

APPLICATION FOR REVIEW

DC21/129/FUL



16 Church Street Dumbarton G82 1QL Tel: 0141 951 7930 Email: development.management@west-dunbarton.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100477506-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

PPD

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

West Dunbartonshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

51 Hillbank Street, Bonhill, Alexandria G83 9AR

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

Change the use of Class 4 business premises to Class 7 for the construction of two timber-clad tourist accommodation units on land which is presently in industrial use.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Statement to West Dunbartonshire Council Local Review Body

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement to West Dunbartonshire Council Local Review Body

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

DC21/ 129/FUL

What date was the application submitted to the planning authority? *

08/10/2020

What date was the decision issued by the planning authority? *

16/07/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☐ Yes ☒ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name:

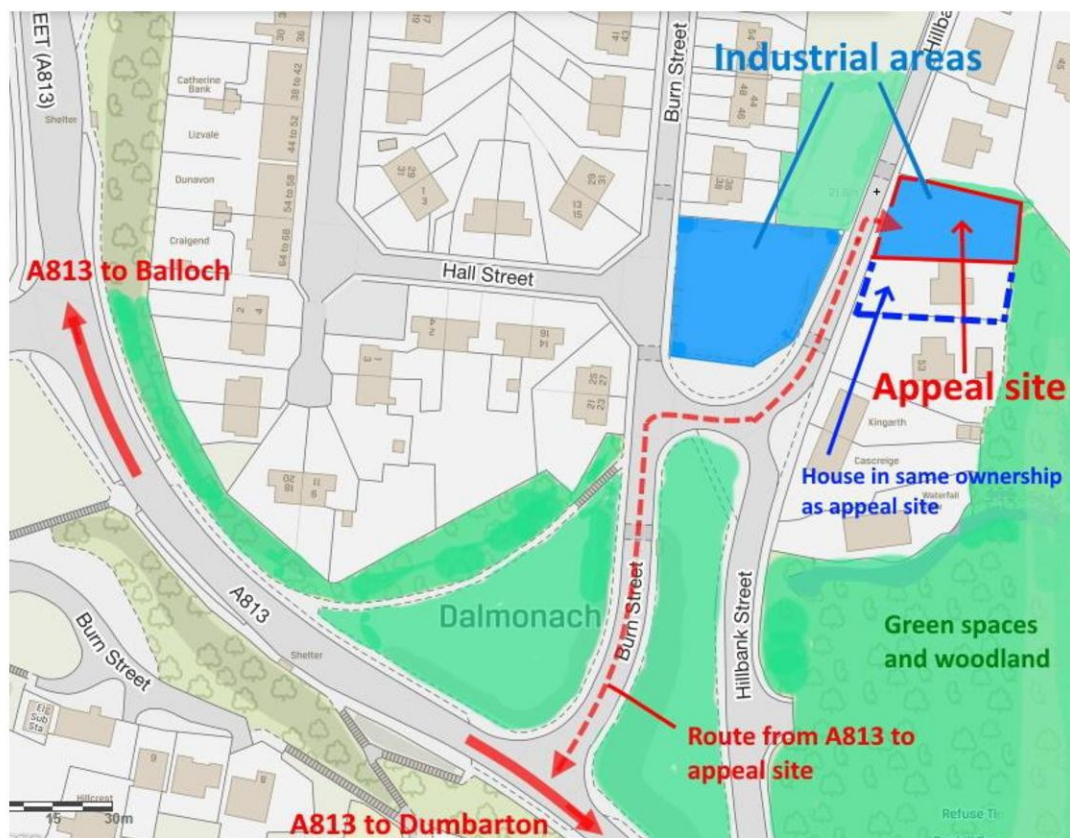


Declaration Date:

24/09/2021

Refusal of Planning Permission: 51 Hillbank Street, Bonhill

Statement to West Dunbartonshire Council Local Review Body



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Summary of case

This statement presents the case to West Dunbartonshire Council's Local Review Body that a planning application (reference DC21/129/FUL) to allow construction of two tourist accommodation units on business / industrial land, refused on 16th July 2021 under delegated powers, should be granted. We summarise the applicant's case below, and present it in greater detail in the subsequent pages.

1. The application concerns a site which has an authorised industrial use which continues to this day, which is confirmed by the Council's issuing of a Certificate Of Existing Lawful Use for industrial activities on 2nd October 2002. This use pre-dated the construction of a row of houses on either side of the site. **Further information on this can be read in section 3 of this statement.**
2. The immediate surroundings are dominated by a motor-trades use immediately opposite which is of industrial character. **See front cover diagram and section 1 of this statement.**
3. *The submitted application contained no proposal that shipping containers are to be used in the construction of the holiday units. The application form states: "two single storey timber clad tourist accommodation units". Yet the decision notice refers to "timber clad shipping containers" and refusal reason 2 refers to "shipping containers and their flat roof and boxy nature". This is completely erroneous.*
4. The application therefore presents the opportunity of replacing the industrial use on the application site with a use that is entirely appropriate adjoining houses. **We elaborate on this further at various parts of this statement, and it is illustrated on the front-cover diagram.**
5. The proposal offers small-scale tourist facilities in a sustainable location near to services, shopping and public transport in Alexandria. It will increase the availability of overnight tourist accommodation located conveniently to serve Loch Lomond & the Trossachs National Park and facilities at Balloch. **Further information on this can be found in section 4 of this statement.**
6. The site is in a good position to provide new tourist facilities. The proposed use would be close to the main tourist route through the Vale of Leven, and can easily be accessed by public transport. It would not attract undue extraneous traffic or public activity into a quiet residential area. **Further information on this can be found in section 4 of this statement.**
7. The benign impact of tourist facilities within a residential environment is proven by comparison with a nearby establishment which has much greater capacity than that proposed but has no adverse impact. **Further information on this can be found in section 5 of this statement.**
8. We explain in this statement that the proposed buildings will have a discrete, modern appearance, and by their low position relative to the adjoining house and 'end-on' position to the street, will not be significant features in the streetscene. **Further information on this can be found in section 7 and 8 of this statement.**
9. We refute the terms of Refusal Reason 1 because the proposed use will enable removal of a lawful use which is inappropriate in residential surroundings; and because the proposed buildings will have no adverse impact on neighbouring properties and the streetscene. We demonstrate that the proposal complies with the Council's up-to-date policy on protecting residential amenity. **Further information on this can be found in section 7 of this statement.**
10. We refute the terms of Refusal Reason 2 because the appearance of the units would be no different to many contemporary timber-framed holiday units. Their position and level in comparison to the adjoining house, and that of the house to the north, would ensure that the units would have a very discrete appearance in the street. We demonstrate that the proposal complies with the Council's up-to-date policy on protecting residential amenity and creating places. **Further information on this can be found in section 8 of this statement.**
11. We demonstrate in **sections 9, 10, 11 and 12 of this statement** that the proposal complies with relevant policies of West Dunbartonshire Local Development Plan 2: H4 (Residential Amenity), CP1 (Creating Places), E2 Alternative Uses of Business and Industrial Land, and E6 Tourism Development (which give strong support to the proposal).
12. We respectfully submit to the Local Review Body that this proposal for a small tourist development on industrial land in residential surroundings, yet located close to main roads, public transport and footways and therefore in

a sustainable location, should be granted. This statement contains the appellant's case against the refusal reasons stated on the decision notice. We therefore respectfully urge the Review Body to approve the application.

1 The site and surroundings

- 1.1 This statement presents the case to West Dunbartonshire Council's Local Review Body that a planning application (reference DC21/129/FUL) for the use of Class 4 business premises for Class 7 purposes, to allow construction of two single-storey timber clad tourist accommodation units (providing short term let tourist accommodation) refused on 16th July 2021 under delegated powers, should be granted.
- 1.2 51 Hillbank Street is a detached dwelling house which occupies the southern half of the land and is shown bounded by blue dashed lines on the map on the cover of this statement. The remainder of the land is the application site, which is in the same ownership as No.5 and lies to its north; is shown on the map with a red boundary line. It has been in use as an industrial yard for many years pre-dating the surrounding housing, and at present contains buildings which are used as part of the business.
- 1.3 Most of the application site is flat, but it lies at a lower level than the garden of the neighbouring house to the north. At the rear of the site the land rises steeply (partly a rock face), with dense woodland above and agricultural land further to the east. To the north and south are detached dwelling houses. The aerial photograph on page 10 of this statement illustrates the site and neighbouring properties.
- 1.4 Opposite the site to the west is "Leven Street Motors", a large industrial building surrounded by yard space.

2 The proposed accommodation units

- 2.1 It is proposed to erect two single-storey buildings, each containing a single tourist accommodation unit. Parking will be available in the present parking courtyard in front of the premises, which is of sufficient size to accommodate guests' cars and those of the occupants of No. 51. There would be amenity open space for guests between the buildings, and there would be further amenity space for guests to the rear of the site.
- 2.2 The buildings would be of simple, inconspicuous design and clad in Siberian larch vertical cladding. Their appearance would be of modern, low profile, holiday units.
- 2.1 The design of the buildings would be simple forms with high quality detailing and a restrained material palette. They will follow the principles of numerous new buildings and extensions within the local area, and this type of building is promoted as exemplars of sustainable design by councils across Scotland. The design intention is to ensure that the units will be discrete, and not compete with the design of the nearby houses.
- 2.2 We present the following examples where this design approach has achieved attractive buildings, and in the case of the first example, a potential award-winning design.



An Cala, Sutherland. One of the fourteen new Scottish buildings which have been shortlisted for the 2021 National Architecture Awards by the Royal Incorporation of Architects in Scotland (RIAS).



Corr Cabins, an Edinburgh-based manufacturer of high-quality, self-contained cabins which are described as “blending an elegant aesthetic as well as high-quality, natural materials”.



Koto Cabins. Architect designed modular housing and cabins, “combining quiet luxury with carbon-neutral sustainability, available off-grid and on-grid”.

- 2.3 The submitted application contained no proposal that shipping containers are to be used in the construction of the holiday units. The application form states: “two single storey timber clad tourist accommodation units”. Yet the decision notice refers to “timber clad shipping containers” and refusal reason 2 refers to “shipping containers and their flat roof and boxy nature”. This is erroneous and misleading.

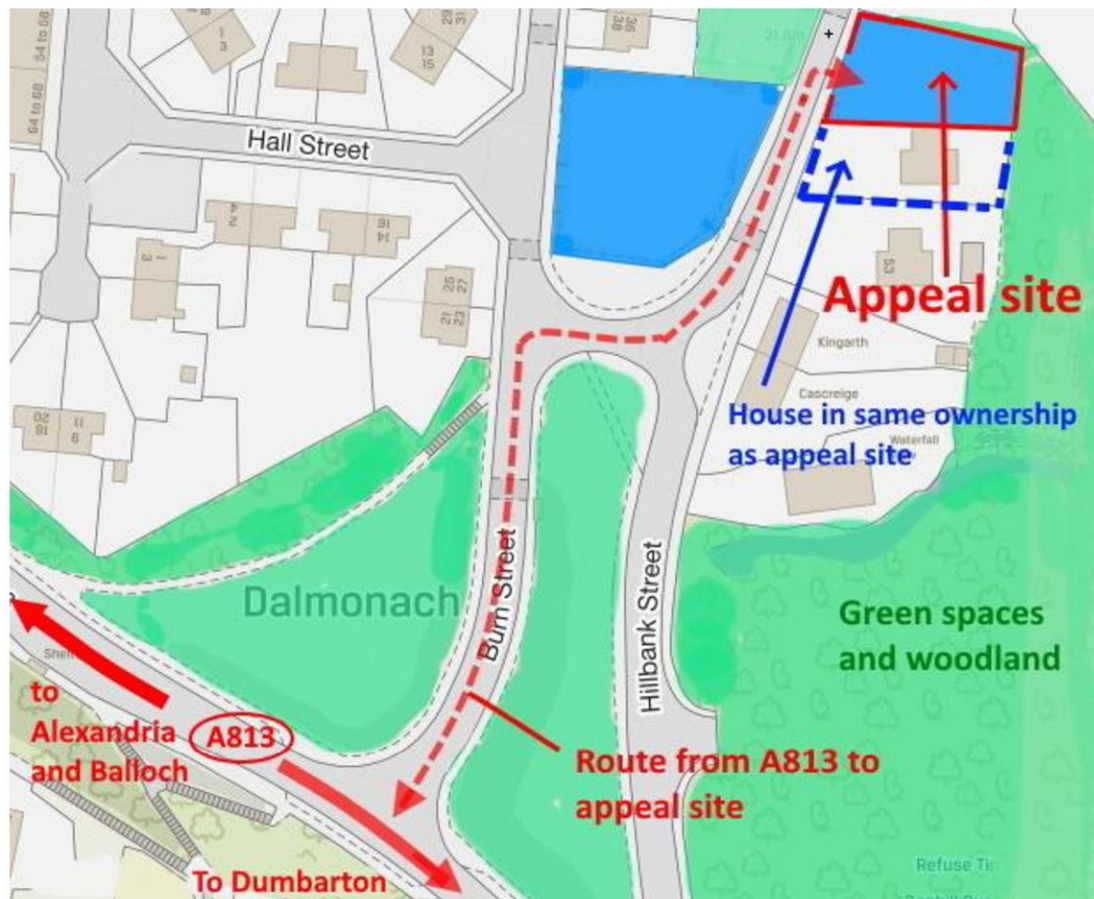
3 Lawful use of the site

- 3.1 On 2nd October 2002 a “Certificate of Existing Lawful Use or Development” was issued by West Dunbartonshire Council which confirmed that the lawful use of the site is ““parking of business vehicles and plant including maintenance repairs and powerwashing, and siting of container”.
- 3.2 This remains the use of the site today.

4 The benefits of the development

- 4.1 The following comments were included in the statement that accompanied the planning application.

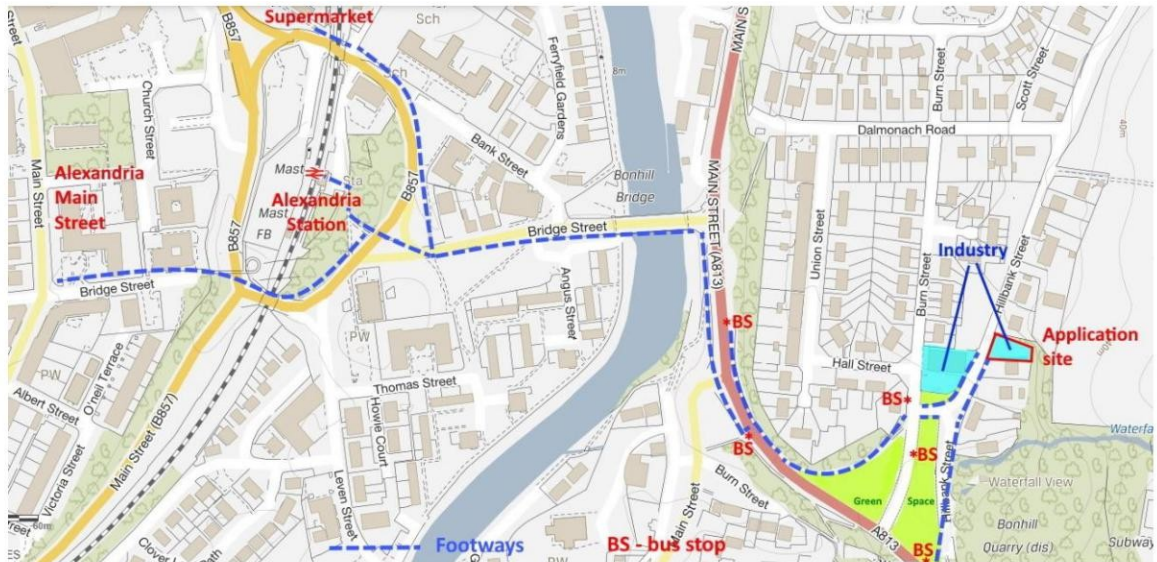
- 4.2 The proposal offers small-scale tourist facilities in a sustainable location near to services and shopping in Alexandria. It would increase the availability of overnight tourist accommodation located conveniently to serve Loch Lomond & the Trossachs National Park and facilities at Balloch.
- 4.3 The site is in a good position to provide new tourist facilities. It is positioned only a short distance from the A813 Dumbarton – Balloch road, which is one of the main routes through the Vale of Leven to Loch Lomond. The movement of pedestrians and vehicles from two holiday units would be limited and well below that which occurs from the present industrial use. The site is located close to the junction of Burn Street and the A813 main road, as shown on the diagram below. The use would not therefore require guests to travel through residential areas to reach the accommodation.



