

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 3 October 2012 at 10.00 a.m.

**Present:** Councillors Denis Agnew, Gail Casey, David McBride, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

**Attending:** Jim McAloon, Head of Regeneration and Economic Development, Pamela Clifford, Planning and Building Standards Manager; Raymond Walsh, Network Management Co-ordinator; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Jim Finn, Jonathan McColl and John Mooney.

**Councillor Lawrence O'Neill in the Chair**

### **DECLARATIONS OF INTEREST**

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

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Planning Committee held on 5 September 2012 were submitted and approved as a correct record.

### **NOTE OF VISITATION**

A Note of Visitation carried out on 3 September 2012, a copy of which forms Appendix 1 hereto, was submitted and noted.

## PLANNING APPLICATIONS

Reports were submitted by the Executive Director of Housing, Environmental and Economic Development in respect of the following planning applications.

### **New Applications:-**

**(a) DC12/131 – Variation of Condition No 12 at St James Retail Park, Dumbarton by British Land Retail Warehouses Ltd.**

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. Detailed information on retail unit sizes in local retail parks was circulated to Members for their consideration.

The Chair invited Mr Fraser Littlejohn from Montagu Evans LLP, representing the applicant to address the Committee and he presented his case in support of the application. Mr Littlejohn was then heard in response to Members' questions.

The Chair also invited Mrs Sheila Urquhart, representing Dumbarton East and Central Community Council to address the Committee. Mrs Urquhart made the Community Council's views in support of the application known.

Having heard Officers in further explanation of the report and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 2 hereto.

**(b) DC12/167 – Erection of 33 flats, car parking and landscaping at land South East of Studio Drive, Dumbarton by Persimmon Homes.**

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.

The Committee agreed that it was minded to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 3 hereto, and that authority be delegated to the Planning and Building Standards Manager, on the completion of a legal agreement requiring that the flats remain as social rented accommodation, to issue the decision notice.

- (c) **DC12/186 – Demolition of existing public convenience and erection of sports changing facilities at Townend Road, Dumbarton by West Dunbartonshire Council.**

The Committee agreed to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 4 hereto.

- (d) **DC12/189 – Installation of roller shutters at 16 West Bridgend, Dumbarton by Marie Heaney.**

The Committee agreed to grant planning permission subject to the conditions specified within the report, details of which are contained in Appendix 5 hereto.

**APPEAL DECISION – ALPHA CENTRE, 10 SOUTH DOUGLAS STREET,  
CLYDEBANK (DC11/260)**

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

Having heard the Planning and Building Standards Manager in further explanation of the report, the Committee agreed to note the contents of the report.

The meeting closed at 10.43 a.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 3 SEPTEMBER 2012**

**Present:** Councillor Jim Finn

**Attending:** Pamela Clifford, Planning and Building Standards Manager.

***SITE VISIT***

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

- (a) Planning Application DC11/263 - Operation of open air market on Fridays at Three Queens Square, Clydebank by P&W Markets.
- (b) Planning Application DC12/124 – Erection of dwellinghouse at car park to west of Horseshoe Bar, Dumbarton Road, Bowling by Mr P Doherty.
- (c) Planning Application DC12/134 – Change of use from public house to flat including external alterations to building and formation of car parking spaces at Horseshoe Bar, 110 Dumbarton Road, Bowling by Mr P Doherty.
- (d) Planning Application DC12/105 - Erection of two storey detached dwellinghouse and detached double garage and the formation of a new vehicular access at Milton House, Milton Brae, Milton by Mr & Mrs Villiers and Planning Application DC12/108 – Alterations to boundary wall to form a new vehicular access at Milton House, Milton Brae, Milton by Mr & Mrs Villiers.

**DC12/131 – Variation of Condition No 12 at St James Retail Park, Dumbarton by British Land Retail Warehouses Ltd.**

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

1. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall be submitted to the Planning Authority within 3 years of the date of this decision notice, or (if later) within 2 years of the refusal of such an application (where that application was submitted within 3 years of the date of this decision notice, and subject to there being only one subsequent application). Such application(s) 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. Full details of the foul and surface water drainage system, shall be submitted at the same time as any application for the approval of Reserved Matters referred to above for the approval of the Planning Authority. The drainage system shall incorporate the principles of sustainable Urban Drainage Systems within its design.
3. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. 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 to the extent of any areas of earthmounding, and shall ensure:-
  - (a) completion of the scheme during the planting season next 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.
  - (c) any trees or shrubs removed, or which in the opinion of 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.

