

Agenda

Planning Committee

Date: Wednesday, 29 March 2017

Time: 10.00

Venue: Council Chambers, Clydebank Town Hall,
Dumbarton Road, Clydebank

Contact: Craig Stewart, Committee Officer
Tel: 01389 737251, craig.stewart@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.

Please note that Agenda Items 1 to 7 have been scheduled to be heard in the Council Chambers, Clydebank Town Hall at 10.00 a.m. and Agenda Item 8 has been scheduled to be heard in the Reception Hall in the same venue at 2.00 p.m.

All Elected Members are invited to attend this meeting of the Planning Committee in order to hear detailed information in relation to Agenda Item 8 – DC16/282.

This application is being submitted to the Planning Committee for a pre-determination hearing. The application will not be determined by the Planning Committee as it must be determined by full Council.

Elected Members who are not Members of the Planning Committee will not be able to participate in the hearing but, as the application is to be determined by the full Council on 26 April 2017, it is strongly recommended that those Members attend as observers.

Members are also asked to note that a working lunch has been arranged for Members of the Committee, during the workshop on the Main Issues, and it is anticipated that it will be served from approximately 12.30 p.m. in the Council Chambers.

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: 17 March 2017

PLANNING COMMITTEE
WEDNESDAY, 29 MARCH 2017

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 5 - 15

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 22 February 2017.

4 WEST DUNBARTONSHIRE URBAN DESIGN PANEL 16 - 19

Submit report by the Strategic Lead – Regulatory regarding the setting up of the Design Panel for the West Dunbartonshire area.

5 PLANNING APPLICATIONS

Submit reports by the Strategic Lead – Regulatory in respect of the following planning applications:-

(a) DC16/278 – Formation of riverside path with associated infrastructure and greenspace on land adjacent to the River Leven between Riverside Lane and Dumbarton Rock, Dumbarton by West Dunbartonshire Council. **20 - 33**

(b) DC16/220 – Mixed use development comprising 195 flats and terraced houses, office accommodation and associated infrastructure works including a riverside walkway, roads, parking and landscaping on land at former Distillery Site, Castle Street, Dumbarton by Culross Ltd. and Dunbritton Housing. **34 - 54**

(c)/

- (c) DC16/252 – Erection of retail development comprising 4 units and associated infrastructure works including a new access, car parking and landscaping on land at the former Distillery Site, Castle Street, Dumbarton by Lidl UK GmbH. **55 - 73**
- (d) DC16/227 – Non-compliance with Condition 3 or permission DC16/079 (deletion of requirement to provide pedestrian crossing), and DC16/269 – installation of two car parking spaces (retrospective) at Children’s Soft Play Area, Unit 2, Bleasdale Court, 2 South Avenue, Clydebank Business Park, Clydebank by Neil Halls. **74 - 80**
- (e) DC17/004 – Subdivision and Change of Use of a Retail Unit (Class 1) to 2 food and drink (Class 3) units with Associated External Alterations including an External Seating Area at 18 Britannia Way, Clydebank by GL Hearn. **81 - 88**

6 PLACES, PEOPLE AND PLANNING: A CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM **89 - 127**

Submit report by the Strategic Lead – Regulatory seeking approval of the Council’s response to the Scottish Government’s consultation document ‘Places, People and Planning: A Consultation on the Future of the Scottish Planning System’.

7 REVIEW OF HIGH HEDGES (SCOTLAND) ACT 2013 **128 - 134**

Submit report by the Strategic Lead – Regulatory informing of the call for evidence by the Scottish Parliament to examine whether the High Hedges (Scotland) Act 2013 has achieved its objectives.

8 PLANNING APPLICATION **135 - 153**

Submit report by the Strategic Lead – Regulatory in respect of planning application DC16/282 – Residential development of 99 houses and associated roads, landscaping and drainage on land at Farm Road, Duntocher by Taylor Wimpey West Scotland.

NOTE:- All Elected Members are invited to attend in order to hear detailed information in relation to the above application.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 22 February 2017 at 2.00 p.m.

Present: Provost Douglas McAllister and Councillors Denis Agnew, Gail Casey, Jim Finn, John Mooney, Lawrence O'Neill and Hazel Sorrell.

Attending: Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader - Development Management; Antony McGuinness, Team Leader - Forward Planning; Bernard Darroch, Lead Planning Officer; Irene McKechnie, Technical Support Coordinator, Planning & Building Standards; John Walker, Engineering Assistant, Roads and Transportation Services; Nigel Ettles, Section Head - Litigation; and Scott Kelly, Committee Officer.

Apologies: Apologies were intimated on behalf of Councillors Jonathan McColl, Patrick McGlinchey and Tommy Rainey.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 25 January 2017 were submitted and approved as a correct record.

Having heard the Planning & Building Standards Manager in answer to a Member's question concerning planning applications DC16/227 and DC16/269, it was noted:-

- (1) that it had not been possible for these applications to be continued to the present meeting of the Committee because information had not yet been received from the applicant's agent; and
- (2) that the Planning & Building Standards Manager would write again to the agent to request a response in order that the applications could be considered at the next meeting of the Committee.

NOTE OF VISITATIONS

A Note of Visitations carried out on 23 January 2017, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATIONS

Reports were submitted by the Strategic Lead - Regulatory in respect of the undernoted planning applications. It was noted that each report had been circulated to Members without its appendix (a map) and there were submitted (tabled) copies of the missing appendices.

- (a) **DC16/270 – Formation of heavy goods vehicle operating centre comprising new workshop building and parking area on land at Burroughs Way, Vale of Leven Industrial Estate, Dumbarton by McPherson Ltd.**

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 set out in Section 9 of the report as detailed within Appendix 2 hereto.

- (b) **DC16/280 – Partial demolition and redevelopment of existing retail unit with ancillary uses including a new cafe, soft play area, outdoor seating area with children's play area, and associated improvements to the main access, car park, coach parking, landscaping and the provision of a coach drivers' rest area and ancillary works (renewal of permission DC12/093) at Antartex Village, Bowie Road, Alexandria Industrial Estate by Edinburgh Woollen Mill Group.**

Having heard the Planning & Building Standards Manager in further explanation of the report it was noted:-

- (a) that, following the publication of the report, a consultation response had been received from the Health and Safety Executive which advised against granting planning permission for the application; and
- (b) that should the Committee agree that it was minded to grant full planning permission, the matter would be referred to Scottish Ministers who, it was anticipated, would either 'call-in' the application or write to the Council giving authority for a decision to be issued.

The Committee agreed that it was minded to grant full planning permission and delegated authority to the Planning & Building Standards Manager to issue the decision subject to the conditions set out in Section 9 of the report as detailed within Appendix 2 hereto, and authority being received from Scottish Ministers.

- (c) **DC16/273 – Change of use from retail unit (class 1) to financial, professional and other services (class 2) at 93 High Street, Dumbarton by Mr Simon Fuller, Glasgow Orthodontics.**

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed to grant full planning permission subject to the condition set out in Section 9 of the report as detailed within Appendix 2 hereto.

DUMBARTON WATERFRONT PATH PLANNING GUIDANCE

A report was submitted by the Strategic Lead - Regulatory seeking approval of Planning Guidance on Dumbarton Waterfront path. There was also submitted (tabled) an updated version of the map which formed Appendix A to the report.

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed to approve Appendix 1 to the report as Planning Guidance on Dumbarton Waterfront path subject to the following amendments:-

- The associated plan updated to reflect the application boundary of the waterfront path (Appendix A to the report);
- Option A is confirmed as the specification subject to a few minor amendments. This includes changing the type of asphalt from resin bonded gravel/coloured to standard hot rolled asphalt. Option B is removed from the guidance (Section 3 and Appendix B to the report); and
- Table 1 (Section 3) on path costs per site to include a note that estimated costs will be updated in line with any rises in inflation.

CLYDEBANK BUSINESS PARK PLANNING GUIDANCE

A report was submitted by the Strategic Lead - Regulatory seeking approval of Planning Guidance on Clydebank Business Park.

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed to approve Appendix 1 to the report as Planning Guidance on Clydebank Business Park.

PLANNING APPEAL CONCERNING MODIFICATION OF PLANNING OBLIGATION RELATING TO OCCUPANCY RESTRICTION AT FLATS 9, 10 AND 11, CHERRY TREE COURT, HILL STREET, ALEXANDRIA (DC16/160)

A report was submitted by the Strategic Lead - Regulatory informing of the outcome of a planning appeal in relation to the above application.

The Committee agreed to note the outcome of the appeal.

PLANNING APPEAL CONCERNING PROPOSED WORKING OF DUMBUCKHILL QUARRY OTHERWISE THAN IN COMPLIANCE WITH CONDITIONS OF PERMISSION DC02/187 (DC14/168)

A report was submitted by the Strategic Lead - Regulatory informing of the outcome of a planning appeal in relation to the above application.

Following discussion, the Committee agreed to note the outcome of the appeal.

SCOTTISH GOVERNMENT CONSULTATION ON RAISING PLANNING FEES

A report was submitted by the Strategic Lead - Regulatory requesting consideration of the Scottish Government consultation on proposed changes to the fee arrangements for planning applications, and agreement of the Council's response.

Having heard the Planning & Building Standards Manager in further explanation of the report and in answer to a Member's question, the Committee agreed:-

- (1) that the report would form the basis of the Council's response to the consultation; and
- (2) to support the proposals to increase the maximum cap in relation to certain categories of planning applications.

STREET NAME FOR NEW HOUSING DEVELOPMENT SITE AT SECOND AVENUE/SINGER STREET, CLYDEBANK

A report was submitted by the Strategic Lead - Regulatory requesting the allocation of a new street name to the housing development site at Second Avenue and Singer Street, Clydebank.

Following discussion and having heard the Planning & Building Standards Manager and the Technical Support Coordinator in further explanation of the report and in answer to Members' questions, Councillor Mooney, seconded by Councillor Casey, moved:-

That Caronia Place be approved as the street name.

As an amendment, Councillor O'Neill, seconded by Councillor Agnew, moved:-

That Singer Gardens be approved as the street name.

On a vote being taken, 4 Members voted for the amendment and 3 for the motion. The amendment was accordingly declared carried.

**STREET NAMES FOR NEW HOUSING DEVELOPMENT SITE AT CASTLEGREEN
STREET/CASTLE ROAD, DUMBARTON**

A report was submitted by the Strategic Lead - Regulatory requesting the allocation of new street names to the new housing development site at Castlegreen Street/ Castle Road, Dumbarton.

The Committee agreed that Rock View, Rock Place, Scots Terrace, Wallace Tower Way, Castlegate Avenue, Castlegate Lane and Castlegate Gardens be approved as the street names.

The meeting closed at 2.40 p.m.

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PLANNING COMMITTEE

NOTE OF VISITATIONS – 23 JANUARY 2017

Present: Councillors Jim Finn and John Mooney.

Attending: Pamela Clifford, Planning & Building Standards Manager and Bernard Darroch, Lead Planning Officer.

Apologies: Councillors Jim Bollan, Jim Brown, Gail Casey, John Millar and Martin Rooney.

SITE VISITS

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

(a) Unit 2 Bleasdale Court, 2 South Avenue, Clydebank Business Park

DC16/227 – Non-Compliance with Condition 3 of permission DC16/079 (deletion of requirement to provide pedestrian crossing), and DC16/269 - Installation of two car parking spaces (Retrospective) at Children's Soft Play Area, Unit 2, Bleasdale Court, 2 South Avenue, Clydebank Business Park, Clydebank by Neil Halls.

(b) Aitkenbar/St. Peter's Primary Schools, Dumbarton

DC16/279 – Use of existing synthetic sports pitch for community lets without providing acoustic fence (variation of Condition 12 of permission DC14/193) at Aitkenbar/St. Peter's Primary Schools, Dumbarton by WDC.

DC16/270 – Formation of heavy goods vehicle operating centre comprising new workshop building and parking area on land at Burroughs Way, Vale of Leven Industrial Estate, Dumbarton by McPherson Ltd.

Permission GRANTED subject to the following conditions:-

1. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved prior to the occupation of the building. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.
2. No development (other than tree felling) shall commence until such time as a scheme of landscape, ecological and public access enhancements for the open space within the “blue line” on plan AL(0)05 have been submitted to and approved in writing by the Planning Authority. The information submitted for approval shall include details of a timescale for the implementation of these works. Such enhancements shall include:
 - (a) Planting of appropriate native species around the edge of the development to minimise its visual impact upon the adjacent open space;
 - (b) Proposals for management of the open space to maximise its ecological value and to improve public access over the riverside footpath; and
 - (c) Provide a maintenance schedule for the area.

The approved scheme shall thereafter be implemented in accordance with the agreed timescale

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Scotland Order and the Town and Country Planning (General Permitted Development) (Scotland) Order, the site shall be used exclusively as an operating centre for heavy goods vehicles and shall not be used for any other purpose (including any other purpose within Use Class 6 – Storage and Distribution) without a specific grant of planning permission.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, no buildings, structures or hard standing (other than those approved as part of this permission) shall be erected on any part of the site lying within the functional floodplain without a specific grant of planning permission.

5. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented as approved.
6. No development shall commence on site until details of the layout of staff car parking spaces shall be submitted to and approved in writing by the Planning Authority. Such spaces shall thereafter be delineated and made available for such use at all times.
7. Prior to the commencement of works on site full details of all ground surfaces, including roads, ramps, parking bays and pathways shall be submitted for the further written approval of the Planning Authority and implemented prior to the occupation of the new building.
8. Prior to the commencement of works, full details of the design and location of all bin stores, walls and fences (including retaining walls), to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented within a timescale to be agreed by the Planning Authority prior to the occupation of the new building.
9. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new building.
10. Prior to the commencement of development on site, a plan shall be submitted which identifies the trees located around the perimeter of the site which are to be removed. No trees other than those specifically marked for removal on the approved plan shall be lopped, topped, felled, lifted, removed or otherwise disturbed without prior written approval of the Planning Authority. No development shall commence until the trees marked for retention have been protected by suitable fencing around the extremities of their crowns. Details of the fencing shall be submitted for the further written approval of the Planning Authority prior to the commencement of development and shall be implemented as approved.
11. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees, shrubs and plant species shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. Planting shall be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the building. 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. Prior to the undertaking of any tree works a bat roost survey shall be undertaken, and in the event of tree works being carried out between February and August (inclusive) a breeding bird survey shall also be undertaken. Tree work shall thereafter be arranged to avoid any impact upon roosting bats or breeding birds.

13. During the period of construction, all works (including piling) and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with 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.
14. A minimum freeboard allowance of 500mm shall be incorporated into the finished floor level of the workshop building.
15. No land raising or earthworks shall take place within the part of the site shown as being within the functional floodplain as shown on Drawing No. AL(0)10 Rev. C unless otherwise approved in writing by the Planning Authority.

DC16/280 – Partial demolition and redevelopment of existing retail unit with ancillary uses including a new cafe, soft play area, outdoor seating area with children’s play area, and associated improvements to the main access, car park, coach parking, landscaping and the provision of a coach drivers’ rest area and ancillary works (renewal of permission DC12/093) at Antartex Village, Bowie Road, Alexandria Industrial Estate by Edinburgh Woollen Mill Group.

Minded to GRANT planning permission subject to the following conditions:-

1. Exact details and specifications of all proposed external materials, including cladding panels, the roof, render and roller shutters shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented prior to the occupation of the approved development.
2. Exact details and specifications of all ground surfaces, bins, seating, outdoor furniture, external lighting, external CCTV cameras, play equipment and boundary treatments shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented within a timescale agreed by the Planning Authority.
3. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees and shrubs to be planted shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented prior to the occupation of the approved development.
4. During the period of construction, all works (including piling) and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with 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.

5. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and thereafter shall be implemented prior to the occupation of the approved development. The proposed drainage details are required to include a suitable overland flow path through the site to mitigate the risk of flooding.
6. 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 remedial actions shall be implemented within a timescale agreed with the Planning Authority.
7. Prior to the commencement of development a comprehensive contaminated land investigation shall be carried out and its findings submitted to and approved in writing by the Planning Authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites- Code of Practice" (BS 10175:2001). The report shall include a site-specific risk assessment of all relevant pollutant linkages as required in Scottish Government Planning Advice Note 33.
8. Where the risk assessment identifies any unacceptable risk or risks as defined under Part 11a of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to the Planning Authority for the written approval. No works other than investigation works shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority.
9. Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works and prior to the occupation of the approved development, the developer shall submit a report to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.
10. A monitoring and maintenance scheme for the long term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within a timescale agreed 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 in writing by the Planning Authority.

11. Prior to the commencement of development, full details of an adequately sized grease trap shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.
12. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the demolition of any building or structure on site.
13. Not more than 5% of the overall floor area (275m²) of the building shall be used for the sale of food or drink.
14. A minimum of 40% of the overall floor area (2,160m²) of the building shall be solely reserved for the display/retail of goods manufactured by Antartex/The Edinburgh Woollen Mill Ltd, under their associated brand names.
15. Prior to the commencement of development, full details of the proposed new vehicular access, including sightlines, shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.
16. Prior to the commencement of development, full details of the proposed coach parking shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.

DC16/273 – Change of use of from retail unit (class 1) to financial, professional and other services (class 2) at 93 High Street, Dumbarton by Mr Simon Fuller, Glasgow Southside Orthodontics.

Permission GRANTED subject to the following condition:-

Details of any alterations to shop front should be submitted for the further approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead – Regulatory
Planning Committee: 29 March 2017

Subject: West Dunbartonshire Urban Design Panel

1. Purpose

- 1.1 To update the Committee regarding the setting up a Design Panel for the West Dunbartonshire area.

