

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 26 November 2014 at 2.00 p.m.

**Present:** Provost Douglas McAllister and Councillors Denis Agnew, Jonathan McColl, Patrick McGlinchey\* and John Mooney.

\*Arrived later in the meeting.

**Attending:** Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader (Development Management); Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apology:** Apologies for absence were intimated on behalf of Councillors Gail Casey, Jim Finn, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

**Provost Douglas McAllister 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 at this point in the meeting.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Planning Committee held on 22 October 2014 were submitted and approved as a correct record.

### **NOTE OF VISITATIONS**

Notes of Visitations carried out on 20 and 22 November 2014, copies of which form Appendices 1 and hereto, were submitted and noted

### **PLANNING APPLICATIONS**

A report was submitted by the Executive Director of Infrastructure and Regeneration in respect of the following planning applications.

## **New Applications:-**

- (a) **DC14/184 - Demolition of Crosslet House and erection of an 84 bed care home and day care facility and associated works at Crosslet House, Argyll Avenue, Dumbarton by West Dunbartonshire Council.**

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

Having heard the Planning & Building Standards Manager in further explanation of the report the Committee agreed to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 3 hereto.

- (b) **DC14/196 - Subdivision of garden ground to form plot for a 1½-storey dwellinghouse (planning permission in principle) at Dunira House, 18 Overtoun Road, Clydebank by Mr Rafter.**

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 advised that following the site visit the following condition should be removed from the list of proposed conditions:-

*“Subject to conditions 3 and 4 below, any alterations to the existing stone boundary walls shall be carried out in such a way as to preserve the stone so that it can be re-used in the construction of new boundary walls and/or the external finishing of the new house.”*

The Chair, Provost McAllister, invited Mr Byrne, local resident, to address the Committee. Mr Byrne gave a presentation and made his views on the application known. Mr Byrne was also heard in answer to Members' questions.

The Chair then invited Mrs Rafter, the applicant's wife, to address the Committee. Mrs Rafter was heard in response to Mr Byrne's presentation.

Following discussion, Councillor Agnew, seconded by Councillor Mooney moved that:-

The Committee refuse planning permission on the grounds that the development is contrary to existing policies and would result in a loss of amenity.

As an amendment, Councillor McColl, seconded by Provost McAllister moved that:-

The Committee agree:-

- (a) to grant planning permission in principle subject to the conditions specified within the report (as amended in accordance with the amendment referred to above), details of which are contained within Appendix 4 hereto; and
- (b) that when the application for approval of matters specified in conditions is received, it be brought to Committee for determination.

On a vote being taken, 2 Members voted for the amendment and 2 for the motion. There being an equality of votes, Provost McAllister, Chair, used his casting vote in favour of the amendment which was accordingly declared carried.

Note:- Councillor McGlinchey entered the meeting during consideration of the above item and therefore did not take part in the decision in relation to the application.

- (c) **DC14/224 - Erection of 13 workshop units and associated works including parking, access and landscaping on land within the Vale of Leven Industrial Estate by West Dunbartonshire Council.**

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 5 hereto.

The meeting closed at 2.35 p.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 20 OCTOBER 2014

**Present:** Councillors Denis Agnew and John Mooney  
**Attending:** Keith Bathgate, Development Management Team Leader  
**Apologies:** Councillors Gail Casey, Patrick McGlinchey and Lawrence O'Neill

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

(a) Cochno Road, Hardgate, Clydebank

ROW14/01 – diversion of public path at/near Wester Cochno Farm, Cochno Road, Hardgate by Mr Richard Spratt.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 22 OCTOBER 2014**

**Present:** Councillors Jim Finn and John Mooney  
**Attending:** Keith Bathgate, Development Management Team Leader  
**Apologies:** Councillors Gail Casey and Lawrence O'Neill

**SITE VISIT**

A site visit was undertaken in connection with the undernoted planning application:-

- (a) 18 Britannia Way, Clyde Shopping Centre, Clydebank

DC14/167 – Sub-division of existing retail unit and change of use to Betting Office and shopfront alterations at 18 Britannia Way, Clydebank by Betfred.

**DC14/184 - Demolition of Crosslet House and erection of an 84 bed care home and day care facility and associated works at Crosslet House, Argyll Avenue, Dumbarton by West Dunbartonshire Council.**

**Permission GRANTED subject to the following conditions:-**

1. 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 prior to the occupation of the building. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.
2. 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 thereafter be implemented as approved.
3. Prior to the commencement of works on site full details of all ground surfaces, including roads, parking bays and pathways shall be submitted for the further written approval of the Planning Authority and implemented as approved prior to the occupation of the new building.
4. Prior to the commencement of works, full details of the design and location of all bin stores, 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 within a timescale to be agreed by the Planning Authority.
5. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new building.
6. None of the trees which have been marked for retention on the approved plans shall be lopped, topped, felled, lifted, removed or otherwise disturbed without the prior written approval of the Planning Authority. No development shall commence until the trees marked for retention have been protected by suitable fencing around the extremities of their crowns. Details of the fencing shall be submitted for the further written approval of the Planning Authority prior to the commencement of development and shall be implemented as approved.
7. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees, shrubs and plant species shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The landscaping scheme shall also include details of the long term management of the landscaping, including the retained trees.

New planting shall be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the building. 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. The landscaping shall thereafter be managed in accordance with the approved scheme.

8. Prior to the undertaking of any tree works a bat roost survey shall be undertaken, and in the event of tree works being carried out between February and August (inclusive) a breeding bird survey shall also be undertaken. Tree work shall thereafter be arranged to avoid any impact upon roosting bats or breeding birds.
9. Prior to the commencement of works, details of the proposed measures to upgrade the pedestrian access from the site onto the footpath adjacent to the A82 shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of the new building.
10. 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.
11. 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.
12. No development shall take place within the development site until 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 agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
13. Prior to the commencement of development on site, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and thereafter it shall be implemented prior to the development being brought into use and maintained as approved.
14. Prior to the commencement of development on site, details of the design and location of bat boxes shall be submitted to and approved in writing by the Planning Authority and thereafter shall be implemented and maintained prior to any demolition or tree felling being undertaken on site.

15. 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, and work on the affected area shall cease. At this stage, if requested, an investigation and risk assessment shall be undertaken and an amended remediation scheme submitted to and approved in writing by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.

DRAFT

**DC14/196 - Subdivision of garden ground to form plot for a 1½-storey dwellinghouse (planning permission in principle) at Dunira House, 18 Overtoun Road, Clydebank by Mr Rafter.**

**Permission in Principle GRANTED subject to the following conditions:-**

1. No development shall commence until such time as approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) has been granted by the Local Planning Authority. Any application for approval of matters specified in conditions shall include:
  - a) Site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping
  - b) Plans of each building showing its elevations and floor plans
  - c) Details of existing and proposed ground levels and finished floor levels
  - d) Details of external finishing materials
  - e) Details of the means of drainage and sewage disposal
2. Notwithstanding the details shown on the approved plans, the dwellinghouse hereby approved shall be either single storey or one-and-a-half storeys in height, and shall be of similar scale and character to the existing houses at 8-16 Overtoun Road, including the use of a hipped roof. The design and layout shall also include the following features:
  - a) The house shall be positioned such that it is not built against any boundary of the plot;
  - b) Car parking shall be provided for 2 cars (or 3 cars if more than 3 bedrooms are provided), and shall comprise a driveway formed along one side of the house, with any garage accommodation provided towards the rear of the plot;
  - c) Surface water drainage arrangements shall incorporate the principles of Sustainable Urban Drainage Systems (SUDS);
  - d) Fenestration shall be arranged to minimise any overlooking of neighbouring homes and gardens;
3. Prior to commencement of works, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted for the consideration and written approval of the Planning Authority. Such details shall thereafter be implemented as approved.

4. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Planning Authority shall be carried out only between the hours of 08.00 and 18.00 Monday to Saturday inclusive and not at all on a Sunday or Public Holiday.

DRAFT

**DC14/224 - Erection of 13 workshop units and associated works including parking, access and landscaping on land within the Vale of Leven Industrial Estate by West Dunbartonshire Council.**

**Permission GRANTED subject to the following conditions:-**

1. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) an assessment of the potential risks (where applicable) to:
    - human health;
    - property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - ground waters and surface waters;
    - ecological systems;
    - archaeological sites and ancient monuments.
  - c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
2. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that on completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
3. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing with the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these

works commence on site. On completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.

4. 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, and work on the affected area shall cease. At this stage, if requested, an investigation and risk assessment shall be undertaken and an amended remediation scheme submitted to and approved in writing by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
5. A monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme, shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
6. No development shall take place within the development site until 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 agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
7. 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 prior to the occupation of the building. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.
8. 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 thereafter be implemented as approved.
9. Prior to the commencement of works on site full details of all ground surfaces, including roads, parking bays and pathways shall be submitted for the further written approval of the Planning Authority and implemented as approved prior to the occupation of the new building.

10. Prior to the commencement of works, full details of the design and location of all bin stores, 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 within a timescale to be agreed by the Planning Authority.
11. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of any of the new units.
12. No trees other than those specifically marked for removal on the approved plan shall be lopped, topped, felled, lifted, removed or otherwise disturbed without prior written approval of the Planning Authority. This includes approval of the extent of any tree thinning at the north end of the site. No development shall commence until the trees marked for retention have been protected by suitable fencing around the extremities of their crowns. Details of the fencing shall be submitted for the further written approval of the Planning Authority prior to the commencement of development and shall be implemented as approved.
13. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees, shrubs and plant species shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. Planting shall be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the building. 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.
14. Prior to the undertaking of any tree works a bat roost survey shall be undertaken, and in the event of tree works being carried out between February and August (inclusive) a breeding bird survey shall also be undertaken. Tree work shall thereafter be arranged to avoid any impact upon roosting bats or breeding birds.

## PLANNING COMMITTEE

### NOTE OF VISITATIONS – 24 NOVEMBER 2014

- Present:** Councillors Denis Agnew (DC14/196 only), and John Mooney.
- Attending:** Pamela Clifford, Planning and Building Standards Manager,  
Keith Bathgate, Development Management Team Leader
- Apologies:** Councillor Jim Finn, Jonathan McColl, Lawrence O'Neill and Tommy Rainey.

### SITE VISIT

Site visits were undertaken in connection with the undernoted planning applications:-

(a) Dunira House, 18 Overton Road, Clydebank

DC14/196 – Subdivision of existing dwellinghouse and erection of 1½ storey dwellinghouse (PPP) at Dunira House, 18 Overton Road, Clydebank by Mr Rafter.

(b) Crosslet House, Argyll Avenue, Dumbarton

DC14/184 – Demolition of Crosslet House and erection of 84 bed care home and day care facility and associated works by West Dunbartonshire Council.

