

Agenda



Planning Committee

Date: Wednesday, 24 September 2014

Time: 10:00 a.m.

Venue: Committee Room 3,
Council Offices, Garshake Road, Dumbarton

Contact: Nuala Quinn-Ross, Committee Officer
Tel: 01389 737210, n.quinn-ross@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)
Provost Douglas McAllister (Vice Chair)
Councillor Denis Agnew
Councillor Gail Casey
Councillor Jim Finn
Councillor Jonathan McColl
Councillor Patrick McGlinchey
Councillor John Mooney
Councillor Tommy Rainey
Councillor Hazel Sorrell

All other Councillors for information

Date of Issue: 12 September 2014

PLANNING COMMITTEE
WEDNESDAY, 24 SEPTEMBER 2014

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3. MINUTES OF PREVIOUS MEETING

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 27 August 2014.

4. KILPATRICK HILLS FOREST DESIGN PLAN 2014 - 2024

Submit report by the Executive Director of Infrastructure and Regeneration:-

- (a) advising of a draft Forest Design Plan prepared by the Forestry Commission Scotland for the Kilpatrick Hills; and
- (b) seeking approval of the Council's formal response to the consultation on the draft Forest Design Plan, as detailed within Appendix 1 to the report.

5. RENFREWSHIRE LOCAL DEVELOPMENT PLAN

Submit report by the Executive Director of Infrastructure and Regeneration advising of the adoption of the Renfrewshire Local Development Plan including Braehead as a town centre.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 27 August 2014 at 10.02 a.m.

Present: Provost Douglas McAllister and Councillors Denis Agnew, Gail Casey, Patrick McGlinchey, John Mooney, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

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

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

The Committee heard from Mr Ettles, Principal Solicitor, in relation to application 'DC14/145 – Erection of Memorial at Titan View, Glasgow Road, Clydebank by Clydebank Asbestos Group' that Members of the Clydebank Asbestos Working Group would only require to declare an interest in this item of business if they had been involved the selection of the proposed location.

Having considered Mr Ettles advice, no declarations of interest were made in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 25 June 2014 were submitted and approved as a correct record.

NOTE OF VISITATION

A Note of Visitation carried out on 23 June 2014, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATIONS

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

New Applications:-

- (a) **DC14/128 – Change of use from class 1 (retail) to class 3 (food and drink) and hot food take away at unit 3, 32 High Street, Dumbarton by Lasalle Investment Management.**

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 2 hereto.

- (b) **DC14/145 – Erection of Memorial at Titan View, Glasgow Road, Clydebank by Clydebank Asbestos Group.**

The Planning & Building Standards Manager was heard in further explanation of the report and in answer to Members' questions.

The Chair, with the agreement of the Committee, invited Mr Jephson Robb, sculptor, to address the Committee. A presentation on the proposed memorial was given by Mr Robb and he was heard in answer to Members' questions.

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.

- (c) **DC14/149 – Change of use from shop to fitness and weight management centre at 21 College Way, Dumbarton by Ms Kay Young.**

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 4 hereto.

DETERMINATION OF APPEAL AGAINST THE REFUSAL OF PLANNING APPLICATION DC12/235 FOR RESIDENTIAL DEVELOPMENT AT SITE OF DUNCLUTHA HOUSE, OFF PARKHALL ROAD, CLYDEBANK

A report was submitted by the Executive Director of Infrastructure and Regeneration advising of the outcome of the planning appeal.

The Committee agreed to note that the appeal had not been upheld by The Reporter.

REVIEW OF QUARRIES AND LANDFILL SITES

A report was submitted by the Executive Director of Infrastructure and Regeneration:-

- (a) providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area; and
- (b) advising on work carried out by external consultants on restoration bonds for Auchencarroch Landfill site and Dumbuckhill Quarry site.

Having heard the Planning & Building Standards Manager in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the outcomes of the site visits outlined within Appendix 1 to the report; and
- (2) that an update report would be presented to a future Planning Committee once discussions had taken place with the operators with regard to the findings of the external consultants.

ELECTED MEMBER INVOLVEMENT IN PRE-APPLICATION PROCEDURES

A report was submitted by the Executive Director of Infrastructure and Regeneration seeking approval for the procedures and protocol for Councillor involvement at the pre-application stage.