2. Recommendation

- 2.1 It is recommended that the Committee notes the steps to be taken to set up a Design Panel.

3. Background

- 3.1 The Council agreed on 24th February 2017 that £75,000 per year for the next 3 years would be invested in a West Dunbartonshire Design Forum to help ensure future quality new build. The Planning and Building Standards Service are responsible for the setting up a Design Panel and the budget will be used to employ a Design Officer whose main responsible will be to set up and manage the Design Panel. The postholder will also have a small budget for associated projects.

4. Main Issues

- 4.1 In recent years the Council has invested significantly in its public estate with new schools, a leisure centre, care homes and a new Council Dumbarton office being developed. The Council has led by example with the standard of building design being of a high quality together with the associated public realm areas. There are a number of significant developments which will be taken forward in the next few years which will have a long term impact on the area. The Queens Quay development which is at the implementation stage will radically change the townscape of Clydebank with over 1000 new houses, a health quarter, commercial and business opportunities and a District Heating system being proposed. The Mitchell Way proposals will breathe new life into Alexandria town centre and there is renewed interest in Dumbarton Waterfront with housing and retail proposals being taken forward by landowners and developers. Housing developments are being progressed by the local and national house builders as well as the Council.
- 4.2 Good quality urban design is important to making successful places. This in turn will assist the area's future economic vitality and its well being. Well-designed buildings and places make the very best use of our resources and creates places that help people and communities to flourish. Quality design

has a positive impact on our places and there is strong evidence that a quality environment assists health, wellbeing and future life expectancy. The Health Service is an example of an organisation which has invested significantly in high quality designed buildings in order to assist in the wellbeing of communities. The Design Panel will be used as a way to promote the value of quality and sustainable design which adds to everyone's lives. It will allow people to get more involved in shaping the places they live in or allow them to improve the design of the buildings they will use.

- 4.3** Good quality places have been promoted through various Government documents - Creating Places –Scotland's Policy for Architecture and Place, Scottish Planning Policy, and the Place Standard launched in 2015. Architecture and Design Scotland (ADS) who assist the government in promoting quality design at a national level give specific support to Council's and other organisations regarding the setting up of a Design Panel for their specific Council areas. It holds an annual networking event for Local Design Panels to facilitate shared learning amongst existing local design panels in Scotland and with the additional aim of fostering the expansion of the local panel network . This year, the networking event took place in February. Architecture and Design Scotland recently carried out a survey that 12 Design Panels already existed in Scotland and that another 12 authorities/organisations wanted to set up Design Panels, which included this Council. From the networking event it was found that there are two types of communities/ Councils presently utilising Design Panels –the city authorities such as Glasgow, Edinburgh, Aberdeen, and Inverness and secondly the relatively prosperous authorities /communities such as Perth and Kinross, and Helensburgh Community Council.
- 4.4** It is intended that the Design Panel will engage with the Development Management team at the pre application stage, and seek input from design professionals, communities, local schools, colleges and universities. A Design Officer/Architect will be recruited and will be responsible for establishing and promoting area wide standards for urban design. Responsibilities will include ensuring that design and streetscape policies and implementation measures are in place and the co-ordination of cross-disciplinary initiatives between Council departments and with other agencies. The person will also assist in facilitating charrettes and mini-charrettes. This will help to ensure that both private and public investment produces good architecture, urban design and streetscape.

Next Steps

- Recruitment of an Urban Design Officer/Architect;
- Presentation to Elected Members by the Chief Executive of Architecture and Design Scotland regarding the role and function of Design Panels;
- Setting up an Urban Design Panel – determine the role, function, composition and how it will be integrated into development proposals;

- Setting up Governance arrangements for the Urban Design Panel.

5. People Implications

- 5.1** A Design Officer will be recruited and a job profile will be completed and submitted to the Councils Job Evaluation Panel shortly. It is intended that the Officer will be recruited in the next 6 months.

6. Financial Implications

- 6.1** There is a budget of £75, 000 per year for the next 3 years which will be used to recruit a Design Officer who will have a small budget to serve the Design Panel and other associated projects.

7. Risk Analysis

- 7.1** There are no risk issues with this report.

8. Equalities Impact Assessment (EIA)

8.1 An initial equalities impact assessment has been undertaken. This concludes that the project is relevant to the duty to eliminate discrimination, promote equal opportunities or promote good relations, owing to the need to ensure that all sectors of the community are given the opportunity to be involved in this project.

8.2 At this stage the EIA has identified that actions include making equality groups aware of this opportunity at the earliest appropriate time.

9. Consultation

- 9.1** The Regeneration Service have been consulted in terms of this report.

10. Strategic Assessment

- 10.1** The Design Panel is considered to align with all the strategic priorities and in particular improving the wellbeing of communities.

Peter Hessett

Strategic Lead - Regulatory
Date: 10th March 2017

Person to Contact: Pamela Clifford, Planning & Building Standards
Manager,
pamela.clifford@west-dunbarton.gov.uk
0141 951 7938

Appendices: None

Background Papers: Equality Impact Assessment

Wards Affected: All

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 29 March 2017**

DC16/278: Formation of riverside path with associated infrastructure and greenspace on land adjacent to the River Leven between Riverside Lane and Dumbarton Rock, Dumbarton by West Dunbartonshire Council.

1. REASON FOR REPORT

- 1.1** This application relates to a proposal which is categorised as a major development, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** That the Committee indicate that it is **Minded to Grant** full planning permission, and delegate authority to the Planning and Building Standards Manager to issue the decision subject to the satisfactory conclusion of the consultation with Scottish Natural Heritage, to the conditions set out in Section 9, and to any additional conditions arising from the consultation.

3. DEVELOPMENT DETAILS

- 3.1** This application relates to land on the north bank of the River Leven, between Riverside Lane and Dumbarton Rock. The site area extends to over 2 hectares which extends across various privately owned sites along the edge of the River Leven, comprising three development sites and the ground of the Dumbarton Football Club Stadium site.
- 3.2** Full planning permission is sought for the formation of a waterfront path which would provide pedestrian and cycle access between Riverside Lane and Dumbarton Rock, with a spur to link it to the Morrison's superstore car park and the Scottish maritime Museum. The path would also be suitable for occasional use by maintenance vehicles, and part of it could be used as an emergency access during a flood event if required. The total length of the path would be approximately 1,140m. The specification of the path would vary along the route but it would typically be 4.75m wide, comprising a 0.5m wide landscape buffer, a 0.75m wide granite block (or

similar) buffer adjacent to the river edge and a 3.25m wide asphalt central path. In order to form the path, repairs would be carried out to the existing river edge treatment, repairs to existing quay walls around the tidal basin and on the former distillery site.

- 3.3** At the river edge, a safety barrier would be provided, which across the Turnberry Homes and Dumbarton Football Club site frontages this would incorporate a 0.5m wave wall. It is anticipated that the barrier would be a total of 1.4m in height, although the final specification of the barrier has not yet been confirmed. The wave wall would be supported by a rock armour revetments, and the wall would be constructed in concrete (although there is potential for it to be finished in stone cladding). On part of the route a disused slipway would be built over in order to create a continuous path.
- 3.4** A Ground Investigation Report, Pre-Application Consultation Report, Design Report, Flood Risk Statement and an Ecological Appraisal and Otter Survey have all been submitted as part of the application, in order to address the various technical issues.
- 3.5** The route of the path crosses the sites of two other planning applications which are before the Planning Committee for consideration. Application DC16/220 by Culross/Dunbritton Housing is for a residential development in the western part of former distillery site adjacent to Riverside Lane, whilst DC16/252 by Lidl is for retail development in the eastern part of old distillery next to Castle Street. On the land between the old distillery and the football stadium, Turnberry Homes have a partially planning permission for residential development, and a current application for an amended residential development (DC16/229) will come before the Committee for determination at a later date.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposals and advise that the walkway would be adopted by the Council for future maintenance.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to permitted hours of work on site and contaminated land.
- 4.3** Scottish Natural Heritage objects to the proposal at present due to insufficient information being submitted in order to allow the full ecological impacts of the development to be considered. Primarily, they require further survey work to be undertaken and additional consideration be given to roosting redshank, submission of a Construction Method

Statement and details of measures which will be implemented to avoid any unacceptable impacts on the River Leven (Endrick Water Special Area of Conservation). The requested survey work is currently being undertaken and is expected to be submitted to SNH during April.

- 4.4 West of Scotland Archaeological Service had not responded at the time of writing the report. However, it is anticipated that are unlikely to raise any objection to the proposal but that they may recommend a condition relating to an archaeological watching brief.
- 4.5 Scottish Environmental Protection Agency and Scottish Canals have no objections to the proposal.
- 4.6 Historic Environment Scotland has no comment on the proposal.

5. REPRESENTATIONS

- 5.1 Two representations have been received in relation to this application from landowners along the route of the path. Culross who own part of the former distillery site support the concept of the waterfront path and confirm their commitment to the delivery of the path.
- 5.2 The second representation is submitted on behalf of Lidl GmbH who also own the other part of the distillery site and object to the path for the following reasons:
- The proposed path conflicts with the proposed layout which has been submitted as part of the planning application (DC16/252) for a retail development between the tidal basin and Castle Street;
 - The issues raised by them at the pre-application stage which highlighted the conflict between the proposals have not been addressed as part of this application;
 - The proposed walkway is wider than was previously envisaged;
 - The plans submitted as part of this application are of insufficient quality and do not clearly identify the route of the path.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1 Under Policy RP1, the route of the path is located within a regeneration priority area where the Council will support the redevelopment of underused or vacant land in order that development opportunities that continue the process of urban renewal are brought forward. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area in which it is located.

- 6.2** Policies T1, T2 and R5 all promote new access opportunities, particularly improvements to the path network at riverside locations.
- 6.3** Policies F1, F2 and F3 relate to flooding and drainage and aim to ensure that new development is not at risk of flooding, does not increase the risk of flooding elsewhere and has suitable drainage infrastructure which includes SUDS measures. Policy BE5 relates to scheduled ancient monuments and aims to prevent any development occurring which would detract from the appearance, setting or detrimentally affect the character of a scheduled ancient monument.
- 6.4** Policy E2A relates to International Nature Conservation Sites (Natura 2000) and states that development likely to have a significant effect (in this instance on the Inner Clyde Special Protection Area (SPA)) will be subject to an appropriate assessment. Policy E3A relates to local nature conservation sites and states that the Council will aim to maintain and enhance environmental resources through the protection of habitats, and species which are vulnerable and/or specifically protected. Policy E3C seeks to protect and enhance the fisheries resource of the River Leven. Due to the distance from the Inner Clyde SPA, it is not considered likely that the proposed development will have a detrimental impact on the Inner Clyde SPA whilst development can be undertaken in order to minimise any impacts on the River Leven (and the Endrick Water Special Area of Conservation). In order to fully address these matters and the requirements of SNH, further survey work is being undertaken and will be submitted along with a Construction Method Statement once the survey period has concluded.
- 6.5** Subject to the submission of further survey data in order to satisfy the queries raised by SNH, it is considered that the development complies with all of the above policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- West Dunbartonshire Local Development Plan (LDP) Proposed Plan
- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the

accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

- 7.2** The application site forms part of the Dumbarton Town Centre and Waterfront Changing Place which highlights that a waterfront path should be provided between Riverside Lane and Dumbarton Rock. It also emphasises that green space creation will be an important consideration along with the provision of public access along the entire waterfront.
- 7.3** Policy DS1 indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming). As discussed below, it is considered that the proposal would comply with these requirements.
- 7.4** Policy DS6 states development will not be supported where it would have a significant probability of being affected by flooding or increase the risk of flooding elsewhere, and requires SUDS to be included, where appropriate in developments. Policy DS7 requires sites that are potentially contaminated to be remediated to ensure they are suitable for the intended use. The proposal is considered to comply with these policies.
- 7.5** Policy GN2 requires development to follow an Integrating Green Infrastructure approach to design from the outset by incorporating SUDS, open space, paths and habitat enhancement at a level proportionate to the scale of development and in accordance with “Our Green Network” guidance. There will be appropriate landscaping undertaken as part of the path development and the proposal is considered to comply with this policy.
- 7.6** The adjacent River Leven is designated as a Local Nature Conservation Site. Policy GN3 indicates that the Council will not support development which would adversely affect the integrity of such sites or harm protected species. Policy GN6 seeks to protect and improve the quality and enjoyment of the water environment whilst Policy GN8 expects developments to enhance active travel connectivity within the green network, particularly where this would create routes to and along waterways. Policy BH2 relates to scheduled ancient monuments and aims to prevent any development occurring which would detract from the special interest, setting or detrimentally affect the character of a scheduled ancient monuments. The proposal is considered to comply with all of these policies as discussed below.

7.7 Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014)
The importance of Dumbarton Waterfront in terms of regeneration and urban design requirements is reflected by the existence of guidance encouraging high standards of urban design. The revised urban strategy was prepared to consolidate and update earlier design guidance and regeneration masterplans for different parts of the town centre and waterfront. The strategy envisages provision of a waterfront path linking High Street and Dumbarton Rock and developers are required to provide their sections of the continuous waterfront path along with appropriate riverside public realm works, and also to provide the planned emergency access route leading to the Castle Road area. For the Castle Street/waterfront area, the strategy expects development to successfully integrate with the surrounding town centre and neighbouring waterfront areas in terms of connections, scale of development, high quality public realm and the creation of views towards Dumbarton Castle/Rock framed by new streets. The path is an essential element which requires to be integrated within the development of sites adjacent to the waterfront.

7.8 Principle of the Waterfront path
This longstanding ambition for the creation of a waterfront path from Dumbarton town centre to Dumbarton Rock and Castle by the Council is fully supported through the adopted local plan, local development plan (proposed plan), the Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014) and the Dumbarton Rock and Castle Charrette Report (2015). The delivery of the waterfront path is a requirement associated with development along Dumbarton Waterfront. To support this, the Council has allocated resources to support the early delivery of the path and following consultation, planning guidance has been agreed by the Committee to ensure that the path is delivered in a comprehensive manner, as quickly as possible and to an agreed standard.

7.9 Dumbarton Waterfront Planning Guidance
The Council has approved Planning Guidance in February 2017 regarding how the waterfront path is to be delivered along Dumbarton Waterfront. The detailed design and route of the path complies with the Dumbarton Waterfront Path Guidance. Along the waterfront path, appropriate public spaces and nodal points will be provided whilst the path will be of a sufficient width to accommodate both pedestrians and cyclists. In addition, it will also be suitable for use by emergency vehicles if required. Robust and quality materials such as granite paving and asphalt will be used and the setting of the walkway will be enhanced through the provision of a landscape buffer along its length. The path will be lit to encourage use at various times of the day and to increase surveillance along the route. The waterfront path would have various access points along its route to provide permeability with surrounding development and

to maximise pedestrian connectivity. Overall, the proposal would accord with the Urban Strategy.

- 7.10** The guidance specifically addresses how the path is to be delivered. The preference is for the path to be provided by the Council. However, some landowners have indicated a preference to deliver the path as part of their development proposals due to the sequence of their works and contractual arrangements for their developments. However this is not a matter for this application but it is for the subsequent planning applications for each of the individual development sites or where there is no planning application, discussion with the respective landowners will take place.

Relationship with Other Applications

- 7.11** Whilst the separate proposals from Culross and Turnberry Homes reflect the proposed design and alignment of the waterfront footpath contained in this application, the application from Lidl for retail development on the south side of Castle Street (DC16/252) differs from this proposal. Although the Lidl application does include a walkway along its entire frontage, this would follow a different alignment across the head of the tidal basin, and it would feature less of a landscape buffer for the walkway than is being provided on the neighbouring sites. Lidl have objected to the current application on the basis that it differs from their own proposal.
- 7.12** Issues relating to the alternative route for the walkway proposed by Lidl are considered in the report on application DC16/252. In principle there is no objection to the alternative alignment proposed by Lidl although it may cost more than the costs identified in the Waterfront Path Planning Guidance. However, the limited amount of landscaping which they propose is considered unacceptable. Implementation of the footpath will obviously require the agreement of the various landowners affected by it.

Natural Heritage

- 7.13** The site is adjacent to the River Leven which is a Local Nature Conservation Site and in close proximity to the Inner Clyde SPA, which is a European designated site primarily of importance as a wading bird habitat. SNH currently object to the proposal. Their main concerns relate to a failure to properly consider potential roosting locations of birds and they also require additional information in the form of a Construction Method Statement in order to demonstrate what measures are required to avoid an adverse impact on the River Leven and Endrick Water Special Area of Conservation (SAC). In order to address these concerns, further survey work is being undertaken and is due to be completed in late April. Once this additional information has been submitted along with a Construction Method Statement, further consultation with SNH will be undertaken and it is anticipated that it will be possible to resolve these matters.

- 7.14** An ecological survey has been carried out and found no plant or wildlife species of particular conservation note or rarity within the site. However, the corridor along the River Leven is used by otters and since they may be able to access the site, consideration should be given to their presence during construction. There are no trees on the site and little opportunity for any bat roosts.

Lomond Canal

- 7.15** The indicative route of the Lomond Canal affects the application site. Whilst the Council and Scottish Canals remain supportive of the principle of the canal, it cannot be delivered without very substantial third party funding and it is very unlikely to be delivered in the short to medium term. In view of this fact it is not considered reasonable to prevent development on its indicative alignment. Furthermore, Scottish Canals have no objection to the proposal.