Relationship of the site to the A813 road

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- 4.4 It is also within ten minutes walking distance of Alexandria station, and therefore can offer facilities for tourists without cars. Four bus routes operate along the A813 between Dumbarton and Balloch with stops a few minutes from the site, and local services 1A and 1E operate even closer to the site, as shown on the next diagram.
- 4.5 A pedestrian route directly links the site with the A813 at which footways connect by Bridge Street to Alexandria, also shown on the next diagram.



The site, surroundings and linkages.

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- 4.6 The space available on the site would allow the introduction of the proposed buildings, and there is space in the existing car park; without detriment to any surrounding properties. The low scale of the proposed buildings, the level change between the site and that of the adjoining property to the north, and the existing tree and shrub belt on this boundary (which would be unaffected by the development), all result in the proposal having no impact on the adjoining house to the north.
- 4.7 The present authorised industrial use of the land is inappropriate given that residential properties lie on either side of it. The application offered the opportunity to introduce a use which is entirely in keeping with the properties on either side.

5 Similar facilities nearby

- 5.1 An example of how tourist facilities can exist without any detriment to surrounding houses can be seen nearby at the “Sunnyside” bed and breakfast at 35 Main Street, Bonhill.



- 5.2 Like the appeal proposal, this is set back from the road behind a parking courtyard. However unlike

the appeal proposal:

- it shares the parking courtyard with adjoining houses, whereas the appeal site and No. 51 would have its own parking courtyard,
- has a far greater capacity (over 15 people / 6 rooms) while the appeal site accommodates two family groups,
- has five dedicated parking spaces when the appeal site would only require two.

5.3 By all evidence it is clear that Sunnyside co-exists entirely harmoniously with the housing on either side of it, despite having greater capacity and more parking.

6 The reasons for refusal

6.1 The application was refused for two reasons. Each reason is responded to in the following sections.

7 Refusal reason 1

"The principle of two self contained short term tourist accommodation units would result in the introduction of a type of use that would be out of keeping with the residential character of Hillbank Street and would have an adverse impact on the overall residential and visual amenity of the area. The proposal is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seek to protect preserve and enhance the residential amenity of existing residential areas at all times".

7.1 We respond to the contents of this refusal reason as follows.

"The principle of two self contained short term tourist accommodation units would result in the introduction of a type of use that would be out of keeping with the residential character of Hillbank Street"

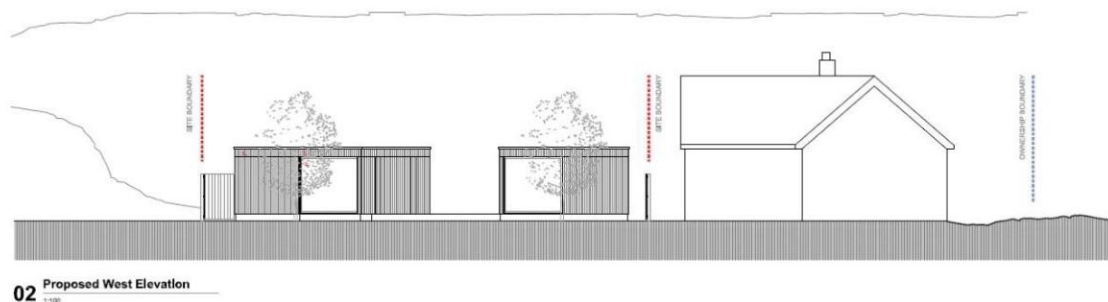
7.2 We emphasise how the present industrial lawful authorised use of the site is considerably less in keeping with any residential character that this part of Hillbank Street has, and has far greater potential to cause dis-amenity to neighbours. We question the suggestion that Hillbank Street has residential character: the map on the front cover of this statement illustrates that this part of Hillbank Street is dominated by non-residential uses.

7.3 We contend that the proposed use, being essentially residential in character, will contribute to increasing the residential character of Hillbank Street by removing an industrial use from its east side.

7.4 The design of the buildings are to be simple forms of high quality detailing and a restrained material palette. They will follow the principles of numerous extensions / new builds within the local area and promoted as sustainable design by councils across Scotland. The massing of the buildings has been intentionally restrained in order that the buildings remain subservient to the neighbouring house and remain as discreet as possible from the road. See photographs in section 2.

"... and would have an adverse impact on the overall residential and visual amenity of the area".

- 7.5 The proposed accommodation units have been designed and positioned to minimise their visual impact, and to have the appearance of small holiday units of contemporary design. Below is an extract from the west elevation drawing submitted with the application.



- 7.6 This can be compared to the present appearance of the site from the same viewing position.



- 7.7 The application would allow removal of the highly visible security fence (necessary at present to provide security for the industrial use), and replace it with two low units, clad in timber and coloured in agreement with Council staff. The photo also serves to show how the site is surrounded by mature trees and shrubs, and that the proposed development would not be intrusive in the overall streetscene.
- 7.8 The proposal would therefore improve the visual amenity of the area, being considerably more in keeping than the present industrial fencing.

"The proposal is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seek to protect preserve and enhance the residential amenity of existing residential areas at all times".

- 7.9 This part of the refusal reason refers to policies that have been superseded by the Council's Local Development Plan 2, which is at its final stages before adoption. In our statement which accompanied the application we considered that the proposals should be assessed under the August 2020 Local Development Plan 2, as it is now at its final stage of adoption and states the Council's up-to-date policies.

- 7.10 We therefore carried-out the assessment of the development under **Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity**, and found that the proposal complied with it. This is explained in detail below at section 9.
- 7.11 We therefore contend that the proposal complies with the Council's up-to-date policy on protecting residential amenity.
- 7.12 We therefore refute the terms of Refusal Reason 1 because:
- The proposed use will allow replacement of a lawful use which is inappropriate in residential surroundings,
 - The proposed use will contribute to this part of Hillbank Street, and in particular its east side, having a residential character,
 - The proposed buildings will have a discrete appearance, a considerable improvement on the present industrial fence, and
 - the proposal complies with the Council's up-to-date policy on protecting residential amenity.

8 Refusal reason 2

The proposal by reason of the siting of shipping containers and their flat roof and boxy nature would be out of character with the surrounding residential area. The proposal would be an incongruous addition to the streetscene that would be harmful to the established character and amenity. The development would be contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity and Policy CP1 Creating Places. All of these policies seek to protect, preserve and enhance the residential character and amenity of existing residential areas at all times and require that developments retain, reinforce and respond to established patterns of development.

- 8.1 We respond to the contents of this refusal reason as follows.
- "The proposal by reason of the siting of shipping containers and their flat roof and boxy nature would be out of character with the surrounding residential area".***
- 8.2 The submitted application contained no proposal that shipping containers are to be used in the construction of the holiday units. The application form states: "two single storey timber clad tourist accommodation units". Yet the decision notice refers to "timber clad shipping containers" and refusal reason 2 refers to "shipping containers and their flat roof and boxy nature". This is completely erroneous.
- 8.3 Aside from the planning officer's reference to shipping containers, the design of contemporary holiday accommodation – and housing - is often flat-roofed, as roofing technology allows flat roof design to achieve similar, or in some cases better, insulation and waterproofing characteristics than pitched roofs. This would be achieved in the proposed buildings.
- 8.4 The proposed design would give the units a low, contemporary appearance - subservient to and clearly not competing with the design of the adjoining house. The illustrations in section 2 above – one of which is nominated for a design award - give examples of the proposed design approach.
- 8.5 The units are proposed to face end-on to the street, so there would be no 'boxy nature' apparent from any public viewing point. Due to rising ground levels and dense boundary planting, the units

would also not be visible from the adjoining house.

- 8.6 At 7.6 and 7.7 above we illustrated that the units will sit very low on the site, and appear discrete alongside number 51. We contend therefore that the appearance of the units will not be out of character with the surrounding residential area.

“The proposal would be an incongruous addition to the streetscene that would be harmful to the established character and amenity”.

- 8.7 We have already explained and demonstrated by the images at 7.6 and 7.7 above that the proposed units would be discrete in the streetscene and visible only at their fronts: appearing as small units visibly subservient to the adjoining house.

- 8.8 We contend that the proposed units would have a far more acceptable appearance in the streetscene than the present industrial fence.

“The development would be contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity and Policy CP1 Creating Places”.

- 8.9 This part of the refusal reason refers to policies that have been superseded by the Council’s Local Development Plan 2, which is at its final stages before adoption. In our planning statement we therefore considered Policy H4 Residential Amenity and Policy CP1 Creating Places, and found the proposal to be in compliance with both. As these represent West Dunbartonshire Council’s up-to-date policies relevant to the application, we see no reason why reference is made in the refusal reason to superseded policies. This is discussed further at section 9 and 10 below.

- 8.10 We therefore refute the terms of Refusal Reason 2 because:

- The appearance of the units would accord with contemporary timber-framed holiday units.
- By their position and level in comparison to the adjoining house, and that of the house to the north, the units would have a very discrete appearance in the street.
- the proposal complies with the Council’s up-to-date policies on protecting residential amenity and creating places.

9 A review of Policy H4 Residential Amenity

- 9.1 Both refusals reasons allege that the proposal would contravene this policy. We now analyse the policy and present the case that the proposal complies with it. The policy is as follows.

Policy H4 Residential Amenity

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to,

overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;

b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;

c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;

d) The removal of play equipment from areas of recreational open space;

e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.;

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

9.2 **CRITERION (A)** *Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area.*

9.3 **Response.** For the purposes of our response to this policy we accord the proposed buildings as 'outbuildings', even though they are self-contained buildings in their own right.

Overshadowing. Submitted drawing HBC.AR(PL)013 shows that the proposed buildings will be significantly lower than the present house on the site. They will be on a lower site, of lower scale, and separated by a tree and bush belt from the adjoining house (No.49). There is no possibility that overshadowing could occur to the present house on the site, or to its neighbour. In terms of overshadowing of back garden ground, the proposed buildings would site at the side of the present house and to the north of the garden, and so would not overshadow it. Being lower than the garden of No.49, and there being a dense tree and bush belt on the boundary, the proposed buildings could not overshadow that garden. This is illustrated in the following photograph, onto which the application boundary has been added.



Overlooking. Each proposed holiday unit would have one small window on the wall facing the adjoining properties. The wall of No.51 onto which the one window of the southernmost unit would face has no windows, so no overlooking could occur. The window of the northmost unit would face north towards No.49 which also has no windows facing the application site, but in addition as this property sits higher than the site with dense trees and shrubs that grow along the boundary, no overlooking could possibly occur. This can be seen on the above photograph.

Overbearing. The proposed buildings are significantly smaller than the present houses on either site, and as we have explained under 'overshadowing' and 'overlooking', their height and position will ensure that they remain visually subservient. That they would not have an overbearing impact as demonstrated by the previous photograph and by submitted drawing HBC.AR(PL)013.

Parking. There is a sizeable existing parking courtyard which is considerably in excess of the present requirement. Submitted drawing HBC.AR(PL)010 shows six proposed spaces: two for the present house and one for each holiday unit. We contend that this is a sufficient level of provision.

Character and appearance of the area. The proposed buildings will be low-height and timber clad. Their visual impact could be described as an improved and shorter version of the present wooden screen wall, shown in the photograph below. The height of the proposed buildings would approximately accord with that of the blue container seen behind the wall in the photograph. We contend that the proposed development offers an improvement on the present fence at the location.



9.4 **CRITERION (B)** *The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents.*

9.5 **Response.** The present lawful use of the site is industrial, as described in section 3 above. It is therefore non-residential bordered by housing on either side.

The proposed use is residential in character and function, and would be much more appropriate in residential surroundings than the present lawful use.

We also draw attention to the fact that although the application site is within a row of houses, the character of this area would be better described as 'mixed', with the large motor trade premises being located across the street. We contend that the present application would effectively remove a significant non-residential use from the locality.

9.6 **CRITERIA (C), (D) AND (E):** are not relevant to this application.

10 A review of Policy CP1 Creating Places

10.1 Refusal reason 2 alleges that the proposal would contravene this policy. We now analyse the policy and present the case that the proposal complies with it. The policy is as follows.

Policy CP1 Creating Places

New development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places. All new development is required to:

a) Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.

b) Ensure that streets are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.

c) Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.

d) Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.

e) Ensure that the design and construction of new buildings and materials used are of a high quality, sustainable and suited to the climate and location;

f) Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.

All new development is also required to accord with the guidance set out within the Creating Places Supplementary Guidance.

10.2 **CRITERION (A)** *Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.*

10.3 **Response.** The design of the two tourist accommodation buildings was influenced by three factors:

- being clearly distinct, and not competing with the design of the original houses on either side,
- by being visually subservient to the present house on the site, and
- by embracing a typical design language found on tourist chalet developments in West Dunbartonshire and in the National Park.

10.4 These three factors resulted in the following design decisions:

- To make the tourist accommodation buildings as low-profile as possible, thereby not competing with the size of the present houses. For this reason a low-height and flat-roof design is proposed.

- To clad the buildings in a material that will merge into the woodland / cliff background, improving on the present wooden fence along the frontage. The proposed buildings would therefore neither compete with the adjoining houses, nor be a significant visual feature beside them - in terms of colour, shape, size or design. They would not detract from natural features or the historic environment.

The proposed development would contribute positively towards improving the identity of the area by replacing a non-residential and visually intrusive use with one entirely compatible with residential surroundings.

10.5 **CRITERION (B)** *Ensure that streets are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.*

10.6 **Response.** The proposal would not intrude onto the street network.

10.7 **CRITERION (C)** *Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.*

10.8 **Response.** The proposed development would not have any impact on the green infrastructure, as it would occupy the site of an industrial yard. All trees would be unaffected.

10.9 **CRITERION (D)** *Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.*

10.10 **Response.** We have examined in detail at section 7 above how the proposals would have no adverse impact on the neighbouring properties, and by removing an un-neighbourly use from residential surroundings, improve the character and amenity of the area.

10.11 **CRITERION (E)** *Ensure that the design and construction of new buildings and materials used are of a high quality, sustainable and suited to the climate and location;*

10.12 **Response.** The units are to be clad with a high quality locally sourced larch rainscreen cladding with dark grey locally sourced aluminium windows/doors to create a simple but modern aesthetic. We illustrate examples of this design approach in section 2 above.

10.13 **CRITERION (F)** *Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.*

10.14 **Response.** All materials are to be locally sourced where possible to ensure their embodied energy is kept to a minimum.

11 Other relevant policies: Policy E2 Alternative Uses of Business and Industrial Land

11.1 Two key policies of Local Development Plan 2 are not mentioned in the refusal reasons, yet they have specific relevance to the proposal. The first is **Policy E2 Alternative Uses of Business and Industrial Land**.

