

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Civic Space, 16 Church Street, Dumbarton, on Wednesday, 19 April 2023 at 10.01 a.m.

Present: Councillors Karen Conaghan, Ian Dickson, Gurpreet Singh Johal, Daniel Lennie, June McKay, Lawrence O'Neill, Chris Pollock, Hazel Sorrell and Sophie Traynor.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Amanda Graham, Chief Officer – Citizen, Culture and Facilities; Alan Williamson, Team Leader, Development Planning and Place; James McColl, Development Management Team Leader; Michelle Lynn, Asset Coordinator; Amy Melkevic, Lead Planning Officer; Sarah Christie, Team Leader – Heritage and Arts; Stephen Daly, Citizen and Digital Manager; Ash Hamilton, Planning Officer; Nigel Ettles, Section Head – Litigation (Legal Officer); Eva Hutchison, Support Officer and Lynn Straker, Committee Officer.

Also Attending: Robert Hay, Agent and Representative for Items 5b and 5c; Mr Kevin McVey, Applicant for Item 5b; Fiona and Stephen Lees, Objectors for Item 5b; Marc Gillies, Applicant for Item 5c; Ross and Lynsey Wallace, Objectors for Item 5c; Allan and Isobel Wilson, Objectors for Item 5c and Rose Harvie, Objector for Item 5c.

Apology: An apology for absence was intimated on behalf of Provost Douglas McAllister.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda. Councillor Chris Pollock made a transparency statement in respect of planning application DC22/185/FUL.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 15 March 2023 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATIONS

Reports were submitted by the Planning, Building Standards and Environmental Health Manager in respect of the following Planning applications:-

- (a) **DC22/222/FUL – Glencairn House, 95 High Street, Dumbarton, G82 1LF**
Formation of new public library and museum, external alterations including replacement shop windows, demolition of the rear existing extension, construction of a three storey new rear extension and construction of a separate single storey children's library at the end of Quay Pend.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager, the Development Management Team Leader, the Asset Coordinator and the Chief Officer – Citizen, Culture and Facilities in further explanation, and in answer to Members' questions, the Committee agreed to grant planning permission and listed building consent subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto.

The Planning, Building Standards and Environmental Health Manager also agreed to discuss work done with the Roads and Neighbourhood team to assess required parking for the property and ensure suitable level of Disabled access to the building and for the Roads and Neighbourhood team to bring back a supplementary report to a future meeting of the Planning Committee detailing work done and findings.

- (b) **DC22/129/FUL – Store at Dumbuck Old Quarry, Strowanswell Road, Dumbarton, G82 2QN. Proposed redevelopment of site of former quarry and garages / workshops to allow the introduction of three holiday letting lodges (with ancillary car parking).**

The Development Management Team Leader provided further explanation of the application and answered Members' questions. The Committee then heard from the Objectors and the Applicant in respect of the application. After further discussion, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.09 a.m. with the Elected Members listed in the sederunt present.

- (c) **DC22/185/FUL - Former Maryland Water Pumping Station, Garshake Road, Dumbarton. Change of use of ground for the siting of three holiday lodges including a waste water treatment plant and ancillary car parking (being a revised design from that approved under Planning Permission ref. DC21/096/FUL).**

The Development Management Team Leader provided further explanation of the application and answered Members' questions. The Committee then heard from the Objectors, the Agent and, the Applicant in respect of the application.

ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 1.00 p.m. with the Elected Members listed in the sederunt present.

After further discussion of the application, and having heard additional information from the Planning, Building Standards and Environmental Health Manager and the Section Head – Litigation (Legal Officer) with regards to options for the decision of the application, the Committee agreed to continue consideration of the application to a future meeting of the Planning Committee for further information in respect of Water Mains access and disabled access to the site .

Councillor O'Neill, Chair, noted that the report would be continued at a future meeting of the Planning Committee no later than September 2023 and the Planning team would update Objectors and ensure lines of communication were kept open regarding the continuation of the application.

DUMBARTON TOWN CENTRE CONSERVATION AREA APPRAISAL

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking approval of the finalised Dumbarton Town Centre Conservation Area Appraisal.

After discussion and having heard the Team Leader - Development Planning and Place, in further explanation and in answer to Members' questions, the Committee thanked the Team Leader – Development Planning and Place and their team for their excellent work on the Appraisal and agreed:-

- (1) to approve the finalised Dumbarton Town Centre Conservation Area Appraisal (Appendix 1 to the report) and note that it would be a material consideration in the determination of planning applications;
- (2) to agree that the buildings listed in paragraph 4.7- 4.9 of the report be suggested to Historic Environment Scotland as suitable for listing, or for alterations to their existing listing; and
- (3) to agree that further consideration be given to amending the Dumbarton Conservation Area boundary as part of the next Local Development Plan process.

LEGAL OPINION REGARDING APPEAL DECISION DC22/049/MSC, FARM ROAD, DUNTOCHER

A report was submitted by the Planning, Building Standards and Environmental Health Manager advising the Committee of legal advice received in respect of the appeal decision for the erection of 99 dwelling houses, formation of access landscaping, open space, SUDS and associated infrastructure at Farm Road, Duntocher, Clydebank.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager, in further explanation and in answer to Members' questions, the Committee agreed to note that the legal advice received by the Council is that there are no grounds for challenging the appeal decision.

The meeting closed at 1.14 p.m.

