

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 25 March 2015 at 10.00 a.m.

**Present:** Provost Douglas McAllister and Councillors Denis Agnew, Gail Casey, Jim Finn, Jonathan McColl, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

**Attending:** Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader (Development Management); Alan Williamson, Team Leader (Forward Planning); Bernard Darroch, Lead Planning Officer; John Stevenson, Section Head – Environmental Health; Karen O'Dell, Environmental Health Officer; Isabel Fellowes, Environmental Health Officer; Raymond Walsh, Network Services Co-ordinator; Nigel Ettles, Principal Solicitor and Craig Stewart, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Patrick McGlinchey 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 at this point in the meeting.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Planning Committee held on 25 February 2015 were submitted and approved as a correct record.

### **WEST DUNBARTONSHIRE LOCAL DEVELOPMENT PLAN**

A report was submitted by the Executive Director of Infrastructure and Regeneration advising of the receipt of the Local Development Plan Examination Report and seeking agreement to adopt the Plan.

After discussion and having heard the Planning and Building Standards Manager and the Team Leader – Forward Planning in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to adopt the West Dunbartonshire Local Development Plan incorporating all of the modifications recommended in the Examination Report as detailed in Appendix 1 to the report, with the exception of Recommendation 17 – Duntiglennan Fields, on the grounds that the recommended modification would be inconsistent with the Strategic Development Plan;
- (2) that officers write to the Scottish Ministers advising them of the reasons why the Committee has taken the position with regard to the recommended modification concerning Duntiglennan Fields; and
- (3) otherwise to note the terms of the discussion that had taken place at the meeting.

## **PLANNING APPLICATIONS**

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

### **New Applications:-**

- (a) **DC14/210 – Erection of a single wind turbine (max hub height 30m and max blade tip height 43m) and associated works, including construction of an access track and sub-station at land east of Broomhill Wood, Bonhill by Harris Smith.**

The Planning & Building Standards Manager advised the Committee that the applicant's agent was not able to attend the Committee due to sickness and he had not been able to submit the necessary information to allow Table 1 in Condition 11 to be completed. It was agreed to continue consideration of the application to the next meeting of the Committee.

- (b) **DC14/168 – Alteration to permitted extent of quarrying operations and consequential amendments to approved landscaping, tree protection and restoration schemes (amendment to condition numbers 22, 27, 28, 46 and 47 of Planning Permission DC02/187) at Dumbuckhill Quarry, Stirling Road, Dumbarton by Paterson's of Greenoakhill Limited.**

The Planning & Building Standards Manager was heard in further explanation of the report.

Councillor O'Neill, Chair, invited Mr Francis McNeil, Ms Rose Harvie and Mrs Helen Filshie, objectors to the application, to address the Committee. Mr McNeill and Ms Harvie made their views on the application known. Following upon this, Mrs Filshie advised the Committee that she wished to be heard in relation to a hand-out submission containing information in respect of her

representation. In this respect, Mrs Filshie advised that she did not receive the letter of invitation to the Planning Committee wherein objectors were given a period ending 7 days prior to the meeting, to submit productions in support of their representation to the Committee Officer in order to enable all those in attendance at the meeting to consider submissions.

In these circumstances and after hearing Councillor O'Neill, Chair, the Committee agreed to continue consideration of the application to the next meeting of the Committee in order to allow officers and the applicant to consider the submission and to enable the hearing to continue.

**(c) DC14/255 – Erection of secondary school and associated works at Howatshaws Road, Dumbarton by West Dunbartonshire Council.**

Having heard the Planning & Building Standards Manager and the Lead Planning Officer in further explanation and 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 1 hereto.

**(d) DC14/251 – Change of use of retail unit to public house/restaurant including installation of new shopfront, rear beer garden area and ancillary mechanical plant at 18 Britannia Way, Clydebank by Witcomb Project Management Ltd.**

The Planning & Building Standards Manager was heard in further explanation of the report.

