

**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 28 June 2021**

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**DC21/012/FUL: Siting of 3 containers on existing car park to accommodate tyre fitting business at land adjacent to Public House, Dumbarton Road, Duntocher, Clydebank by KMC Tyres & Recovery Ltd**

**1. REASON FOR REPORT**

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

**2. RECOMMENDATION**

- 2.1** Grant planning permission for a temporary period of 2 years from the date of the decision notice and subject to the conditions set out in Section 9.

**3. DEVELOPMENT DETAILS**

- 3.1** The application site relates to an area of land on the corner of Dumbarton Road and Beeches Road in Duntocher, Clydebank. The site is bounded by Beeches Road to the east with flatted properties beyond and by Dumbarton Road to the south with a large area of open space on the opposite side of the road. To the west, the site is bounded by a public house and car park, and to the north there is an area of open space which separates the site from the library and community centre. The site measures approximately 640 square metres and was last used as a car park.
- 3.2** The proposal seeks retrospective planning permission for the siting of three shipping containers that are currently on the site, and the operation of a tyre changing business. Two shipping containers and one smaller container are located in the north-western corner of the site. The larger containers both measure 6.1 metres long by 2.4 metres wide and 2.6 metres high. One of the large containers will be used to store tyres and the other will be used to store a tyre changing machine and a wheel balancing machine. Doors of the containers will be open during use. The smaller shipping container measures 3 metres long, by 2.4 metres wide and 2.6 metres high, and will be used to store a diesel generator and a compressor. Doors of the smaller container will be closed when in use and there are small vents in the container wall. Two parking bays for vehicles to park while being worked on will be formed in front of the containers. Parking spaces will be delineated around the edge of the site and the existing access from Beeches Road will remain. The proposed operating hours for the tyre changing business are Monday to

Saturday 8am to 6pm and Sunday 9am to 4pm. Delivery of tyres to the site will take place 1 to 2 times per day during operational hours.

- 3.3 A hot food catering van with associated seating area originally formed part of the application, however, following discussions with officers this has since been removed from the proposed development.

#### 4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service have no objections subject to conditions regarding the delineation of parking spaces and the provision of a parking bay for disabled badge holders.
- 4.2 West Dunbartonshire Council Environmental Health Service have no objections subject to a condition requiring the reconfiguration of the containers on the site as a noise mitigation measure.
- 4.3 West of Scotland Archaeology Service have no objections to the proposed development.

#### 5. REPRESENTATIONS

- 5.1 Ten representations have been received from local residents, all in objection to the proposal. This includes one of the representations signed by 9 residents of Veitches Court which is on the opposite side of Beeches Road. A summary of the points raised in the representations are as follows:
- Noise pollution from the tyre changing business will affect local residents enjoyment of peace and quiet in their homes. Many local residents are senior citizens and have specifically chosen this area to live in due to its quiet and safe nature.
  - Proposal will result in an increase in traffic at an existing busy junction causing disruption to public transport and to cars entering the adjacent housing scheme. Increased risk of accidents for both vehicles and pedestrians.
  - Fumes from tyre changing business will affect amenity.
  - Several local residents' properties will overlook the site, which will be visually unpleasant and damaging to the environment. It will impact local enjoyment of Duntocher Green through noise and fumes. Development will be out of character with this part of the high street as it has traditionally been characterised by shop fronts.
  - Development would result in the loss of a car park leading to more people parking on the street, which can raise road safety issues.
  - Once the adjacent public house reopens this, along with the proposed development, will result in cars parking on the main road causing problems for vehicles and pedestrians trying to cross the road. Customers of the business may use the parking facilities for nearby houses.

- Property values may be affected as they become less desirable to potential buyers.
- Established tyre repair businesses in the local area would be affected.
- Development would be more suited to an industrial estate.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

- 6.1** Policy GD1 seeks to ensure that all new development is of a high quality design, of an appropriate and compatible land use and that it respects the character and amenity of the surrounding area. Policy H5 seeks to ensure that the character and amenity of existing residential areas are safeguarded where new development is proposed. Where non-residential uses are proposed consideration should be given as to whether the use can be considered ancillary or complementary to the residential area. Developments should not result in a significant loss of amenity to surrounding properties, such as through increased traffic, noise, vibration, smell artificial light, litter, hours of operation and general disturbance.
- 6.2** The proposal complies with all the relevant policies contained in the Adopted Local Plan and is assessed fully in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Similar to Policy H5 of the Adopted Plan, Policy BC4 focuses on new developments within existing neighbourhoods and requires them to respect and be compatible with their surrounding environment. Policy SC3 relates to proposals for non-retail uses in local centres and requires them to be assessed in terms of their impact on the amenity of the centre and surrounding uses. Policy DS1 seeks to deliver successful places and sustainable design for all development proposals. Policy DS4 seeks to protect air quality and prevent development that would exacerbate existing air quality problems, introduce new sources of air pollution that would impact on sensitive receptors, or introduce sensitive receptors close to areas with air quality problems unless adequate mitigation measures are included with the proposals. Policy BH1 aims to protect the Antonine Wall from development that would have an adverse impact on the Wall or its setting.