Having heard the Planning & Building Standards Manager and the Principal Solicitor in further explanation of the report and in answer to Members' questions, the Committee agreed the procedures and protocol of Councillor involvement at the pre-application stage and the planning procedure notes contained within Appendices 2 and 3 of the report.

CHAIR'S REMARKS

The Chair, Councillor O'Neill advised that Scottish Ministers had allowed Renfrewshire Council to adopt their Local Development Plan, with Braehead included as a town centre, despite the recommendation from the Reporter that Braehead should be given town centre status.

Councillor O'Neill also advised that there were plans to hold elected member training sessions. Some of the training would be set up through the Improvement Service and invites would be extended to Members of neighbouring Local Authorities. He also advised that there was a possibility of bespoke training for Planning Committee members.

Councillor O'Neill also advised that a consultation was being issued by the Scottish Government seeking views on Betting Office and Payday Loan companies on the High Street. Councillor O'Neill informed that the consultation would be circulated to all Members once it became available.

The meeting closed at 10.40 a.m.

DRAFT

PLANNING COMMITTEE

NOTE OF VISITATIONS – 23 JUNE 2014

- Present:** Councillor Tommy Rainey
- Attending:** Alan Williamson, Forward Planning Team Leader and Keith Bathgate, Development Management Team Leader
- Apologies:** Councillors Gail Casey, Jim Finn, Patrick McGlinchey and Lawrence O'Neill

SITE VISIT

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

- (a) DC14/118 – Amendment to condition 30 of planning permission DC10/310 (to allow the school sports pitches to be used by school aged children during school holidays and at weekends between 9am and 3.30pm) at Dumbarton Academy, Crosslet Road, Dumbarton by West Dunbartonshire Council.
- (b) DC14/087 – Formation of new road junction including traffic signals and associated works relating to revised car parking and landscaping at Castle Street, Dumbarton by West Dunbartonshire Council.
- (c) DC14/008 – Formation of a new footpath using “ty-blocs” with a tarmacadam finish at Sandpoint Marina, Woodyard Road, Dumbarton by Mr Patrick Docherty.

DC14/128 – Change of use from class 1 (retail) to class 3 (food and drink) and hot food take away at unit 3, 32 High Street, Dumbarton by Lasalle Investment Management.

Permission GRANTED subject to the following conditions:-

1. 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.
2. 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 operational and shall be maintained thereafter.

DC14/145 – Erection of Memorial at Titan View, Glasgow Road, Clydebank by Clydebank Asbestos Group.

Permission GRANTED subject to the following conditions:-

1. No development shall take place on site until such time as the intended arrangements for the relocation of existing tree planting and long term management and maintenance of the memorial have been submitted to and approved in writing by the Planning Authority. Such arrangements, including any contracts or legal agreements, shall also be put in place before the development commences on site.
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.

DC14/149 – Change of use from shop to fitness and weight management centre at 21 College Way, Dumbarton by Ms Kay Young.

Permission GRANTED subject to the following conditions:-

1. Prior to the commencement of the development full details of any graphics, film or other material to be applied to the inside of the window on the front elevation of the unit shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 24 September 2014

Subject: Kilpatrick Hills Forest Design Plan 2014 – 2024

1. Purpose

- 1.1** To advise the Committee of a draft Forest Design Plan prepared by Forestry Commission Scotland for the Kilpatrick Hills and seek approval of the Council's formal response to the consultation on the document.

2. Recommendations

- 2.1** To note Forestry Commission Scotland's proposals for the Kilpatrick Hills as set out in the draft Forest Design Plan and approve the Council's response outlined in Appendix 1.

3. Background

- 3.1** A forest design plan is a document that lays out proposals for the future management of existing and creation of new woodland. They are intended to be far reaching, with an increasing emphasis on delivering social, economic and environmental benefits. The plans are approved for an initial period of 10 years, with the period beyond (50+ years) approved in outline. This allows for a review of the document and revision if necessary.
- 3.2** The original Forestry Commission landholding within the Kilpatrick Hills comprised Auchentorlie to the west, Knockupple and Merkins to the north and Auchineden to the east. Land at Cochno Hill was acquired in 2007, and subsequently the central area, extending from Dumbarton Muir down to the A82 at Gavinburn, was acquired in 2011. Most recently, the small plantation block north of Merkins at Wester Cameron was acquired in late 2013. This new Forest Design Plan has been produced to reflect the consolidation of Forestry Commission land ownership (see Appendix 2).

