

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in the Education Centre, St. Margaret of Scotland Hospice, East Barns Street, Clydebank on Tuesday, 1 March 2011 at 10.00 a.m.

**Present:** Provost Denis Agnew and Councillors Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, Douglas McAllister, Jonathan McColl, Craig McLaughlin, Willie McLaughlin and Marie McNair.

**Attending:** Pamela Clifford, Planning and Building Standards Manager, Colin Newman, Team Leader (Building Standards), Nigel Ettles, Principal Solicitor and Fiona Anderson, Committee Officer, Legal, Administrative and Regulatory Services.

**Councillor Jim Finn in the Chair**

### **DECLARATIONS OF INTEREST**

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

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Committee held on 1 February 2011 were submitted and approved as a correct record.

### **PLANNING APPLICATIONS**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development in respect of the following planning applications.

#### **New Applications:-**

- (a) **DC11/015/MSC - Erection of drive thru coffee outlet with outdoor seating area and associated landscaping, car parking, services yard and road at Lomondgate Drive, Dumbarton by Walker Group (Scotland) Ltd.**

The Planning and Building Standards Manager was heard in further explanation of the application and the background relating thereto.

Following discussion, the Committee agreed to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 1 hereto.

**(b) DC11/004/TEL - Erection of a 20 metre high Telecommunications Monopole Mast and Ancillary Equipment Cabinet on an area of pavement by Stirling Road, to the south of Bellsmyre Avenue, Dumbarton by O2/Vodafone.**

Reference was made to the site visit which had been undertaken in respect of the above application.

The Planning and Building Standards Manager was heard in further explanation of the application and the background relating thereto and in response to Members' questions.

Following discussion, the Committee noted that a representative from Dumbarton North Community Council who had objected to the proposal had arrived too late to present the Community Council's views on the matter.

Following further discussion, the Chair, Councillor Finn, seconded by Councillor Craig McLaughlin, moved:-

That the Committee agrees to grant planning permission, subject to the conditions specified within the report, details of which are contained in Appendix 1 hereto.

As an amendment, Provost Agnew, seconded by Councillor McNair, moved:-

That the Committee agrees to continue consideration of the application until the next meeting of the Planning Committee in order to allow a representative from Dumbarton North Community Council and a representative of the applicant to attend the Committee to present their views on the matter.

On a vote being taken, 3 Members voted for the amendment and 6 for the motion. The motion was accordingly declared carried.

**Note:** Councillor McColl arrived at the meeting during deliberation of the above item.

**(c) DC11/011/COU - Change of use of open space to garden ground at 29 Colquhoun Road, Dumbarton by Mr & Mrs Connelly.**

The Planning and Building Standards Manager was heard in further explanation of the application and the background relating thereto and in response to Members' questions.

Having heard the Chair, the Committee agreed to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 1 hereto.

## **PLANNING APPEAL**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development advising of the outcome of a planning application appeal.

Having heard the Planning and Building Standards Manager in further explanation, the Committee agreed to note that an appeal against the refusal of planning permission for the erection of 25 flats with associated car parking and access road on land adjacent to the Old Mill garage on Glasgow Road, Hardgate (DC10/078/FUL) which had been dealt with by way of written submissions, had been upheld by the Reporter.

The Reporter considered that none of the Council's evidence stated specifically why the development was unacceptable by reference to Council standards and his impression was that 'the Committee had reacted to the large number of objections that are based on opinion rather than verifiable fact in relation to council standards'. Given that the applicant had revised their plans to take into account the previous Reporter's comments and that these changes were considered acceptable by planning officers the Reporter states that 'the appellant rightly had every expectation that revising the scheme to meet the Reporter's concerns would lead to the granting of planning permission'. The Reporter therefore considered the committee's decision to be unacceptable and in summary found that the Council had acted in an unreasonable manner resulting in liability for expenses.