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 17 December 2014**

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**DC14/180    New Leisure Centre over 4 floors comprising 25 metre pool, teaching pool, leisure pool, cafe, sports hall, fitness suite and ancillary spaces at Aurora Avenue and Ossian Way, Queens Quay, Clydebank by West Dunbartonshire Council**

#### **1.    REASON FOR REPORT**

- 1.1**    This application is for a major development which is significantly contrary to the development plan. Under the approved scheme of delegation and the national regulations relating to the handling of planning applications, it requires to be determined by the full Council. The procedure requires that a pre-determination hearing take place at the Planning Committee, before the full Council considers and determines the application.

#### **2.    RECOMMENDATION**

- 2.1**    That the Planning Committee hears the applicant and those who have made representations and refers the application to full Council with a recommendation that it be approved, subject to the conditions in Section 9 below and to the conclusion of statutory notification of the Scottish Ministers.

#### **3.    DEVELOPMENT DETAILS**

- 3.1**    The application relates to a triangular site measuring approximately 6,600m<sup>2</sup> in area, which is located within the Queens Quay redevelopment area in Clydebank. The site is bounded by Aurora Avenue and the West College Scotland building to the north, and to the east by a car park and two modern office buildings (Aurora House and Titan Enterprise), along with some undeveloped office plots. To the south west of the site is the Ossian Way promenade along the edge of the River Clyde. The site has been levelled and has temporary planting and hard landscaping around all three edges of the site.
- 3.2**    Planning permission is sought for the erection of a new four storey leisure centre building incorporating the following facilities:
- a six-lane 25m swimming pool, a 13m x 8m teaching pool, and an irregularly shaped leisure pool incorporative wave pool,

kiddies' pool slide and flume, with associated wet changing rooms (ground floor);

- public spaces including the reception and a small cafe (ground floor);
- a large community/flexible space, the use of which has not yet been specified (partial first floor);
- a 34.5m x 37m multi-purpose sports hall lined out to provide 8 badminton courts or two multi-purpose courts suitable for netball/basketball/hockey/ five-a-side football, with retractable seating at one end, and associated dry changing rooms (second floor);
- fitness suite, dance studio and “combat room” (martial arts etc.) spaces (third floor); and
- various office space, conference and seminar rooms (various floors).

**3.3** The building is triangular in shape and fits neatly onto the plot. It is a modern flat-roofed design comprised of various angular sections reflecting the building's unusual shape. It would feature a variety of window openings to correspond with the functions of the internal spaces, including large glazed areas around the swimming pool and fitness suite. The building would be finished in a mixed palette of materials including a solid brick base, lighter metal cladding on the upper surfaces, and with other materials including some glazed brick on the ground and upper floors and anodised aluminium plank cladding and curtain walling. The wall elevation facing Aurora Avenue would protrude beyond the building footprint at second and third floor levels and would be finished in a different colour of glazed brick to accentuate the lines.

**3.4** There would be two public entrances to the building: one from the river frontage on Ossian Way and one from the car park area to the east, from which the new building would be separated by a landscaped area which marks the position of the largest of the historic shipbuilding slipways on the Queens Quay site. The entrances would be located at either end of an internal public space which would run across the ground floor of the building, and which would be part of a full height atrium designed to provide natural light to the building's interior spaces.

**3.5** The existing hard and soft landscaping is to be removed during the construction phase and is to be replaced in a similar form once the building is complete, to provide continuity with the existing landscaping on all three sides. This landscaping would consist of formal tree and grass planting along the pavement edges at Aurora Avenue and Ossian Way. The “slipway” feature along the car park edge, which consists of modelled grass and brick paving, will be re-instated. Existing seating along Ossian Way and Aurora Avenue is to be removed during the building's

construction and re-instated on completion. The existing paviers are to be lifted and re-used where possible, with new materials to match the existing palette.

- 3.6 The car parking and drop-off facilities for the building are outwith the application site and have already been constructed. They form part of a large car park, which is accessed from Garth Drive and which is shared between the proposed leisure centre, the existing offices and the unbuilt office plots. It is proposed that a proportion of spaces within the car park be allocated specifically to the leisure centre, and that some of the car park is subject to barrier controlled entry.
- 3.7 A transportation assessment, site investigation reports, flood risk assessment, drainage report, a design and access statement and a pre-application consultation report have all been submitted as part of the application, in order to address the various technical issues and statutory requirements.

#### **4. CONSULTATIONS**

- 4.1 West Dunbartonshire Council Roads and Environmental Health Services have no objections subject to conditions relating to dealing with contamination on the site and hours of construction operations.
- 4.2 Sport Scotland has no objection and comments that the design appears to be a practical and well considered layout for sport.
- 4.3 Scottish Natural Heritage has no objection and does not consider the proposal will have a significant effect on any qualifying interests adjacent to the site. They advise that the Council are required to consider the effects of the proposal on the Inner Clyde Special Protection Area before any consent can be issued.
- 4.4 Scottish Environment Protection Agency has no objection on flood risk grounds.
- 4.5 BAA Aerodrome Safeguarding recommends that a condition be attached to any consent requiring a Bird Hazard Management Plan to be submitted and agreed in consultation with Glasgow Airport.
- 4.6 Clyde Port Authority has no objections but indicates that the development should not give rise to any hindrance of operations on the adjacent operational port land.

- 4.7** West of Scotland Archaeology Service has confirmed that no substantive archaeological issue is raised by the proposal.
- 4.8** Scottish Water had not responded to consultation at the time of writing this report.

## **5. REPRESENTATIONS**

- 5.1** Four representations have been received from the West Dunbartonshire Community Councils Forum and from members of the public. None of these specify an objection to the principle of building a leisure centre on the site, and one expressed support for it. However, all four raise concerns or objections to the facilities provided within the proposed leisure centre. The issues raised were as follows:-
- lack of provision of an indoor bowling facility either integrated into the existing design or as a future intention;
  - proposed leisure centre would not be a like for like replacement for the existing Playdrome as community had been led to believe;
  - facility should include an ice skating rink; and
  - concerns over the costs to users of the new leisure centre
- 5.2** A fifth representation has been received from West College Scotland. The college supports the principle of the leisure centre but has requested discussions with the Council in relation to various matters, including:
- timing of construction work to minimise disruption during exam periods etc.;
  - possibility of college having right to use leisure centre car park;
  - desire for improvements to bus services to site and upgrading of Cart Street junction;
  - request a condition that road be kept clear of mud/debris during construction;
  - opportunity for joint working and shared services between the Council and the college

Some of these are operational matters for the Council and the Leisure Trust rather than material planning considerations. Issues raised in representations are discussed in Section 7 below.

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

### Glasgow and Clyde Valley Strategic Development Plan (2012)

- 6.1** The site is part of the wider Clyde Waterfront, where leisure is identified as one of a number of indicative forms of development which would comply with the Spatial Development Strategy. The proposal would contribute

towards the regeneration of the Clyde Waterfront for an appropriate use and would therefore comply with the plan's spatial strategy.

West Dunbartonshire Local Plan 2010

- 6.2** The site is identified as an Industrial and Business Opportunity site for Class 4 uses under Schedule LE1(4). Policy LE1 presumes in favour of uses which positively extend the permanent employment potential of such sites, and proposals for alternative uses are to be considered against a number of criteria including: whether the proposal has a specific locational need; the loss of the site from the industrial land supply not adversely affecting the quantity, availability and distribution of such land; there being significant economic and environmental benefits; and there being no adverse impact on the attractiveness of the location to industrial and business investment. The implications of Policy LE1 are discussed in section 7 below, and it is concluded that whilst the proposal is contrary to the policy LE1 the departure from this policy would nevertheless be acceptable.
- 6.3** Policy PS3 supports the provision of new public services, with particular regard given to areas of social and economic need and to facilitating future development opportunities. Schedule PS3(5) identifies the Queens Quay site as suitable for a new leisure centre, and although the specific site identified is different from the site under consideration, the proposal is considered to be in accordance with the objectives of policy PS3.
- 6.4** Policy GD1 requires all new developments to be of a high quality design and to respect the character and amenity of the area in which it is located. Proposals should be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy). Developers will be required to submit design statements where appropriate. The proposal complies with this policy and design considerations are discussed more fully in section 7 below.
- 6.5** Policy T4 sets out the transport strategy and requires developers to ensure that sites are well integrated and give priority to walking, cycling and public transport routes. Significant new development should be accessible to public transport networks and Transport Assessments will be required for significant travel generating proposals in order to ensure proposed developments maximise the incorporation of sustainable transport access. The proposal complies with this policy and parking and access issues are discussed more fully in section 7 below.

**7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

#### Scottish Planning Policy (2014)

- 7.1** Scottish Planning Policy states that a 'town centre first' policy should apply for uses which will attract a significant number of people, including community and cultural facilities. Where a new public building with a gross floor space over 2,500m<sup>2</sup> is proposed outwith a town centre, and is contrary to the development plan, an assessment on the impact on the town centre should be carried out. In addition, planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m;
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

The issues raised by SPP in relation to the principle of the development and access issues are discussed below.

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

- 7.2** The site is located within the Queens Quay 'Changing Place' and is specifically identified as a leisure opportunity under Policy BC4 and Schedule 6, where proposals for community facilities will be supported. Therefore the principle of a leisure centre at this location is acceptable in terms of the emerging local development plan.
- 7.3** Policy DS1 has regard to all development and will expect development to contribute towards creating successful places by having regard to the six qualities of a successful place: distinctive, adaptable, resource-efficient, easy to get to/move around, safe and pleasant, and welcoming. The proposal complies with these criteria.
- 7.4** Policy DS3 requires significant travel generating uses to locate within 400 metres of the public transport network. Policy GN2 requires development to follow an Integrating Green Infrastructure approach by incorporating SuDS, open space, paths and habitat enhancement at a scale proportionate to the development. Policy GN8 states that the provision of paths will be expected in developments where these would enhance active travel or connectivity within the green network, and particularly where this would create routes to and along waterways. The proposal complies with these policies.
- 7.5** Policy SD1 states development should avoid adversely affecting the road network by complying with Roads Development Guidelines, avoiding unacceptable congestion and providing or contributing to improvements to

the transport network that are necessary as a result of the development. The proposal complies with this policy.