4. Main Issues

- 4.1** The Kilpatrick Hills Forest Design Plan covers an area of approximately 3,500 hectares, of which around a half comprises existing forest with the remainder being moorland and blanket bog. The majority (over 70%) of the existing woodland consists of similarly aged conifers, mainly Sitka spruce or Lodgepole pine, planted in the late-1960s to mid-1970s. Access issues mean intended timber production has been limited, as has progress in increasing age and species diversity. The conifers are generally exceeding critical height, and extensive windblow is already present across the site.

- 4.2** The Forest Design Plan addresses the management of the existing forested areas of the Kilpatrick Hills and proposes new areas of woodland. It envisages that the overall forested area will increase only slightly, with additional new planting being counterbalanced by the removal of woodland on some areas of blanket bog and upland heath, most notably the entire Knockupple plantation. This is in addition to the restructuring of the remaining plantations, with the harvesting of nearly 360,000 m³ of timber and subsequent restocking.
- 4.3** New broadleaved planting is proposed upon the southern slopes of the Kilpatrick Hills, around Gavinburn, Glenar buck and Duntiglennan Farm, as well as within the interior of the Kilpatricks, predominately along riparian routes and follows on from planting already carried out at Cochno Hill. Overall, species diversity will increase significantly, with the introduction of a broader range of conifers, productive broadleaves and a wide range of native woodland types.
- 4.4** Biodiversity
Changes to the structure of existing plantations along with new planting is designed to create an enhanced forest habitat network, creating habitat network links with existing and proposed riparian woodland networks and other isolated areas of woodland. A minimal management regime is proposed in the short-term for the areas of blanket bog and upland heath that represent the main priority habitats within the Kilpatrick Hills and form large contiguous areas across the site. This will allow the vegetation to recover from previous intensive grazing, increasing the mosaic of habitats available. The proposals are expected to benefit a wide range of bird species and the plan aims to improve habitats for protected species.
- 4.5** Landscape
The landscape of the Kilpatrick Hill is noted as being particularly important, including through its designation in the Local Development Plan. The existing conifer blocks within the Kilpatrick Hills, however, appear incongruous and poorly shaped in relation to the landform. The Forest Design Plan highlights opportunities to enhance the landscape by reshaping the external margins of the woodland; creating graduated edges which visually improve the transitions between woodland and open moorland; and creating internal forest structures which better reflect landform and ground conditions.
- 4.6** At Gavinburn, below the Kilpatrick Braes, the existing policy woodland character of the landscape will be enhanced through underplanting within existing areas, and the woodland will be extended further up the hill, reforesting some of the currently open ground which was historically woodland. Planting will be at relatively low densities to preserve the open character of the current woodland and important views up to the crags.
- 4.7** Access
The construction of new internal roads is required in order harvest timber from Kilpatrick Hills, and subsequent restocking. In total, 12.1 km of new internal roads is planned in addition to two operational access roads, both of which

are located within the Stirling Council Area. Forestry roads are permitted development.

4.8 Community and Recreation

The Plan includes the construction of new paths, the upgrade of some existing paths, and the promotion of some as long distance access routes. Shorter access loops are also being created close to the urban areas. This will improve the path network and greatly increase the opportunities for recreation in the area for the local communities and visitors. The Council is working with the Forestry Commission to improve parking and access at Cochno and Old Kilpatrick.

5. People Implications

5.1 None.

6. Financial Implications

6.1 None.

7. Risk Analysis

7.1 None.

8. Equalities Impact Assessment (EIA)

8.1 It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

9.1 The Council's Access Officer was consulted during the preparation of this report. In preparing the Forest Design Plan, Forestry Commission Scotland carried out wide ranging stakeholder engagement. Those involved in this included the Council, and East Dunbartonshire and Stirling Councils, SEPA, SNH, Historic Scotland, the RSPB, local community groups and individuals.

10. Strategic Assessment

10.1 The Kilpatrick Hills Forest Design Plan supports the Council's priority of improving environmentally sustainable infrastructure.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 8 September 2014

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Rosebery Place, Clydebank, G81 1TG

Appendices: Appendix 1: Response to Consultation
Appendix 2: Location Plan

Background Papers: Kilpatrick Hills Forest Design Plan 2014-2024

Wards Affected: 2 – Leven
3 – Dumbarton
4 – Kilpatrick

Kilpatrick Hills Forest Design Plan 2014-2024

Response from West Dunbartonshire Council

Thank you for the invitation to make comment on the final draft of the Forest Design Plan for the Kilpatrick Hills, covering the period 2014 – 2024. It is acknowledged that extensive consultation and survey work has been carried out and, overall, West Dunbartonshire Council welcomes the resultant plan and the positive contribution it will make to the Kilpatrick Hills.