The Committee agreed to note that this was a second appeal to be made in relation to a proposed development on this site. In 2009 a similar development for the erection of 27 flats (DC08/392/FUL) had been refused by the Planning Committee. The appeal had not been granted however the Reporter found that the Council had acted in an unreasonable manner in terms of one of two reasons for refusal. The Reporter therefore found the Council liable to the appellant in respect of 50% of the expenses of the Appeal. Costs of £3,243.46 were paid to the appellant.

The Planning and Building Standards Manager was heard in confirmation that, in respect of the second appeal, the Council is liable for the appellant's costs, but the actual amount to be paid was not yet known. Based on the previous appeal, it was anticipated that costs were likely to be double the previous amount as the Council was only liable for payment for half the applicant's previous costs.

The Committee was reminded that the above decision emphasised the importance of taking account of previous appeal decisions and the reasoning behind them.

## **RE-APPOINTMENT OF COUNCIL AS A BUILDING STANDARDS VERIFIER**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development informing of the decision by the Scottish Ministers to re-appoint the Council as a Buildings Standards Verifier in relation to building warrant applications and related matters.

The Committee agreed to note the contents of the report.

## **THE BUILDING REPAIRS (SCOTLAND) BILL CONSULTATION**

A report was submitted by the Executive Director of Housing, Environmental and Economic Development informing of the Building Repairs (Scotland) Bill Consultation paper and seeking agreement on a response.

The Planning and Building Standards Manager was heard in further explanation of the proposed legislation and in response to Members' questions.

Following discussion and having heard from the Team Leader (Building Standards) in relation to Improvement Orders, the Committee agreed to note the contents of the report and agreed that responses provided within Appendix A of the report would form the Council's response to the consultation paper. The Committee requested that reference also be made in the Council's response to the issue of buildings which are unsightly but not dangerous.

The meeting closed at 10.30 a.m.

**APPLICATIONS FOR PLANNING PERMISSION CONSIDERED BY THE  
PLANNING COMMITTEE ON 1 MARCH 2011.**

**DC11/015/MSC - Erection of drive thru coffee outlet with outdoor seating area and associated landscaping, car parking, services yard and road at Lomondgate Drive, Dumbarton by Walker Group (Scotland) Ltd.**

**Permission GRANTED subject to the following conditions.**

1. The development shall commence not later than 2 years from the date of this decision notice, or 3 years from the date on which the relevant planning permission in principle was granted (whichever is the later of these two dates).
2. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - (a) 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); and
  - (b) A Notice of Completion of Development as soon as practicable once the development has been completed.
3. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.
4. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.
5. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
6. Prior to the commencement of works, full details of the lighting, bins and outdoor seating area furniture shall be submitted for the further written approval of the Planning Authority and implemented as approved.
7. A landscaping scheme for the amenity open space and boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the building. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.

8. The drive-thru shall open no earlier than 6am and close no later than 10pm. Any proposal to operate outwith these hours will require the further written approval of the Planning Authority.

**DC11/004/TEL - Erection of a 20 metre high Telecommunications Monopole Mast and Ancillary Equipment Cabinet on an area of pavement by Stirling Road, to the south of Bellsmyre Avenue, Dumbarton by O2/Vodafone.**

**Permission GRANTED subject to the following conditions.**

1. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.
2. Prior to commencement of works details of the colour/finish to be applied to all elements of the approved development shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.
3. The proposed monopole and associated equipment shall be removed when it is no longer operational and the land restored to its former condition.
4. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - (a) 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); and
  - (b) A Notice of Completion of Development as soon as practicable once the development has been completed.

**DC11/011/COU - Change of use of open space to garden ground at 29 Colquhoun Road, Dumbarton by Mr & Mrs Connelly.**

**Permission GRANTED subject to the following conditions.**

1. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.
2. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - (a) 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); and
  - (b) A Notice of Completion of Development as soon as practicable once the development has been completed.