

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday 8 January 2008 at 10.00 a.m.

**Present:** Provost Denis Agnew, Councillors Jim Brown, Geoff Calvert, Gail Casey, Jim Finn, Douglas McAllister, Jonathan McColl, Ronnie McColl, Craig McLaughlin and Marie McNair.

**Attending:** Alasdair Gregor, Planning Services Manager; Pamela Clifford, Section Head – Development Management; Nigel Ettles, Principal Solicitor and Fiona Anderson, Committee Officer – Legal, Administrative and Regulatory Services.

**Councillor Ronnie McColl in the Chair**

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Committee held on 4 December 2007 were submitted and approved as a correct record.

### **NOTE OF VISITATIONS**

A Note of Visitations carried out on 3 December 2007, a copy of which forms Appendix 1 hereto, was submitted and noted.

### **PLANNING APPLICATIONS**

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

#### New Applications

**(a) DC07/358/HOU – Formation of driveway at 32 Beech Drive, Parkhall, Clydebank**

Reference was made to the site visit which was undertaken in respect of the above application.

The Planning Services Manager was heard in further explanation of the application and in confirmation that the Planning Section considered this a straight forward application and there had been no objections from the Roads Section which encouraged off-road parking where possible to alleviate parking congestion.

The Chair, Councillor R. McColl, invited Mr Thomas McLaughlin, an objector to the application, to address the Committee on behalf of local residents and he made their views on the application known.

The Chair then invited Ms Catherine Duffy, the applicant, to address the Committee and present her case in support of the application and she was heard in elaboration of the application and in response to Members' questions.

The Planning Services Manager and the Section Head – Development Management were heard in further elaboration of the application and confirmed, in response to Members' questions, that if the property in question was a semi-detached or detached property, planning permission for a driveway would not be required.

Following discussion, the Chair, Councillor R. McColl, seconded by Provost Agnew, moved:-

That the Committee refuse the application, contrary to the recommendation of the Acting Executive Director of Housing, Environmental and Economic Development (Housing and Regeneration Services), on the grounds that access into the driveway would be very tight because of the narrowness of the road, more than one parking space would be lost to the residents of neighbouring Maple Drive and concerns regarding possible drainage issues due to the slope of the garden.

As an amendment, Councillor McLaughlin, seconded by Councillor Calvert, moved:-

That the Committee accepts the officer's recommendation to approve the application subject to the conditions specified within the report and subject to a further condition relating to the provision of adequate drainage facilities to protect neighbouring properties from flooding.

On a vote being taken, 4 Members voted for the amendment and 6 for the motion. The motion was accordingly declared carried and the application was refused.

**(b) DC07/318/FUL – Erection of replacement single storey dwellinghouse at Priestyard Cottage, Garshake Road, Dumbarton**

The Planning Services Manager was heard in further elaboration of the application and in response to Members' questions.

Following discussion, the Chair, Councillor R. McColl, seconded by Councillor Finn, moved:-

That the Committee accepts the officer's recommendation and approve the application subject to the conditions specified within the report.

As an amendment, Provost Agnew, seconded by Councillor McNair, moved:-

That the application be continued to the next meeting of the Committee in order that a site visit may take place as the application is contrary to the Local Plan.

As a second amendment, Councillor McLaughlin, seconded by Councillor McAllister, moved:-

That the Committee refuses the application, contrary to the recommendation of the Acting Executive Director of Housing, Environmental and Economic Development (Housing and Regeneration Services), as the proposal does not accord with Policy DC2, is contrary to Policy GB1, and these considerations are not outweighed by the terms of SPP15 and PAN72.

On a vote being taken between the first and second amendment, 2 Members voted for the second amendment and 4 for the first amendment. Thereafter the first amendment was taken against the motion.

On a further vote being taken, 6 Members voted for the first amendment and 4 for the motion. The first amendment was accordingly declared carried.

## **CONSULTATION ON PLANNING ENFORCEMENT REGULATIONS 2007**

A report was submitted by the Acting Executive Director of Housing, Environmental and Economic Development (Housing and Regeneration Services) advising of the publication of a Consultation Paper by the Scottish Government on Draft Planning Enforcement Regulations and recommending the Council's response to this consultation.

The Section Head – Development Management was heard in further elaboration and in answer to Members' questions.

Following discussion, the Committee agreed that the proposed responses detailed in Appendix A of the report would form the basis of the Council's response to the Scottish Government on the Consultation Paper.

## **PLANNING APPEALS**

A report was submitted by the Acting Executive Director of Housing, Environmental and Economic Development (Housing and Regeneration Services) informing of the outcome of a recent planning appeal and of a forthcoming judicial review of the Council's decisions in respect of three related applications.

Having heard the Planning Services Manager and the Principal Solicitor in answer to Members' questions, the Committee agreed to note:-

- (1) that an appeal against the refusal of planning permission for the erection of a new residential development of 88 flats which would be built on an industrial site between Stanford Street and the Forth and Clyde Canal in Clydebank (DC06/326) which had been dealt with by way of written representations had been dismissed by the Reporter. The Reporter had considered that there were a number of outstanding issues (canal edge treatment, SUDS, flood risk, bin stores, impact on the road junctions) which had the potential to affect fundamentally the nature and design of development of the site. He considered that it was inappropriate to deal with these by way of conditions as these matters could also have important implications for what could be built on the site.

The Committee noted that in dismissing the appeal, the Reporter emphasised the need to resolve all important technical and design issues before a detailed consent can be granted and these issues should not be controlled by way of planning conditions, instead they should be incorporated within a finalised proposal.

- (2) that Jermon Development Ltd., owners of the Artizan Centre and 32 High Street, Dumbarton had petitioned for a judicial review of the Council's decisions in respect of applications DC07/284, 285 and 286. The petition challenges the decisions of the Council on the grounds that the decisions were unreasonable and unlawful. The Committee noted that the hearing was scheduled for 26 February 2008.

The meeting closed at 10.52 a.m.

## **PLANNING COMMITTEE**

### **NOTE OF VISITATION – 3 DECEMBER 2007**

**Present:** Provost Denis Agnew and Councillors Jim Brown, Jonathan McColl, Ronnie McColl and Marie McNair.

**Attending:** Pamela Clifford, Section Head – Development Management and Fiona Anderson, Committee Officer – Legal, Administrative and Regulatory Services.

### **SITE VISIT**

A site visit was undertaken in connection with the undernoted planning application:-

DC07/137/REM: Erection of residential development of 97 units (reserved matters), at former Diamond Power Site, Glasgow Road, Dumbarton.