

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Committee Room 2, Council Offices, Garshake Road, Dumbarton on Wednesday, 29 April 2015 at 10.10 a.m.

Present: Provost Douglas McAllister and Councillors Denis Agnew, Gail Casey, Jim Finn, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

Attending: Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader (Development Management); Alan Williamson, Team Leader (Forward Planning); Raymond Walsh, Network Services Co-ordinator; Nigel Ettles, Principal Solicitor and Scott Kelly, Committee Officer, Legal, Democratic and Regulatory Services.

Apologies: Apologies for absence were intimated on behalf of Councillors Jonathan McColl and John Mooney.

Councillor Lawrence O'Neill 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 Planning Committee held on 25 March 2015 were submitted and approved as a correct record.

PLANNING APPLICATIONS

Reports were submitted by the Executive Director of Infrastructure and Regeneration in respect of the following planning applications.

Continued Applications:-

- (a) **DC14/210 – Erection of a single wind turbine (max hub height 30m and max blade tip height 43m) and associated works, including construction of an access track and sub-station at land east of Broomhill Wood, Bonhill by Harris Smith.**

Having heard Councillor O'Neill, Chair, the Committee noted that this item had been withdrawn from the business of the present meeting as the necessary information had not been submitted for consideration and that consideration would be given to the application at a future meeting of the Committee.

- (b) **DC14/168 – Alteration to permitted extent of quarrying operations and consequential amendments to approved landscaping, tree protection and restoration schemes (amendment to condition numbers 22, 27, 28, 46 and 47 of Planning Permission DC02/187) at Dumbuckhill Quarry, Stirling Road, Dumbarton by Paterson's of Greenoakhill Limited.**

The Planning & Building Standards Manager was heard in further explanation of the report and it was noted that six late representations had been received and that, in accordance with the Council's procedures, it would be for the Committee to decide whether these should be taken into consideration.

The Committee then agreed that the late representations should be taken into consideration and the details of these were reported by the Planning & Building Standards Manager.

Thereafter, Councillor O'Neill, Chair, invited Ms Rose Harvie, Silverton & Overtoun Community Council, Mrs Helen Filshie, Mr Jim Filshie, Mr Phil Collins and Ms Elaine Mooney, objectors to the application, to address the Committee and each made their views on the application known. The Planning & Building Standards Manager and the Team Leader (Development Management) were heard in answer to questions raised by Mrs Filshie.

Councillor O'Neill, Chair, then invited Councillor George Black, ward member, to address the Committee and Councillor Black made his views on the application known.

The Planning & Building Standards Manager and the Team Leader (Development Management) were then heard in answer to a Member's question.

Councillor O'Neill, Chair, then invited the applicant's representative, Mr Kemp Lindsey, Estates Director of Patersons of Greenoakhill, to address the Committee. Mr Lindsey was heard in support of the application and in answer to Members' questions.

The Committee agreed to refuse the application on the grounds that the proposed development would have an adverse impact upon the area's landscape, natural heritage, and the amenity and safety of nearby residents.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn for a period of 5 minutes.

The meeting reconvened at 11.48 a.m. with all those Members shown on the sederunt in attendance.

New Applications:-

- (c) **DC13/244 – Demolition of public house and erection of houses (18 units) at 4 Milldam Road, Faifley, Clydebank by R & L Properties No. 1 Limited.**

The Planning and Building Standards Manager was heard in further explanation of the report.

Thereafter, Councillor O'Neill, Chair, invited Mrs Margaret Harrigan, Mr Hugh Maguinness and Ms Dorothy Cunningham, objectors to the application, to address the Committee and each made their views on the application known. Officers were heard in answer to questions raised by the objectors and Members.

The Committee agreed that it was minded to grant planning permission subject to:-

- (a) the conditions specified within the report, details of which are contained within Appendix 1 hereto;
 - (b) an additional condition that any proposal to use rock blasting at the site would require a separate application for planning permission; and
 - (c) the conclusion of a Section 75 planning obligation or other suitable means of securing a financial contribution in lieu of play provision.
- (d) **DC15/045 – Change of use of ground at front of building to beer garden at 'The Twisted Thistle' public house, 316 Dumbarton Road, Old Kilpatrick by Mr O'Donnoll.**

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

- (e) **DC15/015 – Demolition of existing secondary school and erection of replacement secondary school and associated works, extension of existing primary school and refurbishment of existing hydrotherapy pool at Kilpatrick Secondary and Primary Schools, Mountblow Road, Clydebank by West Dunbartonshire Council.**

The Planning and Building Standards Manager was heard in further explanation of the report.

