

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Planning Committee: 19th August 2020

Subject: Application No. DC17/204: Construction of four dwellings at land adjacent to Three Acres, Cochno Road, Hardgate by Mr David Lindsay

1. Purpose

- 1.1** To update the Committee of matters arising in respect of the above application since it was considered at the June 2018 Planning Committee.

2. Recommendation

- 2.1** **Refuse** planning permission for the reason set out in Section 4.5 below.

3. Background

- 3.1** At the meeting of the Planning Committee in June 2018 the Committee was minded to grant planning permission for the construction of four dwellings at land adjacent to Three Acres, Cochno Road. As part of that decision, it was agreed that a developer contribution also be secured towards open space provision in terms of Policy R2 of the West Dunbartonshire Local Plan 2010 and Policy GN2 of the Local Development Plan 1: Proposed Plan (2016) and 'Our Green Network' Planning Guidance. Appendix 1 provides the original report that was presented to the Planning Committee in June 2018.

4. Main Issues

- 4.1** Since June 2018, the developer has been contacted on numerous occasions to pay the outstanding developer contribution of £5400 but this has not been forthcoming. There have been no significant changes to the site characteristics or the proposals. The only new material consideration in the interim is that of Local Development Plan 2 which has been through examination with the Examination Report, modified Local Development Plan 2 and associated documents being presented to the August Planning Committee for authorisation to adopt. The contribution sought was however based on the calculation requirements as set out in 'Our Green Network' Planning Guidance as Local Development Plan 2: Proposed Plan (2018) had not been approved by Planning Committee at the time the Committee made their decision on this application. So it has no material bearing on the consideration of this application.
- 4.2** In order to accord with the Council's 'Our Green Network' planning guidance a developer contribution is required as there is a shortfall of open space within

the site. The developer contribution would go towards the improvement of local open space. In order to comply with the Local Development Plan 1: Proposed Plan (2016) Policy GN 2 and Our Green Network planning guidance, it had been calculated that the required contribution was £5400 and this could be secured through a Section 69 Agreement. A Section 69 Agreement requires the receipt of payment prior to the Planning Authority issuing planning consent. A failing on the developers part to make the required developer contribution would also mean the proposal is contrary to policy GN2 and 'Our Green Network' planning guidance.

- 4.3** There have been numerous email exchanges with the developer over the last 2 years; however, the agent has advised that they are not in a position to pay the developer contribution and that they are keen to investigate alternative arrangements. The alternative to making a developer contribution is to provide sufficient on site open space. Given the sites constraints an increase in on site provision is not possible. Without having provided the necessary on site open space or the alternative developer contribution, the development is not in accordance with the policies of the adopted Local Plan, Local Development Plan 1: Proposed Plan (2016) and 'Our Green Network' planning guidance. Local Development Plan 2 policies cannot be used to determine this application or refuse it as the decision of Committee was based on the adopted Plan and Local Development Plan 1.

- 4.4** It is therefore recommended that planning permission be refused on the following grounds:

"The proposed development fails to provide adequate open space to meet the amenity needs of the future occupants. Furthermore, the applicant has failed to make the necessary developer contributions towards improvements to local open space to deal with the shortfall. The proposal is therefore contrary to adopted Local Plan 2010 policy R2 – Open Space Provision, Local Development Plan 1: Proposed Plan (2016) – Policy GN2 and Our Green Network planning guidance, which sets out the parameters for developer contributions."

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** There are no financial issues associated with this report.

7. Risk Analysis

- 7.1** It was not considered necessary to carry out a risk assessment on the matters covered by this report.

8. Equalities Impact Assessment (EIA)

8.1 There are no EIA implications.

9. Consultation

9.1 None necessary.

10. Strategic Assessment

10.1 There are no strategic implications.

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Date: 19th August 2020

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Appendix: Appendix 1 – Planning Committee Report (DC17/204
June 2018)

Background Papers:

1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan 1 Proposed Plan;
5. West Dunbartonshire Local Development Plan 2 Proposed Plan.
6. 'Our Green Network' Guidance
7. Residential Development Design Guidance

Wards Affected: Ward 4 - Kilpatrick