"Proposals for alternative uses of land or premises which are currently or have been previously used

for business, industrial or commercial uses will be supported where it can be demonstrated that they accord with the following criteria:

a) There is no adverse impact on the operation of existing uses or the potential for future business, industrial or employment use within the area;

b) The proposal protects and enhances the attractiveness of the area as an industrial and business location;

c) The proposal is ancillary to the industrial and business uses;

d) There is no unacceptable detrimental impact on the availability of employment land; and

e) The economic benefit that the proposal can bring to the area is demonstrated.

Additional guidance is provided within the Clydebank Business Park Supplementary Guidance for alternative uses specifically proposed within Clydebank Business Park”.

11.2 Our analysis of this policy is as follows.

11.3 **CRITERION (A)** *There is no adverse impact on the operation of existing uses or the potential for future business, industrial or employment use within the area;*

11.4 **Response.** Although the area is ‘mixed-use’ in character with the large and dominant motor trades premises opposite, the immediate surroundings are residential, and loss of the site from industrial use will enhance the amenity of the immediate surroundings. The proposed use would relate well to the surrounding residential uses and would not inhibit the industrial use of the premises opposite.

11.5 **CRITERION (B)** *The proposal protects and enhances the attractiveness of the area as an industrial and business location;*

11.6 **Response.** The area is a ‘mixed use’ location, and replacement of the present industrial use by the proposed development would not detract from or inhibit the nearby industrial use.

11.7 **CRITERION (C)** *The proposal is ancillary to the industrial and business uses;*

11.8 **Response.** The proposal would remove an industrial use from a site that is bounded on either side by residential properties.

11.9 **CRITERION (D)** *There is no unacceptable detrimental impact on the availability of employment land;*

11.10 **Response.** The size of the site would not represent an unacceptable loss of employment land. The present industrial use would be better located where there no adjoining residential properties.

11.11 **CRITERION (E)** *The economic benefit that the proposal can bring to the area is demonstrated.*

11.12 The economic benefit is demonstrated by the proposal’s compliance with policy E6 (see below), which confirms that “The development of new and existing tourist facilities will be supported and encouraged throughout the Council area”.

12 Other relevant policies: Policy E6 Tourism Development

- 12.1 This is the second policy not referred to: **Policy E6 Tourism Development**

“The development of new and existing tourist facilities will be supported and encouraged throughout the Council area where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage and are in accordance with other relevant policies within the plan”.

- 12.2 In terms of the policy E6 requirements, the proposed tourist accommodation would not be in the vicinity of a Natura 2000 site. Being an industrial site at present it does not form part of an existing green network or on any ground that could feasibly form part of a future green network. There are no built heritage artifacts in the vicinity. We have already described in this statement how the proposal accords with other relevant policies within the plan.
- 12.3 We have described above in section 4 how the site is well located to provide new tourist facilities. Policy E6 indicates that the development of new and existing tourist facilities will be supported and encouraged throughout the Council area. We demonstrate above in section 4 that the site is well-located to offer sustainable small-scale tourist accommodation, and that as the proposal would have no adverse environmental impacts, we assume that it will be ‘supported and encouraged’ by the Council as promised in the policy.

13 Concluding statement

- 13.1 The proposal offers small-scale tourist facilities in a sustainable location near to services, shopping and public transport in Alexandria. It will increase the availability of overnight tourist accommodation located conveniently to serve Loch Lomond & the Trossachs National Park and facilities at Balloch.
- 13.2 The site is in a good position to provide new tourist facilities. We explain in this statement that the proposed use would be close to the main tourist route through the Vale of Leven, and can easily be accessed by public transport.
- 13.3 The present authorised industrial use of the land is inappropriate given that residential properties lie on either side of it. The application offers the opportunity to introduce a use which is entirely in keeping with the properties on either side.
- 13.4 The space available allows the introduction of buildings and makes use of existing car parking without detriment to any surrounding properties. The low scale of the proposed buildings, the level change between the site and that of the adjoining property to the north, and the existing tree and shrub belt on this boundary (which would be unaffected by the development), all result in the proposal having no impact on the adjoining house to the north.
- 13.5 The position of the site in a mixed-use area, close to its access from the A813 and with good pedestrian links, means that guests will be able to reach the premises directly and easily and will not introduce extraneous traffic or pedestrian flows into residential areas.

- 13.6 The submitted application contained no proposal that shipping containers are to be used in the construction of the holiday units. The application form states: “two single storey timber clad tourist accommodation units”. Yet the decision notice refers to “timber clad shipping containers” and refusal reason 2 refers to “shipping containers and their flat roof and boxy nature”. This is completely erroneous.
- 13.7 The movement of pedestrians and vehicles from two holiday units will be limited and well below that which occurs from the present industrial use. The site is located close to the junction of Burn Street and the A813 main road. The use will not therefore require guests to travel through residential areas to reach the accommodation. A pedestrian route directly links the site with the A813 at which footways connect by Bridge Street to Alexandria.
- 13.8 Our analysis of West Dunbartonshire Local Development Plan 2 policy E2 (Alternative Uses of Business and Industrial Land) reveals that loss of the site from its present industrial use would not affect the supply and quality of industrial land in the area, and that the proposal complies with the policy.
- 13.9 Compliance of the proposal with the criteria in West Dunbartonshire Local Development Plan 2 policy E6 (Tourism Development) as demonstrated in this statement indicates that the Council will support and encourage the development: *“new and existing tourist facilities will be supported and encouraged throughout the Council area”*.
- 13.10 We demonstrate in this statement that the proposal complies with relevant policies of West Dunbartonshire Local Development Plan 2: policy H4 (Residential Amenity) and policy CP1 (Creating Places).
- 13.11 We respectfully submit to the Local Review Body that this proposal for a discrete and small-scale tourist accommodation development, located on land which presently has lawful industrial use bordered by houses, which can be accessed from the main road without drawing extraneous traffic and pedestrians through residential areas, and which complies with relevant policies of West Dunbartonshire’s Local Development Plan 2, should have been granted. We therefore respectfully urge the Review Body to overturn the Delegated Officer’s decision and approve the application.



23rd September 2021

REPORT OF HANDLING BY APPOINTED OFFICER
AND DECISION NOTICE

DC21/129/FUL

WEST DUNBARTONSHIRE COUNCIL

REPORT OF HANDLING (Delegated)

APP NO: DC21/129/FUL

CASE OFFICER: [REDACTED]

ADDRESS/SITE: The Islay, 51 Hillbank Street, Bonhill

PROPOSAL: Change of use of Class 4 business premises to Class 7 to allow construction of 2 single storey timber clad shipping containers to provide short term let tourist accommodation

1. Site Description/Development Details

The application site is an yard area/part garden to the north of No. 51 Hillbank Street. The application site is broadly rectangular in shape and is accessed via an existing vehicle access point off Hillbank Street. Hillbank Street forms the sites western boundary. To the north of the site is No. 49 Hillbank Street. This is a bungalow but the property sits at a higher level than the application site as Hillbank Street rises to the north. There is an unusual rock face on this boundary and the sites eastern boundary too with the agricultural fields sitting at the higher level beyond. There are a number of trees growing within the rockface although this appears to have been cleared recently. To the south of the site, is No. 53 Hillbank Street, this is a bungalow of similar form to the application site. Both No.53 and the application site have an 'L' shaped footprint with projecting gables to the front elevation. Both these properties, and others in Hillbank Street are set back from the street by circa. 17m -19m. On the western side of Hillbank Street (opposite the application site) is the back of Leven Street Motors which is a mechanical repairs workshop with its associated car park on the corner of Burn Street and Hillbank Street. With the exception of the Leven Street Motors the surrounding area is residential in nature with the dwellings in the immediate vicinity all being similar in character and scale and setting relative to site boundaries.

Planning permission is sought for the siting of shipping containers which will be used for short term tourism lets. This application is scaled back to the siting of just two units following the refusal of planning permission DC21/129/FUL which was for 8 containers in total at two storey in height.

The current proposal is for the siting of containers on land to the north of No. 51 Hillbank Street. One unit is proposed adjacent to the site's southern boundary being sited 750mm from the shared boundary with No. 51 Hillbank Street and 2.24m from the north facing elevation of No. 51 Hillbank Street. The second unit is located parallel to the site's northern boundary, being 680mm from this shared boundary and 6m from the side elevation of No. 49 Hillbank Street. Between the two tourism units

there is a gap of at least 5m and this would be a communal outdoor seating area for guests use. The units are set back from Hillbank Street by circa. 13m and are no further forward than No 51 Hillbank Street. The proposal would utilise the existing vehicle access point and four car parking spaces are shown to the north of this access point. The accommodation has one double bedroom, kitchen and living room which may lend itself to a further sofa bed type arrangement. It is understood that the accommodation would be suitable for short term holiday lets.

2. Consultations

WDC Roads – no objection

WDC Environmental Health – details of how the development will deal with waste should be sought and that the applicant should contact Food & Business Group for further advice. Also raise concerns with respect to the potential for noise disturbance from guests and request a management/operational statement for the control of noise should be submitted.

3. Application Publicity

None.

4. Representations

One representation has been received from a neighbouring property which objects to the scheme. Their comments are summarised below,

- i) It has been previously rejected.
- ii) The area is residential and not a tourist area.
- iii) The additional noise generated would spoil the area.
- iv) Residents would not feel safe with extra strangers roaming around the area.

5. Relevant Policy

West Dunbartonshire Local Plan (Adopted) 2010

- Policy GD1 Development Control
- Policy H5 Development within Existing Residential Areas
- Policy LE8 - Tourism industry development

West Dunbartonshire Local Development Plan (Proposed) 2016

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.

- Policy BC4 Existing Neighbourhoods

- Policy GE4 – Tourism

West Dunbartonshire Local Development Plan 2 (Proposed) 2018

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 this application are 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.

- Policy H4 Residential Amenity
- Local Development Plan 2 (2018) CP1 Creating Places
- Policy E6 - Tourism Development

6. Appraisal

The proposal involves the siting of shipping containers on land/garden ground to the north of No. 51 Hillbank Street to provide tourism accommodation and is described in more detail at the beginning of this assessment.

The main issues in the determination of the application relate to the principle of the introduction of tourist accommodation at this location, the design of the installation relative to the host property, impact on the streetscene, amenity and character of the area, relationship with neighbouring property and site layout. An application has been refused in the past for tourist accommodation and this is also a material consideration in the determination of this application.

The policies below are most relevant in the assessment of this application and regard is had to them in this assessment.

In terms of the principle and supporting tourism led development the relevant policies in the adopted Local Plan (2010) and the proposed Local Development Plan 1 (2016) and Local Development Plan 2 (2018) are;

- Local Plan (2010) Policy LE8 - Tourism industry development
- Local Development Plan (2016) Policy – GE4 Tourism
- Local Development Plan 2 – Policy E6 Tourism Development

All of these policies seek to support the tourism industry in West Dunbartonshire with tourism being recognised by the Council's Economic Development Strategy as a key economic sector. Support is offered to the development of new and existing tourist facilities where they are appropriately located and there would be no adverse impact on residents and existing businesses, or the environment which attracts visitors to West Dunbartonshire.

In support of this application a detailed planning statement has been prepared that clarifies the accommodation would be used for holiday accommodation. This

documents states that, '...the site is well located to offer sustainable small scale tourist accommodation...'

Policy E6 Tourism Development LDP2 is the Council's most recent policy position with respect to tourism and supports tourism facilities which would include the creation of tourist accommodation. Support for such development is on the basis that such facilities do not impact on established residential amenity and are appropriately sited. The site is only a ten minute walk to Alexandria Train Station and is well placed to receive guests using public transport and in this respect is a sustainable location.

The Planning Statement makes much of the sites authorised use. The authorised use has been granted through the issuing of a Certificate of Lawfulness (DC02/042) for the use of, '...parking of business vehicles, which includes a mobile crane, plant and siting of associated container...' Whilst the use described and authorised may have attributes that align it with a Class 4 (office and light industrial) use this grant of the Certificate of Lawfulness only allows the development specifically described as detailed on the Certificate it does not allow the site to be used as Class 4 use as the agent alludes in the submitted Planning Statement. Whilst the existence of this use is acknowledged and could be considered to be anomalous within the residential setting this in itself is not considered to be of sufficient weight to override the aforementioned policies and a further assessment follows. It is also essential that the Planning Authority determine each application site in its own merits.

The siting of tourism accommodation is not unusual within a residential area with guest houses and B & B's being commonplace in such areas. The provision of new purpose built tourist accommodation is less commonplace in residential areas such as Hillbank Street with more recent tourist accommodation proposals being more common in rural locations. This current application is much reduced to that refused under application DC20/191 with only two units of accommodation now proposed as oppose to eight originally submitted. Whilst noting that the management of this facility will be provided by the applicant residing at No 51 Hillbank Street, it is considered that the level of everyday movement associated with the now reduced number of units proposed would still result in a change to the character of this area. This would not be as significant as the earlier refused scheme but will still be detrimental and would still result in a change of character with a change of users on a regular basis and guests using the associated external spaces. Having regard to the overriding residential character of this part of Hillbank Street and the level of activity associated with these tourism units the Planning Authority are still of the opinion that the principle of the use, even at the reduced levels now proposed would appear out of keeping with this overriding residential character of the area. The development will undoubtedly result in an change in character and have an adverse impact on the amenity of the area.

Whilst the reduction in scale will undoubtedly lessen the potential impact on the surrounding residential properties the proposed use remains out of keeping with the adjacent residential properties and would result in introduction of a type of use that would be alien to this residential character. The reduction in scale has in part addressed reason no. 1 of the previous refused application but the principle of the

use remains at odds with the surroundings and this remains the principle reason for refusal.

Regard should also be had to the proposed design, in terms of design quality, the relevant policies in the adopted Local Plan (2010) and the proposed Local Development Plan 1 (2016) and Local Development Plan 2 (2018) are;

- Local Plan (2010) Policy H5 Housing Development Standards
- Local Development Plan (2016) DS1 Developing Sustainably
- Local Development Plan 2 (2018) CP1 Creating Places

All of these policies seek to ensure that new development shall take a design led approach to creating sustainable places and that the design and construction of new buildings and materials used are of a high quality.

The containers are now only single storey and 3m in height. To the front facing elevations the units feature a floor to ceiling glazed window that serves the proposed living area of each self contained unit. The side facing elevations of the containers are primarily solid and clad in larch material and there is a glazed strip of 900mm to each self contained unit that would serve the respective bedrooms. To the elevations facing into the communal decking area there are the proposed entrance doors. The proposed rear elevations are solid with no fenestration proposed.

As detailed at the beginning of this assessment, the overriding character of the residential properties in this part of Hillbank Street are modest bungalows. With the exception of Nos. 35-39, properties are well set back from the street and are sited at a higher level than street level. Properties are mainly finished with fyfestone, render and grey roof tiles and are simple in footprint and form. Properties are also surrounded by generous plots with space around the sides of each property which contributes to the overriding character.

The reconsidered design will be less notable in terms of the impact on the streetscene and less visually intrusive to the previously refused scheme. Notwithstanding the reduced nature of the scheme, the siting of the shipping containers even in their reduced number and form would still result in an incongruous addition to a fairly conventional streetscene. The proposed addition would remain at odds with the overriding residential character of Hillbank Street and this remains a reason for refusal.

