

Agenda



Planning Committee

Date: Wednesday, 8 February 2023

Time: 10.00 a.m.

Venue: Civic Space
16 Church Street, Dumbarton

Contact: Email: Nicola.moorcroft@west-dunbarton.gov.uk
Committee.admin@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)
Councillor Gurpreet Singh Johal (Vice Chair)
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Daniel Lennie
Provost Douglas McAllister
Councillor June McKay
Councillor Chris Pollock
Councillor Hazel Sorrell
Councillor Sophie Traynor*

* Member of the Committee with effect from 2 February 2023

All other Councillors for information

Date of Issue: 26 January 2023

PLANNING COMMITTEE
WEDNESDAY, 8 FEBRUARY 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 – 9

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 14 December 2022

4 NOTE OF VISITATION 11 – 12

Submit, for information, Note of Visitation carried out on 12 December 2022.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

6 PLANNING APPLICATION 13 – 22

Submit report by the Planning, Building Standards and Environmental Health Manager, in respect of the following planning application:-

**DC22/184/FUL - Erection of double garage at 3 Kirkton Grove,
Dumbarton G82 4BF, by Mr J Lafferty**

7 PLANNING PERFORMANCE FRAMEWORK 2021-22 23 – 31

Submit report by the Planning, Building Standards and Environmental Health Manager, informing of the recent comments received from the Scottish Government regarding the Planning Performance Framework submitted by the Council for 2021-22.

**8 PLANNING APPEAL DECISION - PLANNING APPLICATION 33 – 35
DC22/096/FUL - CHANGE OF USE TO ALLOW FITTING OF
TYRES TO MOTOR VEHICLES TOGETHER WITH
ASSOCIATED WORKS (RETROSPECTIVE) ON LAND
ADJACENT TO THE PUBLIC HOUSE, DUMBARTON ROAD,
DUNTOCHER, CLYDEBANK.**

Submit report by the Planning, Building Standards and Environmental Health Manager, advising of the outcome of the appeal to change of use to allow fitting of tyres to motor vehicles together with associated works at the above address.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Civic Space, 16 Church Street, Dumbarton, on Wednesday, 14 December 2022 at 2.00 p.m.

Present: Councillors Karen Conaghan, Ian Dickson, Gurpreet Singh Johal, June McKay, Lawrence O'Neill, Chris Pollock and Hazel Sorrell.

Attending: Alan Williamson, Team Leader, Development Planning and Place; James McColl, Acting Development Management Team Leader; Nigel Ettles, Section Head – Litigation (Legal Officer); and Nicola Moorcroft, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Diane Docherty and Daniel Lennie.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 16 November 2022 were submitted and approved as a correct record, subject to the addition of Councillors Karen Conaghan and Lawrence O'Neill and the removal of Councillors Ian Dickson, Diane Docherty, June McKay and Chris Pollock, from the attendance list for Note of Visitation carried out on 10 October 2022.

NOTE OF VISITATION

A Note of Visitation carried out on 14 November 2022, a copy of which forms Appendix 1 hereto, was submitted and noted.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATION

A report was submitted by the Planning, Building Standards and Environmental Health Manager – in respect of the following planning application:-

DC22/088/LBC – Demolition of Category B Listed Building (Former Exciseman’s House), at Former Exciseman’s House Dumbarton Road, Bowling G60 5BQ by Swan Group.

Reference was made to a site visit, which had been undertaken in respect of the above application. After discussion and having heard the Acting Development Management Team Leader, in further explanation and in answer to Members’ questions, the Committee agreed to grant listed building consent subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

REVIEW OF PLANNING ENFORCEMENT CHARTER

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking approval for the updated Planning Enforcement Charter.

After discussion and having heard the Acting Development Management Team Leader in further explanation, and in answer to Members’ questions, the Committee agreed to approve the updated Planning Enforcement Charter.

DEVELOPMENT PLAN UPDATE

A report was submitted by the Planning, Building Standards and Environmental Health Manager, providing an update on the development plan position in West Dunbartonshire and seeking approval for the 2022 Development Plan Scheme and Participation Statement.

After discussion and having heard the Team Leader, Development Planning and Place, in further explanation and in answer to Members’ questions, the Committee agreed to approve the Development Plan Scheme and Participation Statement.

INTRODUCTION OF FEES FOR PRE-APPLICATION ADVICE AND OTHER DISCRETIONARY FEES, EXEMPTIONS, REDUCTIONS AND SURCHARGES

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking approval for the introduction of fees for the provision of

pre-application planning advice to prospective developers and householders and for the introduction of other discretionary charges, exemptions, reductions and surcharges.

After discussion and having heard the Team Leader, Development Planning and Place, in further explanation, and in answer to Members' questions, the Committee agreed, subject to decision at Council on 21 December 2022,;-

- (1) to the introduction of discretionary charges for providing pre-application advice, non-material variations, written confirmation of compliance/discharge of conditions, and exemptions as set out in Appendix 1 of the report, to come into effect on 1st February 2023; and
- (2) that a surcharge of 25% be imposed on all retrospective planning applications to come into effect from 1st February 2023.

