

# PLANNING APPLICATION REPORT

PLANNING COMMITTEE: 1 February 2006

**APPLICATION NUMBER:** DC05-330

**PROPOSAL:** Removal of Footpath Link Between Miller Street and Boghead Avenue

**SITE:** Between 57 & 59 Miller Street, Dumbarton

**APPLICANT:** Mr McAulay and Mr Miller per Miller Street, Dumbarton

**AGENT:** N/A

**WARD:** 13

**DATE REGISTERED:** 29/11/05

**PUBLICITY:** None

**REPORT:**

## A. SITE DESCRIPTION

The footpath link is located at the south east corner of the residential development at Miller Street (the former Boghead Park) between two detached dwellinghouses and leads to Boghead Avenue. It is flanked on either side by 1.8 metre high timber fencing and there is a lampstandard towards its centre. The footpath is surfaced in tarmac and there is a pedestrian barrier at its end with Boghead Avenue.

## B. DEVELOPMENT DETAILS

The link would be removed by enclosing the majority of its length with timber fencing. The fencing would be similar to the existing boundary fences of the adjacent houses. The fencing would be erected at the end of the footpath with Boghead Avenue and at the front building lines of 57 and 59 Miller Street. The resultant enclosed area would not become part of the gardens of these properties and is not to be landscaped.

The front section of the footpath adjacent to the front gardens of 57 and 59 Miller Street would be dressed with topsoil and landscaped. A previous application to remove this footpath was refused in June 2000 by the Planning Committee (Ref. WP00-079). The Councils decision was subject to appeal. The Councils decision to refuse planning permission was upheld by the Reporter and the appeal was dismissed.

## C. DEVELOPMENT PLAN POLICIES

The site is identified in the Dumbarton District, District Wide Local Plan. The development plan policies are required to be considered along with Government Guidance.

### Government Guidance

Planning Advice Note 67 “Housing Quality” provides advice on how the design of new housing reflects a full understanding of its context; that Local and Scottish identity are reinforced; and new housing is integrated into the movement and settlement patterns of the wider area. Successful places are those that are distinctive; safe and pleasant; easy to get to and move around; welcoming; adaptable and resource efficient. Further advice is given in Planning Advice Note No. 76 “New Residential Streets” to achieve better quality, more attractive and safe residential environments. This advice reinforces the principle introduced in PAN 67 in order that new street designs respond to local context; are safe, pleasant and welcoming; easy to move around by all modes of travel.

Government guidance on transportation is contained in Scottish Planning Policy 17 “Planning for Transport” and this advises that there should be an integrated transport system both in terms of mode and best value. This advice indicates that modes of personal travel should be prioritised with walking being the most sustainable form of travel. Walking is capable of substituting for the car over short distances with very significant health benefits and environmental gains. Cycling is also identified as a sustainable form of transport.

### Local Plan Policies

Policy TA7 endeavours to improve facilities for cyclists and pedestrians by encouraging the provision of cycle and pedestrian routes to link places of residence and employment as well as supporting pedestrian schemes which will enhance safety and convenience for pedestrians.

## D. CONSULTATIONS

Strathclyde Police:	Awaiting response. The applicants included a letter from the Police relating to a survey carried out in March 2005 and this recommended that the footpath be closed and become communal ground.
Housing and Technical Services:	Object to the closure of the footpath. The closure would be contrary to Scottish Executive Transportation Guidance and would close a strategic footpath link between wider communities.

## E. REPRESENTATIONS

6 letters in support of the application have been submitted from the residents of 53, 55, 57, 63, 75 and 81 Miller Street. A further anonymous letter of support has been submitted. These letters indicate that the footpath link is used as a gathering place by youths and antisocial behaviour results which affects the amenity of the residents of Miller Street.

4 letters of objection to the application have been submitted from the residents of 12, 47, 59 and 87 Miller Street. These letters indicate that the footpath provides a shorter/alternative route in and out of the site particular to the nearby schools; the closed footpath will be a target for vandalism; and not agreeing to the costs involved in its future maintenance.

## F. ASSESSMENT

### Land Use Policy

The application is required to be assessed against the development plan and other relevant material considerations. Policy TA7 sets out to secure improved facilities for pedestrians and cyclists linking houses and employment. It also expresses support for pedestrian schemes that enhance both safety and convenience and which support overall traffic management objectives.

### Site History

When the football ground was in operation the main access for pedestrians and vehicles was from Miller Street and this route is the approved vehicular access to the residential development. Additional access gates were also located at the head of Overwood Grove and Boghead Avenue. It was considered important that when the site was redeveloped that an alternative pedestrian route be provided to the site. The footpath link was incorporated within the development and this provides a shorter pedestrian route particularly to St. Patrick's Primary School and Dumbarton Academy. Without the footpath link there would be only one pedestrian route in and out of the site along Round Riding Road which is heavily trafficked.