Finally, regard should be had to the layout and residential amenity. The original application (DC20/191) was refused because of the impact on the residential amenity of No. 51 Hillbank Street. Regard should be had to the relationship with all neighbours. To the northern and eastern site boundary the site is enclosed within a rock face that appears to raise to the eastern (rear) boundary by around 10m. To the northern boundary (with No. 49 Hillbank Street), the rock face forms the boundary and is in the region of 5m high at this point. The rock face is a natural feature to the site and has been cleared of more substantial vegetation but acts as a natural means of enclosing the site to the north and east. No 49 Hillbank Street is not only set 6m away from the northernmost sited container but is also at a more elevated position. Because of the topography and the degree of detachment it is not felt that

the proposal will directly impact on residential amenity in terms of impact on outlook, overshadowing and outlook.

The amended layout provides 4 car parking spaces to the north of the vehicle entrance into the site. These spaces are sited at a 90 degree angle to the shared boundary with No. 49 Hillbank Street. No. 51 Hillbank Street is set at a higher level than the application site and it is unlikely that the revised car parking siting would have an adverse impact on the established residential amenity that the occupants of No. 49 Hillbank Street currently enjoy. The proposed tourist unit adjacent to the site's northern boundary has a bedroom window to the north elevation. Because of the topography and the degree of detachment it is not felt that the proposal will directly impact on residential amenity in terms of impact on outlook, loss of privacy, overshadowing and overbearance. In this respect the proposal is considered to be acceptable and will not have an adverse impact on the residential amenity of No. 49 Hillbank Street in terms of the proposal siting and design.

In its scaled back form the Planning Authority are content that the relationship with No. 51 Hillbank Street is also now acceptable. The single height container now sits parallel with the north facing elevation of No. 51 Hillbank Street which addresses the earlier reason for refusal relating to overbearance on the occupants of No. 51 Hillbank Street.

In response to the points raised in the representation the following comments are provided;

- i) Planning history is acknowledged.
- ii) Noted and discussed in the preceding report.
- iii) This could be dealt with via a Site Noise Management Plan if the Planning Authority were minded to support the principle of the development.
- iv) Noted but not a material planning consideration.

Whilst acknowledging the importance of tourism and the economic benefits it can bring in retaining expenditure within West Dunbartonshire and providing a range of accommodation offerings the location needs to be carefully considered. Whilst the site is sustainable in providing easy access to public transport and surrounding attractions this needs to be balanced against the need to protect residential character and amenity. The Planning Authority, in this preceding assessment acknowledge that the scaled back proposal does satisfy reasons 2 and 3 of the earlier refused application (DC20/129). The scaled back proposal will however still result in a use within with this predominately residential area that will be alien and will be out of character with this. This remains a reason for refusal for this application.

On balance, it is therefore recommended that planning permission be refused on the grounds that tourist accommodation at this location would be out of keeping with the overriding character of the area.

7. Added Value

None.

8. Recommendation

Refuse

1. The principle of two self contained short term tourist accommodation units would result in the introduction of a type of use that would be out of keeping with the residential character of Hillbank Street and would have an adverse impact on the overall residential and visual amenity of the area. The proposal is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seek to protect preserve and enhance the residential amenity of existing residential areas at all times.
2. The proposal by reason of the siting of shipping containers and their flat roof and boxy nature would be out of character with the surrounding residential area. The proposal would be an incongruous addition to the streetscene that would be harmful to the established character and amenity. The development would be contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity and Policy CP1 Creating Places. All of these policies seek to protect, preserve and enhance the residential character and amenity of existing residential areas at all times and require that developments retain, reinforce and respond to established patterns of development.

9. Conditions

NA

FOR NOTING

Informatives

1. The plans relevant to this decision include the following:

Planning Statement

HBC.AR (PL) 002 Rev A – Existing elevations

HBC. AR (PL) 003 Rev A – Existing elevations

HBC.AR (PL) 010 Rev A – Proposed site plan

HBC. AR (PL) 011 Rev A – Proposed ground floor plan

HBC.AR (PL) 013 Rev A – Proposed elevations

HBC.AR (PL) 014 Rev A – Proposed elevations

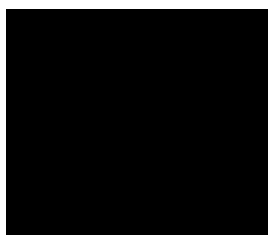
Refusal of Planning Permission

WEST DUNBARTONSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS

Proposal

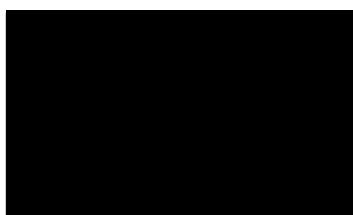
Change of use of Class 4 business premises to Class 7 to allow construction of 2 single storey timber clad shipping containers to provide short term let tourist accommodation

Site



Applicant

Agent



Class of Development

Local Development

Decision Type

Delegated

WEST DUNBARTONSHIRE COUNCIL, AS PLANNING AUTHORITY, IN EXERCISE OF THEIR POWERS UNDER THE ABOVE-MENTIONED ACTS AND ORDERS, AND HAVING CONSIDERED YOUR PROPOSED DEVELOPMENT, THE PLAN(S) DOCQUETTED AS RELATIVE THERETO AND THE PARTICULARS GIVEN IN THE ABOVE APPLICATION, HEREBY:-

DECISION: REFUSE PLANNING PERMISSION FOR THE REASON(S) CONTAINED IN THE ACCOMPANYING PAPER(S) APART.

DATED THIS: 16th day of July 2021

Signed



For West Dunbartonshire Council

Planning, Building Standards and Environmental Health Manager
16 Church Street
Dumbarton
G82 1QL

Reason for Refusal

1. The principle of two self contained short term tourist accommodation units would result in the introduction of a type of use that would be out of keeping with the residential character of Hillbank Street and would have an adverse impact on the overall residential and visual amenity of the area. The proposal is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seek to protect preserve and enhance the residential amenity of existing residential areas at all times.
2. The proposal by reason of the siting of shipping containers and their flat roof and boxy nature would be out of character with the surrounding residential area. The proposal would be an incongruous addition to the streetscene that would be harmful to the established character and amenity. The development would be contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity and Policy CP1 Creating Places. All of these policies seek to protect, preserve and enhance the residential character and amenity of existing residential areas at all times and require that developments retain, reinforce and respond to established patterns of development.

FOR NOTING

Informatives

1. The plans relevant to this decision include the following:

Planning Statement

HBC.AR (PL) 002 Rev A - Existing elevations

HBC. AR (PL) 003 Rev A - Existing elevations

HBC.AR (PL) 010 Rev A - Proposed site plan

HBC. AR (PL) 011 Rev A - Proposed ground floor plan

HBC.AR (PL) 013 Rev A - Proposed elevations

HBC.AR (PL) 014 Rev A - Proposed elevations

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING ETC. (SCOTLAND) ACT 2006

RIGHTS OF AGGRIEVED APPLICANTS (DELEGATED DECISIONS)

1. If this decision involves a refusal of planning permission or the granting of permission subject to conditions, and if the applicant is aggrieved by this decision, they may seek a review of this decision with the Local Review Body within 3 months of the date of this notice.

Notice of Review forms and guidance can be obtained and submitted to us via the Scottish Government [ePlanning portal](#)

Alternatively the review forms may be submitted in writing* to:

West Dunbartonshire Council
Planning Local Review Body
16 Church Street
Dumbarton G82 1QL
0141 951 7930

*Please note that due to the Government guidance regarding Covid-19, all staff are working remotely therefore there will be delays in receiving any paper submissions. We would therefore encourage electronic submissions via the e-planning portal. If you require any assistance please contact us using the above contact telephone number or alternatively e-mail us – development.management@west-dunbarton.gov.uk

2. If permission to develop is refused or granted subject to conditions (whether by the Planning Authority or the Scottish Ministers), and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

PLANNING APPLICATION FORM, PLANS
AND SUPPORTING INFORMATION

DC21/129/FUL



16 Church Street Dumbarton G82 1QL Tel: 0141 951 7930 Email: development.management@west-dunbarton.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100315108-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change use of class 4 business premises to class 7 for the construction of two single storey timber clad tourist accommodation units on land which is presently in industrial use and adjoins 51 Hillbank Street, Bonhill, West Dunbartonshire.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>	
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *
First Name: *	<input type="text"/>	Building Name: <input type="text"/>
Last Name: *	<input type="text"/>	Building Number: <input type="text"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): * <input type="text"/>
Extension Number:	<input type="text"/>	Address 2: <input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: * <input type="text"/>
Fax Number:	<input type="text"/>	Country: * <input type="text"/>
		Postcode: * <input type="text"/>
Email Address: *	<input type="text"/>	

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:

West Dunbartonshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

679738

Easting

239850

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

180.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Class 4 business premises

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">11</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">11</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Short term rental therefore waste will be negligible

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

128

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed:

[Redacted Signature]

On behalf of:

[Redacted Name]

Date:

06/05/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name:

[REDACTED]

Declaration Date:

08/10/2020



00 Location Plan
1:1250



00 Existing Site Plan
1:200

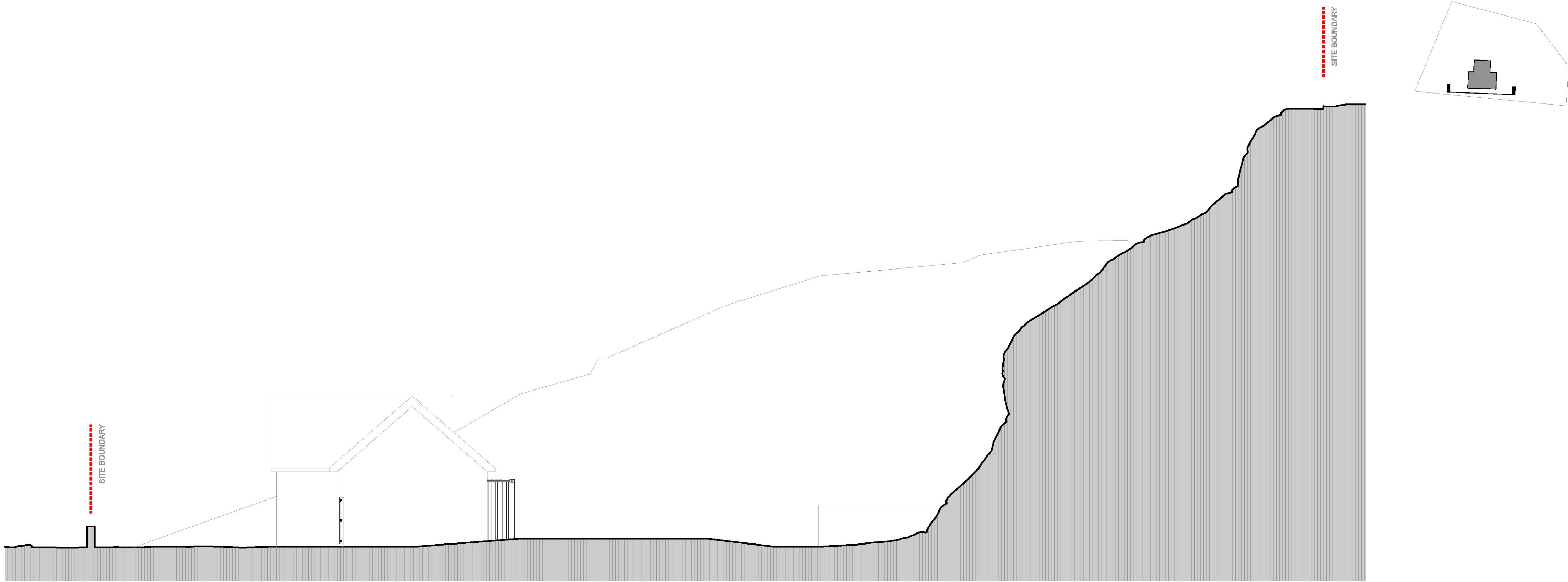
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A	26.06.20	Issued for Comment	RG					-



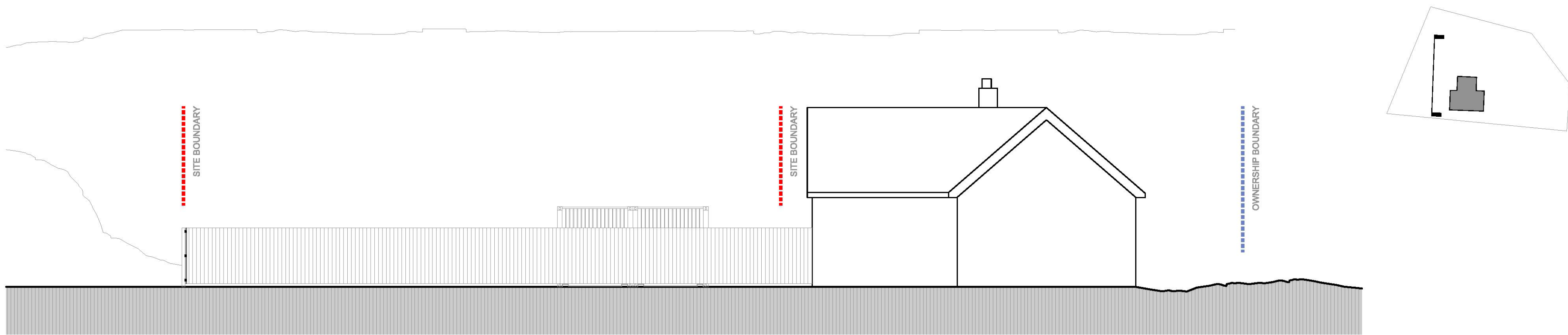
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status Information			date 26.06.20
			drawn RG
			format a1

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209 MURDOCH CRESCENT
GLASGOW
G53 6LD

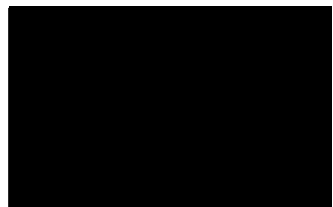


01 Existing South Elevation
1:100




02 Existing West Elevation
1:100

rev.	date	details	by	rev.	date	details	by	notes
A	05.08.20	Issued for Comment	RG					-



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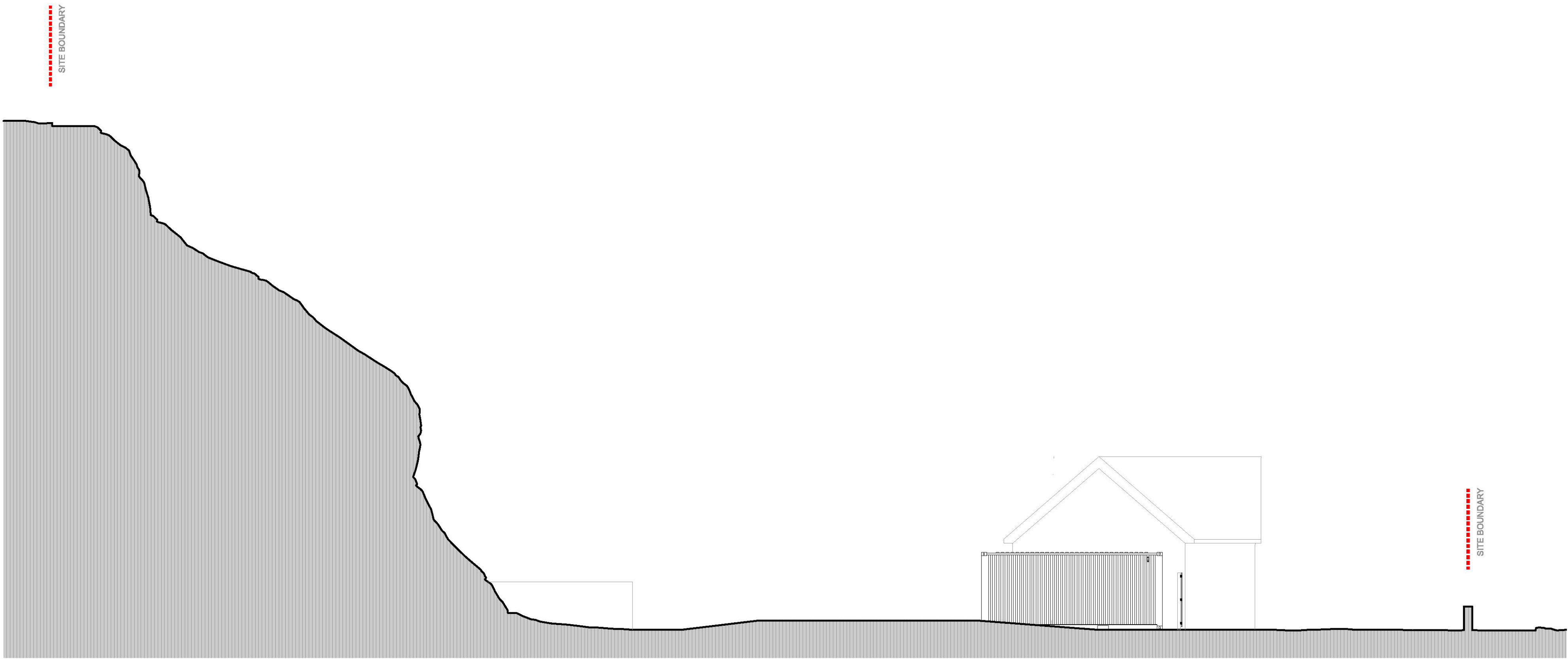


