

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 25 June 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

Grant planning permission subject to the conditions 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** The applicant has explained that the proposed path is intended for the dual purpose of providing a tidy finish to the top of the revetment, and providing an improved pedestrian route around the site. Although there is currently no formal public access to the waterfront within the site, there is informal access and people regularly walk along the top of the revetment, to which the applicant does not object. Although the path would be accessible by the public it would remain in private ownership and is not proposed to offer it for

adoption. 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 is required 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. If the path was intended to be offered for adoption by the Roads Authority, then it would be necessary for it to connect with Woodyard Road. However, this 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 formal public access to the path is not currently proposed, the application would allow improved informal access and would provide infrastructure for future public access to the riverside as part of any future redevelopment of the site. The proposal 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. The design of the proposed footpath is considered in Section 7 below, and it is considered that it would be appropriate for its intended purpose and capable of being adapted to serve any future redevelopment of the site.

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 reserved for housing 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, and it is concluded that the proposal would comply with Policy DS1.

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 to tidy the appearance of the edge of the site as well as to provide improved facilities for informal public access. 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, and 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 take place, both the existing local plan and the emerging LDP give strong support for the provision of improved public access to the 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 is currently only on an informal basis. The provision of a suitably adaptable footpath around the river edge would also make the site more appealing to future residential developers. 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** Although there are no imminent plans for redevelopment of the wider site, it is desirable to ensure that any new infrastructure installed on the site is capable of being adapted to serve future development. As there are no current plans for the layout of any new development on the site it is therefore impossible to know exactly how the proposed footpath would relate to any future redevelopment. However it seems certain that any new development would incorporate a footpath or road around the edge of the site.
- 7.7** 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” and tarmacadam is likely to be very robust, and should be capable of supporting vehicular traffic as part of an adoptable road, but it is likely that it would require to be modified in order to serve a new development, to incorporate surface drainage infrastructure, service strips, landscaped areas and alternative surface treatments. The applicant acknowledges this fact, but has explained that the proposal is not intended to provide a finished footpath for any as-yet unplanned long-term redevelopment proposal. If redevelopment does take place, the proposed footpath would provide a useful base for whatever river-edge treatment was then proposed. The ty-block base would not inhibit excavation of the road to install infrastructure, landscaping or a quality finishing surface. It is therefore considered that the proposal would not impact adversely upon the site’s capacity for redevelopment in the future.

Design and Appearance

- 7.8** The path would be of simple tarmacadam surfacing and would be suitable for use as a footpath. 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, and it would provide a tidier and more finished appearance to the top of the existing revetments. The proposed path would therefore be of an appropriate design and appearance for its intended purpose.
- 7.9** 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. 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.

Nature Conservation

- 7.10** The proposed works would be adjacent to the Inner Clyde Special Protection Area (SPA), which is of international importance as a habitat for overwintering redshank, and which is also a Site of Special Scientific Interest (SSSI). Whilst the proposed works are within 300m of the SPA and the works are expected to take place throughout the full year, the redshank in this area are likely to already be habituated to a degree of human activity and are therefore not likely to be disturbed by the relatively modest amount of additional human activity and machinery involved in this proposal (estimated in the applicant's method statement to be at most 4 or 5 workers and one excavator at any time). The applicant has indicated that no additional plant or machinery would be brought onto the site beyond those which are already operated thereon, and no works would be carried out to the coastal edge / sea wall. Once the footpath is completed it may give rise to an increase in use by pedestrians, but it is not likely that this would cause disturbance to the birds. Therefore, it is considered that the proposal would not give rise to any adverse impact upon the SPA, or the SSSI interests. Scottish Natural Heritage has advised that they have no objection to the proposal subject to compliance with the applicant's method statement.

Flooding

- 7.11** The proposal would involve the raising of the freeboard of part of the site (where the current ground level is 4.5m AOD), but as the whole of the site is already above the 1 in 200 year flood level this would not give rise to any significant impact upon flood storage capacity. SEPA have therefore advised that they have no objection to the proposal.

8. CONCLUSION

- 8.1** It is considered that the formation of a new footpath around the river edges would be a desirable feature in its own right, as well as being an essential component of any future redevelopment of this site. The path would be of appropriate design and appearance for its intended purpose, and would be suitable for adaptation to be incorporated into any future redevelopment. The proposal is therefore consistent with all relevant policies.

9. CONDITIONS

- 1. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 2. The total number of heavy vehicles depositing material to this site and in conjunction with any other planning consent at Sandpoint**

Marina shall be limited to a maximum number of 60 vehicles per day.

3. Prior to the commencement of works, full details of the design and location of the fence to be erected on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented as approved.
4. No additional waste material shall be imported onto the site and deposited for use as part of this development.
5. The development shall be undertaken in accordance with the method of operations described in the letter submitted by Daly Planning & Design dated 21 February 2014 unless otherwise approved in writing by the Planning Authority.

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Executive Director of Infrastructure and Regeneration
Date: 9 June 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)