

PLANNING COMMITTEE

At a Special Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, Clydebank on Wednesday 17 January 2024 at 10.00 a.m.

Present: Councillors Ian Dickson, Gurpreet Singh Johal, Daniel Lennie, June McKay, Karen Murray Conaghan*, Chris Pollock, Hazel Sorrell and Sophie Traynor.

*Arrived later in the meeting

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Amy Melkevik, Lead Planning Officer; Gail MacFarlane, Chief Officer – Roads and Neighbourhoods; Nigel Ettles, Section Head – Litigation (Legal Officer) and Nicola Moorcroft, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Lawrence O'Neill.

Councillor Gurpreet Singh Johal 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.

OPEN FORUM

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

PLANNING APPLICATIONS

A report was submitted by the Planning, Building Standards and Environmental Health Manager in respect of the following Planning applications:-

- (a) DC23/113/MS: Details relating to the first Approval of Matters Specified by Condition (AMSC) application (Phase 1 and 2 works only) for conditions 1(a), 1(d), 12, 23, 24 and 30 at Exxon, Bowling.**

Reference was made to a site visit, which had been undertaken in respect of the above application. The Development Management Team Leader was heard in further explanation, and in answer to Members' questions.

The Chair invited Mr Graham Parton (objector) to address the Committee. Mr Parton was heard in respect of the application and in answer to Members' questions.

The Chair invited Ms Susan Dick (objector) to address the Committee. Ms Dick was heard in respect of the application and in answer to Members' questions.

The Chair invited Gail MacFarlane and Patricia Rowley (applicant - on behalf of West Dunbartonshire Council) to address the Committee. Ms MacFarlane and Ms Rowley were heard in respect of the application and in answer to Members' questions.

After discussion and having heard the Development Management Team Leader in further explanation, and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto.

ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.07 a.m. with the Elected Members listed in the sederunt present.

- (b) DC23/149/FUL: Erection of 128 residential homes, associated roads, infrastructure and open space on existing brownfield site, (former Playdrome site) Residential Development Site, Abbotsford Road, Clydebank by Miller Homes.**

A copy of a letter (tabled) by Chief Executive Officer, Clydebank Co-operative Society, setting out objections to this planning application, was circulated for consideration to the Committee members and the applicant – Miller Homes

The Committee agreed to accept the tabled letter noted above.

Reference was made to a site visit, which had been undertaken in respect of the above application. The Planning and Building Standards and Environmental Health Manager, was heard in further explanation, and in answer to Members' questions.

The Chair invited Ms Marie McNair MSP (objector) to address the Committee. Ms McNair was heard in respect of the application and in answer to Members' questions.

The Chair invited Ms Fiona McInnes, on behalf of Clydebank Co-operative Society (objector), to address the Committee. Ms McInnes was heard in respect of the application and in answer to Members' questions.

The Chair invited Mr Robert McKinnon and Mr Tom Cahill (on behalf of Miller Homes Ltd.) to address the Committee. Mr McKinnon and Mr Cahill were heard in respect of the application and in answer to Members' questions.

After discussion and having heard the Planning and Building Standards and Environmental Health Manager and the Chief Officer – Roads and Neighbourhoods, in further explanation, and in answer to Members' questions, Councillor Johal Singh moved that the Committee:-

- (1) refer the application to full Council for determination, with a preliminary recommendation, based on the information considered to date, that it be approved, subject to the conditions in Section 9 of the report, as detailed within Appendix 2 hereto; and
- (2) include the following additional condition:-

That at all times, during the construction of the development, vehicular and pedestrian access shall remain available via Abbotsford Road, or any other equivalent access road, to all existing properties which were, at the time of granting planning permission, accessed via Abbotsford Road.

As an amendment, Councillor Ian Dickson, seconded by Councillor Chris Pollock, moved:-

That an additional condition be attached to any planning consent, requiring the applicant, one year after completion of the development, to undertake a traffic survey to assess the adequacy of parking on the site and to provide additional parking if the survey suggests that parking facilities are inadequate.