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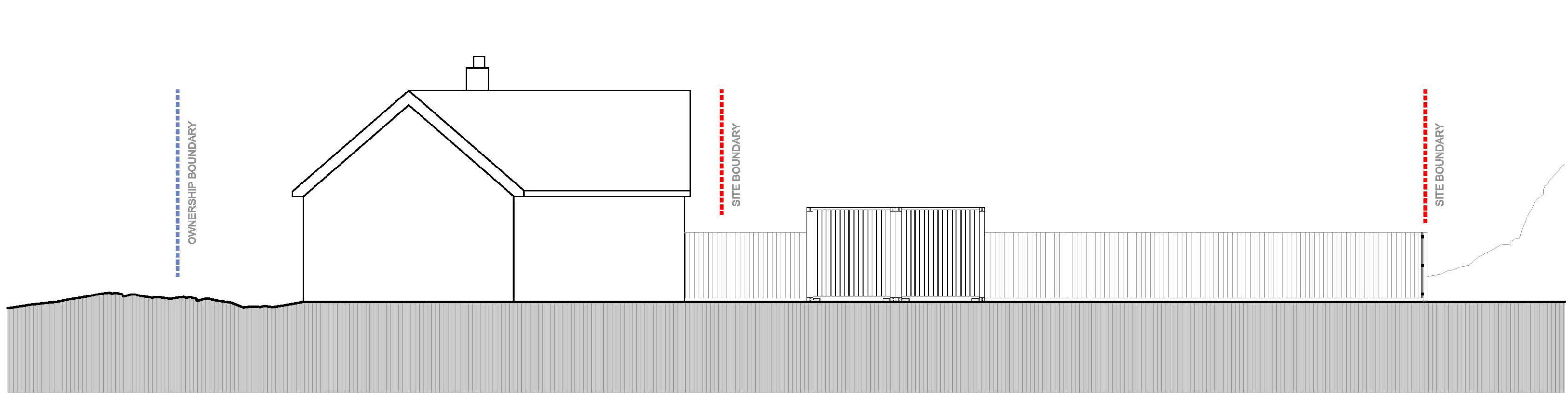
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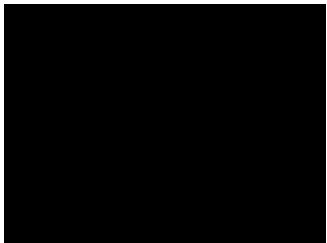


03 Existing North Elevation
1:100



04 Existing East Elevation
1:100

rev.	date	details	by	rev.	date	details	by	notes
A	05.08.20	Issued for Comment	RG					-



0 1 2 3 4 5m 10m 1:100@a1

drawing number	revision	drawing title	scale	1:100
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status	Information		drawn	RG
			format	a1

953

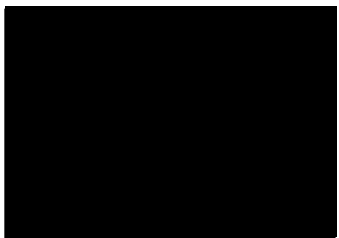
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G53 6ND



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RG			

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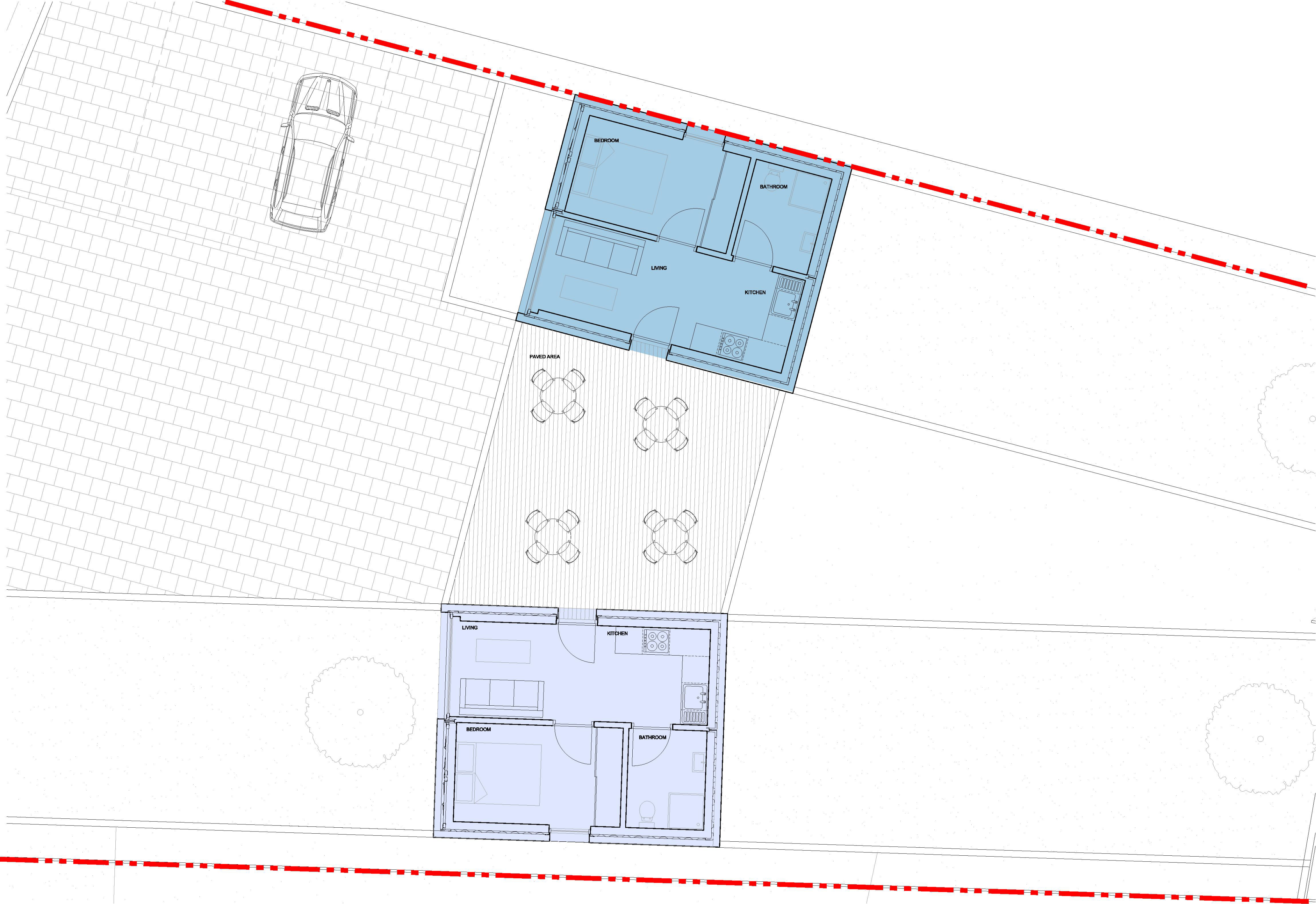


revision
A

drawing title
Proposed Site Plan
51 Hillbank Street

scale	1:50
date	14.04.21
drawn	RG
format	a1



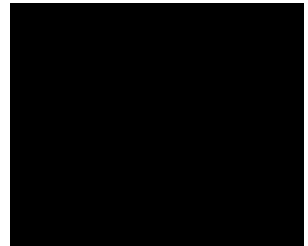


GROUND FLOOR ACCOMMODATION

2NO. 1 BEDROOM SELF CONTAINED
SHORT TERM RENTAL UNITS

00 Proposed Ground Floor Plan
1:100

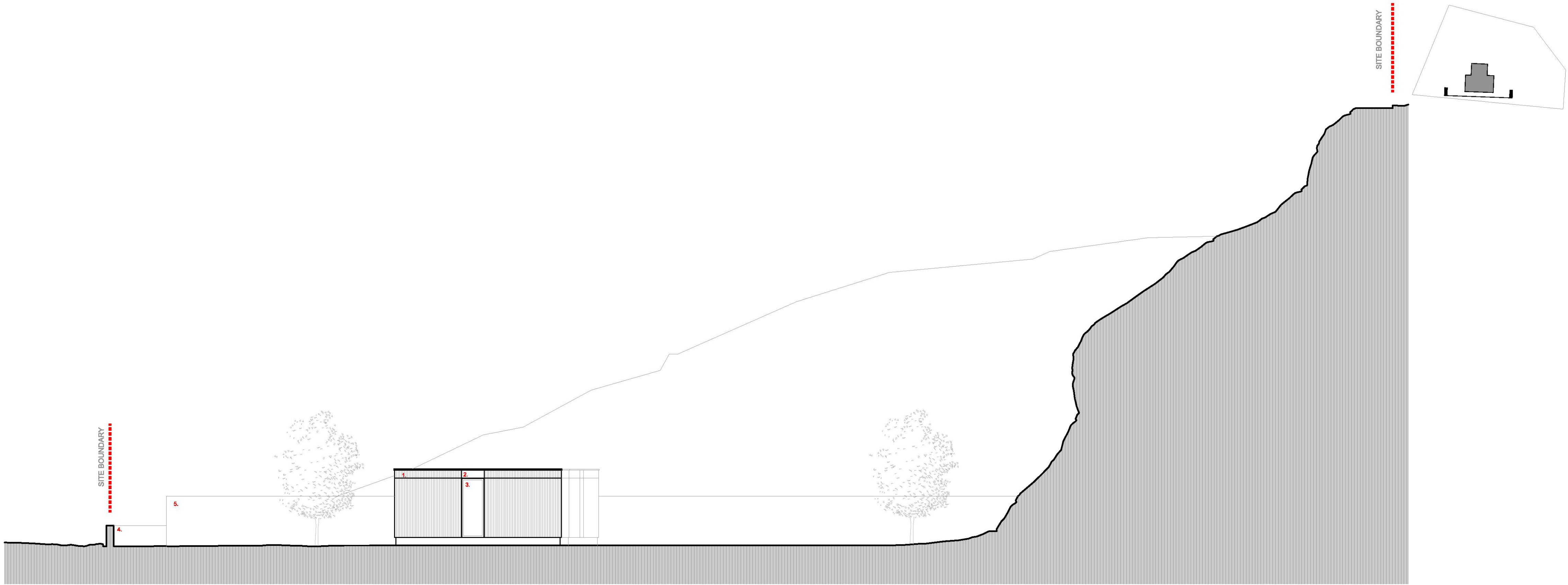
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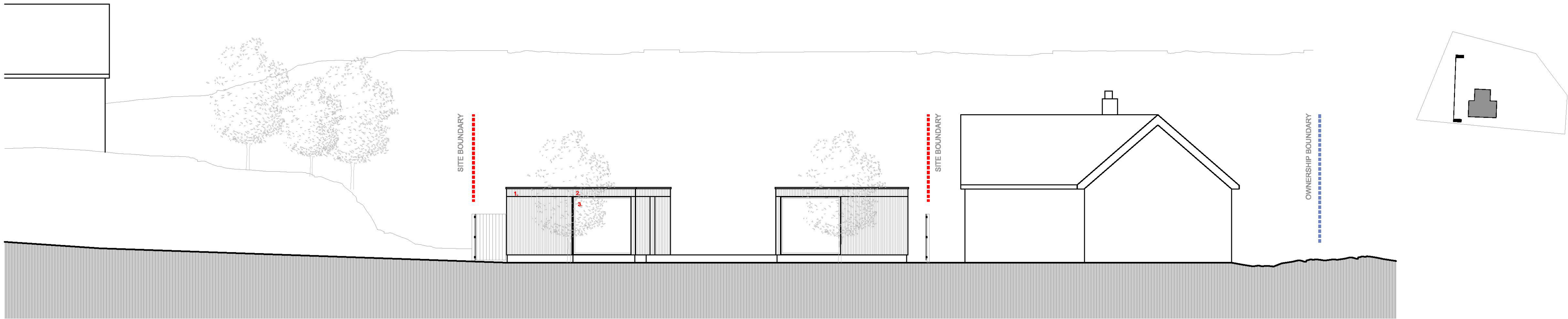
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status	Information		date
			14.04.21
			drawn
			RG
			format
			a1

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GLASGOW
G53 6NU

- MATERIALS KEY:
- 1. SIBERIAN LARCH VERTICAL CLADDING
 - 2. GREY METAL INFILL PANEL
 - 3. GREY ALUMINIUM WINDOWS / DOORS
 - 4. 1.8M TREATED TIMBER FENCE
 - 5. 0.9M HIGH RENDERED WALL TO MATCH EXISTING



01 Proposed South Elevation
1:100



02 Proposed West Elevation
1:100

rev.	date	details	by	rev.	date	details	by	notes				drawing number	revision	drawing title	scale	1:100
A	14.04.21	Issued for Comment	RG					-				HBC.AR(PL)013	A	Proposed Elevations 51 Hillbank Street	date	14.04.21
												status	Information			
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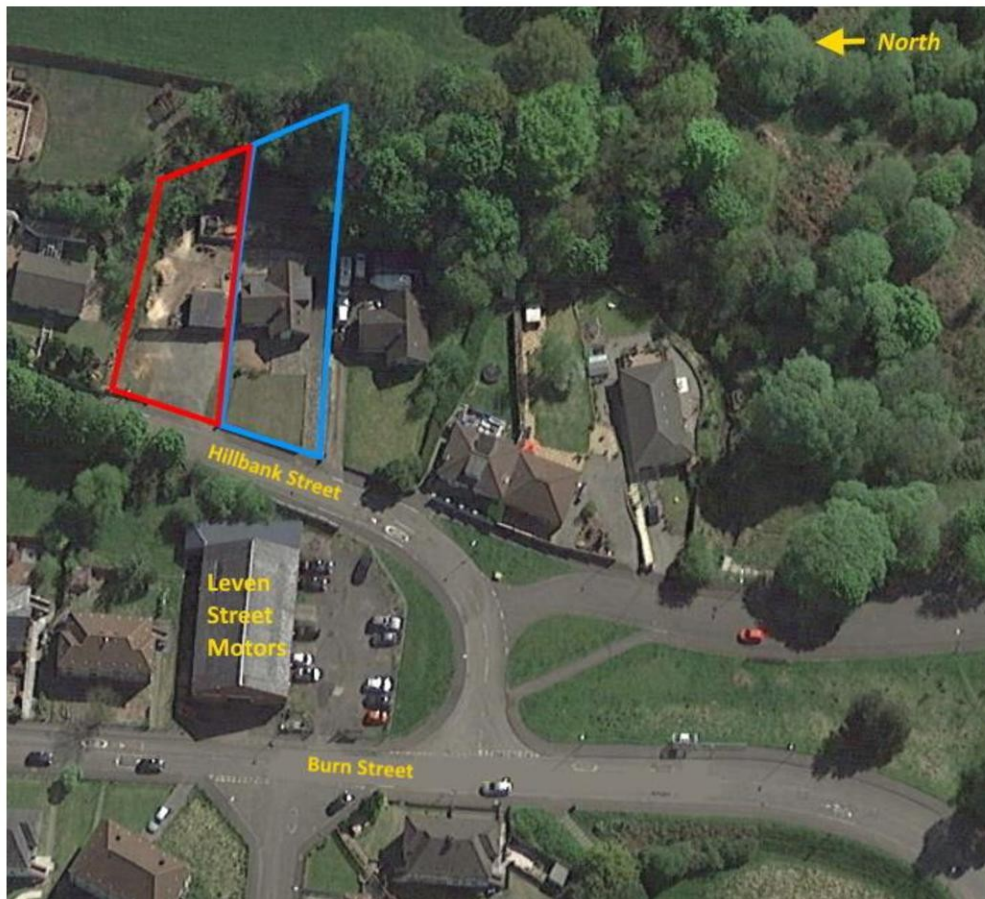
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G53 6ND

PROPOSED TOURIST ACCOMMODATION

51 HILLBANK STREET, BONHILL, WEST DUNBARTONSHIRE

PLANNING STATEMENT



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1 Introduction

- 1.1 This statement accompanies an application for planning permission for the construction of two tourist accommodation units on land which is presently in industrial use, adjoining 51 Hillbank Street, Bonhill, West Dunbartonshire.