Technical issues

- 7.16** Due to the proximity of the site to the River Leven and the nearby culverted portion of the Knowle Burn, a flood risk assessment was submitted which has demonstrated that the site would not have an unacceptable risk of flooding. Finished ground levels would direct overland flows away from buildings, and the development would not increase off-site flood risk. The Council's Roads Service and Scottish Environmental Protection Agency have no objection to the proposal.
- 7.17** The riverside area where the path will be located has a long history of industrial use including a distillery and shipbuilding yard. Accordingly a contaminated land site investigation report has been submitted. However, the Council's Environmental Health Section have sought clarification on certain aspects of the report. Although they have no objection to the proposal, they recommend that conditions are attached to ensure that any contamination on site is adequately addressed. The conditions will ensure that suitable remediation is undertaken and that the site is suitable for its intended use.

Pre-application consultation

- 7.18** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. One public event was held and local community councils were contacted about the proposal. The pre-application consultation statement submitted by the applicant highlights that over 50 people attended the public event, with 25 people filling in feedback forms. All feedback supported the proposal although issues raised included: that there should be more planting and greenspace as part of the path, more information with regard to the foreshore should be provided and that there was no clear division on the

path between areas for walkers and cyclists. The proposals were also subject to a Members pre application Briefing in October 2016. At the Members' Briefing, it was highlighted that the development would require: to be of a high standard of design, minimise conflicts between pedestrians and cyclists, comply with the Council's aspirations for the regeneration of the surrounding area and be suitable for adoption by the Council.

8. CONCLUSION

- 8.1** The proposed construction of a waterfront path is in compliance with local planning policies. The creation of a waterfront path is a long-standing ambition of the Council and is supported by the Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014) and the Dumbarton Rock and Castle Charrette Report (2015). The route, design and materials of the development are all acceptable. The waterfront path will be of a high standard of design and contribute to the regeneration of the town centre area, providing a long awaited access to the water edge. It will encourage greater movement between Dumbarton Castle and Rock and Dumbarton Town Centre which is to be welcomed both for the community but to encourage tourists who visit the Castle to spend more time in the local area.

9. CONDITIONS

- 1. Exact details and specifications of all proposed external materials (including hard surfaces) shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and the development shall thereafter be completed in accordance with the approved details.**
- 2. Prior to the commencement of works, full details of the design and location of all walls, fences, street furniture and lighting to be erected on site shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.**
- 3. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and the development shall**

thereafter be completed in accordance with the approved details.

4. **A landscaping scheme for the site shall be submitted for the written approval of the Planning Authority prior to commencement of development on site and shall be implemented within a timescale to be agreed with the Planning Authority. The landscaping shall thereafter be maintained in accordance with these details.**
5. **No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:**
 - a) **a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)**
 - b) **an assessment of the potential risks (where applicable) to:**
 - **human health;**
 - **property (existing and proposed), including buildings, pets, service lines and pipes;**
 - **ground waters and surface waters.**
 - c) **an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.**
6. **No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.**

- 7. 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.**
- 8. A monitoring and maintenance scheme for the long term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within a timescale agreed 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 in writing by the Planning Authority.**
- 9. 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 remedial actions shall be implemented within a timescale agreed with the Planning Authority.**
- 10. During the period of construction, all works (including piling) 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.**
- 11. 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. The 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.

12. No commercial vehicle making deliveries to or collecting material from the development site shall enter or leave the site before 8am or after 6pm.
13. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust 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 approved by the Planning Authority.

Peter Hessett
Strategic Lead- Regulatory
Date: 13 March 2017

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
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Appendix: Site Location Map

Background Papers:

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan Proposed Plan;
4. Scottish Planning Policy;

5. Glasgow and the Clyde Valley Strategic Development Plan;
6. Proposed Strategic Development Plan;
7. Consultation responses;
8. Representations;
9. Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014); and
10. Dumbarton Path Waterfront Planning Guidance.

Wards affected: Ward 3 (Dumbarton)

DC16/278

**Formation of riverside path
with associated
infrastructure and
greenspace**

**Riverside Edge Between Dumbarton Rock
And
Riverside Lane
Dumbarton**



WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 29 March 2017**

DC16/220: Mixed use development comprising 195 flats and terraced houses, office accommodation and associated infrastructure works including a riverside walkway, roads, parking and landscaping on land at former Distillery Site, Castle Street, Dumbarton by Culross Ltd. and Dunbritton Housing.

1. REASON FOR REPORT

- 1.1** This application relates to a proposal which is categorised as a major development, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** That the Committee indicate that it is **Minded to Grant** full planning permission, and delegate authority to the Planning and Building Standards Manager to issue the decision subject to the satisfactory conclusion of the consultation with Scottish Natural Heritage and to any additional conditions arising from the consultation, the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a financial contribution, and to the conditions set out in Section 9

3. DEVELOPMENT DETAILS

- 3.1** This application relates to land which forms part of the former distillery site is located to the south side of Castle Street, Dumbarton. The site extends to approximately 2.95 hectares and has been cleared of all of the former distillery buildings. It is bounded by buildings located on Castle Street/High Street to the north, notably the Riverside Parish Church (A-listed). To the north east is the remainder of the former distillery site which is subject to a separate application (DC16/252) for retail development by Lidl UK GmbH. The River Leven is directly to the south of the site whilst the tidal basin forms part of the eastern site boundary. To the west is car parking and a Scottish Water pumping station building on Riverside Lane.

- 3.2** Full planning permission is sought for the erection of a primarily residential development of 195 units together with office space and associated roads, parking, landscaping and public realm. The housing would comprise a mixture of houses and flats of differing sizes between 1 and 4 bedrooms. The properties would either be social housing (150 in total) available for rent and private housing (45 in total) for sale. The office accommodation would be formed over two floors within the largest of the proposed buildings adjacent to the site of the former Elephant and Castle public house and next to the High Street. The offices would be occupied by Dunbritton Housing Association.
- 3.3** The development would consist of a total of 15 buildings ranging from 6 storey flats down to 2 storey terraced and semi-detached houses and cottage flats. The highest buildings being located to the rear of High Street/Castle Street and fronting the tidal basin, with the height of the buildings dropping to two and three storey along the River Leven frontage. All of the new buildings would be of a contemporary design with the buildings finished in a red facing brick, with dark window and door frames. Three new streets would be created within the site, with one running east/west and the other two running north/south. All vehicular access would be from Castle Street (opposite the new Council office), but there would also be pedestrian access from Riverside Lane and from the High Street (on the site of the former Elephant and Castle public house). A waterfront path would be formed along the whole of the river frontage connecting Riverside Lane with the adjacent development site, and this waterfront path is subject to a separate application by the Council (DC16/278). The waterfront path would sit at a lower level than the housing. Parking would consist of a mixture of on street parking and parking courts, containing a total of 259 spaces; with the option to create a further 4 parking spaces at a later date should this be deemed necessary. Open space would consist of an extensive landscape area to provide an appropriate setting for the proposed waterfront path and public realm works.
- 3.4** A Ground Investigation Report, Pre-Application Consultation Report, Design and Access Statement, Communal Heating System (Feasibility Study), Flood Risk Assessment, Waterfront Structures (Dilapidation and Stability) Report, Noise Impact Assessment, Transport Statement, Surface Water Management Plan and an Ecological Assessment have all been submitted as part of the application, in order to address the various technical issues.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection subject to various conditions, including the design of the new junction onto Castle Street, parking provision, provision of an additional turning area, provision of adequate cycle parking and ensuring that the emergency access route and link to the riverside are suitable for use by cyclists.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to permitted hours of work on site, deliveries, piling, dust control measures, noise, air quality and contaminated land.
- 4.3** Historic Environment Scotland has no comments on the proposal.
- 4.4** The Scottish Environmental Protection Agency are satisfied with the information submitted regarding the supply of heat and power to the development and have no objection to the proposals subject to a condition regarding the minimum access/egress levels from each building.
- 4.5** Scottish Natural Heritage object to the proposal until further information is submitted in order to allow the full ecological impacts of the development to be considered. They require additional information concerning roosting redshank, submission of a Construction Method Statement and details of measures which will be implemented to avoid any unacceptable impacts on the River Leven (Endrick Water Special Area of Conservation). Once this information has been provided they will consider the proposal further.
- 4.6** Scottish Canals have no objection to the proposal.
- 4.7** West of Scotland Archaeological Service had not responded at the time of writing the report. However, they are unlikely to raise any issues with the proposal although they may require a condition relating to an archaeological watching brief.
- 4.8** West Dunbartonshire Council Regeneration Service support the proposal and are satisfied that the development creates a suitable setting and provides adequate space within the development for the creation of a waterfront path. They also recommend that conditions are attached concerning landscaping and boundary treatments.

5. REPRESENTATIONS

- 5.1** None.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Glasgow and the Clyde Valley Strategic Development Plan

- 6.1** The proposed development site is located within Dumbarton town centre and is a vacant former industrial site. Housing development on brownfield land in preference to greenfield sites is in line with the Strategic Development Strategy. Strategy Support Measure 10 requires local authorities to maintain a five year effective land supply, and augment supply where/when necessary, with priority given to bringing forward delivery of sites already identified. The proposed development site will ensure the delivery of housing for the area and is therefore in compliance with the Strategic Development Plan.

West Dunbartonshire Local Plan 2010

- 6.2** The site is located within Dumbarton Town Centre, which is identified under Policy RP1 as a regeneration priority area where the Council will support the redevelopment of underused or vacant land in order that development opportunities that continue the process of urban renewal are brought forward. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area in which it is located.
- 6.3** The site is identified as a housing opportunity with an indicative capacity of 241 units of mixed private sector and social housing. Policy H1 and H3 encourage the provision of private and social housing on sites allocated for such development.
- 6.4** Policy R2 specifies the open space provision required for all new development. However, assessment of open space requirements has been undertaken against the more up to date document, Our Green Network Guidance referred to in Section 7 below.
- 6.5** Policy H4 sets out standards expected of new residential development, requiring high quality in terms of shape, form, layout and materials. The layout and design of the development is assessed in Section 7 below.
- 6.6** Policies F1, F2 and F3 relate to flooding and drainage and aim to ensure that new development is not at risk of flooding, does not increase the risk of flooding elsewhere and has suitable drainage infrastructure which includes SUDS measures. Policy BE2 relates to listed buildings and aims to prevent any development occurring which would detract from the appearance, setting or character of a listed building.
- 6.7** Policy E2A relates to International Nature Conservation Sites (Natura 2000) and states that development likely to have a significant effect (in this

instance on the Inner Clyde Special Protection Area (SPA)) will be subject to an appropriate assessment. Due to the distance from the Inner Clyde SPA, it is not considered that the proposed development will have a detrimental impact on the Inner Clyde SPA and an appropriate assessment is not required.

- 6.8 Policy T4 relates to the accessibility of new development and requires new developments to integrate with walking, cycling, and public transport routes.
- 6.9 It is considered that the development complies with all of the above policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Glasgow and the Clyde Valley Strategic Development Plan (Proposed Plan) ("Clydeplan")

- 7.1 Clydeplan is currently within its examination phase, and it is anticipated that the Examination Report will be submitted to the Scottish Ministers in the following weeks. Policy 1 requires new development to contribute to the creation of high quality places and Table 1 sets out a Placemaking Principle based on the six principles of creating successful places. Policies 8 and 9 relate to housing provision. Policy 12 requires development proposals to integrate into the Green Network and prioritise green infrastructure.
- 7.2 The proposed development is of a strategic scale and has been assessed against Diagram 11 which concludes that the development complies with Clydeplan subject to assessment against the Local Development Plan.

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

- 7.3 On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.
- 7.4 The site lies within the Dumbarton Town Centre and Waterfront 'Changing Place'. The Plan's strategy for this area includes supporting a mix of

uses, including residential development to increase the town centre's population. Mixed use development including residential is specifically encouraged on the former distillery land, and there is a requirement for provision of continuous waterfront paths along both sides of the River Leven. The route of the proposed Lomond Canal should also be protected from incompatible development and issues relating to the Lomond Canal are considered in paragraph 7.27 below. The former distillery land to the south of Castle Street is recognised as the largest but most complex development opportunity within the town centre, requiring a masterplan to inform its development.

- 7.5** The whole of the former distillery land is designated for housing development and Schedules 2 and 3 list it as having an indicative capacity of 403 private and 91 social rented units. Policy BC2 indicates that sites so allocated are reserved for housing development. Although the site is identified for more private housing than envisaged, the higher percentage of social housing which is to be provided is acceptable.
- 7.6** Policy DS1 indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming). All residential developments of more than 3 units are also expected to comply with the Residential Development: Principles of Good Design Supplementary Guidance. As discussed below, it is considered that the proposal would comply with these requirements.
- 7.7** Policy DS3 requires that significant travel generating uses are located within 400 metres of the public transport network. Policy DS6 states development will not be supported where it would have a significant probability of being affected by flooding or increase the risk of flooding elsewhere, and requires SUDS to be included, where appropriate in developments. Policy DS7 requires that development on sites that are potentially contaminated are remediated to ensure the site is made suitable for its future use. The application site is a town centre location close to public transport, and technical consultations on flooding and drainage have been satisfactorily addressed.
- 7.8** Policy GN2 requires development to follow an Integrating Green Infrastructure approach to design from the outset by incorporating SUDS, open space, paths and habitat enhancement at a level proportionate to the scale of development and in accordance with "Our Green Network" guidance. There will be appropriate landscaping and tree planting undertaken as part of the development and this is discussed in paragraph 7.23. The proposal is considered to comply with these policies.

7.9 The adjacent River Leven is designated as a Local Nature Conservation Site. Policy GN3 indicates that the Council will not support development which would adversely affect the integrity of such sites or harm protected species. Policy GN6 seeks to protect and improve the quality and enjoyment of the water environment whilst Policy GN8 expects developments to enhance active travel connectivity within the green network, particularly where this would create routes to and along waterways. Policy SD1 states that development should avoid adversely affecting the road network by complying with relevant standards, avoiding unacceptable congestion and providing or contributing to necessary improvements. Policy BH3 relates to listed buildings and aims to prevent any development occurring which would detract from the special interest, setting or detrimentally affect the character of a listed building. The proposal is considered to comply with all of these policies as discussed below.

Principle of development

7.10 The proposed development would occupy a prominent site within Dumbarton Town Centre, which has been vacant for many years. Redevelopment of this area for residential purposes would contribute towards the regeneration of the town centre and would be consistent with the land use policies of the adopted and proposed plan. A mixture of private and social housing is consistent with the relevant land use allocations and would provide a mix of housing types and tenure in the town centre. It is therefore considered that the principle of the proposed residential development is acceptable.

Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014)

7.11 The importance of Dumbarton Waterfront in terms of regeneration and urban design requirements is reflected by the presence of guidance encouraging high standards of urban design. The revised urban strategy was prepared to consolidate and update earlier design guidance and regeneration masterplans for different parts of the town centre and waterfront. For the Castle Street/waterfront area, the Council expects development to successfully integrate with the surrounding town centre and neighbouring waterfront areas in terms of connections, scale of development, high quality public realm and the creation of views towards Dumbarton Castle/Rock framed by new streets. Due to the proximity of the town centre, any new development should have a traditionally urban street form. The strategy envisages mixed use development including residential and compatible town centre uses such as food and drink use on the waterfront.

7.12 Detailed design guidance for the application site include perimeter-block development with 3-4 storey buildings of traditional tenement scale along the principal streets and lower 2-storey buildings elsewhere. The street

pattern should include north-south roads aligned to provide views from the High Street and Castle Street towards the castle, along with a new east-west street between Riverside Lane and the head of the basin. Development should include street trees and suitable landscaping, and the provision of focal points and social spaces with appropriate small-scale commercial and/or food and drink uses is encouraged. Within this guidance developers were required to provide their sections of the continuous riverside walkway along with riverside public realm, and also to provide the planned emergency access route leading to the Castle Road area.

- 7.13** The proposed development is generally in accordance with the Urban Strategy, particularly in relation to road alignments, the riverside walkway and the provision of perimeter block buildings. There is a greater variety of building heights than the strategy sought, and less of a mix of uses as the development would be almost entirely residential. However, the greatest potential for commercial use has always been recognised to be in the eastern half of the old distillery, which is not subject to this application. Subsequent to the adoption of the Revised Urban Strategy, the Roads Service has agreed that the emergency access route can originate at Castle Street rather than High Street, which significantly reduces its length and therefore it no longer affects this application site. Overall, despite these differences the proposed layout and design of the development are considered to be of a high quality and in compliance with the approved strategy. The proposal therefore complies with policy RET5 of the adopted local plan and the designation of the site within the Dumbarton town centre and waterfront 'Changing Place' identified in the local development plan (proposed plan) which requires new development to comply with relevant design guidelines which have been prepared.

Setting and Design

- 7.14** The application site is less visible from the existing town centre than the neighbouring part of the old distillery, due to it being located behind Riverside Parish Church and other buildings on High Street. Nevertheless, it is an important waterfront development site adjacent to the tidal basin, which is visible from Riverside Lane and in views through the site from High Street and Castle Street. Additionally, the site is very prominent in the view from Dumbarton Castle towards the town centre. This site lies at the historic heart of Dumbarton, bordering three listed buildings: Riverside Parish Church (A-listed), the Napier Mausoleum and 17-21 High Street (both B-listed). Other nearby listed buildings include St Augustine's Episcopal Church and the façade of the new Council offices (both A-listed). It is also an important location on the planned waterfront path and other potential pedestrian links to the castle.

