

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 28 May 2014

DC14/008: Formation of a new footpath using concrete “ty-blocs” with a tarmacadam finish at Sandpoint Marina, Woodyard Road, Dumbarton by Mr Patrick Docherty.

1. REASON FOR REPORT

- 1.1** This application is considered to raise issues of local significance, and 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 land within Sandpoint Marina, which is located at the south end of Woodyard Road, Dumbarton, at the confluence of the Rivers Leven and Clyde. The site is surrounded by water on three sides, and by public open space to the west. Historically this site has had a number of uses over many years, including as a shipbuilding yard, lifeboat building works and engineering works. Most recently, the main part of the site has been used as a marina with various boating and related activities taking place, as well as an indoor recycling facility. The eastern and southern parts of the site, including the former slipways, have been subject to land reclamation using recovered building and road material in order to raise the site levels. Sandpoint Marina extends to approximately 4.5 hectares, although of that the area of land subject to this particular application is only 5,500m². All vehicular access to the site is via Woodyard Road.
- 3.2** The up-filled areas of the site are currently bounded by a rock armour revetment along the river edges. Planning permission is sought to form a new footpath along the top of the revetment, around the southern and eastern edges of the site. It would extend from the southern edge of the operational boatyard area all the way around the site as far as the boundary with Posties Park – a total length of approximately 435m.
- 3.3** Although described as a footpath, and referred to as such in this report, the new path would not actually be open to the public in the immediate future. Whilst the applicant has no current plans to redevelop the site, he is aware that any future development would be likely to require a pedestrian or possibly vehicular route along the edge of the river, and by installing such a walkway now he hopes to make the site easier to develop and more attractive to

potential developers in the future. The proposed works would also stabilise the top of the revetment and would in the applicant's view provide a neater and more attractive edge to the site. The current proposal does not involve any changes to the revetments other than what would be necessary to tie the top of the embankment into the new footpath.

- 3.4** The footpath would be 7.2m in width, and would be constructed using 1.2m thick "ty-blocks" sitting on a bedding layer on top of a suitable filter fabric. Ty-blocks are a type of concrete block of the applicant's own invention, being a concrete cube containing a core of recycled tyre rubber, and understood to be very strong. On top of the ty-blocks, there would be a layer of type 1 granular material, a dense macadam base course with an asphalt top layer. A 2m high fence would be erected along the length of the footpath and it would be set back 1.2m from the inner edge of the footpath, leaving a 6m wide passageway. Details of the type of fence intended have not been submitted at this stage.
- 3.5** The current ground levels on these parts of the site vary from 4.5m AOD (Above Ordnance Datum, essentially mean sea level) to 5.5m AOD, in accordance with the various existing landraising permissions. It is proposed that the footpath would have a finished surface level of 5.55m to 5.6m AOD throughout its full length (the 5cm difference being a slight slope across the footpath to allow surface water run-off). Consequently, the eastern section of the footpath would be up to 1.1m above the adjacent permitted ground level and there would be a short slope to address this level change. This would use material excavated from the southern section of the footpath where ground levels are already 5.5m, and no new infill material would be brought onto the site. The existing rock armour slope would not be affected by this proposal. It is estimated that it would take the applicant approximately two years to complete the project.

4. CONSULTATIONS

- 4.1** Scottish Natural Heritage has stated that there are natural heritage interests of international importance very close to this site (i.e. the bird life habitats in the River Clyde). The Council would require to carry out an "appropriate assessment" of the impact on the protected habitat prior to granting planning permission, but in SNH's view, the birds would be unlikely to be adversely affected by the proposal provided it is carried out in strict accordance with the applicant's method statement and uses the machinery and material described therein.
- 4.2** Scottish Environmental Protection Agency has no objection to the application on the basis that the site has already been raised above the 1:200 year flood level (4.37m AOD).
- 4.3** West Dunbartonshire Council Roads Service has no objection to the proposal. However, they have advised that if the path is intended to be open for use by the public or proposed for adoption by the Roads Authority, then it would be

necessary for it to connect with Woodyard Road, which it is not currently part of the proposal.

- 4.4** West Dunbartonshire Council Access Officer has no objection to the proposal but states that it is desirable to allow public access over the path.
- 4.5** West Dunbartonshire Council Estates Service has no objection to the proposal, but has noted the proximity of Council owned land to the application boundary and advised that it is important that there is no encroachment beyond the application site boundary.
- 4.6** West Dunbartonshire Council Environmental Health Service has no objection subject to a condition relating to hours of work.