2 The site

- 2.1 51 Hillbank Street is a detached dwelling house which occupies the southern half of the land and is shown bounded by blue lines on the aerial photo on the cover of this statement. The remainder of the land is the application site, and lies to the north and is shown red. It been in use as an industrial yard for many years, and at present contains buildings which are used as part of the business.
- 2.2 Most of the application site is flat, but it lies at a lower level than the garden of the house adjoining to the north. At the rear of the site the land rises steeply (partly a rock face), with dense woodland above and agricultural land further to the east. To the north and south are detached dwelling houses. The photograph on page 6 of this statement illustrates the site and neighbouring properties.
- 2.3 Opposite the site to the west is "Leven Street Motors", a large industrial building surrounded by yard space.
- 2.4 Readers of this statement should refer to the drawings accompanying the application for full details of the proposal.

3 The proposed buildings

- 3.1 It is proposed to erect two single-storey buildings, each containing a tourist accommodation unit. Parking will be available in the present parking courtyard in front of the premises, which is of sufficient size to accommodate guests' cars and those of the occupants of No. 51. There would be amenity open space for guests between the buildings, and there would be further amenity space for guests to the rear of the site.
- 3.2 The buildings would be of simple, inconspicuous design and clad in Siberian larch vertical cladding. Their appearance would be of modern, low profile, holiday units.

4 Lawful use of the site

- 4.1 On 2nd October 2002 a "Certificate of Lawful Use or Development" was issued by West Dunbartonshire Council which confirmed that the lawful use of the site was "parking business vehicles and plant and siting of container".
- 4.2 This remains the use of the site today.

5 Previous application

- 5.1 A planning application for eight tourist holiday units (two storey buildings) was refused on 23rd December 2020 for the following reasons.

- 5.2 The proposed development, resulting in eight self contained short term rentals with associated car parking and external seating areas would result in the introduction of a type of use that would be alien to the residential character of Hillbank Street. The nature and scale of the proposal would have an adverse impact on the residential amenity of the area. The proposal is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seeks to protect and enhance the residential amenity of existing areas at all times.
- 5.3 The proposal by reason of the two-storey, flat roof design at the resulting boxy nature of the shipping containers and their siting within close proximity to neighbouring boundaries would be out of character with the surrounding dwellings and the spatial characteristics of the street. The proposal would be an incongruous addition to the streetscene that would be harmful to the established character and amenity. The development would be contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity and Policy CP1 Creating Places. All of these policies seek to protect, preserve and enhance the residential character of existing residential areas at all times and require that developments retain, reinforce and respond to existing patterns of development.
- 5.4 The proposed development, by reason of the height of the containers and their siting, 800m from the shared boundary with No. 51 Hillbank Street, combined with the existing topography of the site would result in a undesirable sense of enclosure to the rear garden of No. 51 Hillbank Street. The development would therefore have an adverse impact on the residential amenity that the occupants of the property enjoy. The development is contrary to Adopted Local Plan (2010) Policy H5 Development within existing areas, Local Development Plan Proposed Plan 1 (2016) Policy BC4 Existing Neighbourhoods and Local Development Plan Proposed Plan 2 (August 2020) Policy H4 Residential Amenity which seeks to protect residential amenity.

6 The benefits of the development

- 6.1 The proposal offers small-scale tourist facilities in a sustainable location near to services and shopping in Alexandria. It will increase the availability of overnight tourist accommodation located conveniently to serve Loch Lomond & the Trossachs National Park and facilities at Balloch.
- 6.2 The site is in a good position to provide new tourist facilities. It is positioned only a short distance from the A813 Dumbarton – Balloch road, which is one of the main routes through the Vale of Leven to Loch Lomond. It also within ten minutes walking distance of Alexandria station, and therefore can offer facilities for tourists without cars. Four bus routes operate along the A813 between Dumbarton and Balloch with stops a few minutes from the site, and local services 1A and 1E operate even closer to the site.
- 6.3 The present authorised industrial use of the land is inappropriate given that residential properties lie on either side of it. The application offers the opportunity to introduce a use which is entirely in keeping with the properties on either side.
- 6.4 The movement of pedestrians and vehicles from two holiday units will be limited and well below that which occurs from the present industrial use. The site is located close to the junction of Hillside Road and the A813 main road, as shown on diagram 1 below. The use will not therefore require guests to travel through residential areas to reach the accommodation. A pedestrian route directly links the site

with the A813 at which footways connect by Bridge Street to Alexandria, also shown on diagram 1.

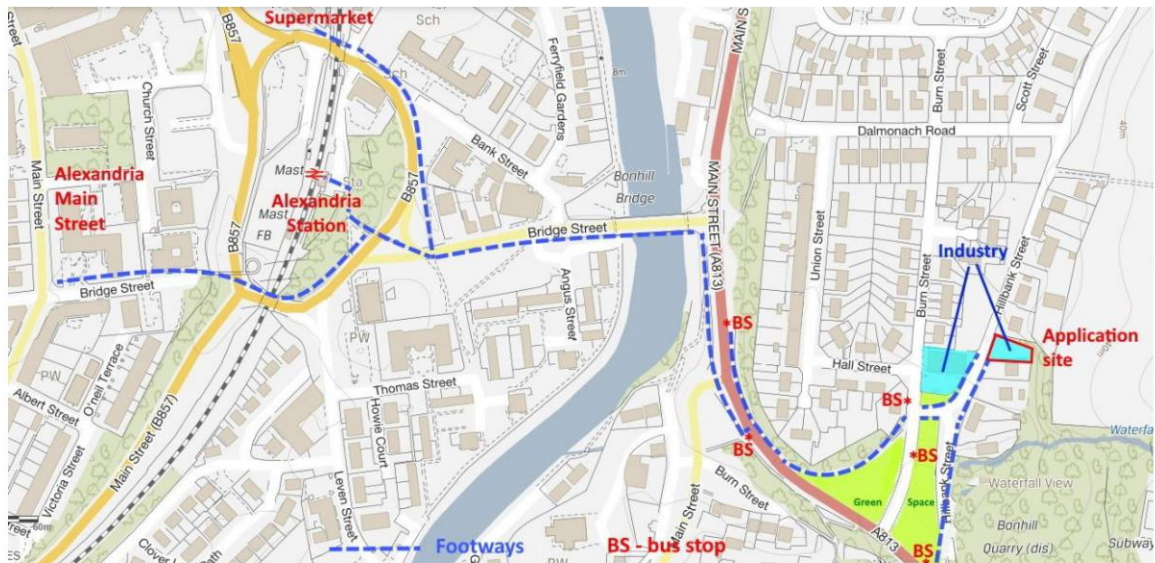


Diagram 1: the site, surroundings and linkages.

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- 6.5 The space available on the site allows the introduction of the proposed buildings, and uses existing car parking; without detriment to any surrounding properties. The low scale of the proposed buildings, the level change between the site and that of the adjoining property to the north, and the existing tree and shrub belt on this boundary (which would be unaffected by the development), all result in the proposal having no impact on the adjoining house to the north.

7 Planning Policy

- 7.1 The proposal is now considered in terms of those policies of West Dunbartonshire Local Development Plan 2 (August 2020) which were quoted in the previous refusal, and certain other relevant policies.
- 7.2 In the refusal reasons stated above, reference is made to policies in previous development plans, such as H5 and BC4. As the LDP 2 is now at its final stage of adoption we take the view that it contains the relevant policies, and that policies H5 and BC4 are in superseded plans and should be ignored.
- 7.3 Relevant policies of West Dunbartonshire Local Development Plan 2 are as follows.

7.4 Policy E2 Alternative Uses of Business and Industrial Land

Proposals for alternative uses of land or premises which are currently or have been previously used for business, industrial or commercial uses will be supported where it can be demonstrated that they accord with the following criteria:

- a) There is no adverse impact on the operation of existing uses or the potential for future business, industrial or employment use within the area;
- b) The proposal protects and enhances the attractiveness of the area as an industrial and business location;
- c) The proposal is ancillary to the industrial and business uses;

- d) There is no unacceptable detrimental impact on the availability of employment land; and
- e) The economic benefit that the proposal can bring to the area is demonstrated.

Additional guidance is provided within the Clydebank Business Park Supplementary Guidance for alternative uses specifically proposed within Clydebank Business Park.

7.5 **Policy E6 Tourism Development**

The development of new and existing tourist facilities will be supported and encouraged throughout the Council area where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage and are in accordance with other relevant policies within the plan.

7.6 **Policy H4 Residential Amenity**

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;
- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.;

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

7.7 **Policy CP1 Creating Places**

New development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places. All new development is required to:

- a) Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.
- b) Ensure that streets are safe, comfortable and attractive for all users; creating an accessible,

inclusive and walkable network of streets and paths which consider the role of streets as places for people first.

c) Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.

d) Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.

e) Ensure that the design and construction of new buildings and materials used are of a high quality, sustainable and suited to the climate and location;

f) Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.

All new development is also required to accord with the guidance set out within the Creating Places Supplementary Guidance.

8 A review of Policy E2 Alternative Uses of Business and Industrial Land

8.1 **Criterion (a)** *There is no adverse impact on the operation of existing uses or the potential for future business, industrial or employment use within the area;*

8.2 **Response.** Although the area is 'mixed-use' in character with the large and dominant motor trades premises opposite, the immediate surroundings are residential, and loss of the site from industrial use will enhance the amenity of the immediate surroundings. The proposed use would relate well to the surrounding residential uses and would not inhibit the industrial use of the premises opposite.

8.3 **Criterion (b)** *The proposal protects and enhances the attractiveness of the area as an industrial and business location;*

8.4 **Response.** The area is a 'mixed use' location, and replacement of the present industrial use by the proposed development would not detract from or inhibit the nearby industrial use.

8.5 **Criterion (c)** *The proposal is ancillary to the industrial and business uses;*

8.6 **Response.** The proposal would remove an industrial use from a site that is bounded on either side by residential properties.

8.7 **Criterion (d)** *There is no unacceptable detrimental impact on the availability of employment land;*

8.8 **Response.** The size of the site would not represent an unacceptable loss of employment land. The present industrial use would be better located where there no adjoining residential properties.

8.9 **Criterion (e)** *The economic benefit that the proposal can bring to the area is demonstrated.*

8.10 The economic benefit is demonstrated by the proposal's compliance with policy E6 (see below), which confirms that "The development of new and existing tourist facilities will be supported and encouraged throughout the Council area".

9 A review of Policy E6 Tourism Development

- 9.1 In terms of the policy E6 requirements, the proposed tourist accommodation would not be in the vicinity of a Natura 2000 site. Being an industrial site at present it does not form part of an existing green network or on any ground that could feasibly form part of a future green network. There are no built heritage artifacts in the vicinity. We describe below how the proposal accords with other relevant policies within the plan.
- 9.2 We have described above in section 6 how the site is well located to provide new tourist facilities. Policy E6 indicates that the development of new and existing tourist facilities will be supported and encouraged throughout the Council area. We demonstrate in this statement that the site is well-located to offer sustainable small-scale tourist accommodation, and that as the proposal would have no adverse environmental impacts, we assume that it will be 'supported and encouraged' by the Council as promised in the policy.

10 A review of Policy H4 Residential Amenity

- 10.1 We comment on the proposals for each criterion of this policy, as follows.
- 10.2 **Criterion (a)** *Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area.*
- 10.3 **Response.** For the purposes of our response to this policy we accord the proposed buildings as 'outbuildings', even though they are self-contained buildings in their own right.

Overshadowing. Submitted drawing HBC.AR(PL)013 shows that the proposed buildings will be significantly lower than the present house on the site. They will be on a lower site, of lower scale, and separated by a tree and bush belt from the adjoining house (No.49). There is no possibility that overshadowing could occur to the present house on the site, or to its neighbour. In terms of overshadowing of back garden ground, the proposed buildings would site at the side of the present house and to the north of the garden, and so would not overshadow it. Being lower than the garden of No.49, and there being a dense tree and bush belt on the boundary, the proposed buildings could not overshadow that garden. This is illustrated in the following photograph, onto which the application boundary has been added.

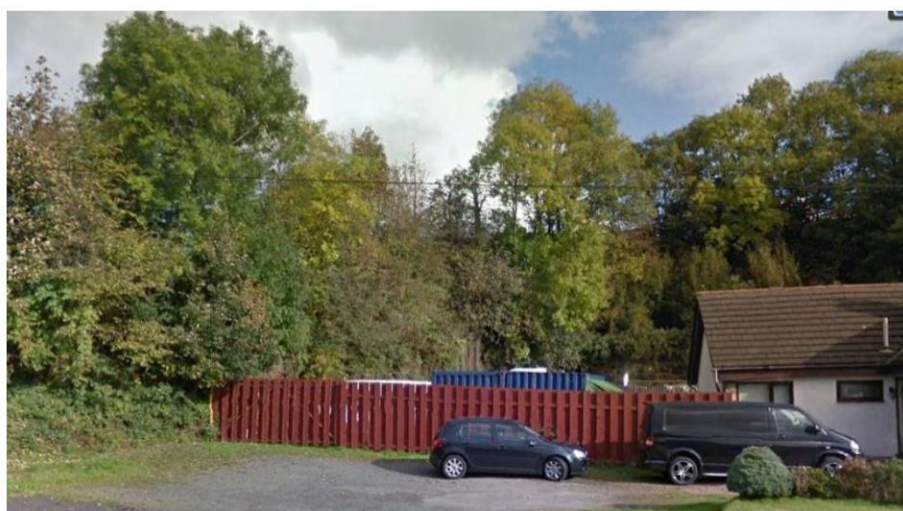


Overlooking. Each proposed holiday unit would have one small window on the wall facing the adjoining properties. The wall of the present house on the site that faces the proposed building is blank, so the as two windows facing the present house would look at a blank wall, no overlooking could occur. The two windows that would face north to No.49 would look onto the bank (No.49 sits higher than No.51), and the dense trees and shrubs that grow along the boundary, as shown on the above photograph.