- 7.15** The proposal is largely consistent with the main requirements and aspirations of the Revised Urban Design Strategy. The layout would include a new east-west street aligned from Riverside Lane towards the head of the tidal basin and also a new street from the High Street to the riverside aligned so as to provide a view towards Dumbarton Rock. However, the alignment of the other north-south street (the access from Castle Street) would differ from the strategy's preferred alignment. Whereas the strategy envisaged only one new street leading from Castle Street into the old distillery land, the proposal (and proposals from the neighbouring landowner) would necessitate two separate streets. However, this approach was consistent with the previous design guidance for the waterfront. The alignment of the proposed street within the residential site is considered to be acceptable, and would not prejudice the development of a satisfactory layout for the neighbouring land.
- 7.16** The proposed buildings would be arranged in perimeter blocks, albeit with some blocks open onto the waterfront to maximise views from the new homes. Building heights within the proposed development would be somewhat more varied than was envisaged by the urban strategy, ranging from 2 to 6 storeys rather than the 3 or 4 storey tenement-scale building anticipated. Nevertheless, it is considered that the development would have an appropriate urban scale and character, and the distribution of building heights (with the highest buildings arranged along the east-west street and on the corner of the tidal basin) would be consistent with the approach contained in the strategy. There are nearby buildings within the High Street which are traditional three and four storeys in height and the former distillery buildings were themselves very tall, so it is not considered that the proposed six storey building would appear overly dominant or out of context. The applicant has produced visual images to illustrate the massing/heights of the proposed development, and it is considered that this would be acceptable.
- 7.17** The proposed flats and houses would be of contemporary design and the variations in their height would serve to break up the scale of the development and add visual interest to this town centre location. The buildings would have pitched roofs with traditional proportions for the window and door openings. The riverside properties would have larger window openings, with some properties benefiting from Paris balconies and others having balconies overlooking the river/tidal basin. The properties with balconies would occupy the most prominent location at the corner of the tidal basin, allowing overlooking of the waterfront walkway and public space. The proposed use of a red facing brick would include some detailed fenestration to break up the solid walls and contrast with surrounding finishing materials within this part of the town centre. However, the red brick would reflect the industrial heritage of the site as the former distillery buildings were constructed in this material. The use of

the red brick would also complement the modern design which is proposed. It is considered that the proposed materials would be appropriate for the location.

- 7.18** Although the development is of a relatively high density and garden areas are limited, it is considered that the new properties would enjoy an appropriate level of amenity. Most of the flats for instance are relatively small properties which are not intended to be occupied by large families, while there are public parks which are only a short walk from the town centre. Within the development there will be private drying areas to the rear of buildings, with common areas and public space provided along the water edge. By designing the development with pedestrians as the priority, the shared surface areas will feel as though they are integral to the development rather than a separate area solely for use by vehicles.

Impact on Setting of the Listed Buildings

- 7.19** To the north of the application site is the A-listed Riverside Parish Church (including mausoleum) and a row of buildings on High Street which include the B-listed former Bank of Scotland building. It is considered that the proposal would have an appropriate relationship with these buildings, and it would certainly have less of an impact upon their setting than did the former distillery buildings. In order to create a new pedestrian access to the site from High Street, the Elephant & Castle Public House requires to be demolished. Whilst this building is of some historic interest it is not listed, and after lying vacant for a number of years it has fallen into disrepair. As recognised by the Revised Urban Design Strategy, the benefits of providing a new street connecting to the High Street at this location outweigh the loss of the former public house building.

Street Layout

- 7.20** A design and access statement has been submitted in support of the application which demonstrates how the layout addresses the surrounding area and the requirements contained in the Local Development Plan and the Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014). The development aims to create a high quality and welcoming residential development, creating a sense of place which integrates with the surrounding area. The chosen design has emerged after extensive discussions with officers and has been influenced by Government policy including Designing Streets guidance and the Council's Residential Design Guide. The density, layout, materials and general appearance of the development are all considered to be of a high standard which would be appropriate for this important site.
- 7.21** The proposed development has been designed to incorporate the principles of the Scottish Government's 'Designing Streets' document and the Council's Residential Design Guidance through the use of shared

surfaces, a more pedestrian focussed layout and the prominence of open space/landscaping within the site. The shared-surface road and pedestrian links would ensure that the development is convenient for pedestrians and vehicles to move around, whilst footpath links onto High Street, Castle Street and along the riverside would provide permeability with the site's surroundings. Consistent with the Urban Design Strategy, the development would include street trees in all of the new streets, albeit within a somewhat more informal shared-surface layout.

Waterfront Path

- 7.22** The Council has a longstanding ambition for the creation of a waterfront path from Dumbarton town centre to Dumbarton Rock and Castle through the Local Development Plan, the Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014) and the Dumbarton Rock and Castle Charrette Report. The delivery of the waterfront path is a requirement associated with the development of this site along Dumbarton Waterfront. To support this, the Council has allocated resources to support the early delivery of the path. Planning Guidance has been agreed by the Planning Committee to ensure that the path is delivered in a comprehensive manner, as quickly as possible and to the agreed specification. Along the whole of the waterfront path it is important to provide appropriate public spaces and nodal points, and to enhance the setting of the walkway by providing a suitable associated public landscaping space. The proposed waterfront path is the subject of a separate planning application by the Council (DC16/278). The proposed residential development would incorporate the alignment and design aspirations for the relevant section of the waterfront path, and the path and its landscaping form an integral part of this application. These areas would not only benefit the adjacent residents but also the wider community, visitors and tourists. The proposal is therefore fully consistent with the plans for the waterfront path. The applicant supports the creation of the waterfront path and confirmed their commitment to the delivery of the path as part of this development.

Landscaping, Public Realm and Open Space

- 7.23** The largest area of open space would be at the south of the site, adjacent to the waterfront which is appropriate for this waterfront location site. There are sufficient hard and soft landscaped areas for this town centre and waterfront location and for the residential development. However, the open space provision does not meet the standards contained in the Council's 'Our Green Network' guidance. A financial contribution towards the green network is not considered to be required in this case because the developer has instead agreed to contribute towards the cost of the waterfront path.

Natural Heritage

- 7.24** The site is adjacent to the River Leven which is a Local Nature Conservation Site and in close proximity to the Inner Clyde SPA, which is a European designated site primarily of importance as a wading bird habitat. Scottish Natural Heritage currently object to the proposal until further information is submitted. Their main concerns relate to a failure to properly consider potential roosting locations of redshank and they also require a Construction Method Statement in order to demonstrate what measures are required to avoid an adverse impact on the River Leven and Endrick Water Special Area of Conservation (SAC). In order to address these concerns, further information is being prepared by the applicant. Once this additional information regarding roosting redshank and the Endrick Water SAC has been submitted along with a Construction Method Statement, further consultation with SNH will be undertaken in order to remove the objection.
- 7.25** An ecological survey has been carried out and has found no plant or wildlife species of particular conservation note or rarity within the site. However, the corridor along the River Leven is used by otters and since they may be able to access the site, consideration should be given to their presence during construction. There are no trees on the site and little opportunity for any bat roosts. There is no evidence of use of the site by protected animal or bird species.

Roads, Access and Parking

- 7.26** The new vehicular access to the site would be formed on Castle Street, and the Roads Service considers that the location of the new junction and the impact of the proposal upon traffic in the area would be acceptable. A condition can be used to ensure that the detailed junction design is acceptable. The proposed 259 parking spaces to be provided would represent a shortfall of 6 spaces for a development of this scale, but due to the town centre location and the ready accessibility of public transport this shortfall is considered acceptable. Additionally, there is space within the layout for a further 4 parking spaces to be formed should these be required in the future, albeit that this would be at the expense of some of the landscaping within the site. Following discussions with the Roads Service it is considered that this arrangement would be appropriate. A condition is proposed to ensure that parking and car ownership within the development is reviewed annually for a five year period to establish whether it becomes necessary to form any of the additional parking spaces. Due to the shortfall in parking, the applicant has agreed to make a financial contribution to the Council of £3,500 per space (total £7,000) which will go towards parking improvements within the town centre. Adequate cycle parking will be required and it will be necessary for any pedestrian access routes to be constructed to an adoptable standard

suitable for shared pedestrian and cycle use. These matters can be addressed by conditions.

Lomond Canal

- 7.27** The indicative route of the Lomond Canal crosses the application site in terms of the LDP Proposed Plan. Whilst the Council and Scottish Canals remain supportive of the principle of the canal, it cannot be delivered without substantial third party funding and it is very unlikely to be delivered in the short to medium term. In view of this fact it is not considered reasonable to prevent development on its indicative alignment and Scottish Canals have indicated no objection to the application proposals. .

Technical Issues

- 7.28** Due to the proximity of the site to the River Leven and the nearby culverted portion of the Knowle Burn, a flood risk assessment has demonstrated that the site would not have an unacceptable risk of flooding. Finished ground levels would direct overland flows away from the buildings, and the development would not increase off-site flood risk. The Council's Roads Service and Scottish Environmental Protection Agency have no adverse issues subject to details relating to the level of the access/egress to each building.
- 7.29** The site has a long history of industrial use, having had previous uses including a distillery and shipbuilding yard on parts of the site. A contaminated land site investigation report has been submitted however the Council's Environmental Health Section have sought clarification on certain aspects of the report. Although they have no objection to the proposal, they recommend that conditions are attached to ensure that any contamination on site is adequately addressed. The conditions will ensure that suitable remediation is undertaken and that the site is suitable for its intended use as a residential development.
- 7.30** Due to the proximity of some of the proposed housing to two existing public houses on High Street, a noise impact assessment was undertaken. It concluded that subject to the use of adequate glazing and the implementation of a suitable ventilation strategy, no further mitigation measures would be required in order to avoid any noise issues arising.

Relevant Planning History

- 7.31** The first proposal for residential development of this part of the former distillery complex was application DC04/477, which proposed a total of 309 flats and houses plus commercial units including conversion of the former mill and still tower. That application was refused in 2006 due to design concerns relating to the retention of the mill and still tower, and inadequacy of parking provision. An appeal against that decision was dismissed following a public local inquiry. Subsequently, planning

permission was granted for a development of 129 houses and flats on part of the application site in November 2010 (decision DC09/095), but the permission was never implemented. Although the current application has some similarities with the layout of the 2010 permission, the building design, street layout and relationship with the waterfront path are all of a higher quality of this more recent proposal.

Pre-application consultation

- 7.32** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. A public event was held and local community councils were contacted about the proposal. The pre-application consultation statement submitted by the applicant highlights that over 100 people attended the public event. The most significant issue raised concerned the height of the buildings. At the time of the public event, a seven storey building was shown and in light of the feedback, this was reduced to a six storey building. No representations were received in relation to the planning application.

8. CONCLUSION

- 8.1** The proposed redevelopment of the site for residential purposes is in compliance with the adopted and proposed local plans and would assist with the further regeneration of Dumbarton Town Centre in line with development plan strategy. The layout, design and materials of the development are all considered acceptable, and the waterfront path and its landscaping form an integral part of this development. The development provides much needed private and affordable housing to a high standard of design and layout for this important town centre site.

9. CONDITIONS

- 1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and the development shall thereafter be completed in accordance with the approved details.**
- 2. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.**
- 3. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall**

be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.

4. Prior to the commencement of development details of the design and location of the bin stores, cycle storage, street furniture and lighting shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details prior to the occupation of any of the approved properties.
5. No unit shall be occupied until the vehicle parking spaces associated with that unit have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
6. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and thereafter shall be implemented prior to the occupation of the any of the approved properties.
7. A landscaping scheme for the site in particular the area around the water edge shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after occupation of the first property. The landscaping shall thereafter be maintained in accordance with these details.
8. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
 - a) a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
 - b) an assessment of the potential risks (where applicable) to:

- human health;
 - property (existing and proposed), including buildings, pets, service lines and pipes;
 - ground waters and surface waters.
- c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
9. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
10. 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.
11. A monitoring and maintenance scheme for the long term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within a timescale agreed 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 in writing by the Planning Authority.

- 12. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remedial actions shall be implemented within a timescale agreed with the Planning Authority.**
- 13. During the period of construction, all works (including piling) 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.**
- 14. 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. The 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.**
- 15. No commercial vehicle making deliveries to or collecting material from the development site shall enter or leave the site before 8am or after 6pm.**
- 16. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust 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 approved by the Planning Authority.

17. All plant or machinery being used on site shall be enclosed with sound insulating material in accordance with a scheme which shall be submitted to, and approved in writing by the Planning Authority. The approved sound insulation measures shall thereafter be retained at all times during construction on site.
18. Twelve months after occupation of the first 100 homes within the development, a parking review shall be undertaken to ascertain levels of car ownership and whether there are any parking related issues within the development. The findings and recommendations of the review shall be submitted for the written approval of the Planning Authority. If required by the review, additional parking spaces shall be formed on site up to a maximum of 4 parking spaces in accordance with the agreed recommendations and the details shown on the approved plans. Thereafter, yearly parking reviews shall be carried out and the findings submitted for the written approval of the Planning Authority. Five years after the completion of the development, a final review shall be undertaken and the findings submitted for the written approval of the Planning Authority, unless the additional parking spaces have by that time already been formed.
19. Prior to the commencement of development, a revised plan shall be submitted for the written approval of the Planning Authority which includes a suitable turning facility between blocks 1A and 1B. Thereafter the turning facility shall be formed in accordance with the approved details prior to the occupation of any dwelling within the development.
20. Prior to the commencement of development, details of the new vehicular access onto Castle Street shall be submitted for the written approval of the Planning Authority. This information shall include details of any alterations required to be made to accommodate large vehicles. Thereafter the new vehicular access shall be formed in accordance with the approved details prior to the occupation of any dwelling within the development.
21. Prior to the commencement of development, an air quality impact assessment shall be submitted for the written approval

of the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

22. The completed development shall ensure that safe access/egress is available from all blocks at a level no lower than 4.64m AOD.
23. The development shall be completed in accordance with the Noise Impact Assessment (dated 13 December 2016 and prepared by New Acoustics) which requires the use of adequate glazing and the implementation of a suitable ventilation strategy in order to avoid any noise issues arising within the development.
24. The waterfront path shown on the approved plans shall be completed in accordance with the details approved under planning permission DC16/278 prior to the occupation of any dwelling within the development.
25. Prior to the commencement of development, a phasing plan for the completion of the development shall be submitted for the written approval of the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
26. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Scotland Order and the Town and Country Planning (General Permitted Development) (Scotland) Order, the offices which form part of this development shall not be used for any other purpose without a specific grant of planning permission.

Peter Hessett
Strategic Lead- Regulatory
Date: 13 March 2017

Person to Contact: Pamela Clifford, Planning & Building Standards
Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix:

Site Location Map

Background Papers:

1. Application forms and plans;
2. Consultation responses
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan Proposed Plan;
5. Glasgow and the Clyde Valley Strategic Development Plan;
6. Clydeplan Proposed Plan;
7. Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014);
8. Representations

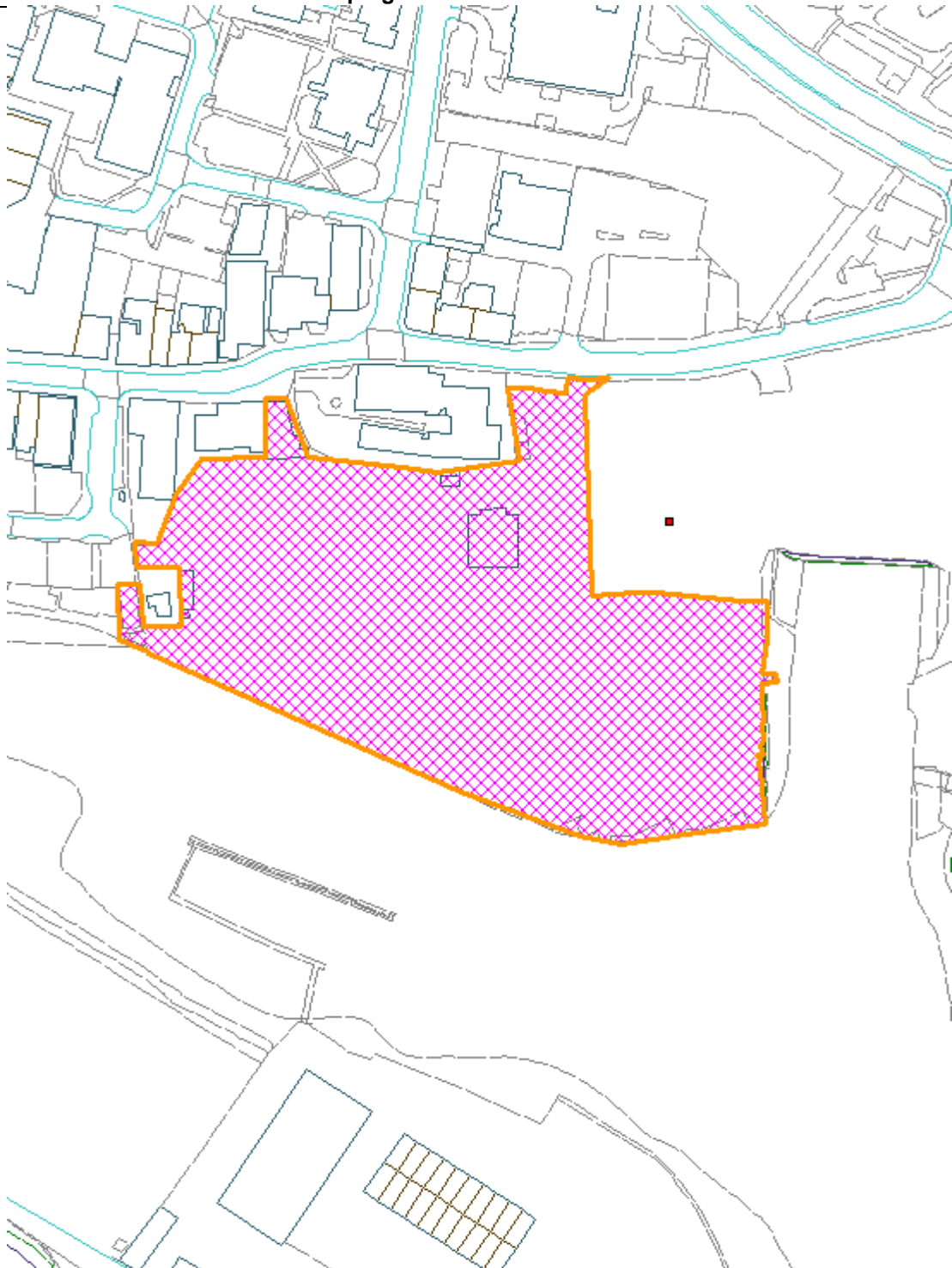
Wards affected:

Ward 3 (Dumbarton)

DC16/220

**Mixed use development
comprising 196 flats and
terraced houses, office
accommodation and
associated infrastructure
works including a riverside
walkway, roads, parking
and landscaping**

**Former Distillery Site
Castle Street
Dumbarton**



WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Planning Committee: 29 March 2017**

DC16/252: Erection of retail development comprising of 4 units and associated infrastructure works including a new access, car parking and landscaping on land at the former Distillery Site, Castle Street, Dumbarton by Lidl UK GmbH.