4. At the same time as the first application for approval of the Reserved Matters referred to above full details of the design and location of all fences and walls to be erected on the site shall be submitted for the consideration and written approval of the Planning Authority.
5. At the same time as the first application for approval of the Reserved Matters referred to above full details of all hard surfacing to be provided on the site shall be submitted for the consideration and written approval of the Planning Authority.
6. At the same time as the first application for approval of the Reserved Matters referred to above, a comprehensive contaminated land investigation report shall be submitted together with a remediation strategy to treat, make safe and/or remove any existing contamination on the site.
7. Construction works shall be limited to between 08.00am to 6.00pm Monday to Saturday only with no site preparation or construction works on a Sunday.
8. At the same time as the first application for approval of the Reserved Matters referred to above, a method statement for the prevention of nuisance from dust during dry weather conditions shall be submitted for the written approval of the Planning Authority.
9. No unit hereby approved shall be brought into use until the vehicular access to the site and the necessary mitigation measures to the road network, agreed as a result of final consideration of the Transportation Impact Assessment, have been implemented to the satisfaction of the Planning Authority. These mitigation measures should show that the proposal brings no net detriment to the road capacity on the A.814.
10. 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.
11. The development hereby permitted shall be used solely for uses within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other purpose. The use shall further be restricted to non-food retailing only.
12. The total floorspace allowed by this consent is 6503m<sup>2</sup> (70,000 sq.ft) divided between three units, which shall comprise one unit of approximately 3252m<sup>2</sup> (35,000 sq.ft) and two further units with a minimum size of 1394m<sup>2</sup> (15,000 sq.ft). No further subdivision of these three units may take place without the benefit of a separate planning consent.

**DC12/167 – Erection of 33 flats, car parking and landscaping at land South East of Studio Drive, Dumbarton by Persimmon Homes.**

**MINDED TO GRANT subject to the following conditions:-**

1. The occupant of each unit within the development hereby approved shall be limited to residents of a minimum of 60 years of age unless otherwise agreed in writing with the Planning Authority.
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 be 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 thereafter be implemented as approved.
4. 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.
5. A landscaping scheme for the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.
6. Prior to the commencement of development on site full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design and thereafter shall be implemented as approved.
7. Prior to the commencement of development on site a plan showing the proposed ground levels and minimum finished floor levels of the building shall be submitted for the further written approval of the planning authority and implemented as approved.
8. Unless otherwise approved in writing by the 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.

9. 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 by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.
10. Where piling works are proposed account must be taken of the guidance in BS 6472: 1984 Evaluation of Human Response to Vibration in Buildings. A competent person shall carry out an assessment and the findings of the assessment to be submitted and approved in writing by the Planning Authority and any actions arising implemented within a timescale agreed with the Planning Authority.
11. Remediation of the site shall be carried out in accordance with the approved remediation plan. On completion of the remediation works and before the commencement of development the developer shall submit a report to the Planning Authority for their written approval confirming that the works have been carried out in accordance with the remediation plan. Any amendments to the approved remediation plan shall not be implemented unless 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 actions arising shall be implemented within a timescale agreed with the Planning Authority.
13. Prior to the commencement of development details of the design and location of the bin stores for the flats shall be submitted for the further written approval of the Planning Authority and implemented prior to the occupation of the approved flats.

## **FOR NOTING**

### Informatives

1. The applicant is advised that under the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development hereby approved must commence within a period of 3 years from the date of this decision notice.
2. The applicant is advised that under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, the developer is required to submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:

- a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);
- b) A Notice of Completion of Development as soon as practicable once the development has been completed

**DC12/186 – Demolition of existing public convenience and erection of sports changing facilities at Townend Road, Dumbarton by West Dunbartonshire Council.**

**Permission was GRANTED subject to the following 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. 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 by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.
3. 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
    - groundwater 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.
4. 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.

5. 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

## APPENDIX 5

**DC12/189 – Installation of roller shutters at 16 West Bridgend, Dumbarton by Marie Heaney.**

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

1. Prior to the commencement of the development full details of the proposed 'pepperpot' style shutter shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.