The meeting closed at 2.31 p.m.

DRAFT

PLANNING COMMITTEE

NOTE OF VISITATION – 14 NOVEMBER 2022

Present: Councillor Gurpreet Singh Johal

Attending: Pamela Clifford - Planning, Building Standards and Environmental Health Manager and James McColl - Acting Development Management Team Leader

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

Landfill Site, Auchencarroch Road, Jamestown, Alexandria G83 9EY

DC20/253 - Amendment to Condition 1 of planning permission DC07/233/FUL to extend the time of the approved landfilling operation and restoration by 15 years.

DC22/088/LBC – Demolition of Category B Listed Building (Former Exciseman’s House), at Former Exciseman’s House Dumbarton Road, Bowling G60 5BQ by Swan Group.

GRANT listed building consent subject to the following conditions:-

1. That prior to the commencement of any demolition works on site, full details of the methods for the assessment, sorting and retention of the stone from the building to allow future re-use shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved and all stone retained unless otherwise agreed in writing by the Planning Authority.
2. No stone from the building shall be removed from the site regardless of condition without the prior written agreement of the Planning Authority.

DRAFT

PLANNING COMMITTEE

NOTE OF VISITATION – 12 DECEMBER 2022

Present: Councillor Ian Dickson

Attending: James McColl - Acting Development Management Team Leader

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

Former Exciseman's House Dumbarton Road, Bowling G60 5BQ

DC22/088/LBC – Demolition of Category B Listed Building (Former Exciseman's House), at Former Exciseman's House Dumbarton Road, Bowling G60 5BQ by Swan Group

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 8th February 2023**

**DC22/184/FUL: Erection of double garage at no. 3 Kirkton Grove,
Dumbarton by Mr J Lafferty****1. REASON FOR REPORT**

- 1.1** An elected member has requested the application to be determined by the Planning Committee and this has been agreed in conjunction with the Convenor of the Committee and the appointed officer. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1** The application site comprises a detached dwellinghouse which is located in the area known as Kirktonhill, which is designated as a Conservation Area. The central part of the immediate area surrounding the property is Islay Kerr House. The building historically accommodated some of the boarding pupils of the nearby Keil School, whose founder, William Mackinnon was a friend of Islay Kerr. In the recent past Islay Kerr House was used as a nursing home and was then converted to flats, while the grounds were subdivided to form smaller plots for several new detached dwellinghouses, including the application property. No. 3 Kirkton Grove is a modern residential property with a variety of detached dwellinghouses of a similar design adjacent to the property. The plot is well screened by mature trees and a fence, with additional screening afforded by the adjacent property at no. 2 found north of the application site. The plot benefits from a sizable driveway and grassed areas, with some vegetation and trees present. Within the curtilage to the north-western corner is an existing garage which presently is being converted to ancillary living accommodation/annex to the existing house, previously permitted through planning permission DC20/063. A condition, the wording of which was

adjusted via the granting of a further planning permission (ref: DC21/252/FUL), ensures that this building is occupied in conjunction with the main house, and not as a separate dwellinghouse.

3.2 Planning permission is sought to construct a double garage at the above property.

- The proposed building would have a rectangular footprint of 36sqm within the rear curtilage of 600sqm against 226sqm footprint of the host property and 37.5sqm of the previously approved annex structure. The proposed structure would be used as a garage for two cars and associated storage and it would face onto the existing driveway. A gap of 1m between the rear elevation and the boundary with no. 15a Helenslee Rd to the west would be retained. A gap of 2m between the northern gable elevation and the previously approved ancillary structure would be retained. The garage will have a pitched roof to a height of 4.3 metres and eaves height of 2.2m.
- The principal elevation would feature a single garage door with the remaining elevations kept blank.

4. CONSULTATIONS

None required

5. REPRESENTATIONS

5.1 Three objections have been received from three adjacent residents in response to the application. The detail of each submitted representation is available in the electronic planning file for the application and available for public viewing. However, the concerns raised can be summarised as follows:

- Impact on privacy and overlooking of the adjacent properties.
- Noise during use of the proposed structure.
- Construction noise during development of the proposed structure and the ongoing development of the previously approved ancillary structure.
- Overshadowing impact on the adjacent properties.
- Visual impact of the development and the application site on the character of the Conservation Area.
- Impact on trees.
- Overdevelopment of the plot increasing the density of the locality.
- Concern over possible change of use of the structure and connecting it with the adjacent annex to form a new separate dwelling in the future on the basis of the close proximity between the two structures.

- The current proposal and the relationship with proposals previously granted planning permission are unclear.
- Drainage issues may occur.
- There may be an impact on public greenspace in the area.
- Wildlife may be affected.
- The value of the surrounding properties will be impacted upon.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

6.1 Policy GD1 of the Local Plan seeks to ensure that ensure that the value of the historic and natural environment is recognised and not devalued or threatened by the proposal. This policy also seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design is highlighted. Policy H5 advises that the character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced and Policy BE1 seeks to ensure that no works adversely affect the appearance and character of the Conservation Areas.