#### Principle of Development

- 7.6** The adopted local plan identifies the site for business use under Policy LE1, which reflected policies within the former structure plan which encouraged an industrial and business area around this part of the Clyde waterfront. At the time when the local plan was being prepared it was intended to build a new leisure centre on Queens Quay, but the site identified for this was to the north of the West College Scotland building. Since that time, there has been limited demand for new office accommodation at this location, and the planned location for the new leisure centre has shifted to the application site. The current strategic development plan (SDP) identifies the Clyde Waterfront as suitable for mixed uses including leisure, and the emerging local development plan (LDP) specifically allocated the application site as suitable for a new leisure centre.
- 7.7** The loss of the application site for business use is compensated for in the emerging LDP, which is considered to identify sufficient land for business and industry without requiring the application site for that purpose. The proposal also meets the criteria set out in local plan policy LE1, in that it would not adversely affect the quantity, availability and distribution of the industrial land supply and will provide significant economic benefits in re-using a vacant site and contributing towards the regeneration of the larger Queens Quay area. The two undeveloped plots at Ossian Way remain available for any new business developer requiring a prime waterfront site.
- 7.8** The proposal is a departure from the land use policy in the adopted local plan, but it complies with the objectives and policies of both the SDP and the emerging LDP. However, the LDP is a material consideration of considerable weight as it is at the final stages of adoption and is representative of the Council's current position on development of the site, and it reflects the current strategic policies for the Clyde Waterfront contained in the SDP. It is therefore considered that these considerations outweigh the departure from local plan policy LE1, and that in principle the development of the site as a leisure centre should be supported.
- 7.9** The proposal includes some accommodation described as flexible community space, the precise use of which is not known at this time. It is assumed that this space will be used for purposes falling within the same use class as the rest of the leisure centre (Class 11 – Assembly and Leisure). Should an alternative use be proposed in the future this would require being subject to a future application for planning permission.

#### Town Centre First Policy

**7.10** The 'town centre first' policy contained in Scottish Planning Policy requires an assessment on the impact of the town centre where proposals are contrary to the local plan. In this case policy PS3 of the adopted local plan supports the principle of a leisure centre in the Queens Quay area, and it is considered that notwithstanding the change in the intended location of the leisure centre discussed above the provision of a leisure centre on Queens Quay is consistent with the objectives of the adopted plan. In addition the emerging LDP specifically identifies this site as the leisure centre site.

**7.11** The rationale for relocating the leisure centre to Queens Quay is twofold:

- locating the new leisure centre on Queens Quay would make a significant contribution towards the successful regeneration of the Clydebank Waterfront; and
- freeing up the Playdrome site within Clydebank Town Centre would make that site available for a potential commercial development, which would contribute towards the vitality and viability of the town centre as a destination, and would reduce pressure to allow an out of centre supermarket to the possible detriment of the town centre.

Therefore, whilst the proposal does not comply with the town centre first in itself, it is part of a wider strategy which is intended to regenerate both the waterfront and the town centre, and this approach is consistent with the policies of both the adopted and emerging development plans.

#### Design and Appearance

**7.12** The proposed building would be of distinctive design, with a functional and angular style which makes use of contemporary finishing materials. This style would fit in within the local townscape as the adjacent college, Aurora House and the Titan Enterprise buildings all being large modern buildings with straight, clean lines, curtain walling and use of cladding and metallic coverings. The surrounding streets and landscaping have already been implemented using high quality materials established, and the proposal will replicate these to create an attractive townscape. The proposed building would feature prominent entrances on both its street frontage and car park elevations. There would be a high degree of natural surveillance of the public spaces around the building, and there should be no invasion of privacy or overshadowing on adjoining uses. The proposal has been laid out internally to make the most of the views towards the River Clyde, with the fitness suite benefiting from extensive glazing on this corner. Whilst the swimming pool would also feature large windows, these would use darkened glass to provide privacy from the street.

### Accessibility, Traffic and Parking

- 7.13** The site is currently accessible on foot via Cart Street and Aurora Avenue, but once the main Queens Quay site is developed there will be direct pedestrian access to Glasgow Road and the town centre beyond. The site is approximately 450m from the nearest bus stop on Glasgow Road (which has a limited bus service), but a more meaningful figure is that it is approximately 600m from both the major bus interchange at Chalmers Street and from Clydebank railway station. This exceeds the 400m threshold contained in Scottish Planning Policy for significant travel generating development; however it is considered that a 600m walk to a major public transport interchange is in practice likely to be more convenient for most people than a 400m walk to a minor bus stop. Furthermore, when the college was developed it included a new bus terminus at the end of Aurora Avenue which is intended to serve the Queens Quay site. This bus terminus is 100m from the entrance to the proposed leisure centre, and although the terminus is not currently served by any bus services, it is anticipated that once the Queens Quay area is more fully developed it will be used by local bus services. Cycle stands providing 28 cycle parking spaces would be available to encourage cycling to the site. It is therefore considered that the site is readily accessible by sustainable modes of travel, and that the proposal would comply with Policy T4 of the adopted local plan, Policy DS3 of the emerging development plan and with Scottish Planning Policy.
- 7.14** All vehicular access is via Cart Street and Garth Drive. The junction of Cart Street with Glasgow Road is likely to require modifications to its road geometry as part of the wider redevelopment of the Queens Quay site, however the submitted transportation assessment demonstrates that the leisure centre will generate only a small proportion of this additional traffic, and that the peak traffic generation times for the leisure centre will be at weekends and outwith the weekday peak times. It is therefore not considered necessary to require the full junction upgrade as part of the leisure centre development, but on the assumption that the full upgrade remains some years off the transport assessment recommended that the traffic signals be upgraded to “MOVA” specification (where signal timing varies according to actual traffic flows), and linked into the Hume Street / Glasgow Road junction timings. The Roads Service has recommended that this be required by a condition.
- 7.15** The parking for the leisure centre would be within the existing car park to the east of the site. This car park contains 266 spaces, with capacity for around 41 more on the undeveloped plots along Ossian Way. There are also 62 spaces outwith the car park on Garth Drive. Collectively, these parking spaces were built to serve the office buildings at Titan Enterprise and Aurora House (plots 1 and 2), the proposed leisure centre (plot 3) and also the two as yet undeveloped office plots (plots 4 and 5). This level of

parking provision would be sufficient to satisfy the adopted car parking standard for the leisure centre and the four offices (based on estimated floorspace of the two unbuilt offices). The uses and approximate sizes of the buildings were known at the time of the planning application for the car park (DC11/081), and the quantity of parking was considered adequate at that time.

- 7.16** However, there is a need to manage the parking facilities to balance the need for short-stay parking for leisure centre customers against the anticipated demand for long-stay parking for the offices and leisure centre staff. Whilst the overall quantity of parking complies with adopted standards, in practice the adopted parking standard for office buildings is relatively low, and there is already some overspill from the adjacent West College Scotland car park which adds to the parking pressures in the area. The applicant has therefore proposed a parking strategy which seeks to maintain an availability of spaces for leisure centre customers by introducing barrier controls for part of the car park. The balance of the car park and the spaces on Garth Drive would be available to serve the existing and planned offices. West College Scotland has also requested discussions about the management of parking in the area. An indicative plan with 140 spaces allocated to the leisure centre and 211 spaces for the offices has been provided. The matter of the agreement of the parking management strategy can be addressed by condition prior to development commencing on site.

European Protected Species/Impact on Local Wildlife

- 7.17** The site lies close to the Inner Clyde Special Protection Area (SPA) which is an internationally important habitat for overwintering redshank. Under the Habitats Regulations 1994 the Council is required to carry out a habitats regulations appraisal to screen the proposal to determine if it is likely to have significant effects on the SPA thus requiring an appropriate assessment.
- 7.18** The principal risk associated with the SPA is the possibility of causing disturbance that would displace redshank from an important part of their habitat. However, the edge of the SPA lies more than 400m to the north-west of the development site, and the location which historically has the largest congregation of redshank (the mudflats at Newshot Island on the opposite bank of the Clyde), is almost 2km away. Due to these distances it is considered unlikely that the proposal will have a significant effect upon the qualifying interest of the site in terms of noise disturbance to the birds, either through construction activity or general use of the site upon its completion. It is therefore considered that an appropriate assessment is not required. Scottish Natural Heritage has also confirmed this to be their own view in their consultation response.

### Technical Issues

- 7.19** The application site is within an area where new quay walls, roads and other infrastructure were installed by Clydebank Rebuilt several years ago, and this work involved raising the ground to a level which was suitable for development. A flood risk assessment has been carried out as part of this application and this confirms that the site is not at risk from coastal flooding. The finished floor level of the building (5.9m AOD) is higher than the 1:200 year level taking account climate change (5.12m AOD). The potential for wave overtopping to impact upon the site is assessed as low, and overall the site is not considered to be at significant risk of flooding. SEPA and the Council's Roads Service have confirmed that they have no objections to the proposed development.
- 7.20** The site is a brownfield site with a previous industrial use, but the issue of contamination has previously been addressed as part of the infrastructure works undertaken by Clydebank Rebuilt. Further site investigations have nevertheless been carried in support of this application, and these have confirmed that the site is suitable for the proposed use. The Council's Environmental Health has however indicated that further gas monitoring and mitigation will be required due to the extensive groundwork's required to form the basement layer for the swimming pools. This can be addressed by planning conditions.

### Impact on Neighbouring Uses

- 7.21** The site is adjacent to a further education college and existing/planned office buildings, where there are/will be large numbers of students and office workers. It is not likely that the operation of the leisure centre would impact adversely upon these neighbouring uses, although the construction of this large building would be a major project lasting 12-18 months, and it would involve substantial excavation of the ground to create the swimming pools. This brings with it the potential to cause noise and dust disturbance for the immediate neighbouring uses, but this must be accepted as inevitable for a project of this scale. A condition can however be attached to ensure the construction phases are sensitive to the needs of the college during exam times. The applicant has also agreed to implement a program of works which will limit noisy activities during those sensitive periods. The nearest residential accommodation is on Cart Street, and conditions can be imposed restricting external construction operating hours to 8am-6pm would reduce the impact upon local residents.
- 7.22** Clydeport were consulted on the application, and whilst they support the proposal they seek assurance that a leisure use on this site will not adversely affect the operation of Rothesay Dock or the potential for industrial uses thereon. Their land at Rothesay Dock remains identified for a mixture of industrial and residential uses in the emerging local development plan and any new proposals there would be subject to

consideration on its own merits. There is a sufficient distance between the two sites and there are residential flats and offices which are closer to Rothesay Dock than the leisure centre, so there is no obvious potential for the leisure centre to conflict with future development around the dock.

#### Public Consultation and Representations

- 7.23** Pre-application consultation was carried out by the applicant prior to the application being submitted. Community consultation was first carried out in 2010 and included a number of public meetings and presentations to various stakeholder groups. In addition a basic model of the proposal was available for viewing throughout the 12-week consultation period in the offices of the former Clydebanks Re-built Regeneration Company. As there was then a delay in submitting the application, a follow-up consultation exercise was carried out in September 2014 with a letter being sent to all parties originally consulted. A total of 545 letters were issued which outlined the design changes (minor changes to sports hall size, dance studio and combat room combined and additional changing rooms).
- 7.24** A substantial number of comments were received by the agents in 2010, and further 6 comments were received following the re-consultation in 2014. The majority of comments received by the agents related to the lack of an indoor bowling facility and the absence of a seating area for spectators at the swimming pool. Most of the representations to the planning application related to the lack of indoor bowling and ice rink facilities and the cost of admission to the leisure centre respectively. The applicant has advised that an indoor bowling facility was ruled out as uneconomic because it would be a large and expensive facility which is only used for 6 months of the year and which would generate minimal income to cover its significant costs. Ice skating was not considered because the new leisure centre is intended to replace and upgrade existing facilities rather than to provide new facilities beyond those which are currently available in the Playdrome.