As a second amendment, Councillor Murray Conaghan, seconded by Councillor Sophie Traynor, moved:-

That the planning application be refused due to the concerns raised as to the loss of car parking and the adequacy of parking provided on the development site.

On a vote being taken between the first amendment (Councillor Dickson) and the second amendment (Councillor Murray Conaghan), 1 Member voted for the first amendment and 2 Members, voted for the second amendment, which was accordingly declared carried.

On a further vote being taken, between the amendment (Councillor Murray Conaghan) and the motion (Councillor Johal Singh), 3 Members voted for the amendment and 5 Members voted for the motion, which was accordingly declared carried.

The meeting closed at 12.46 p.m.

- (a) DC23/113/MS: Details relating to the first Approval of Matters Specified by Condition (AMSC) application (Phase 1 and 2 works only) for conditions 1(a), 1(d), 12, 23, 24 and 30 at Exxon, Bowling.**

GRANT full planning permission subject to the following conditions:-

1. Other than the details approved for Phase 1 and 2 in terms of this permission, no approval is given in respect of the position of all buildings, footpaths, waterfront walkway, green corridors, open space, boundary treatments and drainage infrastructure in respect of the requirements of Condition 1(a) of planning permission in principle DC20/088 and the approval of these details shall be sought via further applications for matters specified by conditions in connection with the further requirements of Condition 1(a) of planning permission in principle DC20/088.
2. That prior to the commencement of development works with the exception of those in connection with site set-up and creation of development compounds on site, a full planting schedule for all landscaping and new tree planting hereby approved in connection with the Phase 1 works together with the timescale for implementation shall be submitted to and approved in writing by the Planning Authority. The schedule will set out how tree planting is maximised in compensation for those lost. The landscaping shall then be implemented as approved unless otherwise first agreed in writing by the Planning Authority.
3. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping in connection with the phase 1 works shall be replaced within the next planting season with others of a similar size and species.
4. That prior to the commencement of development works on site, full details of maintenance and management for the landscaping approved in connection with the Phase 1 works shall be submitted to and approved in writing by the Planning Authority, unless otherwise first agreed in writing by the Planning Authority. Management and maintenance shall commence within a timescale agreed with the Planning Authority.
5. Prior to the felling of any trees within the site a scheme for the use of felled timbers for structures within the site including (but not limited to) benches, sculptures and wildlife features shall be submitted to and approved in writing. The scheme shall then be implemented as approved unless otherwise agreed in writing by the Planning Authority.

6. All recommendations within the Ecology Survey Report dated November 2023 and associated 2023 Ecology Technical Report date October 2023 shall be followed. This shall include all required mitigation during the works on site. All further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development works on site with no works including vegetation clearance within the vicinity of SPA/SSSI. Any mitigation measures arising from the further survey work shall be implemented as approved.
7. Notwithstanding condition 6 above, no tree works, removal or scrub clearance shall occur on site from March through to August (inclusive) each year unless otherwise agreed in writing with the Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to August (inclusive), a suitable bird nesting survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by the Planning Authority before those clearance works commence. Once written approval has been given, the works themselves should be carried out within a specified and agreed timescale.
8. Notwithstanding condition 6 above, no development works shall be undertaken on site with no works including vegetation clearance within the vicinity of the SPA/SSSI during the period September to March inclusive until a further full winter survey is undertaken in respect of wintering birds within the SPA / SSSI with the survey results and recommendations submitted to and agreed in writing by the Planning Authority in consultation with NatureScot.
9. Prior to any development works on site with no works within the vicinity of SPA/SSSI during the period September to March inclusive, the survey results and recommendations that require to be submitted in connection with condition 8 above shall be used to formulate a detailed mitigation strategy in respect of the impact of any construction works within the site on the wintering bird population of the SPA / SSSI. This mitigation strategy shall be submitted either as part of an updated Construction Environmental Management Plan (CEMP) focusing on the Phase 1 and 2 works or as a standalone document accompanying the updated CEMP and approved in writing by the Planning Authority in consultation with NatureScot. All mitigation shall then be implemented as approved unless otherwise first agreed in writing by the Planning Authority.
10. Prior to the commencement of development works on site, full details of how toolbox talks to ensure all site personnel involved in Phase 1 and 2 of the development are aware of matters relating to ecology and protected species will be delivered to ensure that all personnel are aware of what to do should evidence of species be discovered during construction shall be submitted to and approved in writing by the Planning Authority. The agreed approach shall then be implemented unless otherwise first agreed in writing by the Planning Authority.