The Chair, Councillor O'Neill, invited Ms Alison Hogan, objector to the application, to address the Committee. Ms Hogan made her views on the application known.

Following consideration, the Committee agreed to refuse the application on the following grounds, details of which are also contained within Appendix 2 hereto:-

- (1) The proposal was contrary to Policy RET6 of the adopted West Dunbartonshire Local Plan 2010 and Policy SC2 of the emerging West Dunbartonshire Local Plan, in that it would result in the change of use of an existing ground floor retail unit within the Clydebank Retail Core in circumstances where this would result in the loss of an existing retail use and its replacement with a non-retail use which would not contribute towards the reinforcement or revitalisation of the shopping centre; and
- (2) The replacement of a retail use with a public house at this location would detract from the character and amenity of the centre as the site is located prominently close to one of the main entrances into the centre, and a public house and its associated outdoor seating areas would undermine the image of the centre as a retail destination.

## **‘CLYDEPLAN’ STRATEGIC DEVELOPMENT PLAN MAIN ISSUES REPORT**

A report was submitted by the Executive Director of Infrastructure and Regeneration advising of the publication of the Glasgow and the Clyde Valley Strategic Development Plan (“Clydeplan”) Main Issues Report and seeking agreement of the Committee’s response to the document.

After discussion and having heard the Planning & Building Standards Manager in further explanation, the Committee agreed the response to the Clydeplan Main Issues Report.

### **CONVENER’S REMARKS**

Councillor O’Neill, Chair, advised the Committee of a recent discussion he had with the Minister for Local Government & Community Empowerment, Marco Biagi, at a recent COSLA Leader’s Conference.

Following discussion, the Committee agreed to note the terms of remarks made by Councillor O’Neill in relation to the discussion that had taken place between him and Mr Biagi at the Conference, in relation to a motion, which had been unanimously agreed at Council on 25 February 2015, to (amongst other things) continue work with the Scottish Government and Glasgow City Council on a pilot project developing a robust evidence based planning position in the form of supplementary guidance to support its position on Betting Shop Planning Applications and Pay Day Loans and Appeals.

The meeting closed at 11.22 a.m.

## APPENDIX 1

### **DC14/255 – Erection of secondary school and associated works at Howatshaws Road, Dumbarton by West Dunbartonshire Council.**

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

1. During the period of construction no delivery or removal of material from the site shall take place outwith the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays unless otherwise approved in writing by the Planning Authority.
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 with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays unless otherwise agreed with the Planning Authority.
3. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of the foul and surface water drainage system have been submitted to and approved in writing by the Planning Authority. These shall thereafter be implemented as approved prior to the occupation of the new school. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.
4. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as exact details and specifications of all proposed external materials have been submitted to and approved in writing by the Planning Authority. These shall thereafter be implemented as approved.
5. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of all ground surfaces including play surfaces, social space, roads and pathways have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
6. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as full details of the design and location of all bin stores, walls and fences (including retaining walls), acoustic fencing and ball stop fencing to be erected on site have been submitted to and approved in writing by the Planning Authority. These shall be implemented within a timescale to be agreed by the Planning Authority.

7. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and height of any sprinkler tanks have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the school.
8. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and siting of all external lighting have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
9. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the design and location of all external furniture, including cycle shelters have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
10. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of all external signage have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the occupation of the new school.
11. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as final landscaping details to include the number, siting and type of trees, shrubs and plant species have been submitted to and approved in writing by the Planning Authority. Planting shall thereafter be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the school. Any trees or shrubs removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees or shrubs of a similar size or species.
12. Other than use by the school itself, the outdoor sports pitch within the school grounds shall only be available for community use once a 2m high acoustic fence has been erected (to be located along the length of the southern boundary of the pitch and wrap around 10m at either end of the pitch) and between the following hours:
  - 6pm to 10pm Mondays to Fridays;
  - 10am to 5pm on Saturdays; and
  - 10am to 5pm on Sundays.