## **8. CONCLUSION**

- 8.1** The proposal is significantly contrary to policy LE1 of the adopted local plan which identifies the site as a business and industry opportunity site. However, local plan did allocate a site nearby for a leisure centre, and the emerging local development plan specifically identifies this site for leisure use. The proposal is also consistent with all other relevant local plan policies and with the strategic development plan. It is considered that there are strong material considerations to justify a departure from policy LE1 and to recommend approval of this development. The design, layout and access are all considered to be acceptable and there are no objections from technical consultees.

- 8.2** As the application is for a major development which is a significant departure to the adopted local plan, it requires a pre-determination hearing prior to being decided by the full Council. Additionally, as the Council has an interest in the development the application will require referral to the Scottish Ministers under the notification procedures.

## **9. CONDITIONS**

- 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 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. 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.**
- 5. For the avoidance of doubt the area marked “community flexible space” on Drawing No. 3749-0022 shall only be used for uses in connection with Class 11 (Assembly and Leisure) of the Town and Country Planning (Scotland)(Use Classes) Order 1997.**
- 6. No development shall commence until such time as details of the car parking arrangements for the leisure centre and adjacent uses, including the management of these spaces, has been submitted to and agreed in writing by the Planning Authority. Parking shall thereafter be managed in accordance with the approved scheme unless otherwise approved by the Planning Authority.**

7. **Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport Authority. The submitted plan shall include details of 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’ available from:  
<http://www.aoa.org.uk/operations-safety>**

**The Bird Hazard Management Plan shall be implemented as approved 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 in writing by the Planning Authority in consultation with Glasgow Airport Authority.**

8. **An up to date appraisal of remedial options, including a detailed remediation scheme based on the preferred options should be provided prior to work commencing on site. This shall be prepared by a suitably qualified person and shall also include specific details relating to the current gas regime on site and the proposals to remove made ground and install a fully tanked basement and active air extraction system.**
9. **No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.**
10. **The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of**

development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Local Planning Authority

11. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
12. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed with the Planning Authority in consultation with Environmental Health measures. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
13. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to development.
14. During the period of construction, all piling works, and all other 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:

<b>Mondays to Fridays:</b>	<b>0800-1800</b>
<b>Saturdays:</b>	<b>0800-1300</b>
<b>Sundays and public holidays:</b>	<b>No working</b>

15. Prior to work commencing on site, full details of the phasing of the construction works shall be submitted for the further approval of the Planning Authority. These details shall include consideration of the impact of the works during sensitive exam periods at the adjacent college, and what mitigation measures might be employed to reduce any adverse noise impacts.
16. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
17. Unless otherwise approved in writing by the Local Planning Authority, no development shall commence on site 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 shall identify 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.
18. Prior to the commencement of development on site details of an adequate sized grease trap shall be submitted to and approved by the Planning Authority in consultation with

**Environmental Health and thereafter it shall be installed prior to the use being operational and maintained thereafter.**

- 19. Prior to the commencement of development on site, details of the flue system/ extraction system shall be submitted to and approved by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue/extraction system shall be implemented prior to the use being brought into use and shall be maintained thereafter.**
- 20. Prior to the commencement of development on site an air quality impact assessment in accordance with the Environmental Protection UK guidance document "Development Control: Planning for Air Quality 2006" and the 2010 update, shall be submitted to and approved by the Planning Authority. The findings of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.**
- 21. No development shall take place on site until such time as details (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours) of the floodlights have been submitted to and approved in writing by the Planning Authority. The floodlights shall then be implemented in accordance with the approved details and shall be maintained in this condition. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.**
- 22. Prior to work commencing on site, full details of the upgrade to the Cart Street/A814 Glasgow Road junction, identified in the Transport Assessment (section 6.5), shall be submitted for the further approval of the Planning Authority with the work to be completed prior to the use of the leisure centre hereby approved.**
- 23. Wheel washing facilities must be available on-site throughout the construction phase and used by vehicles entering and leaving the site to ensure that no debris is carried onto the public road and footway.**

**Richard Cairns  
Executive Director of Infrastructure and Regeneration**

**Date: 11 November, 2014**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans.
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP Proposed Plan (2013)
4. Consultation Responses
5. Representations

**Wards affected:** Ward 6 (Clydebank Waterfront)

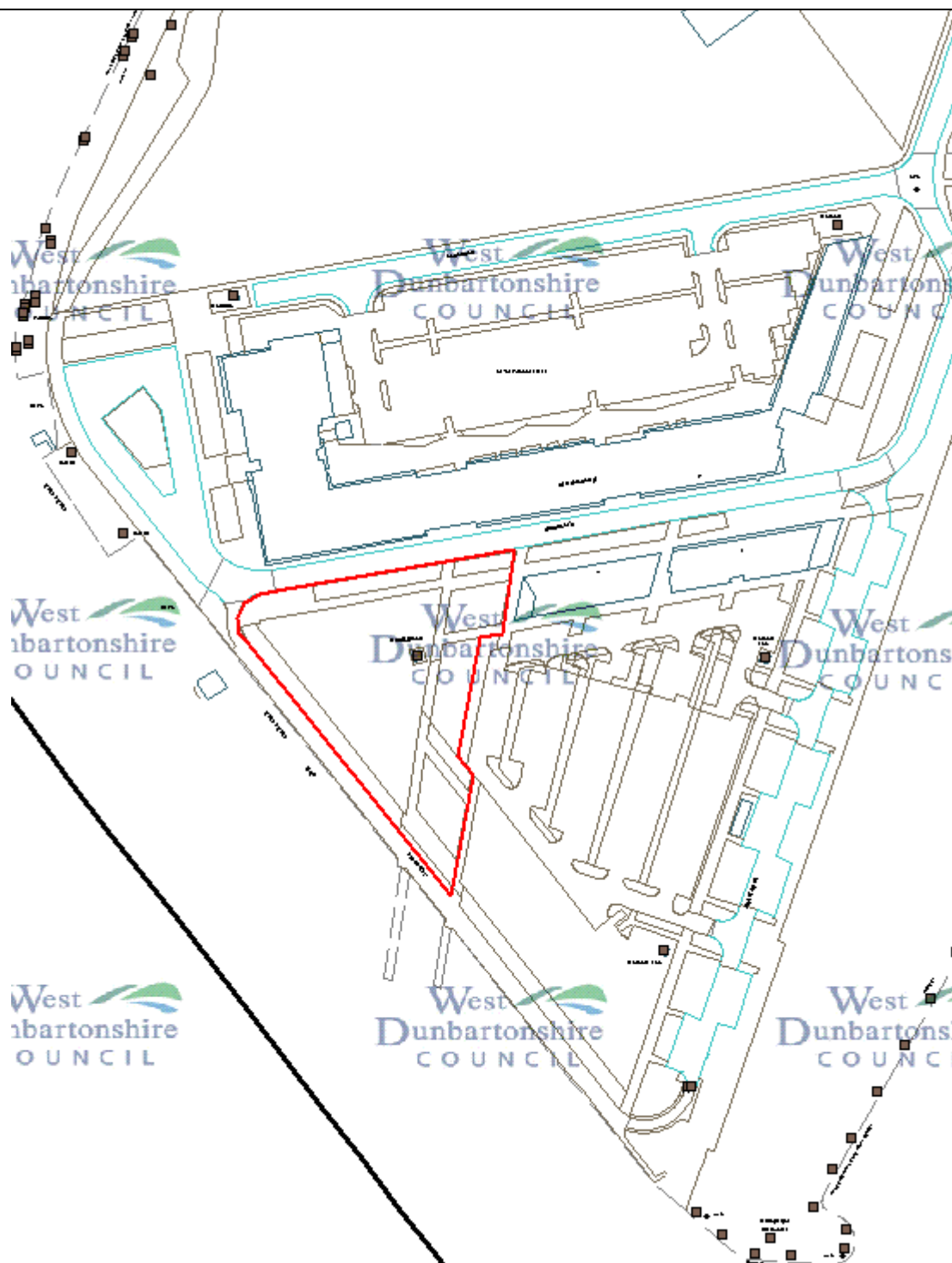
Map Register No: HQ435

Date: 12 November 2014

**DC14/180**

**New Leisure Centre over 4  
floors comprising 25 metre  
pool teaching pool leisure  
waters cafe sports hall  
fitness suite and ancillary  
spaces**

**Land At  
Aurora Avenue And Ossian Way  
Queens Quay  
Clydebank  
West Dunbartonshire**



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 17 December 2014**

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- DC13/166:** Change of use from public house to restaurant and associated works including the installation of an external flue at 127 College Street, Dumbarton by Mr Santokh Singh.
- DC14/247:** Installation of galvanised steel external flue (Listed Building Consent) at 127 College Street, Dumbarton by Mr Santokh Singh.

#### **1. REASON FOR REPORT**

- 1.1** These applications raise issues of local significance and under the terms of the approved Scheme of Delegation they require to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Grant** planning permission (DC13/166) and listed building consent (DC14/247) subject to the conditions set out in Section 9.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a vacant public house situated on the corner of College Street and Station Road, in the northern part of Dumbarton town centre. The premises comprise the ground floor of a 4-storey stone tenement property dating from around 1900, which is located prominently on the street corner and is a grade C listed building. The ground floor extends to 398m<sup>2</sup> and currently contains a bar area, lounge, kitchen, storage and toilet facilities. The surrounding area is predominantly residential in nature, although Dumbarton Central railway station and Dumbarton Municipal Buildings are on the opposite sides of Station Road and College Street respectively.
- 3.2** Planning permission and listed building consent is sought for the change of use of the vacant public house into a restaurant, which would sell food and drink for consumption on the premises. The application does not propose hot food take away sales from the premises. The applicant has indicated that the premises would generally operate from midday until midnight, subject to demand. A seating plan has not been provided, but there would be sufficient room to accommodate around 50 diners. Externally, a flue would be located on the rear wall of the building to ventilate the kitchen. The flue would be finished in galvanised steel and would discharge above roof level, at the same height as the existing chimney.

- 3.3** The application for planning permission (DC13/166) was previously considered by the Planning Committee on 18 December 2013. At that time details of the proposed means of ventilating the kitchen were not known, and the Committee continued the application in order to obtain this information. Following discussions with the Environmental Health Service and with the owners of the flats above, the applicant has proposed the external flue. This change necessitated re-notification of neighbours and the submission of a separate application for listed building consent for the flue (DC14/247).

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Environmental Health Service has no objection to the proposal and advise that the proposed external flue would be sufficient to prevent cooking odours from affecting the flats above. Conditions are recommended in relation to the provision of a grease trap and agreement of the noise levels from the extraction equipment.
- 4.2** Historic Scotland recommended the investigation of alternatives to the use of an external flue, such as using the existing chimney. However, if alternatives are not viable Historic Scotland consider that it would be reasonable to permit the external flue subject to the use of lime mortar for any masonry repairs.