6.2 It is considered that the proposal is of an acceptable design and scale. The development would be of domestic use and would remain ancillary to the existing dwellinghouse. While positioned closely to the north-western corner of the plot and the previously approved living annex, within the wider context of the remaining undeveloped curtilage the development of the overall plot would remain on appropriate levels. The position of the development ensures that its impacts on the amenity of the immediate surroundings and the wider area remains on acceptable levels. The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

National Planning Policy

7.1 Revised Draft National Planning Framework (NPF) 4 was approved by the Scottish Parliament on 11th January with Scottish Ministers indicating the intention for NPF4 to be adopted and published on 13th of February 2023. Policy 7 addresses proposals affecting historic assets setting out that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy 14 advises that development proposals will be supported where they are consistent with the six qualities of successful places and specifically sets out that development proposals that are poorly designed, detrimental to the amenity of the

surrounding area or inconsistent with the six qualities of successful places, will not be supported.

- 7.2** It is considered that the proposal meets with the relevant policies of the Revised Draft NPF4 policy. The development would have a limited effect on the Kirktonhill Conservation Area as the overall character and appearance of the Conservation Area and its setting would remain preserved due to the limited and subordinate scale and secluded location within the wider Conservation Area. The proposal is considered to be well designed in a style reflective of the host property and is placed subordinately in relation to it. The domestic character of the proposal and its location within the plot is not considered to be detrimental to the amenity of the surrounding area.

Historic Environment Scotland's Policy and Guidance.

- 7.3** Historic Environment Scotland's Historic Environment Policy for Scotland seeks to ensure that changes to specific assets and their context are managed in a way that protects the historic environment.

- 7.4** Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note series provides advice and guidance to Planning Authorities determining applications which affect the historic environment, including Conservation Areas. The guidance note on 'Setting' advises that setting can be important to the way in which historic structures or places are understood, appreciated and experienced, and provides guidance on factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Overall, it is considered that the principle of the erection of a domestic garage within a rear curtilage does not conflict with the aims of Historic Environment Scotland Policy and Guidance which seek to preserve the historic environment.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.5** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18th December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of these applications is affected by the Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 7.6** Policy CP1 of LDP2 seeks to ensure that all development contributes positively to the historic environment. Policy H4 sets out that that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all time. The Policy goes on to set out a general presumption against outbuildings within the curtilage which would have significant adverse impact upon neighbouring properties,

including but not limited to overshadowing, overlooking, overbearing, insufficient parking and the character and appearance of the area. Policy BE3 advises development that would harm the character or appearance of a Conservation Area will not be permitted. New development within or affecting a Conservation Area should be of a high standard of design and enhance the character of the area, and should have regard to the Conservation Area Appraisal for that area.

- 7.7** It is considered that the proposal meets with the relevant policies of the proposed LDP2. The development is not considered to have a negative effect as the overall character and appearance of the conservation area and its setting would remain preserved due to the limited and subordinate scale and secluded location of the development within the wider Conservation Area. The proposal is considered to be well designed and is in keeping with the design of the host property and the surrounding houses and is placed subordinately in relation to the host property, thus preserving the residential character of the neighbourhood. The proposed garage would not have significant adverse impact upon neighbouring properties, including matters such as overshadowing, overlooking, overbearing, parking or the character and appearance of the area.

Principle of Development

- 7.8** The site is located within a residential area as defined by the adopted Local Plan and proposed Local Development Plan 2. Overall, the area is residential in character with a mix of recent modern and more historic properties. Within the former Islay Kerr House grounds and when compared to some of the nearby plots, no. 3 Kirkton Grove benefits from a sizable curtilage which is well screened. The provision of ancillary buildings within curtilages of dwellinghouses, including in historic areas and those protected through the Conservation Area designation is commonplace. Historically, dwellings in Kirktonhill would benefit from stables, washhouses and other structures ancillary in character. In this instance, it is proposed to provide a garage to serve the existing property. While the site benefits from a driveway located within the front and partially the rear curtilage, it is understandable that weather-tight storage for vehicles and other domestic items may be desired, particularly given the ongoing conversion of the previously erected garage. The placing of the proposed garage next to the existing outbuilding cannot be considered to be a clustering of ancillary structures at this location, as the placing of the proposed garage at the end of the driveway, away from the principal elevation of the host property and near its rear entrance is a logical choice, which is appropriate in the context of the site. In principle, the proposed garage is considered to be acceptable in the context of the wider Kirktonhill Conservation Area.