In addition, it is permitted for this pitch to be used throughout school holidays for coaching sessions or similar organised sports activities during the daytime and also subject to the above aforementioned hours.

13. Other than use by the school itself, the outdoor sports pitch located outwith the school grounds and to the south of Howatshaws Road, shall only be available for community use for a twelve month trial period from the date that it becomes operational. At the end of this twelve month period, a review of the operation of this pitch shall be undertaken and the permitted hours of use may either be maintained, revised or reduced based on the findings of the review. The permitted hours of use of this pitch for community lets are:

- 6pm to 8pm Mondays to Fridays;
- 10am to 5pm on Saturdays; and
- 10am to 5pm on Sundays.

In addition, it is permitted for this pitch to be used throughout school holidays for coaching sessions or similar organised sports activities during the daytime and the above aforementioned hours.

14. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the floodlights, including their exact location, design and lighting specification 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.
15. The floodlights around the sports pitch located to the south of Howatshaws Road shall not be used after 8pm (Monday to Friday) or 5pm (Saturday and Sunday).
16. Notwithstanding the approved plans, no development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the specification and surface of the synthetic grass pitches have been submitted to and approved in writing by the Planning Authority. These details shall include appropriate safety margins around the outside of the playing surfaces of the pitch and appropriate drainage. The pitches shall be designed and constructed by a specialist pitch contractor. The synthetic grass pitches shall be operational no later than one year after the opening of the new school.
17. Prior to the occupation of the school, a School Travel Plan and Workplace Travel Plan shall be submitted to and approved by Planning Authority, and any actions arising from it shall be implemented prior to the occupation of the new school and shall be maintained thereafter.
18. Prior to the occupation of the school traffic calming measures and a pedestrian crossing shall be provided on Howatshaws Road. Details of these measures shall be submitted to and agreed with the Planning Authority prior to the commencement of development on site (other than such preliminary works as may first be agreed in writing with the Planning Authority).

19. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the sightlines of the new junctions onto Howatshaws Road have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the school being brought into use and maintained thereafter.
20. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of an adequate sized grease trap have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the school being brought into use and maintained as approved.
21. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence 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 identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.
22. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence 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.
23. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required carrying 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.
24. 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 remediation works carried out within a timescale to be agreed by the Planning Authority.

25. Prior to the occupation of the school, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’. The Bird Hazard Management Plan shall be implemented on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan shall take place unless first submitted to and approved by the Planning Authority in consultation with Glasgow Airport.
26. The developer shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the construction phase, and shall ensure that adequate and continuing measures are taken such that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction or any other vehicles. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of the measures to be implemented have been submitted to and approved by the Planning Authority, and these shall thereafter be implemented as approved.
27. Prior to the undertaking of any tree works, the trees shall be checked for the presence of bat roosts and breeding birds. Tree work shall thereafter be undertaken to avoid any impact upon roosting bats or breeding birds.
28. The development shall be completed in accordance with the finished floor levels and ground levels shown on the approved plans unless otherwise approved in writing by the Planning Authority.

**DC14/251 – Change of use of retail unit to public house/restaurant including installation of new shopfront, rear beer garden area and ancillary mechanical plant at 18 Britannia Way, Clydebank by Witcomb Project Management Ltd.**

**Permission REFUSED for the following reasons:-**

1. The proposal was contrary to Policy RET6 of the adopted West Dunbartonshire Local Plan 2010 and Policy SC2 of the emerging West Dunbartonshire Local Plan, in that it would result in the change of use of an existing ground floor retail unit within the Clydebank Retail Core in circumstances where this would result in the loss of an existing retail use and its replacement with a non-retail use which would not contribute towards the reinforcement or revitalisation of the shopping centre; and
2. The replacement of a retail use with a public house at this location would detract from the character and amenity of the centre as the site is located prominently close to one of the main entrances into the centre, and a public house and its associated outdoor seating areas would undermine the image of the centre as a retail destination.