**7.3** The proposal complies with all the relevant policies contained in the Local Development Plan (LDP1) Proposed Plan and is assessed fully in Section 7 below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

**7.4** The modified LDP 2 was approved by the Council in August 2020. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2 and these modifications will be presented to a future Planning Committee for consideration. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.

**7.5** Policy H4 focuses on the safeguarding of amenity in existing residential areas and sets a need for developments to protect, preserve and enhance their residential character and amenity. There will be a general presumption against the establishment of non-residential uses which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents. Similarly to policy H4, Policy CP1 states that new developments must respond to their local context as well as protect and enhance the amenity of existing communities and neighbouring development sites. Policy SC4 relates to Local Centres and aims to protect and support uses that serve the local community. Non-retail uses may be appropriate in local centres, but the Council will have regard to the impact of proposals on the nature of the centre and the character and amenity of surrounding areas, particularly schools and homes. Policy BE1 seeks to protect Scheduled Monuments and Archaeological Sites from development that would adversely affect a Scheduled Monument or its setting, and archaeological sites should be preserved in-situ where possible. The proposed development is considered to be compatible with the surrounding residential area.

**7.6** Policy ENV8 seeks to ensure that developments do not have a significant impact on established residential areas and properties by way of air, noise or light pollution. Where required, proposals that have the potential to impact, will require to demonstrate that their impact is not significant and provide adequate mitigation where necessary. The proposals will not have a significant impact in any of these regards with the Councils Environmental Health Section having no objection to the development.

Principle of Development

**7.7** The site is located within an area identified as Existing Residential/Existing Neighbourhood within the adopted Local Plan and proposed Local Development Plans. Proposals for non-residential uses can be acceptable, however, they must be considered in terms of their impact on amenity, character, appearance and potential to cause disturbance. Although the site is captured under the existing residential area policy, the site and its immediate surroundings are characterised by a mix of uses including a public

house, shops, community centre, and a library, as well as residential properties. In this way, the site and surrounding area is similar to a Local Centre in that it is characterised by a mix of uses that serve the surrounding community. The site is also located on the main A-class road (A810) through Duntocher, and such central routes/streets are typically flanked by a mix of uses, and not just residential properties. While commercial/industrial uses tend to be directed towards business and industrial areas, tyre changing businesses in particular are often located on main roads as it provides a convenient location for motorists to stop. The scale of the business is considered to be proportionate to its surroundings and the presence of a new commercial use at this location would not be out of character in this mixed use area. While the site is located within a mixed use area, there are residential properties nearby and the impact on their amenity is considered below.

#### **7.8** Impact on Residential Amenity

The nearest residential properties to the site lie approximately 16 metres away to the east, at Veitches Court on the opposite side of Beeches Road. In the representations some of the local residents have raised concerns about noise and have mentioned that the tyre fitting business was in operation for a time before it was brought to the Council's attention, although this was not witnessed by officers who attended the site. A noise impact assessment has been carried out to determine the potential impact of the proposed development on the nearest residential properties. The assessment looked at noise from the removal and fitting of tyres in the two externally located changing bays and associated plant and equipment located in the adjacent shipping containers. Background noise measurements were taken on a Friday morning to represent a typical weekday noise level and measurements were also taken on a Sunday morning to represent the lowest background noise level. The assessment found that the noise impact during the Monday to Saturday period would not be adverse and therefore additional mitigation would not be required. However, the assessment did find that the noise impact of the development on a Sunday would be more significant due to background noise levels being lower at this time of the week and therefore the assessment recommends mitigation measures to avoid any significant adverse impact. The assessment recommends reorientation of the shipping containers and tyre changing bays to provide a buffer between the noise sources and the residential properties on the opposite side of Beeches Road. The shipping container to be used for storing tyres would be positioned between the tyre changing bays and Beeches Road. Environmental Health have reviewed the noise impact assessment and are content with its findings, including the proposed mitigation measures. The positions of the shipping containers on the site can be managed through a condition.