Design and Appearance

- 7.9** The Kirktonhill Conservation Area Appraisal seeks to ensure that new development accord with the prevailing pattern of development, including scale and massing, the setting of existing buildings is not impinged upon and new development utilises high quality materials. The development, which would consist of detached garage, is of a style similar to that of the host property and would feature a pitched roof, which is considered appropriate. The proposed structure is considered to be of an appropriate scale and massing and remains subordinate to the host property while also replicating the design style of the previously approved annex structure. Whilst external materials are not specified, it is expected that these will complement the existing house and Conservation Area and this matter is addressed by condition to ensure an appropriate finish and palette of materials. Considering the level of development, the combined footprint of the proposed and the existing structures within the rear curtilage amounts to a little over the tenth of the footprint of the rear curtilage and about a third of the footprint of the host property. The proposal itself and the cumulative impact of the development at no. 3 Kirkton Grove cannot be considered to be overdevelopment and is an acceptable addition to the Conservation Area. Overall, it is not considered that the development as proposed and if delivered in finishes and materials reflective of the host property would harm the character or appearance of Kirktonhill Conservation Area.

Impact on Residential Amenity.

- 7.10** Careful consideration requires to be given to a range of matters including the overall impact on residential amenity in relation to privacy, overlooking, overshadowing and overdevelopment. It is not considered the provision of a garage at this location will impact these negatively. The screening of the site and the location of the proposed garage within the plot mean that there would not be any impact on the surrounding properties in relation to privacy and overlooking due to no new windows being created and the intended use of the structure as parking and storage, which would not impact the same way as a main living area or, for example, a patio or decking. Similarly, the screening of the proposed structure along with the location of the plot would mean a very limited visual impact on the character of the immediate vicinity and the wider Conservation Area. In terms of overshadowing, given the massing of the existing house on the plot to the south of the proposed structure and the current presence of mature trees along the northern boundary, it is not considered that the proposed garage would result in an adverse impact in terms of overshadowing to neighbouring properties beyond the established position. There is nothing to suggest that the use of the proposed garage would result in any noise or disturbance beyond that typically expected from a domestic setting. Whilst it is accepted a degree of noise and disturbance may occur during construction, this cannot be a determining factor. Overall, it is considered that the proposal presents

no conflict with Policies GD1 and H5 of the adopted Local Plan and Policies H4 and CP1 of proposed Local Development Plan 2.

Representations Received

- 7.11** Turning to the outstanding points raised in the objections received, a variety of concerns have been raised.

Concern is raised over possible change of use of the structure currently proposed and the possibility of connecting it with the adjacent annex to form a new separate dwelling in the future. This issue has been raised on the basis of the close proximity between the two structures. The application requires to be assessed as submitted and any future proposals would be considered should they be brought forward in a planning application.

Considering the concerns raised that the plans submitted do not reflect the presence of the previously approved ancillary structure, both the submitted location and block plans show the structure in question. The submitted application is also clearly for a new garage and this is clear from both the application form and submitted plans and drawings.

There is nothing to suggest that the development of a domestic garage would adversely impact upon drainage within the wider area. Impact on public greenspace in the area has also been raised in the objections; private gardens and public greenspaces are separate types of space, and it is not considered that the proposal impacts on the former in any way. The application site comprises an existing house and garden and is not located within an area designated as one of additional protections over wildlife or vegetation and in any case the development hereby proposed would be erected over an already developed area of hardstanding rather than a 'greenfield' site. The proposed construction would not result in management or removal of trees within the Tree Preservation Order which applies in this part of Kirktonhill – as such, there is no impact on of natural habitats, tree protection or other environmental matters. Finally, property value is not a planning matter.

8. CONCLUSION

- 8.1** The proposed development will have a limited and managed effect on the residential amenity and character of the neighbourhood and the established Conservation Area while allowing for reasonable development of the domestic curtilage of a dwellinghouse. The proposal is considered acceptable with reference NPF4, the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan 2.

9. CONDITIONS

1. That prior to the commencement of works on site, full details of all proposed external finishing materials, including roofing materials, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise agreed in writing by the Planning Authority.
2. The ancillary structure hereby approved shall be used solely for domestic ancillary purposes as a garage and storage by occupier of 3 Kirkton Place, Dumbaron. For the avoidance of doubt, this domestic ancillary structure may not function, be used or be sold as an entirely separate dwellinghouse or commercial premises.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 8th February 2023