1. REASON FOR REPORT

- 1.1** This application relates to a proposal which is categorised as a major development, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Refuse** planning permission for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** This application relates to part of the vacant former Allied Distillers site on the south side of Castle Street, Dumbarton, opposite the new Council office development. The site has been cleared of all buildings and extends to approximately 2.1 hectares. It is bounded by Castle Street to the north, Riverside Parish Church and the remainder of the former Allied Distillers site to the west and south-west, and the Scottish Maritime Museum and a row of residential properties to the east. To the south of the site is the tidal basin and a residential development site (Turnberry Homes), whilst to the south east is Morrison's supermarket and car park. Vehicular access to the site is available from Castle Street.
- 3.2** The application is one of three separate applications covering the former distillery site, all of which are before the Committee for consideration. This application relates to the eastern half of the old distillery land, whereas the western half is subject to an application (DC16/220) by Culross Ltd. for residential development. In addition, a third application (DC16/278) by the Council relates to the formation of a waterfront path running through both

of these sites and also extending south towards Dumbarton Castle through land owned by Turnberry Homes and Dumbarton Football Club.

- 3.3** Full planning permission is sought for a retail development with a gross floor area (GFA) of approximately 6000m², spread over four units. Two detached units would be located at the west of the site with the other two units located in a single building at the east of the site, leaving the central part of the site at the head of the tidal basin to be used for car parking. The largest of these units would be located in the south western corner of the site and would comprise a Lidl foodstore of 2477m² GFA (1424m² net sales area). The occupiers of the other three units (totalling 3534m² GFA) are not known at this time, although they are expected to be non-food retailers. These three units would form a later phase of the development (the Lidl store being the first), and it is not known when they would be implemented. The Lidl store would generate 41 jobs whilst the three non-food retail units are estimated to provide around 69 jobs. The employment would be a mixture of full time and part time positions.
- 3.4** The Lidl unit would have a shallow monopitch roof 7.8m in height at its highest point. Although largely single storey, there would be a small mezzanine level containing staff facilities. Externally, it is the most recent variant of the standard Lidl superstore design which is used throughout the country. This variant includes a glazed elevation to the east of the building with the main glazed entrance located in the north eastern corner. The remaining elevations have no windows, only emergency exits and service doors, and would be finished in a mixture of render and cladding. Service access is to the rear (west) of the building, facing onto the adjacent proposed residential development site.
- 3.5** The retail unit located in the north western corner of the site (Unit 1) would be single storey and front onto Castle Street. It would be 5.45m in height and have a flat roof. Externally it would be finished in a mixture of glazing, render and cladding. The remaining two units (Units 2 and 3) would be contained in a single building in the eastern part of the site. These would also be retail park style units finished in a mixture of metal panelling and brickwork, with a shallow pitched roof and a maximum height of 10.5m. Like the Lidl store, all of these units would face the central parking area, with their servicing areas to the rear backing onto the Culross site (Unit 1) or the Scottish Maritime Museum (Units 2 and 3).
- 3.6** The main vehicular access would be taken from Castle Street, leading to a central parking area containing 257 parking spaces, and to a shared rear service yard for Units 2 and 3. The service yard for Unit 1 and the Lidl foodstore would be accessed from the new road into the adjoining Culross site residential development. Landscaping within the development would comprise a small area of grass and low level shrub planting next to the

new access and some further tree planting and hedging contained within narrow landscape strips and corners around the car park. The waterfront path would be located to the south of the main car park, and would follow a different alignment across the head of the tidal basin to that proposed in application DC16/278 for the entire path route.

- 3.7** The application is accompanied by a Pre-Application Consultation Report, Community Involvement Report, Flood Risk Assessment, Extended Phase 1 Habitat Survey, Retail and Planning Statement, Socio-Economic Statement, Transport Assessment and a Design and Access Statement, which address the various technical issues.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection subject to various conditions. A Toucan crossing should be provided on Castle Street, and the proposed pedestrian access across the frontage of the site and connections to the waterfront path should be constructed to an adoptable standard suitable for shared pedestrian and cycle use. The proposed parking provision would represent a shortfall of 28 spaces relative to the Council's parking standard, but due to the town centre location and good access to public transport the level of parking is considered acceptable.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to the submission of a noise impact assessment, permitted hours of work on site, deliveries, piling, dust control measures and contaminated land.
- 4.3** West Dunbartonshire Council Regeneration Service supports the principle of retail development at this location. However, they have concerns about the design and layout of the proposal, in particular its integration with neighbouring sites and with the riverside walkway. They consider that the proposal contains a number of unattractive pedestrian streets with long sections of blank walls, and that the proposal would fail to create a place that is safe and pleasant, attractive and welcoming and where there is ease of movement, especially for pedestrians. They are concerned that the proposal would provide limited space for the riverside walkway and that it would not have an appropriate setting, particularly in comparison to the landscaping and setting provided alongside the walkway within other development sites.
- 4.4** The Scottish Environmental Protection Agency (SEPA) has no objection subject to conditions relating to the finished floor levels, the level of the

site access/egress and that no development occurs on top of any culverted watercourse.

- 4.5** Scottish Natural Heritage (SNH) has no objection to the development but advise that it should be undertaken in accordance with the recommendations contained in the Extended Phase 1 Habitat Survey. An ecologist should also check the site for breeding birds prior to the site being cleared if work is to take place during the bird breeding season. An appropriate assessment is not required since it is unlikely that the proposal will have a significant effect on the qualifying interest of the Inner Clyde SPA.
- 4.6** Glasgow Airport has no objection to the development subject to a condition which requires the submission of a bird hazard management plan.
- 4.7** Scottish Canals have no objection to the proposal.
- 4.8** West of Scotland Archaeological Service had not responded at the time of writing the report. However, they are unlikely to raise any issues with the proposal although they may require a condition relating to an archaeological watching brief should the application be approved.
- 4.9** Historic Environment Scotland has no comment on the proposal.

5. REPRESENTATIONS

- 5.1** Two objections have been received, of which one is an objection from the owners of the St James Retail Park, and the other (from a local resident) does not object to the principle of the development but has concerns about the design.
- 5.2** The objection from the St James Retail Park owners raises the following concerns:
- Proposals are contrary to the adopted Local Plan and the Council's non-statutory guidelines, which encourage a mix of uses beyond retail;
 - Scale of retail development proposed is contrary to Local Plan Policy RET2 in terms of its suitability, impact on the surrounding environment, and quality of design;
 - Proposal potentially undermines the delivery of Phase 2 at St James Retail Park. The supporting information does not adequately address the impact of the proposed non-food units upon St James Retail Park.
 - Proposals are contrary to Local Plan Policy RET5 as they do not take due cognisance of the Design Guidelines that have been prepared for

Dumbarton Town Centre, including the Urban Design Framework 'A Vision for Dumbarton Waterfront';

- Proposals are contrary to Local Plan Policy R5, as the design does not adequately address the requirement for developers of waterfront sites to provide paths to and along the river bank and integrate these into the wider path network where appropriate; and
- Proposal is contrary to the objectives of the (former) Glasgow and Clyde Valley Structure Plan 2006 in relation to the enhancement of the green network along the River Clyde waterfront.

5.3 The representation from the local resident highlights the following concerns:

- The site is located close to 5 A- and B- listed buildings, but the quality of the proposed layout and design is very poor;
- Proposal fails to include plans for the re-use of the vacant building attached to the west end of the Castle Terrace flats. The vacant building is in common ownership with the application site and has been derelict for some time. The proposal should include plans to develop and improve it. This was raised with the applicant at the pre-application consultation event and by email but no response was received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Glasgow and the Clyde Valley Strategic Development Plan (SDP)

6.1 Dumbarton Town Centre is identified as a Strategic Centre in Schedule 12 of the SDP. Its current role is defined as a town centre with retail and various other uses, facing challenges in relation to limited retail offer, quality of environment and high levels of vacancy. Measures to address this are listed as the promotion of retail and residential development opportunities with new and refurbished floorspace, linkages to the waterfront and improved accessibility. Strategy Support Measure 11 indicates that local plans should seek to arrest the decline of traditional town centres by safeguarding their role and function whilst also protecting the regionally important role of Glasgow City Centre.

6.2 The principle of retail development on this site is considered to comply with these policies, as the provision of further retail floorspace would increase the retail offer within Dumbarton Town Centre and the proposal is not of a scale which would alter Dumbarton's role in the network of centres or threaten Glasgow City Centre. The proposal is therefore consistent with the plan's spatial development strategy and with the sustainable location assessment criteria contained in SDP Diagram 4.

West Dunbartonshire Local Plan 2010

- 6.3** The site is located within Dumbarton Town Centre, which is identified under Policy RP1 as a regeneration priority area where the Council will support the redevelopment of underused or vacant land in order that development opportunities that continue the process of urban renewal are brought forward. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area in which it is located. Policy GD2 supports redevelopment opportunities and specifically identifies this site as suitable for a mixed use development comprising retail, residential and public services.
- 6.4** Policy RET1 requires the adoption of a sequential approach to site selection for new retail development. The application site is located within a defined town centre, which is the first preference for new retail developments. Policy RET2 requires proposals for any significant retail developments within the town centre to be assessed against certain criteria, including: whether the proposal is supported by the relevant catchment area; impact on the vitality and viability of existing centres; accessibility by public transport; impact on the surrounding environment; quality of design; whether there are any significant infrastructural implications; and the contribution the development would make to remedying any quantitative or qualitative deficiencies in the existing retail provision. Policy RET5 seeks to improve the environment of Dumbarton Town Centre, and requires that any development at Dumbarton Waterfront to take due cognisance of any relevant design guides for this area.
- 6.5** Policies F1, F2 and F3 relate to flooding and drainage and aim to ensure that new development is not at risk of flooding, does not increase the risk of flooding elsewhere and has suitable drainage infrastructure which includes SUDS measures. Policy BE2 relates to listed buildings and seeks to prevent any development which would detract from the appearance, setting or character of a listed building.
- 6.6** The application is assessed against the criteria of the above policies in Section 7 below. Whilst retail use would comply with a number of these policies, it is concluded that the design and layout of the development are not acceptable and therefore the development as a whole would not be in compliance with the adopted local plan in terms of policies GD1, RET2, RET5 and BE2.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Proposed Strategic Development Plan (“Clydeplan”)

- 7.1** Clydeplan is currently within its examination phase, and it is anticipated that the Examination Report will be submitted to the Scottish Ministers in the following weeks. Schedule 2 identifies Dumbarton Town Centre as a

strategic centre whose role includes retailing amongst other functions. Challenges include vacancy issues, competition from other retail locations and problems with low footfall and connectivity. Actions to address these include the delivery of development on key town centre sites (including new Council offices and residential development), improvements to connections within the town centre and along the waterfront, and green network enhancements. Policy 4 seeks to protect and enhance strategic centres in line with their role and function. Whilst the network of centres is the preferred location for strategic-scale development (such as this application), proposals are also subject to the sequential approach to retail site selection.

- 7.2** The principle of retail development on this site accords with these policies, and the proposal is consistent with the plan's spatial development strategy and with the assessment criteria contained in Diagram 11 of the SDP.

- 7.3** West Dunbartonshire Local Development Plan (LDP) Proposed Plan
On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

- 7.4** The application site forms part of the Dumbarton Town Centre and Waterfront Changing Place and is specifically identified as suitable for a mixed use development including retail and residential elements. The preferred strategy is for retail and commercial uses at ground floor level along Castle Street in order to provide an active street frontage and improve links between High Street and St James Retail Park. It also emphasises that throughout the development site, green space creation will be an important consideration as is the provision of public access along the entire waterfront. The route of the proposed Lomond Canal should also be protected from incompatible development.

- 7.5** Policy SC1 supports proposals for retail development in the network of centres which accord with the strategy, role and functions of centres. Town centres are the preferred location for all retail proposals. The proposed development complies with the requirements of Policy SC1.

- 7.6** Policy DS1 requires all development to contribute towards creating successful places by having regard to the six qualities of a successful place. These include:
- Distinctiveness (e.g. creating quality public spaces with suitable landscaping);
 - Adaptable (e.g. avoiding the creation of spaces which are likely to become neglected or obsolete);
 - Easy to get to and move around (e.g. providing good pedestrian links);
 - Safe and pleasant (e.g. incorporating appropriate lighting);
- These issues are discussed below, and the proposals do not comply with Policy DS1.
- 7.7** The adjacent River Leven is a Local Nature Conservation Site, and Policy GN3 does not support development which would adversely affect the integrity of sites designated for nature conservation or harms protected species. The proposal complies with Policy GN3. Policy GN6 seeks to protect and improve the quality and enjoyment of the water environment whilst Policy GN8 expects developments to enhance active travel connectivity within the green network, particularly where this would create routes to and along waterways. The proposed development is considered contrary to Policy GN6 and Policy GN8 for the reasons detailed below.
- 7.8** Policy BH3 relates to listed buildings and aims to prevent any development occurring which would detract from the special interest, setting or detrimentally affect the character of a listed building. The proposed development is contrary to Policy BH3 as discussed below.
- 7.9** The application is assessed against the criteria of the above policies in the paragraphs below, and it is concluded that the design, layout and appearance of the proposal are not acceptable and it would be contrary to Policies DS1, GN6, GN8 and BH3 of the Proposed Plan.

Scottish Planning Policy (SPP)

- 7.10** SPP requires a 'town centre first' and sequential approach when planning for uses such as retail. This means that town centres are the preferred location for new retail development. The principle of retail development on the application site would be in line with this approach.
- 7.11** However, the SPP also makes it clear that planning's purpose is to create better places, and that placemaking is a creative, collaborative process which includes design, development, renewal and regeneration of the built environment. The outcome should be sustainable, well-designed places. Planning should take every opportunity to create high quality places by taking a design-led approach. Design is a material consideration in determining planning applications and planning permission may be refused and the refusal defended at appeal solely on design grounds. The

Government's policy statement on architecture and place for Scotland, *Creating Places*, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come. It is considered that the design and layout of the development is not acceptable and that the application is therefore inconsistent with SPP for the reasons discussed below.

Principle of Retail Development

- 7.12** The development of the site for retail purposes is supported by the land use policies in both the adopted and proposed plans. In particular, having a major convenience store operator such as Lidl locate within Dumbarton town centre is to be welcomed as it would offer wider retail choice as well as bringing with it employment opportunities and economic benefits to the area. Whilst the site is identified for mixed use in the Proposed Plan there is no objection in principle to it being developed solely for retail use, although this does contribute to the difficulty of producing an appropriate layout and design for the development.
- 7.13** Although the scale of the proposal is categorised as being of strategic significance in terms of Clydeplan, it is not considered that it would change the role or nature of Dumbarton within the network of retail centres, and the proposal is not likely to have a significant impact upon any other town centre. Discount foodstores primarily serve local markets and have a relatively limited catchment area. The applicant has indicated that the most likely catchment areas will be Dumbarton, Bowling and Cardross since shoppers tend to use the nearest Lidl (or similar foodstore). However it is considered that the catchment area may be wider and that the proposal may draw a small amount of trade from the Alexandria and Helensburgh areas due to the greater retail offer available at Dumbarton, although the impact of this would be unlikely to be significant. The non-retail units would help to retain a higher proportion of the expenditure which is currently exported from Dumbarton to other centres such as Clydebank and Braehead, but the impact on Clydebank town centre would not be significant. As the site is sequentially preferable to the St James Retail Park (which is classified as an edge-of-centre Commercial Centre) it is not necessary to consider the impact of the proposal upon the retail park.

Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014)

- 7.14** The importance of Dumbarton Waterfront in terms of regeneration and urban design requirements is reflected by the existence of guidance encouraging high standards of urban design. The revised urban strategy was prepared to consolidate and update earlier design guidance and

regeneration masterplans for different parts of the town centre and waterfront. For the Castle Street/waterfront area, the Council expects development to successfully integrate with the surrounding town centre and neighbouring waterfront areas in terms of connections, scale of development, high quality public realm and the creation of views towards Dumbarton Castle/Rock framed by new streets. Due to the proximity of the town centre, any new development should have a traditionally urban street form. The strategy envisages mixed use development including residential and compatible town centre uses such as food and drink use on the waterfront.