**7.9** Fumes from the tyre changing business has been raised as a concern. The site is located on the main road through Duntocher, which is also an A Class road. The traffic on the road is therefore characterised by all types of vehicles including buses and HGVs, many of which will use the road as a short-cut to get from the A82 on to the roundabout at Hardgate. The introduction of a tyre changing business of this scale is therefore unlikely to make a significant

contribution towards air pollution, particularly as cars will switch their engines off shortly after entering the site. .

**7.10** Impact on visual amenity has been raised in representations, with residents concerned about impact on the outlook from their property and impact on the character of the main street in general. The site is an existing car park covered with tarmac and therefore it makes little contribution to the visual amenity of the area at present. While shipping containers do tend to be more associated with industrial areas, the current application proposes only three containers, one of which is smaller than the others, and these would be positioned towards the back of the site and subsequently the cars being worked on would also be pushed towards the rear corner of the site, as recommended in the noise impact assessment. While the containers will still be visible, this position will help to reduce their prominence and visual impact. This part of Duntocher, which is on a main route through the area, is characterised by a mix of uses including residential and commercial such as the adjacent public house and nearby shops. Tyre changing businesses and similar uses are often found on main routes as they provide a convenient location for motorists. It is therefore considered that the proposed development would not be out of character with the mixed use area and would not have a detrimental impact on the visual amenity of the area.

**7.11** Other issues raised in representations include impact on property values and impact on existing businesses in the local area. These are not material planning considerations and cannot be taken into account in the assessment of the application.

#### Parking and Access

**7.12** Concerns have been raised regarding the proposed development's potential to cause an increase in traffic at an existing busy junction. The development would utilise the existing vehicular access on Beeches Road and given the scale of the business it is considered that the development will not result in a significant increase in traffic at this location. Concern has also been raised over the loss of a car park which is in a convenient place for those wishing to visit shops etc on Dumbarton Road, which will lead to more drivers parking on the main road. However the existing car park is private and therefore drivers do not have the automatic right to park there at present. The Council's Roads Service has no objections to the proposal and has recommended conditions requiring the provision of a parking space for disabled badge holders and the delineation of parking spaces on the site. The site has sufficient parking for customers and staff and should not affect the residents' car park on the opposite side of the road. It is therefore considered that the proposal raises no road safety issues.

#### Other Technical Matter

**7.13** The site is located near to the Antonine Wall, the setting of which is protected as it is a Scheduled Ancient Monument. The Wall at this location is not visible as it passes under existing buildings therefore the proposed development would not affect its setting, and as the proposal would not involve any ground excavation works there is no risk to archaeological remains.

## **8. CONCLUSION**

- 8.1** The proposed development would introduce a commercial use into a mixed use area. The impact on amenity has been taken into account and it is considered that the proposal would not have a significant detrimental impact on the existing amenity of nearby residential properties provided that the mitigation measures recommended in the noise impact assessment are taken into account. Over all it is considered that the proposal complies with the polices of the adopted local plan and proposed local development plans and is therefore acceptable.

## **9. CONDITIONS**

- 01.** The permission hereby granted is for a temporary period of 2 years only from the date of the decision notice, after which the containers shall be removed and the site restored to its former use unless a further planning permission is granted.
- 02.** For the avoidance of doubt the hot food catering van and seating area shown on drawing no.03 do not form part of this consent. No food catering vehicles shall operate on the site at any time.
- 03.** The tyre fitting business shall trade only between the following hours:  
Monday to Saturday 08.00 and 18.00  
Sunday 09.00 and 16.00
- 04.** No development shall commence on site until an amended site layout drawing has been submitted for the further written approval of the planning authority. The amended site layout drawing shall show all proposed parking spaces and the locations of the shipping containers reconfigured as per the recommended mitigation measure noted within the New Acoustics Noise Impact Assessment- Rev 01 Report no. 7278-00-01 dated 17 May 2021. The amended layout shall thereafter be implemented as approved. No changes shall be made to the positions of the shipping containers thereafter unless otherwise agreed in writing with the Planning Authority.
- 05.** Prior to the commencement of the use on site, details of the method of delineation of the parking spaces, including a space for disabled badge holders, shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details before it is brought into use.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 28 June 2021**

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**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Consultation responses
6. Representations

**Wards affected:** Ward 4 (Kilpatrick)