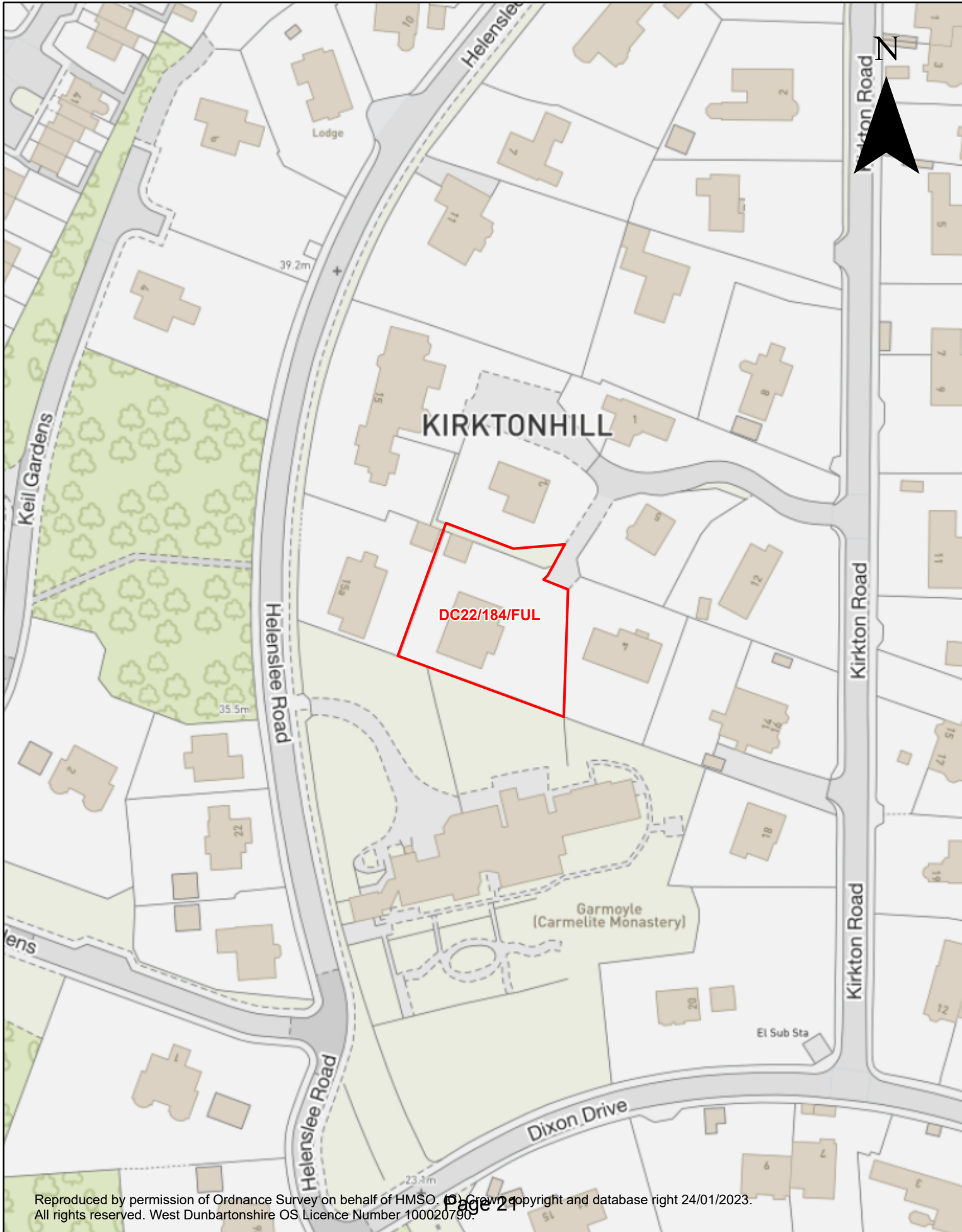
Person to Contact: Pamela Clifford, Planning & Building Standards Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Location Plan

Background Papers:

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 2 Proposed Plan;
4. Revised Draft National Planning Framework 4
5. Historic Environment Scotland's Historic Environment Policy for Scotland
6. Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Setting
7. Kirktonhill Conservation Area Appraisal
8. Representations.

Wards affected: Ward 3 – Dumbaron



WEST DUNBARTONSHIRE COUNCIL**Report by the Planning, Building Standards and Environmental Health
Manager****Planning Committee: 8th February 2023**

Subject: Planning Performance Framework 2021-22**1. Purpose**

- 1.1** To inform the Committee of the recent comments received from the Scottish Government regarding the Planning Performance Framework submitted by this Council for 2021-22.

2. Recommendations

- 2.1** That the Committee notes the content of this report and the comments received from the Scottish Government.

3. Background

- 3.1** This year the annual Planning Performance Framework (PPF) was submitted to the Scottish Government in September 2022, with an extension of time given to all Councils due to a delay in the issuing of national statistics. The feedback on individual Planning Performance Reports was received from the Scottish Government in December 2022. The Scottish Government have assessed the Planning Performance Framework against a set of performance markers and it is seen as a measure of continuous improvement. The Performance Markers give an indication of good performance, good practice and help to identify priority areas for improvement action. This year, a peer review of the Planning Performance Framework was undertaken with Aberdeen City Council. This was undertaken online over 2 days in November 2022.

4. Main Issues

- 4.1** The PPF report outlined our performance and demonstrated our achievements, actions and improvements in 2021-22. This year we presented the Planning Performance Framework in an online storymap format (<https://storymaps.arcgis.com/collections/5844998c7c77438186a9f018616dea8c8>). The structure and format of the report remained consistent from previous years focused on defining and measuring a high quality planning service and assessed through quality of outcomes, quality of service and engagement, governance, and culture of continuous improvement. The Framework report

included case studies in order to showcase good performance, good practice and the use of innovative ideas.

