

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead - Regulatory****Planning Committee: 6th November 2019**

DC19/124: Partial change of use of land and building to specialist vehicle repairs at former Garshake Waterworks site, Garshake Road, Dumbarton by Mr Lenny Donnelly.

1. REASON FOR REPORT

- 1.1** The application is a departure from policy and raises issues of local significance. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site relates to a section of the land associated with the former Scottish Water Waterworks facility. The site extends to approximately 0.4 hectares and is located immediately to the north of where Garshake Road terminates. Vehicular access to the site is taken directly from this road with the access point located on the south west corner of the site.
- 3.2** The site comprises a redundant warehouse building/shed which sits towards the north eastern portion of the site. The building is single storey with a pitched roof and is functional in appearance, treated in timber clad and with a metal roller shutter door to provide vehicular access on its northern elevation. In the centre of the site is an existing bund and a series of water tanks which are partly exposed at ground level. The site and the adjoining land/building is surrounded by perimeter security fencing.
- 3.3** A larger warehouse building and area of similar modified ground is located beyond the northern boundary of the site and whilst this also formed part of the former Garshake Waterworks facility and is also under the applicants ownership, this area is not part of the development site for this particular application. A care home and assisted living accommodation is situated to the south of the application on Garshake Road. Beyond this, the site is surrounded by a mixture of fields and woodland to the immediate west and east. An access road extends along part of the south eastern perimeter of the site with this providing access to a farm steading offset further to the south east.

- 3.4** The development proposed is for a specialist vehicle repair centre (predominantly land rovers). This is an existing business (LWS Engineering) which is currently located in Helensburgh. The applicant has advised that they have outgrown their current premises and that they are seeking to re-locate to this larger site, which will better accommodate their specialist use and business.
- 3.5** The business will operate between 9.30am to 5.30/6.00pm Monday to Friday, 10am to 5.00pm on a Saturday with the business/premises closed on Sundays and public holidays. It is proposed that works to vehicles will primarily take place within the existing building, which is to be internally refurbished to accommodate the use. Part of the land to the west of the workshop building will be used for vehicle parking for both staff and customers, with a total of 8 bays identified for this use.
- 3.6** The proposed workshop facilities and business will not be in general 'public' use. The applicant only undertakes specialist vehicle repairs and any work would be by appointment only. The applicant has outlined that they have capacity to work on up to 6 vehicles at any one time. The existing business has 3 employees excluding the applicant however the business also offers training opportunities and has indicated that they would like to develop this within this site.
- 3.7** The application is partly retrospective with the applicant having already occupied the site. Some vehicles associated with the proposed business are being stored on the land within the site and it is noted that certain internal refurbishment works have already been undertaken to the building.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objections to the proposals.

5. REPRESENTATIONS

- 5.1** Nine letters of representations have been received in response to this application comprising of four letters of support and five letters of objection. A summary of the points raised are as follows:

Objection

- The application area is within the Greenbelt and is contrary to Policy GB1 of PLDP2.
- The application does not fall within any of the restricted uses set out within Policy GB1 of PLDP2 and on principle should not be supported.
- The application is contrary to Policy E8 of the Adopted Plan, which seeks to protect the local area from unsuitable redevelopment of vacant sites. The development will compromise this.

- The application is contrary to Policy BC3 of the Adopted Plan, which seeks to protect buildings which are not listed but which contribute to the character of a townscape.
- There are various urban, industrial and brownfield sites outwith the Greenbelt that would be better suited for this development.
- Regular flow of large vehicles to and from the site with associated road safety issues for pedestrians (including walkers, cyclists and horse-riders) and noise from the repair yard and buildings would be detrimental to the peaceful countryside environment.
- The new Dumbarton cemetery will be compromised by the noise, frequency and possible pollution from the development activities.
- The development site is close to a unit of 8 cottages which form a care home and support and assisted living facility for young people and those with additional needs and this would also be disadvantaged by the activity associated with the development.
- The applicant is already operating from the site and using it as a storage yard without the benefit of planning permission.
- Absence of specific details regarding the nature of the business including staffing and hours of operation which could impact residential amenity.
- The site has capacity for up to 40 car parking spaces and this will allow the applicant to expand the business with no restriction.
- Since acquiring the site, the applicant has failed to secure it and anti-social activity has increased since they have occupied the site.
- Noting the sites proximity to areas of woodland, the application should be accompanied by an environmental statement and ecological survey.
- The development will exacerbate traffic activity and impact road safety with these issues already prevalent in the area in terms of inappropriate on street parking and use of privately owned roads to access various premises.
- Fires have been started on the site and the black toxic smoke emanating from this has a significant impact for residents in the surrounding area.

Support

- Re-development of a vacant and redundant brownfield site is positive for the surrounding area.
- Proposal represents a modest and proportionate business, which will regenerate disused brownfield land.
- Continuation of the site in its current condition is not sending an appropriate message for any future businesses looking to locate within the area.
- Unless there are plans to re-use or reinstate the site as a waterworks, there is no other better use for the site particularly noting the length of time that it has lay vacant and derelict for.

