

WEST DUNBARTONSHIRE COUNCIL

Report by the Director of Development and Environmental Services Planning Committee: 7 December 2005

**Subject: Appeals at: Livingstone Street, Whitecrook, Clydebank;
316 Dumbarton Road, Old Kilpatrick; and
Arnold Clark, Dumbarton Road, Milton**

1.0 Purpose:

- 1.1** To inform Members of an appeal recently submitted to the Scottish Ministers and the outcome of the other two appeals.

2.0 Appeal Notification: Livingstone Street, Clydebank

- 2.1** An appeal has been submitted against the refusal of a planning application for the installation of an 11.7metre high monopole telecommunications mast and ancillary equipment at Livingstone Street, Whitecrook, Clydebank. The application was reported to the Planning Committee in September 2005 and refused contrary to recommendation. The application was considered contrary to Policies DC4 and GD1 of the Clydebank Local Plan as it would be visually prominent and also could block the traffic corridor during construction and maintenance and would therefore compromise the safety of road users.
- 2.2** The appeal was received by the Council on 14 November 2005 and will be dealt with by written submissions and Members will be advised of the outcome in due course.

3.0 Appeal Decision: 316 Dumbarton Road, Old Kilpatrick.

- 3.1** The appeal decision concerns an Enforcement Notice served in relation to an unauthorised beer garden installed at the front of the Telstar public house in Old Kilpatrick. A retrospective planning application was refused as it was considered to be contrary to policy GD1 of the Clydebank Local Plan in that it was likely to give rise to noise and disturbance at nearby residential properties and detract from the character and amenity of the area. It was for the same reason that an Enforcement Notice was served against the unauthorised use of the land as a beer garden.
- 3.2** The Enforcement Notice appeal was dealt with by way of written submissions. The Inquiry Reporter dismissed the appeal and upheld the requirements of the Enforcement Notice. The Enforcement Notice

gives the appellant one month to cease use of the area as a beer garden and remove all tables, chairs and play equipment from the area. This is to be carried out by 15 December 2005.

3.3 Appeal Decision: Arnold Clark, Dumbarton Road, Milton.

The appeal decision relates to the refusal of advertisement consent for various fascia and freestanding signs at the Arnold Clark premises at Milton. The Inquiry Reporter part upheld and part dismissed the appeal. He granted consent for various fascia signs as well as free standing customer parking signs, however he limited the height of the customer parking signs to 0.5 metres instead of the 1.8 metres proposed.

- 3.4** The Inquiry Reporter refused to grant consent for the 6.5 metre high freestanding pylon sign and 3 flagpole signs measuring 12 metres high as he considered them to be over conspicuous and if allowed would result in an unacceptable loss of visual amenity. He considered the pylon and flagpole signs would cause driver distraction on the heavily trafficked A82 and they would not be in the best interests of public safety.

4.0 Recommendation:

- 4.1** Members are asked to note the receipt of an appeal and the outcome of the other appeals.



Dan Henderson
Director of Development and Environmental Services
Date: 23 November 2005

Background Papers:

- 1. Letter of notification of appeal from Scottish Executive Inquiry Reporters Unit dated 11/11/05 in relation to Livingstone Street, Clydebank.**
- 2. Decision letter from Scottish Executive Inquiry Reporters Unit on appeal at 316 Dumbarton Road, Old Kilpatrick dated 15/11/05.**
- 3. Decision letter from Scottish Executive Inquiry Reporters Unit On appeal at Arnold Clark, Milton dated 18/11/05.**

Wards Affected: Whitecrook, and Bowling, Milton and Old Kilpatrick

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