11. That prior to the commencement of development works on site in connection with Phases 1 and 2, an updated Construction Environmental Plan (CEMP) specifically addressing the Phase 1 and 2 works shall be submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the CEMP will consider (but not be limited to) the impact from noise, dust and air quality and construction activities for Phases 1 and 2. The CEMP for Phases 1 and 2 of the development shall thereafter be implemented on site as approved unless otherwise first agreed in writing with the Planning Authority.
12. That prior to the commencement of development works on site in connection with phases 1 and 2, an updated Construction Traffic Management Plan (CTMP), specifically addressing the Phase 1 and 2 works shall be submitted to and agreed in writing by the Planning Authority. The CTMP for Phases 1 and 2 of the development shall thereafter be implemented on site as approved unless otherwise first agreed in writing with the Planning Authority.
13. Notwithstanding condition 12 above, all vehicles transporting construction material to and from the proposed development shall be sheeted, unless otherwise first agreed in writing with the Planning Authority.
14. Notwithstanding condition 12 above and prior to the commencement of any works on site in connection with Phases 1 and 2, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, unless otherwise first agreed in writing with the Planning Authority.
15. The Materials Management Strategy previously submitted and approved in connection with condition 6 of Planning permission in principle DC20/088 shall be fully followed at all times during the Phase 1 and 2 works hereby permitted unless a modification is first agreed in writing by the Planning Authority.
16. All material to be used in the top 300mm of the development platforms shall be free from deleterious materials such as metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works in respect of each of the two phases hereby permitted the developer shall submit for approval to the Planning Authority a verification report containing details of the source of the material and associated test results to demonstrate its suitability for use.
17. That unless otherwise agreed in writing by the Planning Authority, prior to service buses commencing use of the relocated eastbound bus stop on the A82 at Dumbuck, the existing bus shelter shall be relocated to the new stopping position. The final position of the shelter shall first be submitted to and agreed in writing by the Planning Authority.
18. That prior to any alterations or works commencing affecting the A814, the traffic modelling data to support the position of the westbound A814 bus stop and demonstrate that westbound traffic flow will not be impacted by a bus using the stop and vehicles waiting to turn left shall be submitted to and approved in writing by the Planning Authority.

19. That prior to the commencement of development works on site, a communications strategy designed to make road users, local residents, local business owners and the public in general aware of the proposed works, the likely impact upon the locality and updates of progress in respect of the Phase 1 and 2 works hereby permitted shall be submitted to and approved in writing by the Planning Authority. The strategy shall then be implemented as approved unless otherwise first agreed in writing by the Planning Authority.

- (b) DC23/149/FUL: Erection of 128 residential homes, associated roads, infrastructure and open space on existing brownfield site, (former Playdrome site) Residential Development Site, Abbotsford Road, Clydebank by Miller Homes.**

GRANT full planning permission subject to the following conditions:-

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, all facing bricks to be used shall be good quality clay bricks. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to Condition 1 above, prior to the approved brickwork associated with any house being constructed on site, a sample panel of the brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. Prior to the commencement of development on site, full details of the timescale/phasing for the build-out of the development shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative timescale is first agreed in writing by the Planning Authority.
4. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be proceed in accordance with the approved details.
5. Prior to commencement of development on site, a 'Play Equipment Strategy' for the site shall be submitted to and approved in writing by the Planning Authority. This shall include (but not be limited to) the following:
 - Details and specifications of forms of play equipment and structures to be provided within the site.
 - Provide full details regarding the maintenance arrangements for all play equipment and associated features within the site.
 - Provide timescales for implementation of the play equipment.

Thereafter, the approved play equipment strategy and all associated features and specifications shall be installed within the development in accordance with the strategy unless otherwise first agreed in writing by the Planning Authority and maintained in accordance with the approved details for the lifetime of the development.