- The land whilst designated, as Greenbelt by the local plans is fundamentally brownfield land and weight should be placed on this.
- The applicant through the business is securing this derelict site and building and reducing the ability for anti-social activity on the site to occur.
- The applicant requires the site to allow them to support the ongoing operation of the business.
- The current business offers employment to 3 members of staff and supports the training and development of young people interested in car repairs and the fact that this is intended to be continued should this permission be granted is positive.
- Regeneration of this dis-used brownfield site is filling the gap in the local requirement for repair and restoration of vehicles used for farm/forestry and horticultural activities in an existing workshop building will be of benefit to the area.
- The proposals represent economic investment into the site, which should be supported.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** Policy GD1 is an overarching policy and is applicable with a requirement that all new development to be of a high quality design and respect the character and amenity of the area it is to be located. 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.
- 6.2** Policy LE3 requires that proposals for industrial, business and warehousing developments which are proposed on sites outwith those designated for such uses require justification. This justification must demonstrate that the use could not be accommodated on other available industrial/business sites, that it will have significant overall economic benefits and that there will be no significant undesirable impacts on landscape and amenity or major infrastructure implications as a result of it. It must also be accessible to public transport, walking and cycling routes. Noting the proposal is for a business use, the applicant has provided a site assessment within their supporting statement, which is considered fully in the Section 7 below.
- 6.3** Policy E8 encourages the rejuvenation and restoration of identified sites. The proposed site is specifically identified in Schedule E8 as it is presently a vacant, derelict, underused site, which has opportunities for environmental improvements. This policy acknowledges the serious dereliction of the site and gives recognition within it. It sets out proportionate aspirations for the redevelopment of the site in the form of low-density development or through the re-use of existing buildings. The proposal is considered to meet with the spirit of these aspirations.

- 6.4** The site is also within designated Greenbelt and therefore Policy GB1 is relevant. It presumes against development in the Greenbelt except for certain types of development, including where there is a specific locational requirement and established need for the development and it cannot be accommodated on an alternative site. Development will not be permitted which would have an adverse effect on the landscape character of the local area. The proposal is considered to be contrary to this policy as it cannot be justified against the above criteria and therefore would result in a departure from this policy. This is considered further 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 specific identified uses and opportunities such as housing, agriculture, horticulture, forestry, leisure and tourism uses or relate to the appropriate re-use of existing buildings which it is desirable to retain for their local significance or historic or architectural character, and infrastructure with a specific locational need. 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. The proposed use does not meet with any of the specific criteria of the policy and is therefore considered to be contrary and would represent a departure from this Plan.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.3** On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.
- 7.4** Policy GB1 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 does not accord with any of the criteria within this policy and is therefore considered to be contrary and would result in a departure from the Local Development Plan.

Principle of Development

- 7.5** The site historically formed part of a waterworks facility which has lain vacant and empty since 2007. From its closure until relatively recently, the site has been open and unmanaged and this has allowed it to be subject to anti-social behaviour which has further contributed to the significant deterioration of the site.
- 7.6** From review of the site in terms of its current condition, appearance and features it is not considered to represent land, which would ordinarily be associated with the typical qualities of that of greenbelt. The grouping of former waterworks buildings, infrastructure such as the water tanks and the modified ground give the area an industrial appearance and character, which does not contribute to the landscape setting or to the attractiveness of the wider greenbelt. In this regard, it is not considered that the site requires safeguarding and protection (which are the common policy aspirations for greenbelt land) but instead it warrants regeneration, re-development and investment, which is specifically required by Policy E8 of the Adopted Local Plan.
- 7.7** Although the site is within the greenbelt and is subject to assessment against the greenbelt policies within the three development plans; cognisance is given to the fact that this site is a brownfield site in need of regeneration. The reuse of brownfield land in preference to greenfield land is strongly supported in the strategies of all three development plans and also more broadly within Scottish Planning Policy.
- 7.8** Even though a site specific locational need has not been fully justified for this business and industrial development, significant weight should be given to the fact that the proposal is regenerating and redeveloping brownfield land in preference to greenfield land. In particular, albeit not specifically allocating the site for business industrial uses, Policy E8 of the adopted local plan supports the re-development and regeneration of this site.
- 7.9** Therefore, the proposal is considered to be line with these requirements and on this basis can be considered as an acceptable departure to all three development plans in relation to development in the greenbelt. The sites condition and its status as brownfield land represents a significant material consideration in this instance with the proposal to regenerate a derelict site and former industrial building to facilitate the expansion of an existing business. It is therefore considered, in this instance, that the above justification and reasoning outweighs the criteria contained within the greenbelt policies of the three development plans.

Visual Amenity

- 7.10** The general occupation of the site is viewed positively and it is considered that the proposals will be of benefit for both the site and the surrounding area noting its longstanding condition. The perimeter fencing has secured the site compound and a physical presence and activity on the site will ensure a level

of surveillance, reducing the potential for unauthorised access and anti-social behaviour to occur with this being issue that has hampered the site and contributor to its dereliction since its closure some years ago.