#### **5. REPRESENTATIONS**

- 5.1** When the application for planning permission was submitted in 2013 two representations were received from the residents of the flats above, along with a letter from an MSP conveying the views of another resident. These representations expressed concerns about noise, disturbance, parking, bin storage and lack of details. However, following re-notification of the amended application and publication of the listed building consent application no further representations were received.

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

##### West Dunbartonshire Local Plan 2010

- 6.1** The site lies within the defined Dumbarton Town Centre, although it is on the periphery of this area and is outwith the defined Retail Core area. Policy RET5 states that applications for non-retail uses within the Town Centre will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. It is considered that the proposal would comply with Policy RET5 as it would bring a vacant commercial premises back into use for a purpose which is appropriate for a town centre location.
- 6.2** Since the property is a listed building, Policy BE2 is applicable and states that any works affecting a listed building or its setting, proposals will not be supported if its appearance, character or setting would be adversely affected. The proposed flue would be at the rear of the building and would not have any significant impact on its appearance, character or setting, so it is considered to be in compliance with this policy.

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

### West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** The premises are located within Dumbarton Town Centre. Policy SC3 states that proposals for non-retail uses, including a restaurant, will be supported within town centres where they encourage visits to the town centre and are appropriate to the town centre's role and function.
- 7.2** Policy BH3 states that development will not be permitted if it would have an adverse impact on the special interest, character or setting of a listed building. The flue would be located at the rear of the property and will not detract from the special interest, character or setting of the listed building.

### Scottish Planning Policy (SPP)

- 7.3** This SPP supports the provision of a mixture of uses and activities within town centres. It recognises that shopping patterns are changing and town centres should support a diverse range of community and commercial activities. Planning Advice Note 59 (Improving Town Centres) emphasises the importance of providing a range of facilities within town centres in order to ensure the attractiveness of the centre. In this instance, it is considered that re-use of a vacant public house as a restaurant would contribute positively to the town centre and would be in compliance with all relevant national policies and guidelines.

### Principle of Use

- 7.4** Whilst this part of Dumbarton Town Centre is primarily residential in character, it contains a number of commercial uses in ground floor units which are remnants of the time before the area became separated from the High Street by the A804 dual carriageway. It is understood that the building may originally have been built as a hotel, but the ground floor was later used as an employment exchange prior to planning permission being granted for use as a public house in 1968 (decision D30/68). The unit therefore has a longstanding use for commercial purposes. The public house use ceased recently, and it is therefore desirable to see the unit brought back into use for a suitable alternative purpose rather than have it continue to lie vacant. Town centres are the preferred locations for restaurants, and the provision of such uses within tenement buildings in mixed use town centre area is generally considered to be appropriate.

### Residential Amenity

- 7.5** Although any licensed premises has potential to give rise to some late night noise and disturbance, in this case the property was previously used as a public house and it is therefore likely that any such issues arising from a restaurant would be an improvement over the previous use. Reference was made in the initial representations to inadequate soundproofing within the building, and it is possible that sound attenuation measures installed when the unit was converted to a pub (in 1968) would not meet modern standards. However the level of noise likely to arise from a restaurant is anticipated to be less than that from a public house, so it would not be reasonable to require

additional soundproofing as part of the current application. The Council's Environmental Health Service has however requested that details of the noise levels from the kitchen extraction apparatus be agreed prior to the restaurant opening to ensure that its operation does not cause disturbance to the residents above. This can be addressed by a condition.

- 7.6** At present, the public house stores the bins on the pavement on Station Road. The current proposal intends to provide an internal refuse store in order to avoid storing any bins on the pavement other than at collection time. This will be an improvement on the present situation and is welcomed.

#### Parking

- 7.7** Demand for on street car parking in the Station Road area can be high during the day because of the proximity of the railway station, but peak demand for the restaurant is likely to be in the evening. There are tenements on only one side of Station Road and College Street, the adjacent Municipal Buildings do not normally generate major parking demand, and the large public car park at Risk Street is also close to the site. It is therefore considered that adequate car parking is available in the vicinity of the site, and the Roads Service has no objection to the proposal.

#### Flue

- 7.8** The applicant considered various alternatives to the use of an external flue, including use of internal light wells or the existing chimney. These options were not deemed suitable for safety reasons and due to the existing chimney not being large enough to accommodate the flue. Although it had previously been suggested that the building contained a disused lift shaft the applicant has not been able to locate such a feature. Whilst it would be technically possible to discharge kitchen air at ground floor level this would be a less satisfactory solution which would be more likely to cause odour problems for residents. It is therefore considered that an external flue is the best solution.
- 7.9** The flue would be located on the rear elevation of the property in order to minimise its visual impact and this location is the preferred option. Although it would be higher than the eaves and ridge, it will not be visible from the front of the building. The flue would have a functional galvanized steel finish and consideration was giving to boxing it in to disguise its appearance, but doing so would cause maintenance problems and would in practice do little to reduce its visual impact. Historic Scotland confirmed that if there were no alternative internal solutions, an external flue would be acceptable. Under the circumstances it is considered that the proposed flue is the best technical solution and that its impact on the appearance of the listed building would be acceptable. The proposal therefore complies with policies GD1 (Development Control) and BE2 (Listed Buildings) of the adopted local plan. A condition could be applied requiring that the flue be removed in the event of the restaurant no longer being operational.
- 7.10** It is understood that the applicant has reached agreement with the owners of the flats above in relation to the installation of the flue, however this is a legal matter between the various owners.

## **8. CONCLUSION**

- 8.1** The proposal will bring a disused commercial premises within Dumbarton Town Centre back into use, and the impact of a restaurant on neighbouring residents is likely to be less than that of the former pub use. The installation of a proposed external flue on the rear of the building is acceptable in terms of location, size and design. Technical issues relating to noise from the extraction system can be addressed by a condition, and the proposal is consistent with relevant development plan policies.

## **9. CONDITIONS**

### **DC13/166**

- 01. Prior to the commencement of development, technical specification for the proposed extraction ventilation system shall be submitted to and approved in writing by the Planning Authority. The submitted details shall include the noise output and filter system, and shall be of a specification sufficient to prevent cooking odours or noise affecting the residents of adjoining properties. The approved flue system/extraction system shall be implemented prior to the premises being brought into use and shall thereafter be maintained in accordance with the approved details.**
- 02. Prior to the commencement of development, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and shall be implemented prior to the premises being brought into use and thereafter maintained in accordance with the approved details.**
- 03. The premises will be used solely for the purpose of a restaurant, as defined within Class 3 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 and the development hereby approved does not include a hot-food take away element.**
- 04. Prior to the commencement of development, exact details of the bin storage arrangements shall be submitted and approved in writing by the Planning Authority and thereafter implemented prior to the premises being brought into use.**
- 05. In the event of the flue becoming redundant it shall be removed from the building, and external fixing locations shall then be restored to their previous condition.**

### **DC14/247**

- 01. Any masonry repairs required as a result of the installation of the flue shall be undertaken in lime mortar.**

02. Any fixings to the external masonry shall be non-ferrous or stainless steel.
03. In the event of the flue becoming redundant it shall be removed from the building, and external fixing locations shall then be restored to their previous condition.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 1<sup>st</sup> December 2014**

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**Appendix:** None

**Background Papers:**

1. Application documents (DC13/166 & DC14/247) and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire LDP - Proposed Plan;
4. Consultation responses;
5. Representations; and
6. Scottish Planning Policy.

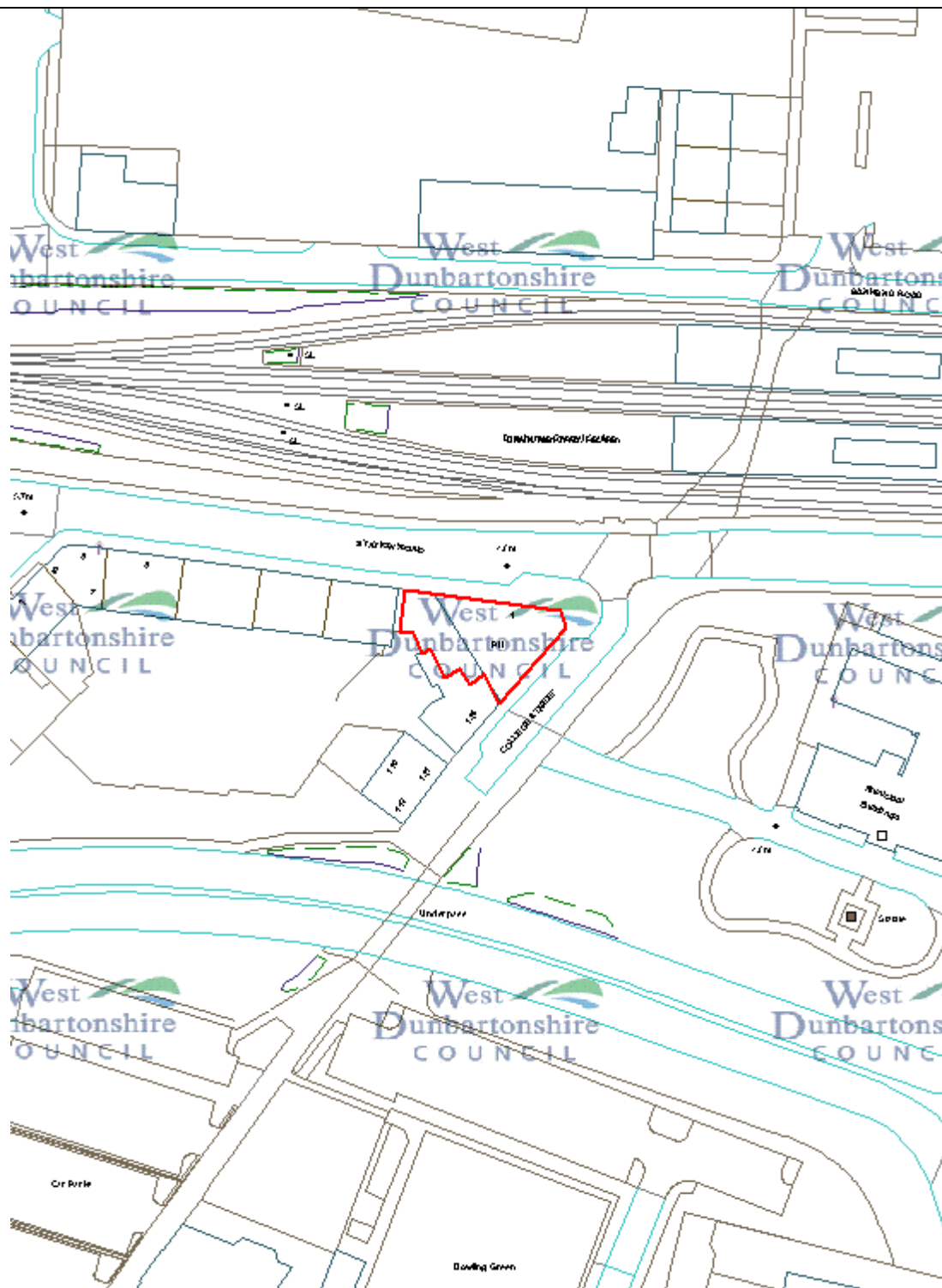
**Wards affected:** Ward 3 (Dumbarton)

Map Register No: HQ442  
Date: 3 December 2014

DC14/247

Installation of galvanised  
steel external flue

127 College Street  
Dumbarton  
G82 1NH



## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 17 December 2014

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**DC14/191:           Erection of residential development comprising 11 houses, 44 flats and associated works including landscaping, parking and road improvements at the former Kippen Dairy site, Main Street, Alexandria by Caledonia Housing Association.**

#### **1.     REASON FOR REPORT**

- 1.1**   This application relates to a proposal which is categorised as a major development, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

#### **2.     RECOMMENDATION**

- 2.1**   That the Committee indicate that it is **Minded to Grant** full planning permission, and to delegate authority to the Planning & Building Standards Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a developer contribution towards an equipped children's play area and parks, sports pitches and greenspace provision.