7.15 Detailed design guidance for the application site include perimeter-block development with 3-4 storey buildings of traditional tenement scale along the principal streets and lower 2-storey buildings elsewhere. The street pattern should include a north-south road aligned to provide views from the Castle Street towards the castle, along with a new east-west street between Riverside Lane and the head of the basin. Development should include street trees and suitable landscaping, and the provision of focal points and social spaces with appropriate small-scale commercial and/or food and drink uses is encouraged. Within this guidance developers were required to provide their sections of the continuous riverside walkway along with riverside public realm, and also to provide the planned emergency access route leading to the Castle Road area. Subsequent to the adoption of the Revised Urban Strategy the Roads Service has agreed that the emergency access route can originate at Castle Street rather than the High Street.

7.16 The proposed development bears little resemblance to the design guidance contained in the Urban Strategy. Instead of a traditional town centre urban form with conventional streets and perimeter block buildings, the proposal would have a retail park form, comprising a car park fronted by large retail units. Whilst the proposal would include a waterfront path and an emergency access link, in other respects the layout would not correspond at all with the Urban Strategy, notably in relation to the section of the east-west street across the site. Instead of a street, the proposal would provide a narrow footpath along the southern side of the proposed Lidl store, which would not align either with the head of the tidal basin or with the rest of the east-west street within the adjacent residential development. In addition, the waterfront path has no setting between it and the development. Overall, the proposal is entirely contrary to the approved strategy, and therefore the proposal conflicts with policy RET5 of adopted local plan and the designation of the site within the Dumbarton town centre and waterfront 'Changing Place' local development plan (proposed plan) which requires new development to comply with relevant design guidelines which have been prepared.

Setting and Design

- 7.17** The application site is located at an important gateway into Dumbarton Town Centre, being prominently positioned alongside the recently realigned Castle Street. The site is also situated at a pivotal location on Dumbarton waterfront, at the head of the old tidal basin in the River Leven and at one of relatively few places on the main routes through the town from which there are unobstructed views towards the river and Dumbarton Castle. The site is also at the centre of a planned pedestrian and cycle route along the waterfront, linking the castle and new residential areas with the town centre which has been a longstanding aspiration of the community and Council. Its development also provides an opportunity to provide active street frontage along Castle Street, which is the main pedestrian route linking the High Street with the St James Retail Park. The site is also adjacent to two A-listed buildings (Denny Maritime Museum and Riverside Parish Church), with several other A- and B-listed buildings nearby. Although not listed, the tidal basin is of significant historic interest. It is therefore essential that the redevelopment of this site features a very high standard of urban design given its setting.
- 7.18** As noted above, the proposal does not follow the design guidance contained in the Revised Urban Strategy. Neither does the proposed layout accord with the previous design guidance which that strategy replaced. In principle, development of the site in accordance with an alternative design strategy might be acceptable provided that this would result in a development of equivalent or greater quality, but unfortunately that is not considered to be the case with this application. Notwithstanding the submission of a design and access statement which seeks to justify the proposed layout, it is considered that the proposal has a number of serious urban design shortcomings which would detrimentally affect the quality of the built environment of the waterfront area.
- 7.19** Fundamentally, it is considered that this site should be developed with a traditional town centre urban form involving conventional streets and active built frontages. Instead, this application seeks to develop it as a retail park consisting of a car park surrounded by standard 'retail boxes', and this is not appropriate. However well designed, a retail park of this format is unlikely to provide the quality of environment which is needed at this site, and it is considered that this proposal is not particularly well designed. For example, the proposal does not appear to have been designed to take account of the relationship of the development to neighbouring sites, with the relationship to the adjacent Culross site residential development being particularly unsatisfactory. The proposed development would 'turn its back' on the new street leading into that site, with the unsightly and potentially noisy rear service yard areas fronting the road and facing the new housing opposite. The alignment and quality of

the east-west route through the Culross site residential development (which complies with the urban strategy) would not be reflected within the proposed retail development as the route would be pushed to the south and reduced to a narrow footpath hard against the blank side elevation of the Lidl unit, which would also face towards the new housing. It is also considered that the treatment of Castle Street would lack the active frontage and visual interest which this street requires. These design shortcomings would have a significant effect how people are likely to access this part of the town especially in the evening. The proposals also fail to address the future of the derelict and unsightly building at the end of Castle Terrace (which is in common ownership with the application site).

- 7.20** Within the proposed retail park, the two halves of the development would be separated by their access road and would effectively form two distinct self-contained elements. There would be very limited landscaping and public space provided within the site, as almost all available space is required for parking. Whilst the large open car park in the centre of the site would obviously allow for views towards Dumbarton Rock as sought in the Urban Strategy, these views would be of limited quality due to the dominance of parking in the foreground and the fact that they would not be framed by buildings. The proposed retail units would be standard, functional buildings positioned and orientated to relate to the car park and not to contribute towards the enhancement of the townscape or the waterfront. The two western buildings (Lidl and Unit 1) would be poorly orientated with an undesirable step in their building line, while Units 2 and 3 would occupy a backland position and would not contribute to the urban form. The proposed materials such as render, metal cladding or brick would also be of a standard retail park character which would not reflect the neighbouring developments or the industrial heritage of the site.
- 7.21** Overall, not only does the layout and design of the proposed development not accord with the Council's Revised Urban Strategy, the alternative design approach advanced by the applicant is considered to be entirely inappropriate for this prominent regeneration site. The above design issues were highlighted to the applicant at an early stage, during pre-application discussions and by letter but the design and layout of the development did not improve and as a result the development which is proposed would fall short of the standard of urban design which this important waterfront site merits. Accordingly, the proposal is considered to be contrary to policies GD1, RET2 and BE2 of the adopted local plan and policies DS1, GN6, GN8 and BH3 of the proposed plan.

Waterfront Path and Other Pedestrian Routes

- 7.22** The Council has a longstanding ambition for the creation of a waterfront path from Dumbarton town centre to Dumbarton Rock and Castle through the Local Development Plan, the Dumbarton Town Centre and Waterfront

Revised Urban Strategy (2014) and the Dumbarton Rock and Castle Charrette Report. The delivery of the waterfront path is a requirement associated with the development of this site along Dumbarton Waterfront. To support this, the Council has allocated resources to support the early delivery of the path. Planning Guidance has been agreed by the Committee to ensure that the path is delivered in a comprehensive manner, as quickly as possible and to the agreed specification. Along the whole of the waterfront path it is important to provide appropriate public spaces and nodal points, and to enhance the setting of the walkway by providing a suitable associated public landscaping space. The proposed waterfront path is the subject of a separate planning application by the Council (DC16/278).

- 7.23** The proposed retail development would incorporate a waterfront path across its entire frontage, although the alignment of that path across the head of the tidal basin differs from that which is proposed in the Council's application. In principle there is no objection to an alternative alignment provided that it would link with the east-west street. The alignment proposed in the application would be likely to cost more to construct than that contained in the Council's application (as it would be further into the basin and would involve more engineering and land-raising work), but that cost would have to be met by the developer. The level of the proposed path would also require to be adjusted to ensure that it tied in with the path on the Culross site at 5m Above Ordnance Datum.
- 7.24** However, the proposed waterfront path in this application would be positioned hard against the car parking areas with minimal landscaping or public realm areas along its length. This would not be consistent with the quality of the waterfront path which is required by the Revised Urban Strategy, and would not provide the attractive, high quality pedestrian route which is necessary for this location. Pedestrian connectivity between the waterfront path and Castle Street / High Street would also be unsatisfactory. The connection to Castle Street would take the form of discontinuous and circuitous pavements alongside the car park access road and a narrow staggered path along the front of the western retail units. The connection towards High Street would comprise a narrow path along the blank side elevation of the Lidl store that would not align with the east-west street that forms the remainder of that route. The proposed waterfront path and its connections through the site are therefore considered to be unacceptable.

Employment and Economic Benefits

- 7.25** The applicant estimates that the development would create 41 jobs and a further 69 jobs from the additional three units if developed. This would result in an injection of around £2.5million per annum into the regional economy in addition to the £6million of new capital investment. Although

some of these jobs would conceivably be offset by reduced employment at other retail units, the creation of new jobs and investment in Dumbarton is obviously to be strongly welcomed. However, similar economic benefits should also arise where the site to be redeveloped with a more appropriate form and layout than that which is currently proposed. This development if approved would impact on the townscape for many years to come, and it is important that it is of a high quality. A higher level of urban design is being achieved on adjacent sites, including the new Council office and the neighbouring residential developments. It should be possible to design a predominantly retail development of a much higher quality, which would deliver economic and benefits to the local area whilst also contributing to the successful physical regeneration of the wider town centre.

Natural Heritage

- 7.26** The site is adjacent to the tidal basin and close to the River Leven which is a Local Nature Conservation Site. It is also in close proximity to the Inner Clyde SPA, which is a European designated site primarily of importance as a wading bird habitat. SNH have no objection to the proposal. An ecological survey has been carried out and has found no plant or wildlife species of particular conservation note or rarity. The corridor along the River Leven is used by otters but the site itself is well set back from the river and its development will not impact on otters. There are no trees on the site and little opportunity for any bat roosts. There is no evidence of use of the site by protected animal or bird species.

Road and Traffic Issues

- 7.27** The main new vehicular access to the site would be formed on Castle Street, and the Roads Service considers that the design of the access and the impact of the proposal upon traffic in the area would be acceptable. The proposed 257 parking spaces would represent a shortfall of 28 spaces for a development of this scale, but due to the town centre location and its accessibility to public transport this shortfall is considered acceptable. In order to improve pedestrian access, a Toucan crossing on Castle Street would be required, and any pedestrian access routes would require to be constructed to an adoptable standard suitable for shared pedestrian and cycle use.

Lomond Canal

- 7.28** The indicative route of the Lomond Canal crosses the application site. Whilst the Council and Scottish Canals remain supportive of the principle of the canal, it cannot be delivered without very substantial third party funding and it is very unlikely to be delivered in the short to medium term. In view of this fact it is not considered reasonable to prevent development on its indicative alignment. On this basis Scottish Canals have no objection to the proposal.

Technical Issues

- 7.29** Due to the proximity of the site to the River Leven and the nearby culverted portion of the Knowle Burn, a flood risk assessment concluded that the site was not at an unacceptable risk of flooding. Finished ground levels would direct overland flows away from the buildings and towards the tidal basin, ensuring that the development did not increase off-site flood risk. The Roads Service and Scottish Environmental Protection Agency have no objection to the proposal subject to various conditions relating to finished floor levels, the level of the site access/egress and that no development occurs on top of any culverted watercourse.
- 7.30** The site has a long history of industrial use, having been previously occupied by a distillery and prior to that a shipbuilding yard. An updated contaminated land site investigation has been provided, but additional work would be required. The Council's Environmental Health Section have no objection to the proposal although they recommend that conditions are attached should planning permission be approved to ensure that any contamination on site is adequately addressed. The conditions would ensure that suitable remediation is undertaken and that the site is suitable for its intended use as a retail development.
- 7.31** Due to the proximity of the retail units to the proposed residential properties on the neighbouring site, a noise impact assessment would be required in order to address noise from external plant/machinery and from servicing. It is considered that this matter could be dealt with through a condition should planning permission be approved.

Relevant Planning History

- 7.32** This site has a long planning history, although all previous permissions have lapsed. The relevant previous planning decisions were as follows:
- WP00/126 (demolition of industrial and office buildings, infilling of tidal basin and erection of class 1 retail units with associated roads and car parking). Granted October 2000.
 - DC03/254 (demolition of industrial and office buildings and erection of class 1 retail units with associated roads car parking and landscape works). Outline permission granted February 2007.
 - DC06/266 (erection of 6576m² retail development and associated car parking, road access, landscaping, erection of a new roundabout on Glasgow Road and erection of 6 three storey single aspect flats). Refused August 2006.
 - DC10/048 (renewal of outline permission DC03/254). Granted December 2010.

7.33 All the previous planning permissions for this site have lapsed. The outcome of earlier applications confirmed that the principle of retail development was acceptable, but that the need for a high standard of design was of critical importance. The refusal of application DC06/266 by the Planning Committee in June 2007 is of particular note, as that application sought detailed planning permission for a primarily retail mixed-use development with a layout somewhat similar to the current application, comprising “big box” retail units positioned around a central car park, but also with some flats facing towards the Culross site. It was refused because its layout, design and appearance were not considered to be of an appropriate quality or character, resulting in an adverse visual effect on the site and surrounding area and a failure to realise the site’s potential as an important part of the regeneration of Dumbarton waterfront.

Pre-Application Consultation

7.34 The proposal was subject to several pre-application meetings between the applicant and the Planning Service, when preliminary plans very similar to the current proposals were discussed. At these meetings and in subsequent correspondence with the applicant, officers raised the design and layout concerns outlined above. The proposals were also subject to a Members pre application Briefing in October 2016. At the Members’ Briefing, it was highlighted that the development would require to be of a high standard of design, sympathetic to the surrounding area, and provide appropriate landscaping/screening throughout the site. It was also stated that sufficient parking should be provided, deliveries should not raise any access issues and avoid causing any disruption. The applicant’s proposals did not change in any significant way as a result of the concerns raised at the pre-application stage.

7.35 As the proposal constitutes a major development, statutory pre-application consultation with the public was also undertaken. A public consultation event was held at the Riverside Parish Church Hall in August 2016. A statutory notice was published in the local press advertising the public event and all households within 2.5km of the site received a leaflet advertising the proposed Lidl store and the consultation event. The positive responses generally expressed support for the provision of a Lidl store within Dumbarton to broaden the range of shops, with some responses also welcoming new employment or noting the accessibility of the location. However, the consultation seems to have focussed on advertising the proposed Lidl store and generating support for it, rather than obtaining feedback on the design and planning issues. Only one person appears to have commented on the design, and they did not support the proposed site layout. The representation received in terms of the planning application indicates that comments apparently were made in relation to the vacant building on Castle Terrace (paragraph 7.19 above) are not reflected in the applicant’s pre-application consultation report.

8. CONCLUSION

- 8.1 The principle of retail development on this site is in line with all relevant policies, and the creation of new retail floorspace within Dumbarton Town Centre would be beneficial to retail choice and employment. The application site is of particular importance to the regeneration of the town centre and of the wider waterfront, and investment in its redevelopment is therefore to be encouraged. However, it is essential that such redevelopment be of a quality which befits such a prominent and sensitive site and there is no barrier to designing such a scheme. The development which has been proposed falls well short of the standard of urban design which would be appropriate for this location, and accordingly the development is contrary to policies GD1, RET2, RET5 and BE2 of the adopted local plan and policies DS1, GN6, GN8 and BH3 of the local development plan (proposed plan). The economic benefits although welcome, are not sufficient to outweigh the unacceptable layout, design and external appearance of the proposed development or the negative impact it would have upon the adjacent waterfront sites.

9. REASONS FOR REFUSAL

1. **The layout, overall design of the development and external appearance of the proposed buildings would not be in keeping with the character of the surrounding area and would not be of an appropriate quality for this important waterfront and town centre site. The development is therefore contrary to policies GD1, RET2, RET5 and BE2 of the adopted West Dunbartonshire Local Plan and policies DS1, GN6, GN8 and BH3 of the Local Development Plan Proposed Plan.**
2. **The proposal is contrary to the Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014) since the layout and design would not reflect either the street pattern form or character which that document set out for the site. The proposed development of a retail park with large 'retail boxes' fronting a car park instead is considered to be an unacceptable urban form for this prominent waterfront site.**
3. **The proposal would fail to provide adequate public space or a suitable landscaped setting for the waterfront path, which is a key requirement for all development sites along the River Leven.**

4. The proposal would have a poorly planned and unacceptable relationship with the neighbouring development site, specifically in relation to its failure to reflect the east-west street alignment and the positioning of rear service areas alongside facing a new residential street and opposite new housing.
5. The proposed development is not in accordance with the principles of Scottish Planning Policy and fails to create a distinctive development which complies with the six qualities of good design.