The site developer, Bellway Homes, applied to remove the footpath link and the application was refused in June 2000 as it was considered contrary to Policy TA7 of the Local Plan as it would require pedestrians to travel along longer and heavily trafficked routes which would be detrimental to their safety.

The subsequent appeal to the Scottish Ministers was dismissed in February 2001. The Inquiry Reporter refused to grant planning permission and concluded that the footpath link provides a high degree of accessibility by foot to important local services and facilities and there would be the potential for an increase in the number of trips made by private car if the footpath is not available. The loss of the footpath would not be consistent with the development plan policy. The Inquiry Reporter also concluded that there were no material considerations to justify the closure of the footpath. The footpath provides a recognised

point of entry to the housing development and its loss would have been at variance with National Policy on Transport and Planning.

#### Other Material Considerations – Government Guidance

Government guidance on transportation emphasises the reduction in reliance on the private car as a mode of transport. Walking is encouraged as a mode of transport especially for short journeys. The footpath link provides an alternative pedestrian route into and out of the site. St. Patrick's Primary School is approximately 400 metres from the centre of the residential development via the footpath, with Dumbarton Academy a further 200 metres to the west. Without the footpath link, pedestrians could only access the site by Miller Street. Access to the schools would be along Round Riding Road and Bonhill Road. By road the secondary school is 1.1km from the centre of the site and the primary school is some 1.3km. The inclusion of the footpath link is important to integrate the residential development with its surroundings and its loss would be viewed as being at variance with Government advice on transport.

#### Other Material Considerations – Urban Design

Since the previous application and appeal decision the Government has issued advice on urban design, particularly on new residential developments. This advice indicates that residential developments should be accessible by other forms of transport other than the private car and are permeable. Although the residential development at this location was completed prior to this advice being issued, the inclusion of the footpath link anticipated this advice of creating accessible developments and providing alternative modes of transport to the private car. Had the site been the subject of a redevelopment proposal now, the inclusion of a footpath link would have been required as an integral part of the development. The loss of the footpath link would again be a variance with this advice.

#### Representations

The representations received to the application are in favour of the application as well as against the application. It is acknowledged that there are instances of antisocial behaviour in the area and the information submitted by the applicants indicates that the police attended 12 incidents of youth disorder in the area between March 2004 and March 2005. However, antisocial behaviour is a societal problem and the footpath link in itself does not create this antisocial behaviour. The position of the footpath and its relationship to the houses results in the path having surveillance from nearby residential properties.

With regard to the objections to the application the costs of the works and its future maintenance is not material to this application. The footpath is in communal ownership and the payments involved will be a civil matter between all the part owners of the footpath. The manner in which the footpath link is to be completed does cause concern as it is not to be incorporated within the adjacent gardens. The resultant enclosed area would become an area of dead space and does not guarantee that it would not become a target for vandalism. This area

could become an area for litter to accumulate and may be difficult to maintain as there is no direct access into the enclosed area.


#### G. CONCLUSION AND RECOMMENDATION

This is the second application within a relatively short period of time to remove this footpath link. The previous decision and subsequent appeal are material in determining this application. The Local Plan Policies have not changed since the previous application and it is not considered that its removal accords with the development plan. During the intervening period, the Government has issued advice that reinforces the requirement to have this footpath in place.

**It is recommended that Members refuse this application for the following reasons.**

#### H. REASONS FOR REFUSAL

1. **The removal of the footpath link between 57 and 59 Miller Street and Boghead Avenue is contrary to Policy TA7 of the Dumbarton District, District Wide Local Plan as it would require pedestrians to travel along longer and heavily trafficked routes which would be detrimental to their safety.**
2. **The removal of this footpath link is considered at variance with the advice issued in National Planning Policy 17 "Planning and Transport" that emphasises the reduction in relying on the private car as a mode of transport. The loss of the footpath would result in the residential development not being integrated with the surrounding areas and could result in short journeys being undertaken by private car.**



**Dan Henderson,  
Director of Development and Environmental Services  
Date: 18/01/06**

---

#### BACKGROUND PAPERS:

1. **Copy of application received 22/11/05.**
2. **Copy of amended land ownership certificate received 29/11/05.**
3. **Copy of previous refusal of planning consent (Ref. WP00-079) dated 08/06/00.**
4. **Copy of letter from SEIRU dismissing appeal dated 22/02/01.**
5. **Copy of letters of support from residents of 53,55,57,63,75 and 81 Miller Street.**
6. **Copy of letters of objection received from residents of 12,47,59 and 87 Miller Street.**

**7. Copy of letter to Strathclyde Police “L” Division dated 3/12/05.**

**Person to Contact: Jameson Bridgwater, Section Head, Development  
Management, Development & Environmental  
Services, Council Offices, Clydebank G81 1TG. 01389  
738656.**