Thereafter, Councillor O'Neill, Chair, invited Mr Stuart Divers, an objector to the application, to address the Committee and Mr Divers made his views on the application known. Officers were then heard in answer to questions raised by Mr Divers and Members.

Following discussion, Councillor Agnew moved:-

“That the Committee agrees to grant full planning permission subject to the conditions set out in Section 9 of the report, and to an additional condition that, where appropriate, officers give consideration to the possible upgrading of the access lane to the school, in consultation with relevant agencies”.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn for a period of five minutes in order to allow officers to consult on the terms of Councillor Agnew's motion.

The meeting reconvened at 12.46 p.m. with all those Members shown on the sederunt in attendance.

Following discussion, Councillor Agnew agreed to withdraw his motion and the Committee agreed to grant full planning permission subject to the conditions set out in Section 9 of the report, details of which are contained within Appendix 1 hereto, and to an additional condition that the sports pitch is not used for community use without a separate application for planning consent.

(f) DC15/011 – Change of use of retail premises from class 1 to class 2 (financial, professional and other services) at 82 High Street, Dumbarton by Land & Property Management.

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

GREEN NETWORK SUPPLEMENTARY GUIDANCE

A report was submitted by the Executive Director of Infrastructure and Regeneration seeking approval of draft Supplementary Guidance on the Green Network.

The Committee agreed to approve the draft Supplementary Guidance on the Green Network.

REVIEW OF FEES FOR HIGH HEDGES APPLICATIONS

A report was submitted by the Executive Director of Infrastructure and Regeneration reviewing the fees for high hedges applications one year on from their introduction.

Following discussion and having heard officers in answer to Members' questions, the Committee agreed:-

- (1) to continue the high hedges application fee at a rate of £404, (i.e. twice the fee for a householder planning application) and to introduce a 50% refund of the fee in cases where:-
 - (a) The application is dismissed under Section 5 of the Act as the applicant has not taken all reasonable steps to resolve the situation, or where the authority considers the application to be frivolous or vexatious;
 - (b) The application is dismissed on the basis that the hedge does not satisfy the legal definition of a "High Hedge" as set out in the Act; or
 - (c) The applicant withdraws the application prior to determination as a result of works carried out by the hedge owner which resolves the matter; and
- (2) that Councillor O'Neill should write to COSLA, and the Planning and Building Standards Manager to Heads of Planning, on behalf of the Committee, to suggest amendments to the High Hedges (Scotland) Act 2013 in relation to the recovery of fees from persons who have been served with a High Hedge Notice.

The meeting closed at 1.10 p.m.

APPENDIX 1

DC13/244 – Demolition of public house and erection of houses (18 units) at 4 Milldam Road, Faifley, Clydebank by R & L Properties No. 1 Limited.

1. 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.
2. Prior to the commencement of works, full details of the design and location of all walls and fences (including retaining walls) to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.
3. 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.
4. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design and thereafter implemented as approved.
5. The development shall be constructed in accordance with the proposed ground levels as shown on drawing number 24 Rev A. Any alterations to these levels shall be agreed in writing with the Planning Authority.
6. During the period of demolition/construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

Monday to Fridays: 0800-1800
Saturdays: 0800-1300
Sundays and public holidays: No working.
7. No commercial vehicle making deliveries to or collecting material from the development during the demolition/construction period shall enter or leave the site before 0800 or after 1800.

8. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/ machinery), the anticipated duration of any particular noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
9. Unless otherwise approved in writing, no development shall commence on site until a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
10. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of works. The works shall be implemented as approved.
11. 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 first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.
12. Prior to the occupation of any house within this development all roads and footpaths within and serving the development shall be completed to the level of bottoming and bitmac base course, including the access bell mouth, visibility splays and all turning heads.
13. Prior to the occupation of the last dwellinghouse in the development all roads and footpaths within and serving the development shall be completed to their final specification and adoptable standard.
14. Any proposal to use rock blasting at the site shall require a separate application for planning permission

DC15/045 – Change of use of ground at front of building to beer garden at ‘The Twisted Thistle’ public house, 316 Dumbarton Road, Old Kilpatrick by Mr O’Donnoll.