Proposals to significantly increase the age and species diversity of the woodland within the Kilpatrick Hills, through the restructuring of the existing plantations and carefully located afforestation will derive a number of benefits, including in terms of landscape, biodiversity and access.


Landscape: The Kilpatrick Hills are designated as a Local Landscape Area by the Proposed West Dunbartonshire Local Development Plan. The purpose of this designation is to protect, enhance and encourage enjoyment and understanding of this locally important landscape. The key landscape and visual characteristics and special landscape qualities of the Kilpatrick Hills, include a strong sense of remoteness, wildness (particularly in the central/core areas of the Kilpatrick Hills) and open horizons; distinctive landforms; and a unique diversity of views. In this context, proposals to reshape the margins of existing geometric conifer blocks within the Kilpatrick Hills are a positive move and are supported by the Council.

In addition, the transition between the urban area and the landscapes of the Kilpatrick Hills is a particularly important feature. The Council welcomes proposals to enhance the existing policy woodland character of the hill slope below the Kilpatrick Braes, while ensuring that views of this distinctive landform are maintained. In this location, protecting the setting of the Antonine Wall is also an important consideration and the proposed planting appears to avoid the most sensitive parts of the Buffer Zone. Within the core area of the Kilpatrick Hills, care should be taken to avoid harming the wildness and sense of remoteness which can be experienced.

Habitat Network: The SSSIs located within the Kilpatrick Hills are bounded by a number of Local Nature Conservation Sites (LNCS), forming a cohesive network of protected habitats. The network recognises that the fragmentation and isolation of habitats can harm biodiversity and the ability of ecosystems and natural processes to adapt and respond to climate change. It is therefore welcomed that the Forest Design Plan proposes to strengthen the forest habitat network by creating habitat network links with existing and proposed riparian woodland networks and other isolated areas of woodland. By the same token, the detailed proposals for broadleaf planting within the core areas should ensure that areas of blanket bog and upland heath are not fragmented, for example by ensuring the appropriate ratio of planting to open ground. The intention to fell the Knockupple plantation and allow it to revert to blanket bog is particularly welcome.

Access: The majority of the existing tracks and paths in the Kilpatrick Hills are incorporated in to the West Dunbartonshire Core Paths Plan. The proposal to add to the network of paths in the area is extremely positive in encouraging greater access, especially given the addition of several circular routes of varying length and difficulty. The addition of long-distance routes across the area is also extremely welcome.




Forestry Commission Scotland
Coimisean na Coilltearachd Alba

Scottish Lowlands FD

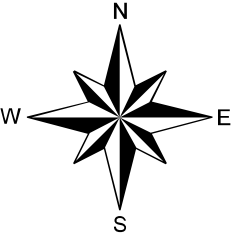
Kilpatrick Hills FDP


Map 1 - Location

Scale: 1:50,000 @ A3

0 600 1,200 2,400 Meters

May 2014



Legend
 Kilpatrick Hills

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WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 24 September 2014

Subject: Renfrewshire Local Development Plan

1. Purpose

- 1.1** To advise the Committee of the adoption of the Renfrewshire Local Development Plan including Braehead as a town centre.

2. Recommendations

- 2.1** It is recommended that the Committee note the report and agree that officers seek a meeting with the Chief Planner on this matter.

3. Background

- 3.1** The proposed Renfrewshire Local Development Plan was published in January 2013. It included Braehead shopping centre and adjoining leisure facility (formerly known as Xscape, now Soar) as a town centre. Following consideration by the Planning Committee, the Council submitted an objection to the inclusion of Braehead as a town centre as part of its representation on the Renfrewshire Local Development Plan. Glasgow and Inverclyde Councils also objected on this matter, as did a number of commercial organisations. As part of the Examination of objections to the Renfrewshire Local Development Plan, the Council, along with the aforementioned parties, participated in a Hearing into the Braehead issue.