Peter Hessett
Strategic Lead- Regulatory
Date: 16 March 2017

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Appendix: Site Location Map

Background Papers:

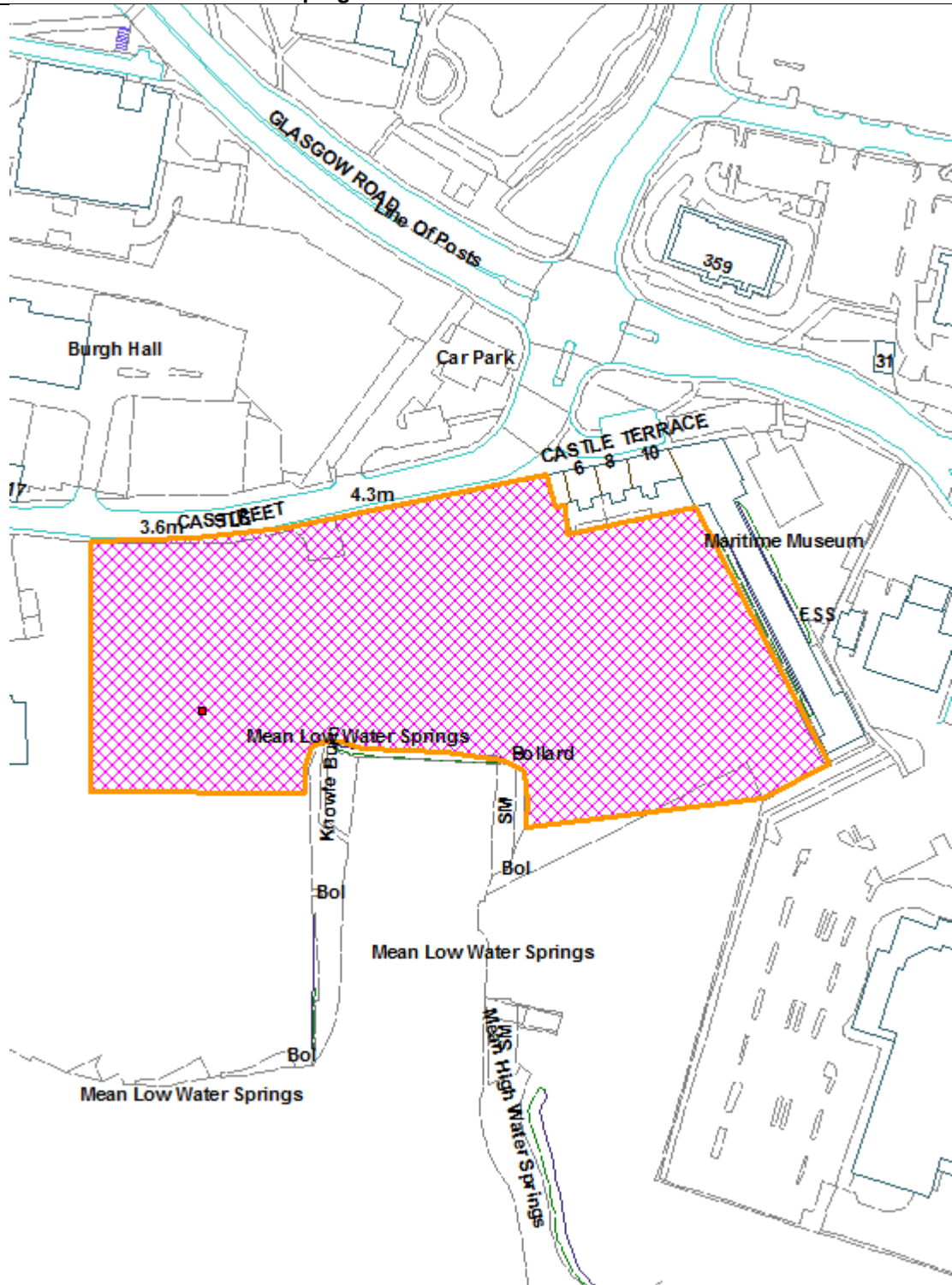
1. Application forms and plans;
2. Letters of representation;
3. Consultation responses;
4. West Dunbartonshire Local Plan 2010;
5. West Dunbartonshire Local Development Plan Proposed Plan;
6. Scottish Planning Policy;
7. Glasgow and the Clyde Valley Strategic Development Plan;
8. Clydeplan Proposed Plan; and
9. Dumbarton Town Centre and Waterfront Revised Urban Strategy (2014).

Wards affected: Ward 3 (Dumbarton)

DC16/252

Erection of retail
development comprising of
4 units and associated
infrastructure works
including a new access,
car parking and
landscaping

Former Distillery Site
Castle Street
Dumbarton



WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 29 March 2017**

DC16/227: Non Compliance with Condition 3 of permission DC16/079 (deletion of requirement to provide pedestrian crossing); and

DC16/269: Installation of two car parking spaces (Retrospective)

at Children's Soft Play Area, Unit 2, Bleasdale Court, 2 South Avenue, Clydebank Business Park by Neil Halls

1. REASON FOR REPORT

- 1.1** This report relates to two interrelated applications. One of the applications seeks to vary a condition which was attached to permission by the Planning Committee. Under the terms of the approved Scheme of Delegation the applications require to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission for application DC16/227 subject to the conditions set out in Section 9 below, and
- 2.2** **Grant** unconditional retrospective planning permission for application DC16/269.

3. DEVELOPMENT DETAILS

- 3.1** The site relates to a former industrial unit within the Clydebank Business Park. Planning permission was granted by the Planning Committee in June 2016 (decision DC16/079) for a children's soft play centre. The permission was subject to a condition requiring the provision of a pedestrian crossing facility between the application property and an "overflow" car park on the opposite side of South Avenue. Permission is now sought to delete condition no: 3 of permission no DC16/277 requiring the provision of a pedestrian crossing. The wording of the condition is as follows:

3. *Prior to the development commencing, full details of the proposed pedestrian route to the unit from the overflow car parking area on the opposite side of South Avenue (which shall include a continuous footway and an appropriate pedestrian crossing point with advance warning signage) shall be submitted to and approved in writing by the planning authority. Such pedestrian route shall be implemented prior to the development being brought into use.*
- 3.2** The reason for imposing condition 3 was that the car parking area at the front of the unit was slightly deficient relative to the Council's adopted parking standards, having a shortfall of two spaces. The applicant had indicated that there was an agreement with the owners of a large car park opposite the site that this could be used for any overflow parking, but there was no proper pedestrian route between that car park and the application unit.
- 3.3** The soft play centre has since opened but the pedestrian crossing has not been provided. The operator of the soft play centre has indicated that the owner of the overflow car park is no longer prepared to allow its use or to permit the pedestrian crossing/footpath to be formed on their land. It is understood that whilst the car park owner was willing to allow informal use for overflow parking, they were concerned that the formalisation of this arrangement by creating a pedestrian route could impact on any future development proposals of their own. The applicant has therefore applied to remove condition 3, thus deleting the requirement to form a pedestrian crossing (application DC16/227)
- 3.4** The applicant was required to delineate all existing parking spaces at the front of the unit, which has been carried out as part of their permission for the soft play centre. In addition to doing this, the applicant has also extended the car park into part of the former grassed landscaping area in order to form two additional car parking spaces. Therefore retrospective planning permission is now sought for the formation of these two additional parking spaces (application DC16/269).

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to either application. The provision of two additional spaces in front of the unit means that the development complied with the parking standard for a use of this nature. The need for the overflow parking and the pedestrian crossing leading to it is not now required.

5. REPRESENTATIONS

- 5.1** A total of 35 representations have been received in relation to application DC16/227 (for the deletion of the pedestrian crossing). Of these, 31 of these support the proposal and 4 object to it. The representations in support of the proposal express the view that the present parking arrangements are satisfactory and indicate that they have experienced no parking or road safety problems when using the facility.
- 5.2** The four objections raise the following concerns:
- The parking provision on site is not sufficient for the development;
 - The Council's parking standard for this use is too low and should be higher;
 - If patrons do use the previously suggested overflow car park it would not be safe for children to cross South Avenue without a pedestrian crossing installed;
 - The Council's Road Service required the provision of a Zebra Crossing for a nearby application for a trampoline centre at Unit 9 Bleasdale Court (DC16/155).
- These concerns are addressed in Section 7 below.
- 5.3** No representations have been received in relation to application DC16/269 (for the two parking spaces).

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- West Dunbartonshire Local Plan 2010
- 6.1** The principle of the use of the unit as a soft play centre has already been agreed and the applications relate solely to roads and parking issues. Policy GD1 indicates that developments should comply with the Council's roads and parking standards. Policy R1 presumes against development which affects the use, character or amenity of areas of functional and valued open space. The proposals comply with the above policies for the reasons detailed below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- West Dunbartonshire Local Development Plan (LDP) Proposed Plan
- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the

Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

- 7.2** Policy DS1 sets out general requirements for new development including that it be easy to get to and move around. The proposal is considered to be in accordance with this policy. Policy GN1 protects against the loss of open space which is of quality and value. This is addressed in Section 7.4 below and the proposal can be accommodated under policy GN1.

Formation of Additional Parking Spaces (DC16/269)

- 7.3** The two additional parking spaces which have been formed comprise a short extension to an existing row of spaces and comply with all relevant design standards. Their construction has resulted in the loss of a small area of grass forming part of the larger landscaping area separating the parking from the public road. However the loss of this area has had minimal impact on the integrity of the landscape strip or the appearance of the area. The two parking spaces are thus considered to be acceptable.

Deletion of Pedestrian Crossing Requirement (DC16/227)

- 7.4** The Council's parking standard for a development of the size and nature of the applicant's business is fourteen spaces, including one disabled parking space. The need for an overflow car park and a safe route to it (i.e. the pedestrian crossing) stemmed from the fact that at the time of the original application there were originally only twelve parking spaces on the application site. The proposed pedestrian crossing would not have connected to the wider footpath network, and its provision would not have altered the pedestrian route to the site from Kilbowie Road. By forming the two additional spaces on site, the development now complies with the Council's parking standard and the need to use the overflow car park and to provide a pedestrian crossing is thus not required.

- 7.5** The representations which object to the proposal believe that the Council's adopted parking standards are not sufficient, and that a higher standard should be required in this case. On the other hand, the applicant contends that the level of parking provided is sufficient to satisfy the normal requirements of the business. Ultimately the appropriate level of car parking must be based upon the Council's adopted parking standard unless there is clear evidence that an alternative standard is appropriate. In this case the use has been operating for several months without apparent problems, and whilst it is acknowledged that there may be occasions of unusually high demand when parking may exceed the 14 spaces provided, such events are most likely to occur out with normal business hours and thus be at times when parking spaces for adjacent

business units can be used on an informal basis. Also the use is in close proximity to the Singer train station and bus provision on Kilbowie Road. The level of car parking is therefore considered to be acceptable, without any need to use to car park opposite (whose owner now declines to allow such use in any event).

7.6 A Committee site visit was carried out on 23 January and it was attended by a number of Committee members and Council officers. At that time, it was noted that a large sign was in place on the grass verge with temporary paper additions directing patrons to the overflow car park, and additional notices to that effect in the front windows of the unit. The sign on the verge utilises the poles of a historic sign pointing into the overflow car park which had been present for many years, and after moving into the unit the applicant replaced the directional sign with a larger sign advertising the I-Play business. The new sign made no reference to parking, but subsequently a problem arose from parking by contractors working on a neighbouring unit, and the applicant agreed with other businesses to post temporary signs directing motorists to the overspill parking. These were intended as a temporary measure for the benefit of all of the businesses while the contractors were present, and they have since been removed. The replacement of the original directional car park sign with the present I-Play advertisement requires advertisement consent, and the applicant has been requested to submit an application for advertisement consent. The above explanation provided by the applicant for the temporary signs is considered acceptable. Furthermore no representations or complaints have been received from adjacent businesses to indicate that there is need for additional parking for the soft play centre.

7.7 Representations also refer to the alleged requirement of a zebra crossing when a trampoline centre was permitted at a nearby unit. This is a misunderstanding of comments from the Roads Service which recommended that 'zebra style marking' be painted within that site's car park to delineate a pedestrian route. There was no requirement to provide any pedestrian crossing on the public road for the proposed trampoline centre.

8. CONCLUSION

8.1 The two car parking spaces which have been formed on the site are of acceptable design and appearance and therefore there is no requirement to provide a pedestrian crossing to access the overflow car park. The condition requiring provision of the pedestrian crossing therefore is recommended to be removed (application DC16/227) for the reasons outlined above. A condition has also been recommended that the 14 car

spaces in front of the unit are maintained for visitors to the soft play unit only.

9. CONDITIONS

DC16/227

01. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any subsequent orders amending, revoking or re-enacting these orders, the premises shall be used as a children's soft play centre only, and not for any other purpose (including another 'Class 11' purpose) without the express permission of the Planning Authority.
02. All 14 parking spaces at the front of the unit (including those subject to permission DC16/269) shall henceforth be maintained for the purpose of parking by visitors to the application premises only.

DC16/269

No Conditions

Peter Hessett
Strategic Lead- Regulatory
Date: 13th March 2017

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
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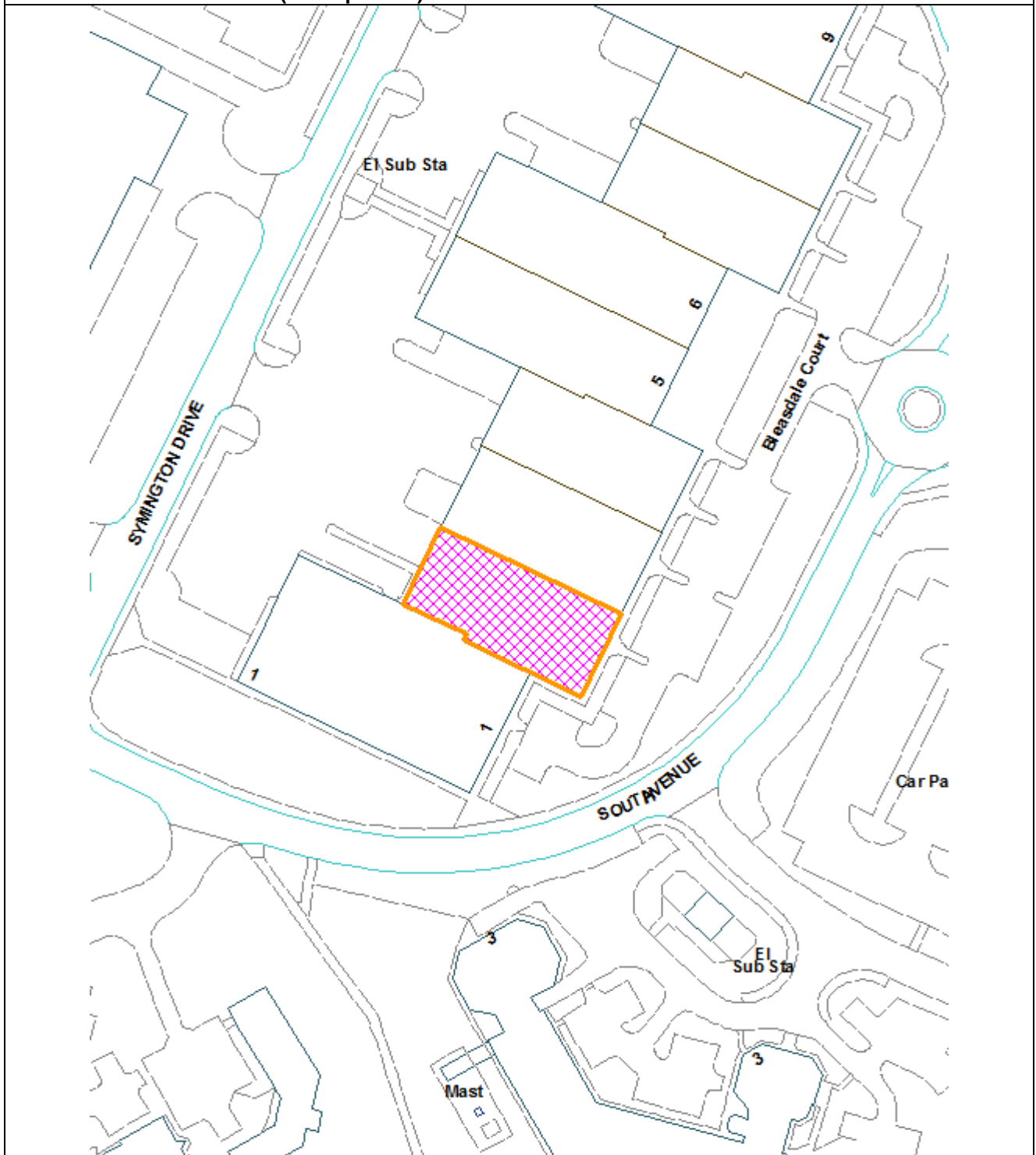
Appendix: 1. Location Plan

Background Papers: 1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire Local Development Plan Proposed Plan
4. Representations
4. Planning consent no: DC16/079

Wards affected: Ward 6 (Clydebank Waterfront)

DC16/227 & DC16/269 Non compliance with
Condition 3 of permission
DC16/079 (deletion of
requirement to provide
pedestrian crossing), and
installation of two car
parking spaces
(retrospective)

Unit 2
Bleasdale Court
2 South Avenue
Clydebank Business Park
Clydebank
G81 2LE



WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 29 March 2017**

DC17/004 **Sub Division and Change of Use of a Retail Unit (Class 1) to 2 food and drink (Class 3) units with Associated External Alterations including an External Seating Area at 18 Britannia Way, Clydebank by GL Hearn.**

1. REASON FOR REPORT

- 1.1** This proposal is a departure from the development plan, but is recommended for approval. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to an existing interior furnishing shop situated on the eastern side of the Clyde Shopping Centre in Clydebank Town Centre. This is part of a small row of shops which are not part of the enclosed shopping mall but have external frontages onto the shopping centre car park. It is currently bordered to the north by a McDonald's restaurant and to the south by a Domino's Pizza takeaway. The premises front a large car park which is surrounded by a mixture of other retail and commercial uses. The rear of the unit backs onto a service yard area for part of the Shopping Centre.
- 3.2** The unit has a total floor area of 921m². It is proposed to subdivide the unit into two smaller units of 389 m² and 466 m², for two restaurant units. The existing shopfront would be replaced by separate new shopfronts for each unit, each consisting of full height glass windows and doorways. A small area of external seating would be provided in front of each of the two units, which would involve widening of the footway and the resultant loss of one existing disabled parking bay. At the rear of the building some minor alterations would be undertaken to the service yard and rear elevation in order to provide two separate service areas.

3.3 The applicant indicates that the anticipated occupiers of these units are two large restaurant chains Tony Macaroni and Nando's. It is expected that these two businesses would employ a total of 40 full time and 40 part-time staff between them.

3.4 It is understood that the present tenants have for several years occupied the site on a short-term zero-rent basis whilst the landlord attempted to find a new long-term tenant. Two previous planning applications to subdivide the site and change the resulting units into a betting shop (DC14/167) and a public house (DC14/251) were granted on appeal during 2015. These permissions were never implemented but remain valid.

4. CONSULTATIONS

4.1 West Dunbartonshire Council Roads Service have no objections subject to the provision of a replacement disabled parking bay elsewhere within the car park.

4.2 West Dunbartonshire Council Environmental Health and Estates Services have no objections to the proposed development.