6. Notwithstanding the approved plans, all recommendations within the Ecological Constraints Survey dated 23rd August 2022 shall be followed. This shall include all required further survey work identified as being required for otters. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented as approved.
7. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, the recommendations in paragraph 4.2.12 of the Ecological Constraints Survey dated 23rd August 2022, in respect of re-establishing the ecological baseline shall be followed and the approach to this submitted to and approved in writing by the Planning Authority.
8. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline including any adjustments to the approved landscaping proposals together with the implementation details on site shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.
9. Prior to commencement of development on site, a full planting schedule shall be submitted for the further written approval of the Planning Authority. Thereafter, the approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
10. Any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
11. Prior to commencement of development on site, a site management scheme for construction traffic, shall be submitted to, and approved in writing by the Planning Authority and thereafter shall be implemented in accordance with the approved scheme. For the avoidance of doubt, construction access shall only be taken via Abbotsford Road and at no time will any vehicular access be taken to or from Argyll Road, unless otherwise agreed in writing with the Planning Authority.
12. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.

13. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
14. Prior to the occupation of any house, the on-street parking provision associated to that house shall be completed and be available for use by residents of the associated house. The on-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter
15. The additional parking provided on Abbotsford Road, as identified on drawing ARC/SITE001 Rev Q – Site Layout shall be constructed and made available for use prior to the removal of the existing parking area.
16. That prior to the commencement of development on site, full details of the proposed drainage regime inclusive of calculations and overland flow details shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
17. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site. The measures shall be implemented and maintained as approved.
18. The approved car charging points/units/ducting and associated infrastructure shall be installed in accordance with the approved details in a timescale agreed by the Planning Authority and maintained at all times thereafter.
19. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
20. Prior to the commencement of development on site, details of any street furniture inclusive of grit bins and telecommunications cabinets as well as lighting and bins adjacent to the canal, shall be submitted to and approved in writing by the Planning Authority and within a timescale agreed with the Planning Authority.
21. The Residential Travel Plan as approved as part of this application shall be provided on occupation of each dwelling to new residents.

22. No development (other than investigative works) shall commence on site until such time as a revised 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 strategy based on the preferred option.
23. No development (other than 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.
24. 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.

25. 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 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.
26. 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.
27. 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.
28. Prior to commencement of development on site, an updated noise assessment shall be submitted to, and approved in writing by the Planning Authority, to determine the impact of noise on the proposed development. The noise impact assessment and any recommendations in respect of mitigation measures shall be implemented as agreed prior to the development being brought into use and where appropriate shall be retained in accordance with approved details. The noise assessment shall include an assessment of aircraft noise taking into account the structure of the roof design as a possible pathway for noise transmission.
29. Prior to occupation of any house, the applicant shall have a third party independent verifier submit a verification report which shall provide verification of the installed noise mitigation measures demonstrating that the projections as detailed within the approved noise impact assessment are reliable and meet with the relevant conditions.

30. Prior to the commencement of development on site, a noise control method statement for the construction period shall be submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
31. 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 first agreed in writing by the Planning Authority:
- Mondays to Fridays: 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working
32. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800, unless otherwise first agreed in writing by the Planning Authority.
33. 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.
34. Prior to the commencement of development on site a scheme for the control and mitigation of dust shall be 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 first agreed by the Planning Authority.

35. Prior to the commencement of development on site, an air quality impact assessment shall be submitted to and approved by the Planning Authority. The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication "Local Air Quality Management Technical Guidance LAQM.TG(09)", and "Delivering Cleaner Air for Scotland - Guidance from Environmental Protection Scotland and the Royal Town Planning Institute Scotland, January 2017". The recommendations of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.
36. Prior to the commencement of development on site, 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 lights /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. The applicant should also take cognisance of the nearby commercial premises and any associated floodlights. The potential for obtrusive light affecting the properties must be assessed and appropriate mitigation measures put in place to negate any nuisance from any lights on the commercial premises.
37. Prior to the commencement of development on site, details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.