Overbearing. The proposed buildings are significantly smaller than the present houses on either site, and as we have explained under ‘overshadowing’ and ‘overlooking’, their height and position will ensure that they remain visually subservient. That they would not have an overbearing impact is demonstrated by the photograph above and by drawing HBC.AR(PL)013.

Parking. There is a sizeable existing parking courtyard which is considerably in excess of the present requirement. Drawing HBC.AR(PL)010 shows six proposed spaces: two for the present house and one for each holiday unit. We contend that this is a sufficient level of provision.

Character and appearance of the area. The proposed buildings will be low-height and timber clad. Their visual impact could be described as an improved version of the present wooden screen wall, shown in the photograph below. The height of the proposed buildings would approximately accord with that of the blue container seen behind the wall in the photograph. We contend that the proposed development offers an improvement on the present fence at the location.



10.4 **Criterion (b)** *The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents.*

10.5 **Response.** The present lawful use of the site is “parking business vehicles and plant and siting of container” (see Section 4 above), which we interpret as being within Class 4 (Business) of the Use Classes Order. Our interpretation is supported by the description given by the Council’s Report of Handling of the refused application which confirms that the present use is Class 4.

The present lawful use of the site is therefore a non-residential use within residential surroundings. It could be used for any use within Class 4, with potentially greater visual or environmental impact on the local amenity.

The proposed use is of residential character and function, and would be much more appropriate in residential surroundings than the present lawful use.

We also draw attention to the fact that although the application site is within a row of houses, the character of this area would be better described as 'mixed', with the large motor trade premises being located across the street. We contend that the present application would effectively remove a significant non-residential use from the locality.

10.6 **Criteria (c), (d) and (e):** not relevant to this application.

11 A review of Policy CP1 Creating Places

11.1 **Criterion (a)** *Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.*

11.2 **Response.** The design of the two tourist accommodation buildings was influenced by three factors: being clearly distinct, and not competing with the original houses on either side, by being visually subservient to the present house on the site, and by embracing a typical design language found on tourist chalet developments in West Dunbartonshire. These three factors resulted in the following design decisions:

- To make the tourist accommodation buildings as low-profile as possible, thereby not competing with the size of the present houses. For this reason a low-height and flat-roof design is proposed.
- To clad the buildings in a material that will merge into the woodland / cliff background, improving on the present wooden fence along the frontage. The proposed buildings would therefore neither compete with the adjoining houses, nor be a significant visual feature beside them - in terms of colour, shape, size or design. It would not detract from natural features or the historic environment.

The proposed development would contribute positively towards improving the identity of the area by replacing a non-residential and visually intrusive use with one entirely compatible with residential surroundings.

11.3 **Criterion (b)** *Ensure that streets are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.*

11.4 **Response.** The proposal would not intrude onto the street network.

11.5 **Criterion (c)** *Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.*

11.6 **Response.** The proposed development would not have any impact on the green infrastructure, as it would occupy the site of an industrial yard. All trees would be unaffected.

11.7 **Criterion (d)** *Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.*

11.8 **Response.** We have examined in detail at section 7 above how the proposals would have no adverse impact on the neighbouring properties, and by removing an un-neighbourly use from residential surroundings, improve the character and amenity of the area.

11.9 **Criterion (e)** *Ensure that the design and construction of new buildings and materials used are of a high*

quality, sustainable and suited to the climate and location;

- 11.10 **Response.** The units are to be clad with a high quality locally sourced larch rainscreen cladding with dark grey locally sourced aluminium windows/doors to create a simple but modern aesthetic.
- 11.11 **Criterion (f)** *Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.*
- 11.12 **Response.** All materials are to be locally sourced where possible to ensure their embodied energy is kept to a minimum.

12 Concluding statement

- 12.1 The proposal offers small-scale tourist facilities in a sustainable location near to services, shopping and public transport in Alexandria. It will increase the availability of overnight tourist accommodation located conveniently to serve Loch Lomond & the Trossachs National Park and facilities at Balloch.
- 12.2 The site is in a good position to provide new tourist facilities. We explain in this statement that the proposed use would be close to the main tourist route through the Vale of Leven, and can easily be accessed by public transport.
- 12.3 The present authorised industrial use of the land is inappropriate given that residential properties lie on either side of it. The application offers the opportunity to introduce a use which is entirely in keeping with the properties on either side.
- 12.4 The space available allows the introduction of buildings and uses existing car parking without detriment to any surrounding properties. The low scale of the proposed buildings, the level change between the site and that of the adjoining property to the north, and the existing tree and shrub belt on this boundary (which would be unaffected by the development), all result in the proposal having no impact on the adjoining house to the north.
- 12.5 The position of the site in a mixed-use area, close to its access from the A813 and with good pedestrian links, means that guests will be able to reach the premises directly and easily and will not introduce extraneous traffic or pedestrian flows into residential areas.
- 12.6 The movement of pedestrians and vehicles from two holiday units will be limited and well below that which occurs from the present industrial use. The site is located close to the junction of Hillside Road and the A813 main road. The use will not therefore require guests to travel through residential areas to reach the accommodation. A pedestrian route directly links the site with the A813 at which footways connect by Bridge Street to Alexandria.
- 12.7 Our analysis of West Dunbartonshire Local Development Plan 2 policy E2 (Alternative Uses of Business and Industrial Land) reveals that loss of the site from its present industrial use would not affect the supply and quality of industrial land in the area, and that the proposal complies with the policy.
- 12.8 Compliance of the proposal with the criteria in West Dunbartonshire Local Development Plan 2 policy E6 (Tourism Development) as demonstrated in this statement indicates that the Council will support and encourage the development: *"new and existing tourist facilities will be supported and encouraged throughout the Council area"*.
- 12.9 Our contention that the proposal complies with West Dunbartonshire Local Development Plan 2 policy

H4 (Residential Amenity) is demonstrated in this statement.

- 12.10 Our contention that the proposal complies with West Dunbartonshire Local Development Plan 2 policy CP1 (Creating Places) is demonstrated in this statement.
- 12.11 In light of the above we conclude that the proposed development is in compliance with relevant Local Development Plan policies and we submit should therefore be approved.

John Paton
21st April 2021

OBJECTIONS TO PLANNING APPLICATION

DC21/129/FUL

Planning - PLNComment

Call date: 17/06/2021 16:21:02
User: 377420/2
Contact number:
Document Number: 4734155

Comment on Planning Application

About You

Please provide details about yourself

Forename

[REDACTED]

[REDACTED]

[REDACTED]

Details

Please provide details regarding this planning application

Case Type

Comments

FUL

It has been rejected before the amount of units has been reduced the area is a residential area not a tourist area and with the extra noise generated would spoil the area and would not feel safe with the extra strangers roaming around the area and my own property

Do you support the proposal

No

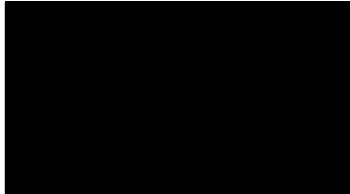
CONSULTATION RESPONSES

DC21/129/FUL

From: [REDACTED]
To: [REDACTED]
Subject: FW: DC21/129 The Islay 51 Hillbank Street Bonhill Alexandria G83 9AR
Date: 12 July 2021 11:16:23

Please redact and index me

Kind regards



If you wish to chat please forward details and I can call back as I am currently working from home.

PLEASE NOTE – additional information and/or amended plans relating to planning applications or the submission of post decision plans and/or reports should be uploaded directly to the planning portal @ www.eplanning.scot/ePlanningClient/ and should not be sent to directly to officers.

All pre-application enquiries should be submitted using the form on our website @ www.west-dunbarton.gov.uk/planning-building-standards/planning-applications/pre-application/ and you should note that we aim to deal with these enquiries within 20 working days from receipt.

From: Environmental Health
Sent: 25 June 2021 09:05
To: Development Management
Cc: [REDACTED]
Subject: DC21/129 The Islay 51 Hillbank Street Bonhill Alexandria G83 9AR

Hi Helen

Change of use of Class 4 business premises to Class 7 to allow construction of 2 single storey timber clad shipping containers to provide short term let tourist accommodation

With regard to the above application, please see below Environmental Health comments –

1. Noise

- No information has been submitted with regard any proposed noise mitigation measures, I would be concerned that noise may become an issue. The applicant should submit a management / operational statement

for the control of noise, to ensure nearby residents are not disturbed by the development

-
2. Waste

Details for the storage and the collection of waste arising from the proposed developments shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.

To safeguard public health and to protect the amenity of the surrounding area

-

Planning Notes

-
3. Health & Safety

- That the applicant shall contact Food and Business Group of Environmental Health (Environmental.Health@west-dunbarton.gov.uk or Tel: 0141 951 7957) to ensure that the premises are appropriate and comply with the requirements of the Health & Safety at Work etc Act 1974 and the legislation/regulations made thereunder.

4. Biomass Heating System

- That the applicant shall make early contact with the Councils Environmental Health Section (T [REDACTED]) if the proposed development is to utilise a biomass heating system.

With regard to any water /waste supply, will the development be connected to the mains?

Please advise if you require any further information.

Thanks

Environmental and Public Protection Group
Environmental Health
West Dunbartonshire Council
16 Church Street
Dumbarton
G82 1QL



RELEVANT LOCAL PLAN,
LOCAL DEVELOPMENT PLAN: PROPOSED PLAN (2016)
AND LOCAL DEVELOPMENT PLAN 2: PROPOSED PLAN POLICIES

DC21/129/FUL



WEST DUNBARTONSHIRE LOCAL PLAN



ADOPTED BY
WEST DUNBARTONSHIRE COUNCIL
MARCH 2010



04

General Development

4.1

The enhanced role of the Local Plan in providing clear development control advice is stated in Section 25 of the Town and Country Planning (Scotland) Act 1997. Planning Advice Note 40 Development Control indicates that development control should satisfy the expectations of various groups and users of the service. Local Plans form the basis for development control decisions and provide a stable background for investment decisions.

4.2

The Local Plan indicates, amongst other matters, development control policy in relation to the main land uses within the Plan area. This chapter provides guidance in relation to new development in general, and also to specific redevelopment opportunities. Chapter 12 indicates Local Plan policy in relation to more specific types of development not dealt with elsewhere in the Plan.

Development Control

4.3

The following policy relates to all new development and applies to the whole of the Plan area.

4.4 Policy GD 1 - Development Control

4.4.1

All new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. Proposals will be required to:

- be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy); developers will be required to submit design statements where appropriate;
- be energy efficient, including considering options for micro-renewable technologies;
- ensure that landscaping is integral to the overall design, that important landscape features and valuable species and habitats are conserved and where possible enhanced, and that there is an emphasis on native planting;
- ensure that the value of the historic and natural environment is recognised, and is not devalued or threatened by the proposal;
- ensure that open space standards are met;
- assess and address any existing or potential increase in flood risk and/or environmental pollution, provide drainage consistent with Sustainable Urban Drainage Systems design guidance and ensure that suitable remediation measures





- are undertaken on contaminated sites;
- demonstrate, where appropriate, that the development will not result in a negative impact on the water environment;
- ensure that increases in traffic volumes and adverse impacts on air quality are avoided or minimised by including provision for public transport, pedestrian and cycling access, and considering the need for a Green Travel Plan;
- meet the roads, parking and access requirements of the Council (particularly for disabled people and the emergency services) reflecting national guidance where appropriate;
- consider the availability of infrastructure and the impact on existing community facilities;
- minimise waste, and provide for the storage, segregation and collection of recyclable and compostable material; a Site Waste Management Plan may be required; and
- be consistent with other Local Plan policies.

Reasoned Justification

4.4.2

Policy GD 1 sets out the criteria which will be used in considering all development proposals and applications for planning permission. The intention of the policy is to ensure that all new development enhances the Plan area and environmental quality in general. The emphasis on the importance of design reflects a similar emphasis in SPP 1 and the Designing Places document published by the Scottish Government. This emphasis has been continued in more recent policy and advice, and SPP 20 draws together and reinforces the Government's design policy commitment. Achieving better quality design in the built environment and public open space requires design to be given greater importance from the beginning. New development should provide lasting improvements to the built environment, create successful places and promote local distinctiveness. PAN 68 Design Statements provides further advice. Specific design guidelines have been produced for both the Clydebank and Dumbarton Riverside areas and have been approved as Supplementary Planning Guidance. Other Local Plan policies within the following chapters will give more guidance to developers on specific types of development, for example Policy H 4 in relation to new housing. These should be referred to where appropriate, and together with Policy GD 1, will form the first point of reference when considering planning applications.

4.4.3

Development proposals on sites which have watercourses flowing through them or adjacent to them, or which are at risk from tidal flooding, are likely to be required to be submitted with a Flood Risk Assessment. Further details in relation to flooding and drainage are provided in the flooding and sustainable urban drainage policies in Chapter 13. However, it is considered appropriate to apply Sustainable Urban Drainage Systems to all new developments, whether or not they are currently affected by flooding, in order to address diffuse pollution originating



from new developments, as well as controlling site run-off so as not to exacerbate flood risk elsewhere. The Government has endorsed the guidance “Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland” published by the Sustainable Urban Drainage Systems Scottish Working Party, but further guidance may be appropriate as methods develop. PAN 61 Planning and Sustainable Urban Drainage Systems provides further advice. It should be noted that as at 2009 the Council does not have a policy of adopting SUDS features and the matter of liability and maintenance must be discussed for every development with the Council, to ensure all parties are aware of their responsibilities prior to any construction. The Council requires that any planning applications affecting contaminated land include suitable remediation measures so that the ground is made suitable for the new use, as required by PAN 33 Development of Contaminated Land. Finally, the Water Framework Directive and related regulations require that the physical characteristics of water courses as well as the quality is to be protected - see also paragraphs 13.8.1 and 13.8.2.

4.4.4

The requirement to minimise waste and provide for its storage and collection from new development is in accordance with SPP 10 Planning for Waste Management and PAN 63 Waste Management Planning. A Site Waste Management Plan may be required to minimise waste at source on construction sites through the accurate assessment of the use of materials and the potential for recycling material on or off site.

Redevelopment Opportunity Sites

4.5

There are a number of sites within West Dunbartonshire which are in need of comprehensive redevelopment. These sites have not been identified within the individual chapters because they are suitable for a variety of future uses, including mixed uses. Policy GD2 will apply to these sites.



in place for these areas. The importance of design is reflected both in SPP 1, which indicates that a proposal may be refused solely on design grounds, and SPP 3. A number of recent Planning Advice Notes (for example on Housing Quality, New Residential Streets, Designing Safer Places and Inclusive Design) provide further advice and information on good practice in terms of housing design. Options for micro-renewable technologies should be considered as part of a range of energy efficiency measures. Open space and car parking facilities are essential elements of acceptable housing layouts, and the Council will expect developers to conform to the standards laid down by Policy R2 and the Roads Development Guide respectively and in particular consider the development of Home Zones. Existing trees, hedges, shrubs and other natural and manmade features contribute to landscape quality and biodiversity, and should be retained and enhanced. In relation to access to new dwellings, developers will be strongly encouraged to provide homes which are accessible to all and will meet the needs of a growing elderly population - design and layout should comply with the Housing for Varying Needs guidance.

Development within Existing Residential Areas

6.37

As well as ensuring that new residential development reaches the highest standard, it is also vital that the character and amenity of existing residential areas is protected and enhanced by any new development which is proposed. This is particularly important when, as a matter of policy, development is being actively promoted within the existing built up area.