4. Main Issues

- 4.1** The Examination report was issued by the Scottish Government Directorate for Planning and Environmental Appeals in June 2014, recommending that Braehead should not be identified as a town centre in the Renfrewshire Local Development Plan. In reaching this recommendation, the Reporter concluded that Braehead:
- does not have a diverse mix of uses and attributes.
 - predominant uses are retail and commercial leisure.
 - is not integrated with residential areas and it does not have a high quality of environment.
 - does not have good accessibility to the surrounding areas by foot or by bicycle
 - is a commercial centre of the mixed retail and leisure development type
- 4.2** In a report to Renfrewshire Council's Planning and Property Board of 24 June 2014 considering the Examination report, the Director of Development and Housing Services stated:

'With regard to Braehead's Town Centre status, it is considered that the Reporter has clearly erred and could not have reasonably reached the conclusions and recommendations made based on the evidence considered throughout the nine month long Examination. As such, Members are asked to decline the Reporters recommendations on the grounds that they are unacceptable and unreasonable'.

4.3 The Board agreed to accept the recommendations of the Examination Report with the exception of the Braehead recommendation and to proceed to adoption on this basis. Renfrewshire Council subsequently submitted its justification for not accepting the Braehead recommendation to the Scottish Ministers, which is permitted under the relevant Act and Regulations. Renfrewshire Council's grounds for not accepting the Reporter's recommendations on Braehead were as follows:

- The Reporter has misinterpreted and/or failed unreasonably to give any weight to certain relevant evidence, and did not seek clarification on determining issues through the examination process.
- The Reporter relied upon (i) a perceived lack of analysis of retail capacity and (ii) a lack of evidence on demand context. However, these issues were not raised by the Reporter as matters that were considered significant and on which further input from the parties was required.
- The recommendation by the Reporter is contrary to the intention set out in the Glasgow and the Clyde Valley Strategic Development Plan, in that the Reporter's approach denies the LDP the opportunity to take forward the delivery of a Network of Strategic Centres.
- The Reporter has applied the wrong test to determine Braehead's status, by using a test, which would apply in the event of a retail application for an "out of centre" location, rather than an appropriate test for designating a new town centre.
- The Reporter erred in concluding that town centre status for Braehead would not facilitate other development in the wider Renfrew North area.

4.4 On 21 August, Renfrewshire Council was advised by letter that the Scottish Ministers would not be intervening in Renfrewshire Council's intention to adopt its Local Development Plan including Braehead as a town centre. No justification or explanation for this position was included in the letter, and none has subsequently been issued by the Scottish Government, although it is understood that a commercial organisation has requested relevant information under Freedom of Information. Renfrewshire Council subsequently adopted its Local Development Plan on 28 August 2014.

4.5 This decision is disappointing in a number of ways. It makes the significant expansion of Braehead shopping centre - for which there is an extant application - much more likely to happen. There is already significant leakage of trade from West Dunbartonshire to Braehead and this is likely to increase, meaning that new investment in our own town centres is less attractive.

- 4.6** There are also implications for the wider planning system. Braehead is clearly dominated by retail and commercial leisure and has no residential population and little if any civic uses. It is difficult to understand how it corresponds with the characteristics of a town centre as set out in Scottish Planning Policy.
- 4.7** Further, it throws into doubt the purpose and validity of the Local Development Plan Examination process. Examination report recommendations are supposed to be binding on local authorities unless inconsistent with the National Planning Framework or Strategic Development Plan, or based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the Examination. It is considered that the Scottish Ministers decision on the Braehead case may significantly weaken the binding nature of Reporter's recommendations, thus weakening the overall Examination process.
- 4.8** It is understood that some of the commercial objectors to the Renfrewshire Local Development Plan on the Braehead issue are considering a legal challenge to the adoption of the Plan. This has to be lodged within 6 weeks of the adoption of the Plan i.e. before 9 October 2014.

5. People Implications

- 5.1** None.

6. Financial Implications

- 6.1** None.

7. Risk Analysis

- 7.1** None.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

- 9.1** Not applicable.

10. Strategic Assessment

- 10.1** It is considered that the designation of Braehead as a town centre could have implications for the Council's strategic priority of economic growth and employability as it is likely that expenditure and possibly investment will be lost to Renfrewshire.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 8 September 2014

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Rosebery Place, Clydebank, G81 1TG

Alan Williamson, Team Leader – Forward Planning,
Housing, Environmental and Economic Development,
Council Offices, Rosebery Place, Clydebank, G81 1TG

Appendices: None

Background Papers: **Renfrewshire Local Development Plan and
Examination report**

Wards Affected: All