- 4.2** The Minister for Public Finance, Planning and Community Wealth (Mr Tom Arthur) in the feedback report recognised that the reporting period continued to present challenges for people working within planning, in the development sector and across Scotland's communities. Performance had remained relatively stable and that this is testament to the hard work and flexibility of authorities during challenging times. Ensuring a system is appropriately resourced is key to improving the performance of planning, and he recognised why in April 2022 the biggest change to planning fees in 8 years was implemented with fees for most types of development increasing by between 25% and 50%. He indicated that he expected this additional money to be invested in delivering improvements in Planning Services. He also committed to working with Heads of Planning and COSLA to identify how to move planning application fees closer to covering full cost of their determination. The Minister also recognised that resourcing is about more than just money and having a pipeline of knowledgeable and skilled planners is essential to deliver the ambitions set out in the fourth National Planning Framework (NPF4). This is why he supports the Royal Town Planning Institute and Heads of Planning Scotland's Future Planners Project which looks at proposals to increase the numbers of people entering the planning profession. Work by the Scottish Government is progressing on the introduction of mandatory training for elected members in the planning system, the implementation of statutory annual reports by planning authorities, and the appointment of a Planning Improvement Coordinator for Scotland.
- 4.3** The assessment of the annual Planning Performance Framework is based on performance markers which are rated green, amber or red. These ratings are based on the evidence provided within the Planning Performance Framework reports. Where no information or insufficient evidence has been provided a 'red' marking is allocated. This year the Council saw a further improvement in the performance markers with 14 green performance markers, and only one red marker compared to the previous year of 9 green performance markers, 3 amber markers and 1 red marker(2 markers in the previous reporting period where exempt.) The feedback report is contained in Appendix 1. Green performance markers were received this year for: processing agreements, early collaboration with applicants and consultees, legal agreements, enforcement charter, regular and proportionate policy advice, corporate working across services, the conclusion of legacy cases, developer contributions and sharing good practice, skills and knowledge, decision making, Local Development Plan engagement, continuous improvement and the Development Plan Scheme.
- 4.4** In reporting year 2021-22, the timescales for dealing with major applications of 9.6 weeks is faster than the previous year and much faster than the Scottish average of 44.6 weeks. The average timescales of 13 weeks for local applications was slower than the previous year but faster than the Scottish average of 13.5 weeks and the average timescales for householder applications of 8.6 weeks is faster than the previous year and faster than the

Scottish average of 8.7 weeks. A good range of service improvement commitments were identified for the forthcoming 2022-23 reporting year. The high number of green markers received this year is due to the hard work and commitment of the Planning staff members and support of Elected Members during a challenging year in terms of staff resources.

- 4.5** The one red marker was for the Local Development Plan. The current adopted Plan was 12 years old at the end of the Planning Performance Framework reporting period. As reported in the Development Plan Update report to this Committee, the replacement plan (LDP2) has been through Examination and the officers are still considering a change to the Plan required by a Scottish Ministers Direction which could have legal implications, and that has delayed the adoption of a more up-to-date Plan. Preliminary work has commenced on LDP3, whilst new LDP regulations and guidance is awaited from the Scottish Government. It is expected that this will be issued in Spring 2023.

5. People Implications

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

6. Financial and Procurement Implications

- 6.1** None.

7. Risk Analysis

- 7.1** There are no risk issues.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

- 9.1** No consultation was necessary for the preparation of this report.

10. Strategic Assessment

- 10.1** The content of this report fully supports the Council's Strategic Priorities.

Pamela Clifford

Planning, Building Standards and Environmental Health Manager

Date: 8th February 2023

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Email: pamela.clifford@west-dunbarton.gov.uk

Appendices: Appendix 1: Performance Markers Report 2021-22

Background Papers: West Dunbartonshire Council Planning Performance Framework report for 2021-22
(<https://storymaps.arcgis.com/collections/5844998c7c77438186a9f018616deac8>)

Wards Affected: All



Ministear airson Ionmhas Poblach, Dealbhachadh
agus Beartas Còimhearsnachd
Minister for Public Finance, Planning and Community
Wealth
Tom Arthur MSP

T: 0300 244 4000
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Peter Hessett
Chief Executive
West Dunbartonshire Council

22 December 2022

Dear Peter Hessett

I am pleased to enclose feedback on your authority's eleventh Planning Performance Framework (PPF) Report, for the period April 2021 to March 2022.

The reporting period which these reports cover has continued to present challenges for people working within planning, in the development sector and across Scotland's communities.

Ensuring the system is appropriately resourced is key to improving the performance of planning, which is why in April I implemented the biggest change to planning fees in 8 years, with fees for most types of development increasing by between 25% and 50%. At the time I said I would expect to see this additional money invested in delivering improvements in Planning Services. It is too early to know whether that has occurred, however, I have heard positive feedback from some authorities who have managed to recruit or retain staff as a result of the additional income. I also committed to working with Heads of Planning and COSLA to identify how we could move planning fees closer to covering the full cost of their determination. That work is ongoing and I expect to receive some conclusions/recommendations early in the new year.