#### **3.     DEVELOPMENT DETAILS**

- 3.1**   The application site comprises two separate pieces of land on either side of Main Street, at the north end of Alexandria town centre. The majority of the site lies to the east of Main Street, and formerly contained a mixture of flats and ground floor commercial properties (including the erstwhile Kippen Dairy shop). This area is bisected by a former street (Alexander Street) and having been cleared many years ago it is currently largely vacant, apart from a small disused play area and some informal use of the land for parking. It is bounded by Main Street, Bank Street, North Street, McAlister Road, and by flats at Creveul Court and Susannah Street. The second, much smaller, part of the site is located to the west of Main Street on the corner of Hill Street. It is occupied by the former Leven Cottage residential care home which has been unoccupied for several years. Both parts of the site are located prominently on street corners, and the surrounding area contains a mixture of residential and commercial uses. The application site is relatively level and covers a total area of 0.83 hectares.
- 3.2**   Full planning permission is sought to erect a total of 55 properties consisting of 11 terraced houses, 25 one bedroom flats and 19 two bedroom flats, along

with associated parking and landscaping. The proposed development would comprise the following:

- The North Street/Main Street/Alexander Street block, would comprise 2 and 3-storey flats along the Main Street frontage, with two terraces of four 2-storey terraced houses fronting North Street and Alexander Street respectively. Parking would be to the rear, accessed from McAlister Road, with some additional parking on Alexander Street shared with the block opposite.
- The Alexander Street/Main Street/Bank Street block would comprise 2 and 3 storey flats on the Main Street/Bank Street frontage, with three 2 storey terraced houses fronting Alexander Street, with rear parking accessed from a continuation of McAlister Road. The flats fronting Main Street would be set back behind a hard landscaped area which is intended to serve as a civic space and as the focal point of the development;
- Susanna Street contains a gap site at the end of an existing row of three storey tenements, and it is proposed to build a modern three storey tenement close containing six flats. Parking would be at the rear, accessed from Creveul Court;
- The former Leven Cottage would be redeveloped to contain a two-storey corner block containing six flats, with a rear parking court accessed from Hill Street.

Each property would have access to a private or shared rear garden, and a total of 68 parking spaces would be provided within the site. Finishing materials for the new buildings would include reconstituted red/grey stone, dark grey concrete, dark grey aluminium, dark grey zinc cladding, dark grey window frames, buff facing brick and grey roof tiles.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service has no objection to the principle of the proposal, but detailed comments and recommended conditions were awaited at the time of writing. These will be reported to the Committee orally.
- 4.2** West Dunbartonshire Council Environmental Health has no objection subject to conditions relating to contaminated land, dust, permitted hours of construction noise and SUDS.
- 4.3** West Dunbartonshire Council Estates Section, the West of Scotland Archaeology Service and the Scottish Environment Protection Agency all have no objection to the proposal.

#### **5. REPRESENTATIONS**

- 5.1** No representations have been received.

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

#### West Dunbartonshire Local Plan 2010

- 6.1** The main site to the east of Main Street is identified as a Redevelopment Opportunity and is listed in Schedule GD2 as suitable for retail, commercial, leisure and/or residential use. Policy GD2 encourages the redevelopment of such sites for the uses identified.
- 6.2** The former Leven Cottage site is identified as a Housing Opportunity and is listed in Schedule H3 as having a capacity for 10 social rented units. Policy H3 encourages the provision of social housing on such sites.
- 6.3** All parts of the site are within the identified Alexandria Town Centre. Policy H5 supports the enhancement of town centres and encourages non-retail uses which contribute towards the vitality and viability of the centre.
- 6.4** Policy R2 states that new residential development should provide open space in accordance with specified standards, unless it can be demonstrated that such provision would be inappropriate for the scale or type of development proposed. The policy is flexible, and where existing areas of open space are readily accessible from the development site it may be appropriate for developers to contribute to the provision or improvement of these facilities instead of providing them on site. Policy R2 also indicates expected levels of financial contribution towards the provision of parks and sports pitches. This issue is discussed in Section 7 below, and it is considered that in this case a developer contribution would satisfy the requirements of Policy R2.
- 6.5** Policy H4 sets out standards expected of new residential development, requiring high quality in terms of shape, form, layout and materials. The layout and design of the development is assessed in Section 7 below. It is considered that the development complies with all of the above policies.

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

#### West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** The site is located within Alexandria town centre, which is identified as a Changing Place, the strategy for which includes increasing the population of the town centre by way of new residential development. All parts of the site are identified in Schedule 3 as Housing Opportunities, with a total indicative capacity of 56 social rented units. Policy BC1 reserves the site for housing, and such development will be supported where it complies with supplementary planning guidance. Policy DS1 states that all development will be expected to contribute towards creating successful places by having regard to the six qualities of successful places. These qualities aim to ensure that development is designed to be distinctive, resource-efficient, safe and pleasant, adaptable, easy to get to and welcoming. Policy GN2 requires development to incorporate SUDS, open space, paths and habitat enhancement at a level proportionate to the scale of development.
- 7.2** New residential development should accord with the draft supplementary guidance on residential development. This guidance seeks to ensure that housing developments give importance to the local context, are design-led,

promote the six qualities of good design and are accompanied by supporting documents including Design and Access Statements. These matters are discussed below. It is considered that the proposal would accord with the guidance and is consistent with the policies referred to above.

#### Principle of Development

- 7.3** The majority of the application site is a prominent gap site on the edge of Alexandria Town Centre, which has been vacant for many years. Redevelopment of this area for residential purposes would contribute towards the regeneration of the town centre and would be consistent with the land use policies of the adopted and emerging development plans. The applicant is a housing association and the proposed housing would be provided as social rented accommodation, which is also consistent with the relevant land use allocations. It is therefore considered that the principle of the proposed residential development is acceptable.

#### Layout, Design and Appearance

- 7.4** Historically this part of Alexandria contained a fairly dense grid of 2 and 3 storey buildings, albeit that this pattern has been interrupted by 1960s flats to the east. The proposed layout of the development would be consistent with the original street pattern at this location, involving a strong built frontage around the edge of the site fronting onto Main Street, North Street, Susannah Street and Hill Street, whilst also recreating a traditional residential arrangement along Alexander Street. The retention and upgrade of Alexander Street is to be welcomed since it reinforces the original street layout at this location and provides direct pedestrian access to Main Street which is an important pedestrian link. The proposed design of the houses and flats would be of modern appearance and the mixture of two and three storey elements would serve to break up the roof line and add visual interest to the development. The differing roof heights within the development would also replicate some of the existing features along Main Street. Whilst the use of grey and red reconstituted stone and buff facing brick would contrast with the existing housing in the vicinity, which is a mixture of predominantly red sandstone tenements and more modern rendered buildings, it is not considered that the introduction of these new materials would appear incongruous. Although the development is of a relatively high density and rear garden areas are consequently small, it is considered that the new properties would enjoy an appropriate level of amenity, and is appropriate for this town centre location. There would not be any unacceptable overlooking or overshadowing issues.

#### Public Realm and Open Space

- 7.5** A new civic space would be formed at the corner of Main Street and Bank Street, which would include landscaping and seating within a shared surface space. The location for this civic space has been chosen due to its prominent town centre position opposite the Smollett Fountain, and it is considered that this would provide an attractive public space marking the north end of the town centre. The development will make use of shared surface areas within the parking courts and along Alexander Street which will incorporate landscaping and road geometry designed to slow and control traffic, so it is

considered that these spaces will also have a pleasant character and will not be unduly dominated by traffic.

- 7.6** Although the site previously contained a small play area, it had fallen into disuse some time ago. The applicant has indicated that feedback from local community groups supported the removal of this feature, and the proposal would not feature any on-site play facilities. In this case the site is within the town centre and Christie Park is located a short distance to the north, on the opposite side of Main Street, so it is considered reasonable to require a developer contribution towards improvement of the park in lieu of on-site provision. Following negotiations the applicant has agreed to pay a commuted sum of £25,025 towards the enhancement of facilities at Christie Park. This is considered to be an appropriate sum, and it would be consistent with the Council's draft Supplementary Guidance on this subject, which is currently under preparation. This supports the enhancement of large, high-quality, open spaces that are available for wider use, in preference to the provision of multiple small play areas and other areas of open space dispersed through various nearby developments. Liaison would be undertaken with the Greenspace Service as to how any such contribution would best be spent.

#### Roads, Parking and Drainage

- 7.7** The proposal would provide a total of 68 parking spaces to serve 55 units (123%). This is slightly below the normal 125% parking standard for social housing of the size proposed, but the shortfall (1 space) is not considered to be significant, particularly for a site which is located so close to the town centre. The development includes private parking courts and on street parking which would make use of shared surfaces. The chosen approach has been influenced by the Scottish Government's Designing Streets philosophy (although the amount of new road construction involved in the development is minimal). The development would incorporate Sustainable Urban Drainage Systems (SUDS) for the disposal of surface water from roads, parking and roof areas, and there are no objections from technical consultees.

#### Pre-Application Consultation

- 7.8** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. Two public events were undertaken and local community councils were contacted about the proposal. A statutory notice was published in the local press advertising the public event and submission of the proposal of application notice. The applicant has submitted a pre-application consultation statement which indicates that whilst attendance at the public events was relatively low, feedback from the public was generally supportive of the redevelopment and no significant concerns were raised about the design. No representations were received in relation to the planning application.

## **8. CONCLUSION**

- 8.1** The proposed redevelopment of the site for residential purposes is in compliance with the adopted local plan and would assist with the regeneration

of Alexandria Town Centre in line with development plan strategy. The layout, design and materials of the development are all considered acceptable, and the proposal would improve the amenity of the area whilst providing high quality new social housing. No technical problems have been identified, and no objections have been received.