DC22/222/FUL – Glencairn House, 95 High Street, Dumbarton, G82 1LF
Formation of new public library and museum, external alterations including replacement shop windows, demolition of the rear existing extension, construction of a three storey new rear extension and construction of a separate single storey children's library at the end of Quay Pend.

GRANT planning permission subject to the following conditions:-

1. The bespoke, artist designed, turquoise/green glaze ceramic tile detailed as part of this application and submitted to the Planning Authority shall be used for the cladding of the extension and children's library as detailed on the approved drawings. Samples of all other new external materials to be used on site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site. Works shall then proceed as approved.
2. No development shall take place within the development site as outlined in red on the approved Proposed Site Plan GLC-PPA-XX-R1-DR-A-1001 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, and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recover of archaeological resources within the development site is undertake in agreement with the West of Scotland Archaeology Service.
3. 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.

4. 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.
5. The presence of any previously unexpected 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 site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
6. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.
7. Unless otherwise approved in writing by this 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 this 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 this Authority.
8. 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.

9. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays: 0800-1800
Saturdays: 0800-1300
Sundays and public holidays: No working

10. Notwithstanding the approved plans, prior to the replacement of the front shop windows being fitted, a final design which retains the existing glazing pattern shall be submitted to, and approved in writing by the Planning Authority in consultation with Historic Environment Scotland and implemented prior to the building being brought into use.

Listed building consent DC22/223/LBC

1. The bespoke, artist designed, turquoise/green glaze ceramic tile detailed as part of this application and submitted to the Planning Authority shall be used for the cladding of the extension as detailed on the approved drawings. Samples of all other new external materials to be used on site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site. Works shall then proceed as approved.
2. Notwithstanding the approved plans, prior to the replacement of the front shop windows being fitted, a final design which retains the existing glazing pattern shall be submitted to, and approved in writing by the Planning Authority in consultation with Historic Environment Scotland and implemented prior to the building being brought into use.

DC22/129/FUL – Store at Dumbuck Old Quarry, Strowanswell Road, G82 2QN. Proposed redevelopment of site of former quarry and garages / workshops to allow the introduction of three holiday letting lodges (with ancillary car parking).

GRANT planning permission subject to the following conditions:-

1. No individual shall reside in the approved tourist accommodation for in the approved tourist accommodation for more than 60 days in the calendar year. To this effect, a permanent log book shall be kept of all visitors who stay at the tourist accommodation for the lifetime of the development. This shall note the names and addresses of all of the visitors. The log book shall be made available for the perusal of the Council as Planning Authority if so requested.
2. Prior to the lodges hereby approved being first brought into use the lodge operator shall submit a Management Plan to the Planning Authority for their written approval. The Management Plan shall include details of day to day site management and maintenance and how potential noise and guest behaviour issues are to be dealt with should they arise. Thereafter, the site will operate in accordance with the approved Management Plan for the lifetime of the development unless otherwise agreed by the Planning Authority
3. Notwithstanding the approved drawing 02 - One Bedroom Lodge – Plan & Elevations, details of the materials and finishes of the two single bedroom lodges shall be submitted for the written approval of the Planning Authority and shall be implemented as approved.
4. The proposed car parking and access arrangements as shown on drawing no. 02 rev C shall be formed and available prior to the lodges hereby approved being first brought into use. The spaces and access arrangements shall thereafter be kept available for the lifetime of the development.
5. Prior to the commencement of development, full details of the surface and foul drainage shall be provided to the Planning Authority for written approval. Thereafter, the approved arrangements shall implemented prior to the lodges hereby approved being brought into use. The drainage arrangements shall thereafter be maintained for the lifetime of the development. For the avoidance of doubt, the arrangement will incorporate sustainable drainage arrangements (SuDS).

6. Notwithstanding the details shown on drawing no. 02 rev C with respect to boundary planting and prior to the commencement of works on site, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Planning Authority. Where appropriate these details shall include proposed finished and existing ground levels and contours, hard surfacing materials and lighting. Thereafter the approved details shall be fully implemented in accordance with the approved details within a timescale to be agreed by the Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
7. No trees shall be lopped, topped, felled or otherwise removed from the site without the prior written approval of the Planning Authority. The recommendations made in Section 5.2 of the approved Preliminary Ecological Report shall be implemented as approved.
8. Notwithstanding the approved plans, public access to the path leading to Strowan's Well accessed from Strowanswell Rd shall be maintained at all times unless otherwise agreed in writing by the Planning Authority.
9. (a) No development (other than investigative work) shall take place until such time as a comprehensive site investigation has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. The investigation shall be completed by a suitably qualified and competent person and completed in accordance with advice given in the following:-
 - Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995).
 - BS 10175:2011+A1:2013 – British Standards institution 'The Investigation of Potentially Contaminated Sites – Code of Practice'.
 - Land Contamination and Development Management - Guidance.
https://www.ep-scotland.org.uk/wpcontent/uploads/2019/09/ConLanDevGuide_12-Aug19-FINAL.pdf
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model shall be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted.

- (c) If the risk assessment identifies any unacceptable risks then an appraisal of remedial options followed by a detailed remediation scheme will be submitted to and approved in writing by the Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Planning Authority's written approval of the remediation scheme.
10. Remediation of the site shall be carried out in accordance with the approved remediation scheme prior to the proposed development being brought into use. Any amendments to the approved remediation scheme shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works, the developer shall submit a verification report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation scheme and that the works have successfully reduced the risks to acceptable levels.
11. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale 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 by the Planning Authority.
12. The presence of any previously un-encountered 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.
13. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.