I am also encouraged to see the fees for applications made under the Electricity Act also increasing on 13th December and the voluntary contribution of 50% of the fee, for certain types of application, being passed to planning authorities being maintained.

However, I recognise that resourcing is about more than just money and having a pipeline of knowledgeable and skilled planners is essential to delivering on our ambitions set out in NPF4. This is why I supported the RTP1 and Heads of Planning Scotland's Future Planners Project which looked at proposals to help increase the numbers of people entering the planning profession. We recognise the importance of delivering on this vision and the resourcing and skills challenges for planning authorities, which we are taking steps to address.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Work is also progressing on

- the introduction of mandatory training for elected members in the planning system;
- the implementation of statutory annual reports by planning authorities; and
- the appointment of a Planning Improvement Coordinator for Scotland.

Turning to the 2021-22 PPF reporting year, although, as expected, there have been some minor changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during challenging times and I believe that overall, good progress continues to be made by Scotland's planning authorities.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.



TOM ARTHUR

CC: Pamela Clifford, Planning, Building Standards and Environmental Health Manager

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

PERFORMANCE MARKERS REPORT 2021-22

Name of planning authority: **West Dunbartonshire Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Green	<p>Major Applications Your average timescale of 9.6 weeks is faster than the previous year and faster than the Scottish average of 44.6 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your average timescale of 13.0 weeks is slower than the previous year but faster than the Scottish average of 13.5 weeks. RAG = Amber</p> <p>Householder Applications Your average timescale of 8.6 weeks is faster than the previous year and faster than the Scottish average of 8.7 weeks. RAG = Green</p> <p>Overall RAG = Green</p>
2	<p>Processing agreements:</p> <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>Processing agreements are offered for all applications for major development and important local development. RAG = Green</p> <p>Processing agreement information is available through your website. RAG = Green</p> <p>Overall RAG = Green</p>
3	<p>Early collaboration with applicants and consultees</p> <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>You provide a pre-application advice service which is promoted through the website and have a protocol in place. RAG = Green</p> <p>You provide case study evidence to demonstrate how requests for supporting information are clear and proportionate to the applicant. RAG = Green</p> <p>Overall RAG = Green</p>
4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Green	Your report states that no applications with legal agreements were determined during the reporting period.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 1 year and 6 months old at the end of the reporting period.

6	Continuous improvement: <ul style="list-style-type: none"> progress ambitious and relevant service improvement commitments identified through PPF report 	Green	You have completed 5 out of your 23 improvement commitments with 17 ongoing and 2 still to progress. Although the majority of your commitments are still ongoing, you did set out a wide range. 21 of your improvement commitments with the majority remaining to be completed over the next reporting year. You have identified 10 commitments for the following year as well as outlined other projects that are continuing.
7	Local development plan less than 5 years since adoption	Red	Your LDP was 12 years old at the end of the reporting period. It is noted that you have commenced preparation of a new plan.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> project planned and expected to be delivered to planned timescale 	Green	Your report states that your LDP is meeting the timescales as set out in your most recent Development Plan Scheme which was approved by committee in September 2020. The Council is waiting for the publication of the finalised Guidance on LDP before publishing.
9 & 10	LDP Engagement <ul style="list-style-type: none"> stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation. 	Green	During the preparation of the LDP, all stakeholders were engaged throughout the process
11	Policy Advice <ul style="list-style-type: none"> Production of relevant and up to date policy advice 	Green	You have adopted Supplementary Guidance on Green Network/Green Infrastructure as well as Creating Places Guidance during the reporting period.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You have provided some good case studies to demonstrate how you work with other council services including the Cross-Service group (Planning, Regeneration and Asset Management) being re-established which aims to discuss regularly progress and issues relating to the Councils regeneration priorities in town centres and along the waterfront. Other examples included working closely with housing colleagues and setting Levelling Up Project Board.
13	Sharing good practice, skills and knowledge between authorities	Green	Your report identifies working with other local authorities through benchmarking groups, ClydePlan and Glasgow and Clyde Valley Housing Market Partnership which cover the 8 local authorities within the Glasgow Region.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 5 cases during the reporting year, with 7 cases still awaiting conclusion. This is a slight decrease by 1 case from the previous year.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> set out in development plan (and/or emerging plan); and in pre-application discussions 	Green	<p>Developer contributions are set out in relation to green network. LDP2 contains policy which will be applied proportionately. RAG = Green</p> <p>Case studies demonstrate how requests are discussed early in the application process. RAG = Green Overall RAG = Green</p>