6.38 Policy H5 - Development within Existing Residential Areas

6.38.1

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced. Development within existing residential areas will be considered against the following criteria:

- the need to reflect the character of the surrounding area in terms of scale, density, design and materials;
- the requirement to avoid over development which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings;
- the need to retain trees, hedgerows, open space and other natural features;
- extensions to dwellings must complement the character of the existing building, particularly in terms of scale and materials, not dominate in terms of size or height, and not have a significantly adverse affect on neighbouring properties;





- the subdivision of the curtilage of a dwelling for a new house should ensure that the proposed plot can accommodate a house and garden; the new house and garden to be of a scale and character appropriate to the neighbourhood; sufficient garden ground should be retained for the existing house; the privacy of existing properties should not be adversely affected and separate vehicular accesses should be provided;
- with regard to non-residential uses, whether they can be considered ancillary or complementary to the residential area, and would not result in a significant loss of amenity to the surrounding properties. A significant loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance; and
- the proposal conforms with other Local Plan policies.

Reasoned Justification

6.38.2

This policy seeks to ensure that the character of existing residential areas is protected and that all development proposals within these areas will maintain or enhance their amenity. It is considered that using sympathetic design, avoiding over-development and retaining existing landscape features is the best way of achieving this. It is particularly important that the development of infill and gap sites should not be at the expense of open space which makes an important contribution to the quality of local environments.

6.38.3

The introduction of small-scale non-residential uses to existing residential areas may be acceptable, but their impact on the residential environment will be the overriding consideration. Policy H 5 indicates the factors which might lead to a loss of amenity in an existing area. However, there may be benefits in encouraging some other suitable uses into existing residential areas, for example nursing homes, children's nurseries and offices, which could provide small-scale local services and employment opportunities.

Priority Areas

6.39

The Scottish Government has identified five strategic objectives for a Wealthier and Fairer, Healthier, Smarter, Safer and Stronger and Greener Scotland. The Fairer Scotland Fund has replaced several previous funding streams, including the Community Regeneration Fund, and will help the Community Planning Partnership regenerate disadvantaged communities. Allocations of the Fund were informed by using the Scottish Index of Multiple Deprivation.

5.23 Policy LE 7 - Business Development in Mixed Use or Residential Areas

5.23.1

Proposals for business development, within residential areas or in mixed use schemes will be supported by the Council where it is satisfied that residential amenity or the surrounding uses are not adversely affected. The following criteria will be used in assessing such proposals:

- the effect on residents and adjacent uses in terms of noise, vibration, emissions, traffic, parking, storage of materials, hours of working or other adverse impacts;
- the cumulative effect of any impacts;
- access to the business use: shared access to stand alone business premises will be not be favoured and the cumulative traffic impact of the residential and business elements of an area will be taken into consideration; and
- the proposal conforms with other Local Plan policies.

Reasoned Justification

5.23.2

Small firms are recognised in SPP 2 as making an important contribution to the economy. It is considered start-up firms should be encouraged and positive policies used to ensure suitable locations are used for their operation. SPP 2 requires that development plan policies should recognise such businesses where low-impact industry, business and service uses can operate in keeping with housing. Policy LE 7 sets out the criteria for the consideration of small scale business operations within mixed-use or residential areas indicating the requirements such uses need to meet to ensure there are no adverse impacts on the surrounding environment.



5.24 Policy LE 8 - Tourist Industry Development

5.24.1

The Council will support applications for tourist industry developments throughout the Plan area conditional on the criteria below being satisfied. The Council recognises the Forth and Clyde Canal Corridor and the Lower Clyde and Firth of Clyde as Tourism Development Areas.

All tourist related development proposals will be required to satisfy the following criteria:

- there are no adverse environmental, landscape, infrastructure and transport implications;
- it is shown there is a clear locational need;
- it is established there is a significant economic benefit;
- the proposal is compatible with Policy R 4 (within the Forth and Clyde Canal Corridor); and
- the proposal conforms with other Local Plan policies.

Reasoned Justification

5.24.2

Tourism is an important element of the West Dunbartonshire economy, particularly at Balloch at the southern edge of the Loch Lomond and the Trossachs National Park. Other parts of the Plan area are expected to benefit from the proximity of the National Park. The Lower Clyde and Firth of Clyde and the Forth and Clyde Canal Corridor are seen as areas for further expansion of tourist based industries. Policy LE 8 aims at increased employment from tourist related developments whilst satisfying environmental, transport and other issues. The suitability of sites for tourist development will be considered against the listed criteria.

West Dunbartonshire Local Development Plan (Proposed Plan)



2016

puts pedestrians first. Neighbourhoods should have a variety of house types to meet the needs of people at different stages in their lifecycle. New homes should be designed taking account of issues that are important to residents such as the need for adequate and flexible internal space, energy efficiency, noise insulation and natural light.

6.6.3 Key elements of design and the standards expected for all new housing development will be set out in Residential Development Principles for Good Design Supplementary Guidance.

6.7 Existing Neighbourhoods

6.7.1 New house-building will form only a small part of the overall number of houses in West Dunbartonshire. The majority of residents live in well-established residential areas. It is important that these areas are kept or made as attractive as possible for the residents living there.



6.7.2 The term 'residential amenity' refers to the pleasantness of living somewhere. It reflects the appearance of buildings and their surroundings, the amount and quality of open and green spaces, the level of traffic, noise and privacy. Residential amenity can be adversely affected by development which is out of character in terms of design or overdevelopment, removes valued open space, introduces an inappropriate amount of traffic or noise, or overlooks private areas. Householder development such as extensions, driveways and decking will generally be acceptable except where there is a significant adverse impact on neighbours. Supplementary Guidance will be produced on this matter. Local shops, community uses and some small scale employment uses such as nurseries and offices may add to the attractiveness of a residential area and provide convenient services, but need to respect the amenity of the area.

Policy BC4

6.7.3 Development that would significantly harm the residential amenity, character or appearance of existing neighbourhoods will not be permitted.

6.8 Community Facilities

6.8.1 In addition to housing, there are a range of other facilities that contribute to a community being attractive and successful, for example

schools, local shops, health facilities, leisure centres, community halls, quality open spaces and outdoor sports facilities.



6.8.2 In 2013, the Council approved a 10 year Capital Plan with specific projects identified for development in the period to 2016. Projects identified by this Local Development Plan include a new Kilpatrick Secondary School on the site of the current school, a shared campus for early and primary school education in Bellsmyle on the site of the current St Peter's primary school, a new cemetery for Dumbarton and an extension to the Vale of Leven cemetery. A site for the extension to the Vale of Leven cemetery is still to be identified. A replacement school for Our Lady and Saint Patrick's secondary school in Dumbarton for which a site is to be

through West Dunbartonshire and contribute to the local economy. The provision of such facilities in clusters maximises convenience and minimises impact on traffic flow. Any retail uses at roadside service locations should be predominantly for the purpose of passing trade rather than to serve the resident population of West Dunbartonshire.



Policy GE3

5.5.2 Appropriate development which will enhance roadside facilities at Milton and Lomondgate will be supported where it does not significantly impact on trade within town centres.

5.6 Tourism

5.6.1 Tourism is recognised by the Council's Economic Development Strategy as a key economic sector for West Dunbartonshire. This reflects the proximity of Loch Lomond and the National Park and other visitor attractions such as Dumbarton Castle.

5.6.2 Tourism facilities include accommodation, ranging from B&Bs to hotels, infrastructure such as car parks or paths, and attractions. The Council has adopted a recommendation of its Strategic Advisory Board to investigate the delivery of a new major visitor attraction in the area as a means of growing this key sector of the economy.

5.6.3 Tourism facilities are generally supported by this Plan. They should be appropriately located and designed so as not to impact on residents and existing businesses, or the environment which attracts visitors to West Dunbartonshire.

Policy GE4

5.6.4 New tourist accommodation, attractions and supporting infrastructure will be supported in appropriate locations which avoid adverse impact on the green network and built heritage.

5.7 Glasgow Airport

5.7.1 Glasgow Airport is a major economic driver for Scotland, and particularly west central Scotland. The airport provides jobs directly to approximately 180 people in West Dunbartonshire and supports a number of West Dunbartonshire based jobs indirectly. It offers further support to West Dunbartonshire's



LOCAL DEVELOPMENT PLAN 2

West 
Dunbartonshire
COUNCIL

August 2020

Homes for Particular Needs

As in many other areas of Scotland, West Dunbartonshire has a growing population of older people. Ideally people should be supported to allow them to continue to live independently in their own homes as they get older. This might require adaptations to their existing home, or moving to more suitable accommodation, for example, to a home without stairs. The demand for sheltered housing or housing specifically built for older people is also likely to increase. Proposals for this type of accommodation in suitable accessible locations, for whatever tenure, will be welcomed. In addition, all new housing should comply with the Housing for Varying Needs guidance to ensure it is suitable for all life stages and that it will meet future needs.

Despite the desire to help older people remain at home and, as our population continues to age, the demand for care home and nursing home places will continue to increase. The Council has provided a new Care Home at Crosslet Estate in Dumbarton, and a second is to be built at Queens Quay in Clydebank. A new private care home in Alexandria has been completed and has been opened for use. This reorganisation of Care Homes has resulted in the sites of the former smaller homes being vacated, creating opportunities for redevelopment to other appropriate uses. The reuse of these properties for residential development and other uses is supported by this Plan, subject to being in accordance with the provisions of this Plan.

Policy H3
Homes for Particular Needs

Particular needs housing will be supported on the sites contained within Table 3 of this Plan, and other suitable sites, where they accord with the relevant policies of the Plan.

Table 3: Sites for Particular Needs Housing				
Site Ref	Address	Location	Status	Particular Need
H3(1)	Auchentoshan	Clydebank	Proposal	Care Home
H3(2)	Queens Quay	Clydebank	Consent	Care Home
H3(3)	Dalreoch	Dumbarton	Proposal	Travellers' Site
H3(4)	Cochno Waterworks	Hardgate	Consent	Care Home

Note: Development of those sites which are in the greenbelt will be restricted to the uses and areas identified.

Residential Amenity

New house-building is only a small part of the overall number of homes in West Dunbartonshire. The majority of residents live in well-established areas, and it is important that these are kept or made as attractive as possible for the residents living there. Inappropriate development which could have a detrimental impact on the amenity of a community will not be supported. Local shops, community uses and some small scale employment uses, such as nurseries and offices, can add to the attractiveness of a residential area and provide convenient services, but must respect the amenity of the area.

Policies CP1 and CP2, the Creating Places Supplementary Guidance and other relevant policies of the Plan, will be used in conjunction with Policy H4 to ensure all new development is well integrated with existing residential areas and has no detrimental impact on them.

Policy H4
Residential Amenity

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;
- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.;

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

Creating Places

Local Development Plan 2 sets out a vision for West Dunbartonshire to be a great place to live, work and visit. This vision is for the creation of places that put the needs of the people that use them first. West Dunbartonshire has great places reflecting its history, industrial heritage and outstanding natural beauty.

The Creating Places policies seek to ensure that all new development enhances and protects our great places and strengthens existing communities, as well as creating new and distinctive places which generate economic activity; encourage walking, cycling and healthy lifestyles; support sustainable patterns of movement and energy efficiency; and connect people to the historic and natural environment. By meeting these objectives new development will lead to vibrant and walkable places which enable our communities, in line with the Council's Strategic Priorities, to be Flourishing, Independent, Nurtured, Empowered and Safe.

Policy CP1: Creating Places sets out criteria which guide development proposals through the design process so as to achieve the six qualities of successful places as set out in Scottish Planning Policy: Distinctive, Safe and Pleasant, Welcoming, Adaptable, Resource Efficient and Easy to Move Around and Beyond. Further guidance on the stages of the design process set out in the criteria of Policy CP1 and the distinctive character of West Dunbartonshire will be provided in the Creating Places Supplementary Guidance.

Green infrastructure is an essential component of liveable, walkable and sustainable places. It includes parks, play areas, nature reserves and street trees, as well as rivers, ponds, sustainable drainage systems and other water features. Developers must consider green infrastructure first and as an integral part of designing places for people.

As this Plan is focused on raising the standards and quality of design within West Dunbartonshire, Policies CP1 and CP2 will apply to all development.

The implementation of the Creating Places policies will be supported through the activity of the Place and Design Panel; the preparation and adoption of site specific guidance as Supplementary Guidance; and the preparation of Supplementary Guidance on Creating Places as well as Green Network and Green Infrastructure. Policies CP3 and CP4 relate to the following topics:

- CP3: Masterplanning and Development Briefs
- CP4: Place and Design Panel

Policy CP1

Creating Places

New development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places. All new development is required to:

- a) Demonstrate an understanding of the local context and contribute positively towards the **distinctive identity** of West Dunbartonshire; retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.
- b) Ensure that **streets** are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.
- c) **Green infrastructure** must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.
- d) Ensure that the **layout and form** of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.
- e) Ensure that the design and construction of new **buildings and materials** used are of a high quality, sustainable and suited to the climate and location;
- f) Provide **sustainable design** which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.

All new development is also required to accord with the guidance set out within the Creating Places Supplementary Guidance.

Note: Until such times as the Creating Places Supplementary Guidance is adopted by the Council, the 'Residential Development: Principles for Good Design' Planning Guidance, which is non-statutory, should be referred to by landowners and/or developers.

Tourism

Tourism is recognised by the Council's Economic Development Strategy as a key economic sector for West Dunbartonshire. This reflects the proximity of Loch Lomond and the National Park and other visitor attractions such as Dumbarton Rock and Castle. Tourism facilities, including accommodation ranging from B&Bs to hotels, infrastructure such as car parks or paths and attractions, are supported by this Plan. They should be appropriately located and designed so as not to impact on residents and existing businesses, or the environment which attracts visitors to West Dunbartonshire.

Policy E6

Tourism Development

The development of new and existing tourist facilities will be supported and encouraged throughout the Council area where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage and are in accordance with other relevant policies within the plan.

PROPOSED CONDITIONS

DC21/129/FUL

Proposed Conditions: DC21/129/FUL

1. Prior to commencement, details of the colour finish of the proposed cladding shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the colour finishes are appropriate and in accordance with the West Dunbartonshire Local Development Plan 2 (Proposed) 2018 policies H4 Residential Amenity and CP1 Creating Places.

2. Prior to commencement, a management/operational plan for the control of noise shall be submitted to, and approved in writing by the Local Planning Authority, through consultation with the Council's Environmental Health Service.

Reason: To ensure that no unacceptable noise is created by the development and in accordance with the West Dunbartonshire Local Development Plan 2 (Proposed) 2018 policies H4 Residential Amenity.

3. Prior to the development being brought into use, details for the storage and collection of waste arising from the development shall be submitted to and approved in writing by the Local Planning authority, through consultation with the Council's Waste and Recycling Service. Thereafter, these details shall be satisfactorily maintained.

Reason: To safeguarding public health, to protect the amenity of the surrounding area and in accordance with the West Dunbartonshire Local Development Plan 2 (Proposed) 2018 policies H4 Residential Amenity.

Notes to applicant:

The applicant is advised that under the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development hereby approved must commence within a period of 3 years from the date of this decision notice.

The applicant is advised that under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, the developer is required to submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:

A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);

A Notice of Completion of Development as soon as practicable once the development has been completed.

The applicant should contact Food and Business Group of Environmental Health (environmental.health@west-dunbarton.gov.uk or tel: 0141 951 7957) to ensure that the premises are appropriate and comply with the requirements of the Health & Safety at Work etc Act 1974 and the legislation/regulations made thereunder.

The applicant shall make early contact with the Council's Environmental Health Section if the proposed development is to utilise a biomass heating system.