- 7.11** As part of the proposals, landscaping and planting is proposed along part of the south and south western boundary of the site to screen the site where it is more open from certain viewpoints on Garshake Road. This will also be of benefit to the wider redevelopment of the site with the area chosen to help to screen the proposed parking area associated with the business. This matter can be addressed by a planning condition.
- 7.12** Generally, the proposal will involve the cleaning, repair, refurbishment and reuse of a derelict building and site and will therefore result in significant environmental improvements to the area. Subject to appropriate conditions, it is not considered that there will be any significant or adverse impact on the landscape character of the area and the purpose of the greenbelt at this location will not be undermined by the development. Whilst the proposals and investment within the site will not comprehensively redevelop the site, it is considered that they will have a positive effect for the site and the surrounding area and the occupation and re-development of the site for such purposes is considered to be supported on this basis.

Residential Amenity

- 7.13** The supporting information submitted as part of the application provides details regarding the nature and operation of the business and accounts for matters such as staffing, customers, hours of operation, parking arrangements and operational activities and processes. The hours of operation and the use of the premises as a specialist car repair business can be controlled and maintained through appropriate planning conditions. This is considered to be sufficient to ensure that the residential amenity of any nearby receptive properties or uses is not compromised by the use.
- 7.14** Whilst particular concerns have been raised in some of the objections around the opportunities for expansion catered for by the relatively large curtilage around the building, noting the presence of both the existing bund and the historical water tanks within the site, this partly reduces the availability of space for parking and other activities associated with the use. It is considered that the development can be accommodated for within the site without significantly or adversely impacting upon the surrounding locality. It is also considered that the proposed use can be compatible with the surrounding area without compromising surrounding residential amenity.

Parking, Road and Traffic Matters

- 7.15** The proposed use and business will utilise the existing and historical access to the site. Parking is to be provided within the site boundary in a designated area. The Council's Roads Service have confirmed that they have no objections with both the access and the parking arrangements for the site sufficient to accommodate for the proposed use. Furthermore, they have

raised no issues with regards to additional vehicle activity on the surrounding road network.

Ecology Considerations

- 7.16** Certain points made in the representations received have questioned the absence of an ecological assessment to consider the potential for the building within the site to accommodate for bats. In response to this, the applicant has appointed a qualified ecologist to carry out a preliminary risk assessment of the building within the site.
- 7.17** Noting the design and condition of the building (hollow single-skinned metal shed) and given that no external alterations are proposed as part of the development (to change its make up), the assessment undertaken has concluded that the building generally lacks the necessary features commonly required by roosting bats to provide an environment in terms of shelter, noise, temperature and security.
- 7.18** Whilst this provides confirmation that the building is of low suitability and risk to accommodate bats, recommendations are made by the ecologist that internal modifications are undertaken under the requirements of a bat-related method statement with the necessary supervision of a licensed bat worker. This matter can be addressed as a planning condition.

8. CONCLUSION

- 8.1** The proposal will result in the regeneration and partial re-development of the former waterworks site, which has lain empty and unused since 2007. Whilst the proposed specialist vehicle repair business is not fully supported by greenbelt policies, it is considered a departure from these policies can be justified as the land constitutes a vacant and derelict brownfield site, of which its reuse is particularly supported by Policy E8 of the adopted Plan and the strategies of the two Local Development Plans.

9. CONDITIONS

- 1. The premises and site shall be used as a specialist vehicle repair business/facility only as detailed in the submitted and approved planning supporting statements (dated: 27/06/19 and 08/10/19 respectively, MH Planning Associates) and for no other purpose (including any other purpose in Class 5 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997(as amended) or any future order enactment unless otherwise agreed in writing by the Planning Authority.**
- 2. The business hereby approved shall operate only between the hours of 0930hrs to 1800hrs Monday to Friday, 1000hrs to 1700hrs on a Saturday with no working on a Sunday or West Dunbartonshire Public Holidays unless otherwise agreed in writing by the Planning Authority.**

3. Within 1 month of the date of this consent and further to approved Drawing '2019_0043-01 (Site Plan Revision B)', details of the landscaping arrangements proposed along part of the southern and south western boundary of the site shall be submitted to and approved in writing by the Planning Authority. The approved landscape arrangements shall be implemented within a timescale agreed with the Planning Authority and shall remain in force for the lifetime of the development. No subsequent alterations to the landscape arrangements shall take place unless first approved in writing by the Planning Authority.
4. No further physical internal or external refurbishment and modification works to the building within the site shall be undertaken until a 'Bat-Related Method Statement' is submitted to and approved in writing by the Planning Authority. This method statement shall stipulate for a requirement for a licensed bat worker to be present on site for the duration of any such physical internal or external refurbishment and modification works to be undertaken to the building on the site. Once approved, the applicant shall secure the implementation of the approved Bat-Related Method Statement which shall incorporate the recommendations and measures set out therewithin. It shall remain in force the duration of any such physical internal refurbishment and modification works to be undertaken to the building on the site until such works are completed in full.

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Date: 6th November 2019

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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. Scottish Planning Policy (SPP)
6. Consultation responses
7. Representations

Wards affected: Ward 3 (Dumbarton)