WEST DUNBARTONSHIRE COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
1	Decision making timescales									
2	Processing agreements									
3	Early collaboration									
4	Legal agreements									
5	Enforcement charter									
6	Continuous improvement									
7	Local development plan									
8	Development plan scheme									
9	Elected members engaged early (pre-MIR)	N/A	N/A	N/A			N/A	N/A	N/A	
10	Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A			N/A	N/A	N/A	
11	Regular and proportionate advice to support applications									
12	Corporate working across services									
13	Sharing good practice, skills and knowledge									
14	Stalled sites/legacy cases									
15	Developer contributions									

Overall Markings (total numbers for red, amber and green)

2012-13	1	6	6
2013-14	1	2	10
2014-15	2	2	9
2015-16	1	5	7
2016-17	1	4	10
2017-18	1	5	9
2018-19	2	3	8
2019-20	2	3	8
2020-21	1	3	9
2021-22	1	0	13

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	2021-22 Scottish Average
Major Development	32.4	19.8	24.6	23.4	18.3	28.5	14.8	11.2	9.6	44.6
Local (Non-Householder) Development	15.2	10.5	10.7	10.0	11.8	14.4	16.0	12.6	13.0	13.5
Householder Development	7.5	6.8	7.3	6.8	7.0	8.6	12.7	9.6	8.6	8.7

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 8th February 2023**

DC22/096/FUL: Planning appeal decision - Change of use to allow fitting of tyres to motor vehicles together with associated works (retrospective) on land adjacent to the public house, Dumbarton Road, Duntocher, Clydebank.

1. Purpose

- 1.1 The purpose of this report is to advise the Committee of the outcome of the appeal to change of use to allow fitting of tyres to motor vehicles together with associated works at the above address.

2. Recommendation

- 2.1 It is recommended that the Committee note the outcome of the appeal.

3. Background

- 3.1 In June 2021, the Planning Committee refused planning permission (DC21/012/FUL) for the siting of 3 containers on the existing car park to accommodate tyre fitting business on the grounds that the proposed development would result in the introduction of a type of use that would be out of character with the surrounding area and would have a significant detrimental impact on the amenity and appearance of the surrounding area. Additionally, it was considered that the proposal would not be compatible with adjacent residential uses. Following refusal, the applicant submitted an appeal to the Directorate for Planning and Environmental Appeals and the appeal was dismissed by the Reporter on the grounds that there were no material considerations which would justify granting planning permission.
- 3.2 A further planning application (DC22/096/FUL) was submitted which sought to address the previous reasons for refusal on appeal with the containers re-positioned on the site and largely enclosed behind a 2.4 metre high timber screen. This application was refused by the Planning Committee on 3rd August 2022 as it was considered that the proposed development would result in the introduction of a use that would be out of character with and have a significant detrimental impact upon the surrounding area and not supported by the adopted Local Plan or proposed Local Development Plan 2

4. Main Issues

- 4.1 Following the refusal of planning permission, the applicant submitted an appeal to the Directorate for Planning and Environmental Appeals.
- 4.2 Following a full assessment, the Reporter dismissed the appeal and refused planning permission on 5th January 2023. In doing so, the Reporter found the main issues to be the location within an area where the predominant established use is residential, the effect on the visual amenity of the surrounding area visual impact and the impact on residential amenity.

- 4.3** In assessing the visual impact on the surrounding area, the Reporter acknowledge that screening materials have been introduced to try to mitigate the visual impact and prominence of the containers and storage area. The Reporter, however, considered that the proposed development would still be makeshift in appearance, and visually unsuited to an established residential area. The Reporter further considered that both the use and the appearance of the proposed development would be out of character with the surrounding area. Overall, the Reporter found the proposed development would have a significant detrimental impact on the visual amenity of the local area.
- 4.4** Turning to residential amenity, the Reporter further considered that development was within close-range view of the flats across Beech Road, especially those at first floor level which have clear lines of site over the hedge on their boundary. Accordingly, she consider it would have a detrimental impact on outlook, unacceptably reducing residential amenity. In combination with the development's incongruity and its adverse visual impact, the Reporter was also concerned that any noise disturbance from the non-residential use could have a compounding effect on amenity although acknowledged that further information would have been required on this matter should she have been minded to grant planning permission.
- 4.5** The Reporter concluded that the development did not accord overall with the relevant provisions of the development plan and that there were no other material considerations which would justify granting planning permission.

5. People Implications

- 5.1** There are no people implications associated with this report.

6. Financial and Procurement Implications

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

7. Risk Analysis

- 7.1** There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no equalities issues associated with this report.

9. Consultation

- 9.1** Consultation was undertaken during the consideration of the planning application.

10. Strategic Assessment

- 10.1** The appeal decision is considered to have been consistent with the following strategic priorities:
- Our Environment in ensuring the local environment is protected, enhanced and valued.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 8th February 2023

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendices: None

Background Papers:

1. Planning Committee reports – DC21/012/FUL, DC22/096/FUL
2. Planning appeal decision PPA-160-2038 - <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=122625>

Wards affected: Ward 4 (Kilpatrick)