outdoor activities and gatherings. Whilst no conditions or restrictions can be put in place from a planning perspective to prohibit or limit the movement of guests around the grounds of Dalmoak House, it is considered unlikely that guests would seek to either gather or dwell to the rear of the building on the intersecting land between the site and the neighbouring properties parking court for any sort of outdoor socialising. This is a small courtyard area where bins stores are to be located and which is overcast by the rear elevation of Dalmoak House. There are other alternative, more attractive and private areas within the grounds of the house, with the majority of these situated beyond the principle elevation of the building for guests to spend time outdoors.

### Parking and Access

- 7.22** The existing private access road leading up to the house is single track, but the overall level of traffic generated by the proposals is unlikely to be significantly greater than that generated by the previous care home use. Noting the proposal for a single use holiday purpose, it is considered that most users and occupiers will be arriving or departing at the same time so traffic conflict and issues are unlikely to be frequent or continuous.
- 7.23** The applicant also proposes to upgrade and re-surface the existing poorly surfaced private access road. It is considered that this would not only improve the access to the site for Dalmoak House and support the proposed use, but that it will also be of benefit to the properties in the converted stable block who share the same private access. The planning condition will include a requirement for a construction management plan to ensure that other parties which depend on the access road to get to their properties, is maintained.
- 7.24** The location of the parking court is considered acceptable and unlike the previous proposals in 2015, this one will be sited to the front of Dalmoak House. This will ensure that it will have no impact on the amenity of neighbouring properties which are located beyond rear of Dalmoak House, beyond the walled garden. Directional signage will ensure guests arriving are aware of where they need to park and it is considered that this, combined with the presence of a meet and greet service, will ensure that indiscriminate parking will not occur. These matters are addressed as planning conditions.
- 7.25** The Council's Roads Service have no objections to the proposals including the access and parking arrangements. They have advised that the upgrade to the private access road is technically not required from a Roads perspective however, the applicant still wishes to continue with these proposals to ensure a higher standard of road is in place for guests to use.

### Natural Environment and impact upon Livestock

- 7.26** The private road leading up to Dalmoak House and the south western edge of the site are located within a Local Nature Conservation Site (LNCS), and the trees on either side of the access road are covered by a Tree Preservation Order (TPO). The only work that would take place within this area is the upgrading of the existing surface of the private road. None of these works would affect either of these nature designations including the relevant trees, natural habitat or wildlife.
- 7.27** Concerns have been raised in the representations of the impact of the proposed car parking activities in terms of disturbing livestock and more specifically, cattle who graze on the neighbouring field to Dalmoak House. Car movements would be on an infrequent basis and there would be less movements than that of the previous care home use. On this basis it is not considered that the livestock will be significantly impacted by the proposals.

### Other Points Raised in Representations

- 7.28** The representations received all make reference to and provide examples of other tourist accommodation uses which have had amenity issues, including one in the Argyll and Bute area where detailed accounts of the issues associated with this use are provided. With regards to the relevancy and consideration of other tourist accommodation uses including those located in other local authorities, these are not relevant to the applications under consideration given that these are in a different Council area, the full facts and background are not before the Planning Committee and on the basis that each application requires to be considered on their own individual merits.
- 7.29** A number of points have also been made within the representations that there has been interest in Dalmoak House for private residential purposes either as a single residential property or subdivided for flats and that these uses should be considered. There are no records of applications having been submitted to the Council to substantiate this interest.
- 7.30** Finally, issues with regards to the potential for vandalism, theft, indiscriminate parking, trespassing, the expense of additional surveillance and security measures, anti-social behaviour, levels of alcohol consumption and the obstruction of legal rights of passage, are not material planning considerations that can be considered as part of the assessment of these applications. It is however considered that the operation and management plan which can be secured by condition will safeguard neighbouring residential amenity and significantly minimise potential for any anti social behaviour and nuisance while allowing the Category A listed building to be brought back into appropriate use and protecting its future.

## **8. CONCLUSION**

- 8.1** The proposals involve the use of Dalmoak House as a single holiday let which is considered to be a suitable and acceptable use for this Category A listed building within West Dunbartonshire. The proposed use together with the internal works are supported by the relevant policy framework that promote holiday and tourist accommodation and the protection and re-use of listed buildings. The proposal is an opportunity to secure the future of the currently vacant and important Category A listed building which is at risk of decline should it lay continually uninhabited. It is considered that the use of the house as a single holiday let can effectively operate and be compatible with surrounding residential properties subject to the proposed mitigation measures being in place and secured through conditions.
- 8.2** The internal alterations proposed to the building and the introduction of the proposed parking court are modest and the character, integrity and appearance of Dalmoak House and its setting will not be significantly affected by the proposals.

## **9. CONDITIONS**

DC20/242 (Planning Permission)

1. The building (Dalmoak House) and application site shall be used as a Class 7 single let holiday use only as specifically detailed in the approved amended Planning Supporting Statement (dated: 14/01/21) and for no other purpose (including any other purpose in Class 7 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997(as amended) or any future order or enactment, unless a separate planning application is submitted to and approved by the Planning Authority.
2. The use as defined by Condition 1 above shall at all times operate and function in strict accordance with the approved 'Operation Management Report – Dalmoak Protocols' (dated 12/02/21). All mitigation measures and protocols as proposed within the 'Operation Management Report – Dalmoak Protocols' (dated 12/02/21) including those set out to mitigate noise disturbance and manage bookings shall be in place and fully operational prior to the single let holiday use becoming operational. Once installed and implemented, all of these protocols and mitigation measures shall remain in operation for the lifetime of the use and there shall be no deviations without the prior written consent of the Planning Authority.
3. Further to Condition 2 above, prior to the commencement of any development on site, details of the location, positioning and design of any external CCTV and directional signage as referenced in the approved 'Operation Management Report – Dalmoak Protocols' (dated 12/02/21), shall be submitted to and approved in writing by the Planning Authority. The CCTV equipment and directional signage shall be installed as approved prior to the single let holiday use becoming operational and no alterations to the location, positioning or design of any of these installations shall be undertaken without the prior written consent of the Planning Authority.
4. Prior to the commencement of any development on site, details of the final design and appearance of the proposed parking court shall be submitted to and approved in writing by the Planning Authority. This shall include complimentary landscaping and planting around the perimeter of the car park area. The approved parking court design and arrangement shall be constructed and formed prior to the single holiday let use becoming operational and once installed it shall remain in place and maintained for the lifetime of the use unless otherwise agreed in writing by the Planning Authority.
5. Prior to the commencement of any development on site, details of the proposed upgrade works to the single track private access road shall be submitted to and approved in writing by the Planning Authority. These details shall also include a construction management plan which demonstrates how neighbouring residential properties who use the same road can continue to

access their properties unhindered for the duration of the upgrade works taking place. The approved details for the single track private access shall be completed prior to the single holiday let use becoming operational and once installed it shall be maintained as such to this standard for the lifetime of the use.

DC20/243 (Listed Building Consent)

No conditions required.

**Peter Hessett**  
**Chief Officer - Regulatory and Regeneration**  
**Date: 21<sup>st</sup> April 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
6. Representations

**Wards affected:** Ward 3 (Dumbarton)