5. REPRESENTATIONS

- 5.1** None.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan (2010)

- 6.1** The site is designated for industrial and business use, where Policy LE1 states that there shall be a presumption in favour of uses which positively extend the permanent employment potential of the site. Whilst the proposed footpath is intended to make the site more attractive for redevelopment, its formation would not affect the potential use of the site for industrial or business use and there is therefore no conflict with Policy LE1.
- 6.2** Policy R5 encourages the establishment of additional paths for pedestrian, cycle and equestrian use, with a special emphasis on access to the countryside and riverside areas. Developers of waterfront sites will be required to provide paths to and along the river bank. Although public access to the path is not currently proposed, the application would provide infrastructure for future public access to the riverside as part of any future redevelopment of the site, and is therefore consistent with Policy R5.
- 6.3** Policy GD1 is applicable to all new development and aims to ensure that development is of a high quality of design and respects the character and amenity of the surrounding area. Policy H4 sets out standards for new housing developments, and includes a requirement that a high standard of design be employed. The design of the proposed footpath is considered in Section 7 below, but it is concluded that the proposal would not comply with these policies because the design would not provide an appropriate quality of river edge treatment to serve a future residential development on the site, and the proposed works may therefore have to be significantly altered in order to serve such a development.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (WDLDP) Proposed Plan

7.1 The application site is within the defined Dumbarton Town Centre and Waterfront “changing place”, with the Sandpoint Marina itself being specifically identified as a housing opportunity site with an indicative capacity of 100 units. The plan identifies that any such development would require to include a waterfront path, which could eventually be linked with Dumbarton High Street via a footbridge over the River Leven. Policy BC1 indicates that sites so allocated are reserved for housing, and residential development will be supported subject to compliance with good design guidance. The principle of a new footpath at this location is therefore supported by the proposed plan.

7.2 Policy DS1 requires all development to contribute towards creating successful places by having regard to the six qualities of a successful place. These include:

- Distinctiveness (e.g. creating quality public spaces with suitable landscaping);
- Adaptable (e.g. avoiding the creation of spaces which are likely to become neglected or obsolete);
- Easy to get to and move around (e.g. providing good pedestrian links);
- Safe and pleasant (e.g. incorporating appropriate lighting);

These issues are discussed below, but it is concluded that the proposal would not comply with Policy DS1 as the quality of the proposed footpath would not be appropriate for its likely eventual use.

7.3 Policy GN6 seeks to protect and improve the quality and enjoyment of the water environment, and encourages access to, along and beside waterways for walking and cycling provided this would not adversely impact upon habitat networks or protected species. The proposal would provide such access and would therefore be consistent with Policy GN6.

Principle of Development

7.4 The applicant has indicated that the proposal is intended as enabling works to facilitate future redevelopment of the site, possibly for residential purposes. Although the site is currently allocated for commercial use, the emerging Local Development Plan proposes that it be re-designated as a residential development opportunity. None of the representations received in relation to the LDP proposed plan public consultation exercise challenged the designation of the site for residential use. The only representation to the LDP proposed plan to comment on this site was from Scottish Natural Heritage, which asked that the LDP’s requirement for a continuous waterfront path be strengthened to include provision of significant new open spaces located at key points of interest along the path. Irrespective of whether residential development does ever take place, both the existing local plan and the emerging LDP give strong support for the provision of improved public access to riverfront and the creation of new footpaths.

- 7.5** It is therefore considered that in principle the provision of a footpath around this site is to be welcomed, even if public access to it may not initially be available. The provision of a suitably designed high quality footpath around the river edge would undoubtedly make the site more appealing to future residential developers, and even if the site remains in commercial use such a path would be a desirable asset. The site occupies a prominent position and is readily visible from various positions along the opposite bank of the River Leven, and also from Dumbarton Castle, and any improvements to the appearance of the river edge would also be welcomed.