1. The beer garden area shall not be used between the hours of 8pm and 10am. During these times and any other times that the beer garden is closed to patrons the public house operator shall ensure that customers do not use the area. Details of the measures to prevent access shall be agreed with the Planning Authority prior to it being brought into use and shall be implemented as approved.
2. No amplified music shall be played within the beer garden area, and the doors leading out from the public house into the beer garden shall be self-closing and shall not be kept open whilst any amplified music is played within the premises.
3. Notwithstanding the submitted plan no more than 8 tables with 4 seats per table shall be provided in the outdoor seating area and they shall be contained in the wider area of the outdoor seating area. Full details of the layout of the proposed benches/seats/tables to be used within the outdoor seating area shall be submitted to and approved in writing by the Planning Authority prior to the area being brought into use and shall be implemented as approved.

DC15/015 – Demolition of existing secondary school and erection of replacement secondary school and associated works, extension of existing primary school and refurbishment of existing hydrotherapy pool at Kilpatrick Secondary and Primary Schools, Mountblow Road, Clydebank by West Dunbartonshire Council.

1. During the period of construction no delivery or removal of material from the site shall take place outwith the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays unless otherwise approved in writing by the Planning Authority.
2. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays unless otherwise agreed with the Planning Authority.
3. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of the foul and surface water drainage system have been submitted to and approved in writing by the Planning Authority. These shall thereafter be implemented as approved prior to the occupation of the new school. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.

4. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as exact details and specifications of all proposed external materials have been submitted to and approved in writing by the Planning Authority. These shall thereafter be implemented as approved.
5. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of all ground surfaces including play surfaces, social space, roads and pathways have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
6. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of the design and location of all bin stores, walls and fences (including retaining walls) and ball stop fencing to be erected on site have been submitted to and approved in writing by the Planning Authority. These shall be implemented within a timescale to be agreed by the Planning Authority.
7. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and height of any sprinkler tanks have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the school.
8. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and siting of all external lighting have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
9. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and location of all external furniture, including cycle shelters have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
10. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of all external signage have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.

11. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as final landscaping details to include the number, siting and type of trees, shrubs and plant species have been submitted to and approved in writing by the Planning Authority. Planting shall thereafter be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the school. Any trees or shrubs removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees or shrubs of a similar size or species.
12. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the specification and surface of the synthetic grass pitch has been submitted to and approved in writing by the Planning Authority. These details shall include appropriate safety margins around the outside of the playing surface of the pitch and appropriate drainage. The pitch shall be designed and constructed by a specialist pitch contractor. The synthetic grass pitch shall be operational no later than one year after the opening of the new school.
13. Prior to the occupation of the school, a School Travel Plan and Workplace Travel Plan shall be submitted to and approved by the Planning Authority, and any actions arising from it shall be implemented prior to the occupation of the new school and shall be maintained thereafter.
14. Notwithstanding the terms of condition 1 above and prior to the commencement of any development on site, a traffic management plan addressing construction traffic and associated deliveries shall be submitted to the Planning Authority for their approval. The plan shall include details of the management of deliveries and construction traffic during and out with the school day, signage and any road/footway alterations and it shall be implemented as approved.
15. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority (in consultation with West of Scotland Archaeology Service). Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented, and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Planning Authority.
16. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of an adequate sized grease trap have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the school being brought into use and maintained as approved.

17. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction and identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.
18. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remediation works carried out within a timescale to be agreed by the Planning Authority.
19. Prior to the occupation of the school, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan shall take place unless first submitted to and approved by the Planning Authority in consultation with Glasgow Airport.
20. The developer shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the construction phase, and shall ensure that adequate and continuing measures are taken such that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction or any other vehicles. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the measures to be implemented have been submitted to and approved by the Planning Authority, and these shall thereafter be implemented as approved.
21. Prior to the undertaking of any tree or demolition works, the trees and buildings shall be checked for the presence of bat roosts and breeding birds. Tree work shall thereafter be undertaken to avoid any impact upon roosting bats or breeding birds.
22. The development shall be completed in accordance with the finished floor levels and ground levels shown on the approved plans unless otherwise approved in writing by the Planning Authority.
23. Prior to the occupation of the new building, the recommendations contained in the Transportation Statement (Dated January 2015) shall be fully implemented prior to the occupation of the new school.

24. The sports pitch shall not be used for community use without a separate application for planning permission.

DC15/011 – Change of use of retail premises from class 1 to class 2 (financial, professional and other services) at 82 High Street, Dumbarton by Land & Property Management.

Notwithstanding the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997, or any subsequent order amending, revoking or re-enacting that Order, this consent does not allow the premises to be used as a betting office, pawnbrokers or pay-day loan shop, unless a separate application for planning permission is submitted.