## **9. CONDITIONS**

- 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 all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.**
- 3. 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.**
- 4. Prior to the commencement of development details of the design and location of the bin stores, street furniture and lighting shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved prior to the occupation of the approved properties.**
- 5. No unit shall be occupied until the vehicle parking spaces associated with that unit have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.**
- 6. 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. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and thereafter shall be implemented prior to the occupation of the first property.**
- 7. A landscaping scheme for the site including the amenity and civic areas 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 occupation of the first property. The landscaping shall thereafter be maintained in accordance with these details.**
- 8. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and**

approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:

- a) a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) an assessment of the potential risks (where applicable) to:
    - human health;
    - property (existing and proposed), including buildings, pets, service lines and pipes;
    - ground waters and surface waters.
  - c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
9. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
10. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
11. A monitoring and maintenance scheme for the long term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within a timescale agreed with the Planning Authority. Following completion of the

actions/measures identified in the approved remediation scheme, a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.

12. 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 remedial actions shall be implemented within a timescale agreed with the Planning Authority.
13. 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.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 28 November 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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01389 738656  
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**Appendix:** None.

**Background Papers:**

1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010; and
4. West Dunbartonshire LDP - Proposed Plan.

**Wards affected:** Ward 2 (Leven)

**DC14/191**

**Erection of residential  
development comprising  
11 houses 44 flats and  
associated works including  
landscaping parking and  
road improvements**

**Kippen Dairy Development Site  
Main Street  
Alexandria**



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 17 December 2014**

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**DC14/230      Mixed use commercial development comprising class 4 business uses and roadside services incorporating visitor/tourist facility hotel pub/restaurant and petrol filling station (permission in principle) (amendment to Condition 1 of permission DC11/189) at Land Between A82 And Stirling Road, Dumbarton by Walker Group (Scotland) Ltd**

#### **1. REASON FOR REPORT**

- 1.1** This proposal is categorised as a major development, and 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 subject to the conditions set out in section 9, and to a direction specifying that applications for approval of matters specified in conditions must be made within 5 years of the date of the permission.

#### **3. DEVELOPMENT DETAILS**

- 3.1** This application seeks to renew the planning permission in principle for the northern part of the Lomondgate development on the edge of Dumbarton. The original outline planning permission for mixed use commercial development on the land to the north of the A82 was granted in December 2005, subject to the then statutory condition that reserved matters applications should be submitted within 3 years of the date of the permission. Subsequent applications in 2008 and 2011 extended the periods for submitting applications for what is now known as approval of matters specified in conditions (AMSC). Since the original outline consent was granted in 2005 new road infrastructure, the Premier Inn Hotel, Brewer's Fayre pub/restaurant, and the Costa drive-through/coffee shop have been built. In addition to this, construction work has recently started on a new petrol filling station, and detailed permission has been granted for the erection of a diner on the site. While all of these developments are within the area designated for roadside services, on the east side of the realigned A813 road, other parts of the site, notably the planned business park, have not yet been subject to detailed applications. The most recent permission in principle (DC11/189) will shortly expire, and the applicant wishes to keep the permission alive in order to allow completion of the development.

- 3.2** The current application seeks to renew the permission by way of amending condition 1 of permission DC11/189. This condition specified the timescale for applying for AMSC and for commencing development. The applicant has requested that any new permission is subject to a time limit of 5 years from the date of the decision, rather than the normal 3 years.

#### **4. CONSULTATIONS**

- 4.1** Scottish Environment Protection Agency, Transport Scotland, Scottish Natural Heritage, and West Dunbartonshire Council Environmental Health and Roads Services all have no objections, subject to various conditions.

#### **5. REPRESENTATIONS**

- 5.1** None.

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

- 6.1** The site is identified as the Kilmalid Specialised Economic Development Site, and policy LE5 aims to safeguard most of this site for business and industry uses, and for other uses that positively extend the permanent employment potential of the site. The south-eastern part of the site is also identified for roadside service uses as part of the wider economic development opportunities at Kilmalid.
- 6.2** Policy LE6 Strategic Employment Locations is also relevant to the site and designates Dumbarton as a Strategic Business Centre and Core Economic Development Area. This policy identifies key locations and economic uses to encourage economic development. The development is consistent with these policies, and the local plan continues to support the development of the site in accordance with the planning permission in principle.

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

- West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan
- 7.1** The site falls within the Lomondgate and Vale of Leven Industrial Estate 'Changing Place'. The Plan supports the development of the Lomondgate Business Park and roadside services area, and infrastructure is in place to facilitate the development of the Lomondgate Business Park.
- 7.2** Policy GE1 covers most of the business park site and indicates that it is suitable for business, industrial, or storage and distribution uses. The remainder of the site (i.e. the Roadside Service Area), incorporating the hotel, pub/restaurant and drive-through coffee shop, is supported by Policy GE3 which seeks to enhance roadside facilities at Lomondgate. The proposal is consistent with the policies of the emerging development plan.
- 7.3** Policy DS1 states that all development will be expected to contribute towards creating successful places by having regard to the six qualities of successful places. Development should be designed to be distinctive, resource-efficient,

safe and pleasant, adaptable, easy to get to and welcoming. Although the details of the Business Park are still to be agreed and approved, a master plan has allowed the developed part of the site to be built in an organised and coherent way, with each new building taking into account its surroundings and being positioned in an appropriate location. To date, development of the site has been consistent with policy DS1, and any future developments will also be assessed against this policy.

#### Principle of Development

- 7.4** As the application seeks to vary a condition of an existing consent, only matters relevant to the conditions can be taken into account in the assessment of this application. In this case, the reason for the time limit condition was to allow periodic review of outstanding permissions in order to take into account any material changes in circumstances in the intervening period.
- 7.5** In relation to planning policy, the principal change since 2011 has been to the status of the proposed West Dunbartonshire Local Development Plan, which is now approaching adoption and is therefore a significant material consideration. The new plan continues to support the completion of the approved development and does not raise any significant new issues in relation to this site.
- 7.6** Although some of the technical information upon which the original planning permission was based are now some years old, technical consultees have not identified any changes in relevant standards or technical requirements which would justify revisiting the principle of the development, and none have raised any objection to the proposal.
- 7.7** It is therefore considered that completion of the intended mixed commercial and roadside service development continues to be in line with all relevant policies. It would therefore be appropriate to grant a further planning permission in principle for this development, subject to a new time limit.

#### Duration of Permission

- 7.8** Since permission was first granted for development of this site there has been a change to the legal basis on which planning permissions are granted. Instead of the time limit being imposed as a condition, the 3 year limit is now specified in the relevant national legislation. However, planning authorities are empowered to direct that a planning permission will have an alternative duration should this be considered expedient. In this case the applicant has requested that the Council grant permission subject to a 5 year limit for submission of AMSC, rather than the normal 3 years. This is requested on the grounds that it is likely to take longer than 3 years to find uses for the outstanding parts of the development, given the ongoing economic situation.
- 7.9** Since the original outline consent was granted in 2005 some significant developments have taken place within the part of the site designated for Roadside Services. However the application site covers a large area (over 11 hectares), the majority of which is undeveloped land to the west of the A813

which is intended as a business park. The progress made in implementing the roadside service uses on the site will help to support the development of the business park, and due to its size and the current depressed demand for business/industrial land it is accepted that it will require to be developed over a longer period of time than 3 years. Under the circumstances it is considered appropriate to grant permission subject to a 5 year limit for the submission of AMSC applications.

## **8. CONCLUSION**

- 8.1** The development of the site is a long term project in compliance with the development plan, which will bring further economic activity and employment to the area. In terms of the Business Park and remaining sites of the Roadside Services area it is accepted that additional time is required to allow the developers to achieve this, particularly in the current difficult economic climate. No new issues have arisen since the previous permission and it is considered appropriate to grant permission in principle for a further 5 years.

## **9. CONDITIONS**

- 01. No development shall commence until such time as approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) has been granted by the Local Planning Authority. Any application for approval of matters specified in conditions shall accord with the requirements of the masterplan approved under consent no. DC04-546 and shall include:**
- a) Site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping**
  - b) Plans of each building showing its elevations and floor plans**
  - c) Details of existing and proposed ground levels and finished floor levels and the extent of any land raising or under-building involved. The levels shall clearly relate to a fixed datum point on the site, which shall be clearly identified on the submitted plans.**
  - d) Details of external finishing materials**
  - e) Details of the means of drainage and sewage disposal**
- 02. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority before development commences on site. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and the extent of any areas of earthmounding, and shall ensure:-**
- (a) completion of the scheme during the next planting season following the completion of the building(s), or such other**

- date as may be agreed in writing with the Planning Authority.
- (b) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
03. At the same time as the submission of the matters specified in conditions, full details of all hard surfacing to be provided on the relevant parts of the site shall be submitted for the further written approval of the Planning Authority and implemented as approved.
04. At the same time as the submission of the matters specified in conditions, full details of the design and location of all fences and walls to be erected on the relevant parts of the site shall be submitted for the further written approval of the Planning Authority and implemented as approved.
05. At the same time as the submission of the matters specified in conditions, details of a sustainable urban drainage system for the relevant parts of the site shall be submitted for the further written approval of the Planning Authority and implemented as approved.
06. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the hours of operation to prevent mud being deposited on the public road.
07. Prior to the start of any construction works on the undeveloped parts of the site, a survey shall take place for the presence of bats. This shall be carried out at the appropriate season (March to July) using suitably experienced surveyors. The results of the survey shall be submitted for the further written approval of the Planning Authority in conjunction with Scottish Natural Heritage. Should bats or a bat roost be identified which is likely to be affected by the development, Scottish Natural Heritage shall be contacted in order to advise on any requirements to apply for licences for work to take place.
08. Prior to the start of any construction works on the land west of the A813, a survey shall take place for the presence of otters. The results of the survey shall be submitted for the further written approval of the Planning Authority in conjunction with Scottish Natural Heritage. Should otters or their places of shelter be identified in the site then Scottish Natural Heritage shall be

contacted in order to advise on any requirements to apply for licences for work to take place. The buffer zone previously approved under consent no.DC04/546 and formed between the edge of the site and the Murroch Burn, shall be maintained as approved.