Relationship with Possible Future Development

- 7.6** However, whilst the principle of providing a footpath as enabling development for future redevelopment is to be supported, there are a number of practical difficulties involved in achieving this. In particular, there are no current plans for the layout of any new development on the site, and it is therefore impossible to know how the proposed footpath will relate to any future housing.
- 7.7** An optimal design for redevelopment of the whole site might conceivably have a fully trafficked street along the waterfront, in which case the path and revetment would need to be constructed to a standard which would be strong enough to carry heavy vehicles and would need to incorporate surface drainage infrastructure and service strips. Alternatively, it might be desirable to have a footpath running through a landscaped linear park around the edge of the site, in which case the path may need to be set back from the edge of the revetment. Other possibilities might include a road or path which runs along the edge of the site but which also incorporates some landscaping, such as street trees, at certain locations.
- 7.8** The proposal would provide a continuous 7.2m wide belt of hard surfacing around the whole of the river edge. The proposed method of construction using “ty-blocks” seems likely to be very robust, and would probably be capable of supporting vehicular traffic as part of an adoptable road, however there would be no provision for landscaped areas, surface drainage, service strips or river edge railings, meaning that if these were needed in the future it would be necessary to excavate parts of the proposed path. The proposed surfacing of the path in asphalt is also likely to be robust, but a high quality riverside path would be expected to include more attractive surface materials. Conceivably, such modifications could be significant and costly. A future housing developer may therefore feel constrained by the need to avoid carrying out significant modifications to the path, which could limit their options for the layout of the site and might result in a sub-optimal development.
- 7.9** These concerns have been put to the applicant, who has responded that it is too early to know what layout (or indeed use) might be proposed on the site in the future, and it is therefore not reasonable to expect the current application to take this into account. They have requested that the application be treated as being for a “private footpath on private land” and be considered on its own merits.

Design and Appearance

- 7.10** The path would be of simple tarmacadam surfacing and would be suitable for use as a footpath for any person who is able to access it, although it would not be open to the general public. In the context of the existing uses of the site, with a mixture of commercial uses and landraising works, the functional appearance of the path would not be out of place. The proposed path would therefore be of an appropriate design to be used as a private path surrounding industrial land. However, due to the issues discussed above it is not considered that it would be of an appropriate design for use as part of a development of the site.
- 7.11** The proposal would have minimal impact upon the appearance of the site when viewed from the opposite side of the Leven. The site is presently not particularly attractive due to the nature of its commercial use, which is inevitably somewhat untidy in appearance. Such landraising as would be involved in its construction would not significantly alter the appearance of the site. The proposed fence would be visible, but this would not appear out of place surrounding a commercial site. The path would be seen when looking down on the site from Dumbarton Rock, but it would not be particularly prominent and would not detract from views towards the town.

Flooding and Nature Conservation

- 7.12** The impact of the proposal on flooding and the Inner Clyde Special Protection Area has been assessed as part of the application and neither SEPA or SNH have objected to the proposal. SNH have indicated that the proposal should be undertaken in accordance with the details submitted as part of the Method Statement.

8. CONCLUSION

- 8.1** It is considered that the formation of a new footpath around the river edges would be an essential component of any future redevelopment of this site. In principle, the applicant's proposal to construct such a path is to be welcomed, even if public access to it was not immediately available. However, there are currently no specific plans for the redevelopment of the site and it is therefore impossible to know how the proposed footpath would relate to any future development. The design of the proposed footpath is robust and functional, but is unlikely to be suitable for use as part of a redevelopment of the site without modifications to incorporate landscaping, improved surface materials and/or servicing, which could be extensive. Although the applicant has argued that the proposal should be considered on its own merits with regard to the current use of the site, it is difficult to see the purpose of providing this infrastructure unless it is intended to facilitate future development of some sort. It is therefore considered that the current application is premature, and that allowing the construction of a footpath which would be likely to require significant modification in the future would prejudice the satisfactory redevelopment of the site. Å

9. REASONS

1. The proposal would result in the construction of a footpath the design and materials of which are unlikely to be suitable for use as part of a future redevelopment of the wider site without significant modifications to incorporate landscaping, drainage, service infrastructure and/or alternative surface materials. Accordingly, the application is considered to be premature and the proposal would potentially prejudice the satisfactory redevelopment of the wider site. The proposal is therefore contrary to Policy GD1 of the adopted West Dunbartonshire Local Plan 2010 and to Policies DS1 and BC1 of the emerging West Dunbartonshire Local Development Plan (Proposed Plan).

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Date: 13th May 2014

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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; and
4. Consultation responses.

Wards affected: Ward 3 (Dumbarton)