09. The total gross floor area of Class 4 development shall not exceed 28, 800 square metres.
10. The Travel Plan previously agreed under consent no. DC04/546 shall be implemented as approved unless otherwise agreed with the Planning Authority.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 1<sup>st</sup> December 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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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. consultation responses

**Wards affected:** Ward 2 (Leven)

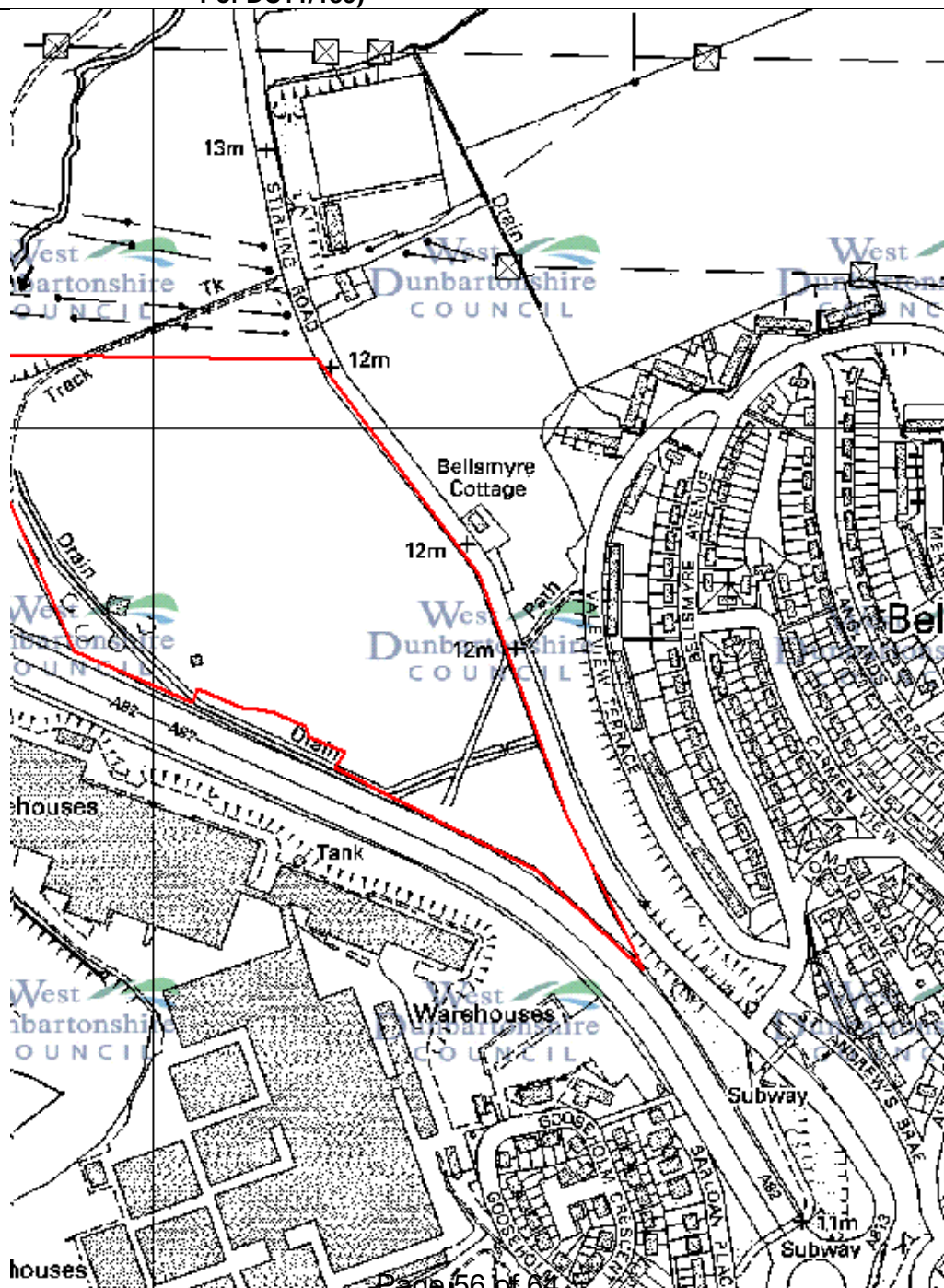
Map Register No: HQ443

Date: 3 December 2014

DC14/230

Mixed use commercial  
development comprising  
class 4 business uses and  
roadside services  
incorporating  
visitor/tourist facility hotel  
pub/restaurant & petrol  
filling station (outline)  
(Amendment to Condition  
1 of DC11/189)

Land Between A82 And Stirling Road  
Opposite Bellsmyre Cottage  
Stirling Road  
Dumbarton



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Director of Infrastructure and Regeneration**

**Planning Committee: 17<sup>th</sup> December 2014**

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**Subject: Proposed Charging for Street Name and Numbering**

#### **1. Purpose**

- 1.1** The purpose of the report is for the Committee to agree charges for its street naming and numbering service.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee agrees the scale of charges outlined in Section 4.2 of the Report, and that the current Street Naming and Street Numbering policies are amended to reflect the charges agreed.

#### **3. Background**

- 3.1** The Council, under Section 97 of the Civic Government (Scotland) Act 1982, has responsibility for naming and numbering new streets and numbering of new buildings erected on an existing street. Street naming and numbering is essential for the use of the emergency services, public utilities, postal services and the general public. Over the past three years 10 new streets and approximately 646 new houses (including individual flats) have required to be named and numbered in West Dunbartonshire. There has been no charge for this service to date

#### **4. Main Issues**

- 4.1** Providing this service and resolving problems takes up a significant amount of staff time. Other Scottish local authorities charge for this service and it is considered at this time that it would be appropriate to introduce a charging regime.
- 4.2** A recent review of street naming and numbering service across Scotland has confirmed that it is increasing common for Local Authorities to make a charge for this facility. There are no set charges for this service and authorities have adopted a wide range of charging regimes. A benchmarking exercise was carried out with East Dunbartonshire, Stirling, Edinburgh and North Lanarkshire which is contained in Appendix 1.

It is therefore suggested that the following charges be introduced:-

- a) Naming of a new Street                      £100

b) A sliding scale for the numbering of properties including flats

1	property/unit	£ 75
2 - 5	properties/units	£110
6 -10	properties/units	£150
11 - 25	properties/units	£300
26 -50	properties/units	£500
50 – 100	properties/units	£750
101 +	properties/units	£1000

c) Renaming of an existing property      £ 75

d) Renumbering of address post  
issuing of Statutory Notice(s)      £100

e) Provide official confirmation of an  
existing address      £ 25

**4.3** It is proposed that it will be introduced from 1<sup>st</sup> January 2015 and that the current street naming and street numbering policies will be updated to reflect the above charges.

## **5. People Implications**

**5.1** No personnel issues

## **6. Financial Implications**

**6.1** Charging for the delivery of this service may contribute in the region of £6,000 per year to the Planning and Building Standards budget.

## **7. Risk Analysis**

**7.1** No risks have been identified

## **8. Equalities Impact Assessment (EIA)**

**8.1** No equality impact assessment is required.

## **9. Consultation**

**9.1** No consultation is required

## **10.0 Strategic Assessment**

**10.1** The proposal does not conflict with the Council's strategic priorities.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 1<sup>st</sup> November 2014**

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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**Appendices:** 1. Table showing other Local Authority charges for  
Street Naming and Numbering

**Background Papers:** Amended Street Naming Policy  
Amended Street Numbering Policy

**Wards Affected:** All Wards

**APPENDIX 1 – Table showing other Local Authority  
charges for Street Naming and Numbering**

	Street	1 unit	2-5 units	6-10 units	11-25 units	26-50 units	50 -100 units	101+ units
East Dun	£100	£80	£120	£200	£300	£500	£1000 (50+ units)	
Stirling	£0	£75	£110	£150	£300	£500	£750	£1,000
North Lanarkshire	£100	£40	£80	£110	£150	£250	£400	£500
Edinburgh	£175	£40	£80	£110	£150	£250	£400	£750
Proposed WDC	£100	£75	£110	£150	£300	£500	£750	£1,000

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 17 December 2014**

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**Subject: New street names for new Care Home development site at Heather Avenue, Alexandria.**

#### **1. Purpose**

- 1.1** To allocate street names for the new Care Home development.

#### **2. Recommendations**

- 2.1** It is recommended that Charleston Way, Drive and Place are approved as the preferred street names.

#### **3. Background**

- 3.1** The suggested street names are required to complete the development site within the Alexandria area. The site is accessed off Heather Avenue and the names have been associated to an historic local business that existed in the near vicinity of the Care Home development.

#### **4. Main Issues**

- 4.1** The street names are taken from the historic Charleston Engraving Works an established business in the local area, founded in 1830 and made copper engraving plates for printworks and remained until 1897 in Alexandria.

- 4.2** The three street names proposed are for consideration:-  
Charleston Way  
Charleston Drive  
Charleston Place

These names are in keeping with the general history of the local area. The three names proposed meet the requirements of the Councils street naming policy.

- 4.3** In line with the street naming policy the elected members for Ward 2 and the community council have been consulted and no comments have been received at the time of writing this report.

#### **5. People Implications**

- 5.1** There are no people implications.

## **6. Financial Implications**

**6.1** There are no financial implications.

## **7. Risk Analysis**

**7.1** There are no known risks to the Council.

## **8. Equalities Impact Assessment (EIA)**

**8.1** None.

## **9. Consultation**

**9.1** As part of the Councils Street Naming Policy elected members for Ward 2 Leven and Kilmaronock, Silverton & Overton and Balloch & Haldane community councils have been consulted.

## **10. Strategic Assessment**

**10.1** This proposal does not impact on any of the Council's strategic priorities.

### **Richard Cairns**

Executive Director of Infrastructure and Regeneration

Date: 1<sup>st</sup> December 2014

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**Appendices:** N/A

**Background Papers:** None

**Wards Affected:** Ward 2 Leven

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 17 December 2014**

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**Subject: Receipt of appeal against the refusal of application DC14/167 for the sub-division of existing retail unit and change of use to betting office and installation of shopfront at 18 Britannia Way, Clydebank**

#### **1. Purpose**

- 1.1** To advise the Committee of the submission of a planning appeal.

#### **2. Recommendations**

- 2.1** That the Committee **notes the receipt of this appeal.**

#### **3. Background**

- 3.1** A planning application for the sub-division of an existing retail unit to a betting office and installation of a shopfront was refused by the Planning Committee on 29 October 2014. The application was refused on the grounds that it would result in the loss of ground retail floorspace and a frontage within the core retail area of Clydebank in circumstances where the resultant use would not serve to reinforce or revitalise the centre. It was also considered that the proposal would create an undue concentration of betting shops and other non-retail uses within Clydebank Town Centre which would be to the detriment of the character and amenity of the area and the economic wellbeing of the local community.

#### **4. Main Issues**

- 4.1** An appeal against the refusal of planning permission has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a site visit and written submissions. The Committee will be notified of the outcome of the appeal in due course.

#### **5. People Implications**

- 5.1** None.

#### **6. Financial Implications**

**6.1** The appellant has not submitted an application for an award of costs, although the time period for doing so had not expired at the time of writing of this report.

**7. Risk Analysis**

**7.1** No risks have been identified.

**8. Equalities Impact Assessment (EIA)**

**8.1** An equalities impact assessment is not required.

**9. Consultation**

**9.1** Not required.

**10. Strategic Assessment**

**10.1** There are no strategic issues.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 1<sup>st</sup> December 2014**

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**Appendices:** None

**Background Papers:**

1. Application forms and plans;
2. Decision notice DC14/167;
3. Appellant's grounds of appeal

**Wards Affected:** Ward 6 (Clydebank Waterfront)