5. REPRESENTATIONS

5.1 None.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

6.1 The site lies within the defined Clydebank Town Centre, which Policy RET1 indicates to be the preferred location for retail and commercial leisure activities. This confirms that town centres are the most suitable location for activities such as bars/restaurants, and the proposal is therefore consistent with that policy. Policy RET5 supports non-retail uses within town centres where these contribute to vitality and viability and comply with other relevant policies.

6.2 The site is also within the defined Clydebank Retail Core, where Policy RET6 seeks to protect and enhance retail and commercial function by encouraging new and improved retail floorspace. There is a presumption against the change of use of existing ground floor retail units to non-retail uses, and such applications will only be supported where it can be satisfactorily be demonstrated that the change would reinforce and revitalise the centre and would not adversely affect the character or amenity of the area.

6.3 In this case the proposal involves a change of use of an existing ground floor retail unit in the retail core to a non-retail use. It is therefore in principle a departure from the development plan, however, it is considered that the proposed use would contribute positively to the vitality and viability of the town centre and would not have a detrimental impact on the character and amenity of the area. This is discussed further in Section 7 below.

6.4 Policy DC2 Shop Front Design and Security requires that new shop fronts on existing buildings is designed in accordance with the Council's Shop Front Design Guide for commercial frontages. Proposals should be in keeping with the character of the building and be appropriate to the surrounding area. It is considered that the proposed alterations to the shopfront would comply with this policy and with the design guide.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

7.1 West Dunbartonshire Local Development Plan (LDP) Proposed Plan
On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

7.2 The site remains within the defined Town Centre and the defined Core Retail Area in terms of the Proposed Plan. Clydebank Town Centre is designated as a "Changing Place" and the Plan's strategy for the town centre includes supporting the evening economy and leisure offer. Changes of use from retail within the retail core must be assessed against Policy SC2 which does not presume against non-retail uses, but states that proposals for change of use of ground floor Class 1 uses within core retail areas will be assessed in terms of:

- a) whether the change would significantly reduce the retail offer of the retail core or part thereof;
- b) whether it would lead to a concentration of a particular use to the detriment of the town centre's vitality and viability;

- c) the contribution of the new use towards the vibrancy of the centre by increasing footfall;
- d) the availability and suitability of other locations in the town centre for the new use to locate; and
- e) whether the unit affected by the proposal has been vacant and suitably marketed for retail use.

These issues are discussed below, and it is considered that the proposal would comply with Policy SC2.

- 7.3** Policy SC3 states that proposals for non-retail uses will be supported within town centres where these comply with Policy SC2, encourage visits to the town centre and are appropriate to the town centre's role and function. The proposal is considered to be in accordance with this policy.

Scottish Planning Policy

- 7.4** This states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into the town centre. The planning system should encourage a mix of uses to support vibrancy, vitality and viability throughout the day and into the evening. The SPP recognises that there can be concerns about the number or clustering of some non-retail uses, and indicates that where a town centre strategy identifies a need for constraint of particular uses in the interests of character, amenity or well-being of communities, local development plans should include policies to prevent clustering or overprovision. The proposed use is supported by SPP as discussed below

Loss of Retail Floorspace

- 7.5** In terms of Policy SC2 the proposed change of use would comply with these criteria because:
- a) The site is a relatively small part of the overall retail floorspace in the centre, and other vacant floorspace is available for new retailers, so the proposal would not result in any significant reduction in the retail offer of the Retail Core or wider Town Centre;
 - b) Whilst there is a cluster of food/drink units located around this part of the shopping centre car park, this is considered to be an appropriate location for such uses, which complement each other and the adjoining cinema without impacting upon any residential properties.
 - c) The proposal would contribute towards the vitality and viability of the shopping centre as the proposed restaurants would enhance the town centre's overall offer, and would attract new footfall;
 - d) The unit had been marketed for use over an extended period. It was initially advertised primarily for Class 1 retail use, with the agents actively approaching various possible operators. However,

the unit received no interest from retail operators in that time period and the applicant has therefore sought suitable alternative uses.

Accordingly, the proposed change of use is considered to be in compliance with Policy SC2 of the Proposed Plan.

Principle of Restaurant Use

- 7.6** Restaurants are a recognised town centre uses, and the town centre is considered to be the best location for such activities. The two likely operators both have ‘family restaurant’ operating models which would cater for daytime food sales to people visiting the shopping centre, but which would also require evening trading. It is considered that facilities such as these would contribute positively towards the vitality and viability of the town centre. The application site is one of a small number of units which are “external” to the Clyde Shopping Centre, having frontages facing onto its car park rather than into the enclosed mall. The need for evening access limits the number of units within the Clyde Shopping Centre which are suitable for food/drink uses, so it is inevitable that such uses locate within this external part of the centre.

External Alterations and Outdoor Seating

- 7.7** The proposed new shopfront would feature extensive glazing and the appearance of the shopfront is considered to be in compliance with the Council’s adopted Shop Front Design Guide. The small external seating area at the front of the building would provide additional activity fronting the car park and would not impact upon any noise-sensitive property. Due to the proposed widening of the footway it is not considered that the outdoor seating would cause any issues regarding pedestrian movement. The alterations within the service yard would not interfere with servicing or with any other business. Overall, it is considered that the external changes are acceptable in terms of their appearance and impacts upon surrounding uses.

Parking

- 7.8** The proposal would result in the loss of one disabled parking bay, and the proposed uses would have a slightly higher parking standard than the existing retail use. However, in the context of such a large shopping centre the overall impact on parking would be negligible. It would however be appropriate to designate a replacement disabled parking space to ensure that the number of such spaces is maintained, and this can be addressed by a condition.
- 7.9** The proposal would also result in the loss of an area of traffic circulation space which is currently used as an informal taxi queueing area for the rank outside the nearby cinema. However, the Roads Service has no

objection to the proposal as the area is not an official rank and is subject to double yellow lines, so it should not be being used for that purpose.

8. CONCLUSION

- 8.1** The proposed use is appropriate for a town centre location, and is within an area where there are already food/drink, leisure and evening uses which it would complement. Whilst the unit has remained in retail use as a result of a short term agreement between the tenant and landowner, it has been marketed for retail use for several years. It is considered that compliance with Policy SC2 of the Proposed Plan is sufficient to justify the minor departure from RET6, and the proposal would help to add to the diversity of uses within the town centre and boost the evening economy in this part of the town centre.

9. CONDITIONS

- 1. No development shall commence until such time as details of a replacement disabled parking space in the vicinity of the site have been submitted to and approved by the Planning Authority. The approved replacement disabled parking space shall be provided prior to either restaurant use opening.**
- 2. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.**
- 3. Prior to the commencement of the development full details of the design of the roller shutters to be used shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 4. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.**

Peter Hessett
Strategic Lead- Regulatory
Date: 10 March 2017

Person to Contact: Pamela Clifford, Planning & Building Standards
Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: 1. Location plan

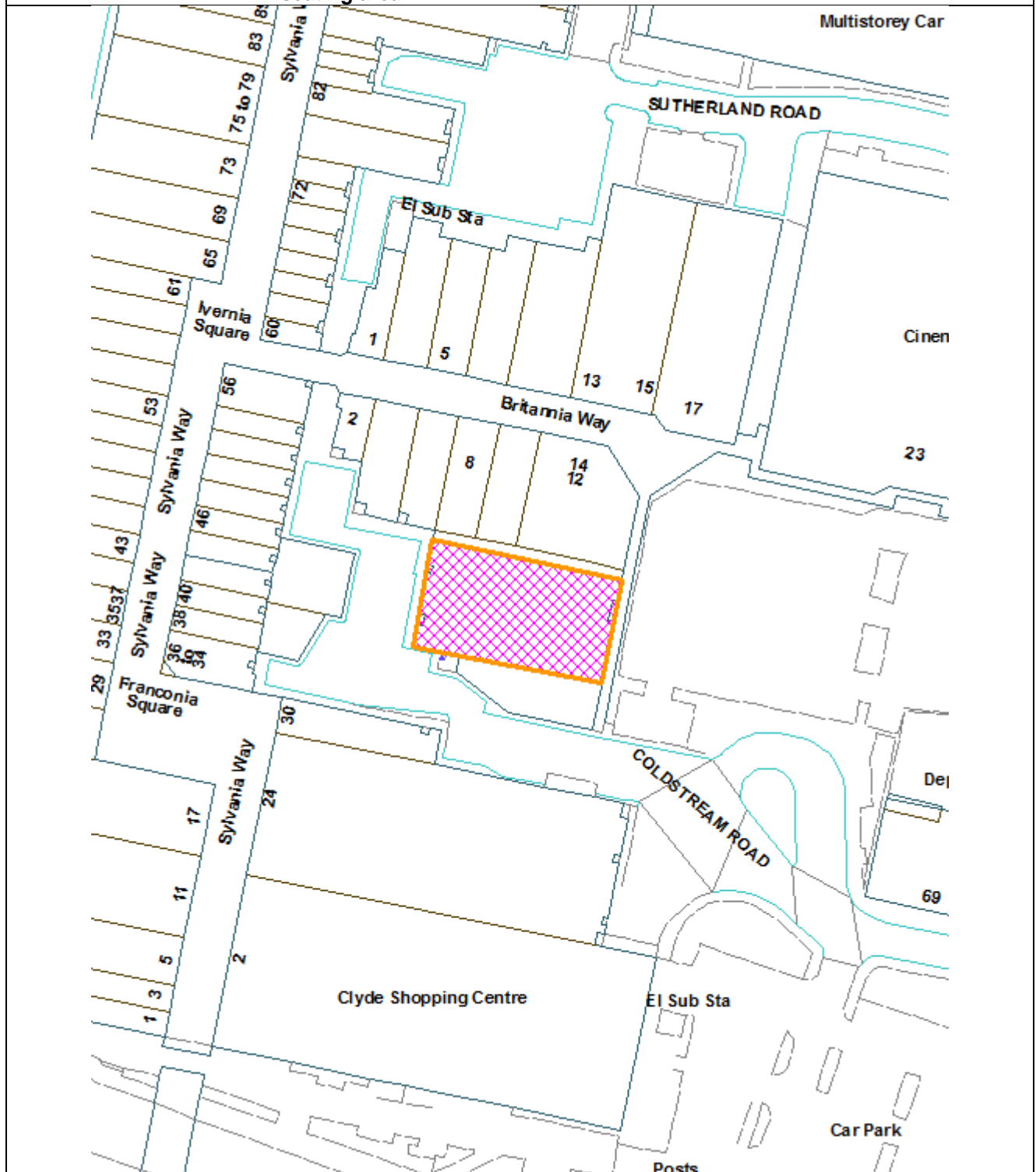
Background Papers: 1. Application forms and plans
2. Scottish Planning Policy
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire Local Development Plan
Proposed Plan

Wards affected: Ward 6 (Clydebank Waterfront)

DC17/004

Sub division and change of
use of a retail unit (class 1)
to 2 food and drink (class
3) units with associated
external alterations
including an external
seating area

18 Britannia Way
Clydebank
G81 2RZ



WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead - Regulatory****Planning Committee: 29 March 2017**

Subject: Places, People and Planning: A Consultation on the Future of the Scottish Planning System

1. Purpose

1.1 To seek approval of the Council's response to the Places, People and Planning: A Consultation on the Future of the Scottish Planning System

2. Recommendation

2.1 It is recommended that Committee approves the responses to the Planning Review as set out in Appendix 1.

3. Background

3.1 In September 2015, Scottish Government appointed an independent panel to review the Scottish planning system. The report of the panel, entitled "Empowering Planning to Deliver Great Places" was published on 31st March 2016 and contained 48 recommendations.

3.2 The Scottish Government published their initial response to the independent panel's review on 11th July 2016 and included recommendations on how they would take forward the recommendations contained in the panel's report. One of the proposals was to consult widely on the majority of the recommendations to the planning system.

3.3 On 10th January 2016, the Scottish Government published its consultation document on the future of the planning system, entitled 'Places, People and Planning' with a closing date for submissions of 4th April 2016. The intention of the Scottish Government is to publish a new Planning Bill in late 2017.

4. Response to the Places, People and Planning

4.1 The review of the planning system is being undertaken to ensure that planning is central to delivering great places and that the Scottish planning system delivers economic growth whilst improving the lives of communities through creating better places and supporting the delivery of good quality homes.

4.2 The consultation document contains 20 proposals for improving the planning system, which are linked to the four key areas for change detailed below:

- Making plans for the future (Proposals 1- 5);
- People make the system work (Proposals 6-9);
- Building more homes and delivering infrastructure (Proposals 10 -15); and
- Stronger leadership and smarter resourcing (Proposals 16-20)

4.3 Within these key areas, the Scottish Government proposes several significant changes to the current planning system. A summary of these changes is provided below:

- Statutory integration of Community Planning and Development Planning;
- Removal of Strategic Development Plans and creation of Regional Partnerships to implement regional priorities;
- Enhancing the status of the National Planning Framework;
- Removing the Main Issues stage of the Local Development Plan and moving to a 10 year plan period to enable the plan to be implemented;
- Stronger commitment to delivery;
- Embedding an infrastructure first approach to support the delivery of development;
- Introduction of new rights to enable communities to produce their own 'Local Place Plans';
- Requirements to involve children and young people more in planning;
- Ensuring the delivery of homes through various measures such as Simplified Planning Zones and Land Assembly; and
- Introduction of an infrastructure levy.

4.4 The consultation document poses a series of questions seeking the views of the Council on the proposed changes to the planning system. A summary of the proposed responses to the planning review is provided below with the full detailed responses to the questions being provided in Appendix 1 to this report.

4.5 Making plans for the future

- **Community Planning:** There needs to be a statutory link between both the Community Plan and the Development Plan which ensures that the Community Plan takes account of planning and that planning matters are represented at this level and on the Community Plan Partnership Board. Development Planning should also take into account the Community Plan.
- **Regional Partnerships:** If the existing Strategic Development Plan is to be removed, it is vital that a robust, credible form of regional planning continues to exist. Regional partnerships require to have an agreed land use spatial strategy that informs local development plans. There should also be a statutory link for regional partnerships to ensure that all the partners are required to work together to prepare a set of strategies, plans and other documents to inform, develop and implement the regional priorities through a regional land use strategy in support of an enhanced National Planning Framework

- **National Planning Framework and Scottish Planning Policy:** Greater alignment between NPF and SPP is essential if greater weight is required to be given to the NPF and SPP, if the Strategic Development Plan is to be removed. NPF should be given more powers, specifically in terms of implementation. SPP should remain as non-statutory guidance which sets out the Scottish Government's aspirations for planning in Scotland and that Local Development Plans should still contain policies that reflect the guidance contained within SPP, whilst according with NPF and the Regional priorities expressed through a regional land use strategy and other documents produced by the regional priorities.
- **Development Plans:** There is broad agreement with the proposals for local development plans. The Council suggests that there needs to be an expedited process in where local development plans can be reviewed and altered quickly.

Supplementary Guidance should remain as it provides detailed guidance on a specific policy matter which could not be contained in a Local Development Plan if they are to be short and concise.

Neighbour notifications for development plans should be repurposed as they do not adequately differentiate themselves from planning application neighbour notifications, which in turn, leads to confusion for members of the public and communities.

- **Examination:** The Council is not convinced that the 'gateway check' would speed up the system and the existing system should be repurposed to ensure that examinations are concluded expediently.

The Council is firmly of the view that the final decision to accept or reject the Reporters recommendations should revert to the Council.

4.6 People make the system work

- Increased involvement of communities within planning is supported. However, there are reservations regarding the role/value of Community Council involvement in Development Plan Schemes.
- The involvement of children and young people being engaged in planning is supported and suggests that this could be achieved through Schools and within the existing Curriculum of Excellence or by a specific course in planning.
- Agreement to some of the proposals for pre-application consultations and that these could be strengthened further by enhancing feedback after the event.

- Regulations governing local review bodies should be reviewed prior to any expansion of their role. Some aspects of the current regulations do not work well, including the lack of opportunity for officers to respond to claims made by appellants. Any further expansion of local reviews requires to be funded properly.
- Planning applications which are refused, withdrawn, or dismissed on appeal should require a fee if they are resubmitted. An increased fee should also be charged for retrospective applications with fees also being introduced for appeals and reviews.
- Ministers should not review more decisions and that the current arrangements for the scrutiny by an independent Reporter should remain.

4.7 Building more homes and delivering infrastructure

- General support for the proposals to deliver more homes and infrastructure.
- Viability appraisal should provide basic information at the Local Development Plan stage, with more detailed information being provided with the planning application, to ensure that the proposed site is effective and can be delivered.
- The use of land assembly powers to enable development is a positive step, however resources and costs are involved and these issues have not been fully considered within the consultation and requires further investigation.
- The use of Simplified Planning Zones (SPZ) within development plans is not suitable for all housing sites and it should be for the Planning Authority to determine if a SPZ is suitable for a particular housing site.
- A national co-ordination role should be established for infrastructure and the regional partnerships. They should be responsible for co-ordination between national and regional infrastructure groups.
- An infrastructure levy should not be taken forward, direct funding of infrastructure from the Scottish Government to directly fund the Regional Partnerships to deliver development should be considered instead.

4.8 Stronger Leadership and smarter resourcing

- Measures which improve how the planning system is resourced are to be supported.
- Investment in skills development is particularly supported as is multi-disciplinary working.
- Full cost-recovery of planning fees is supported subject to the fees being ring-fenced for the planning service.
- Any additional income generated from the increase in planning fees should not be used to subsidise the cost of agencies and the Scottish Government's

planning functions but it should be used to invest in local authority service and performance improvements as well as reducing the contribution of the grant/Council tax to subsidising the planning process.

- Monitoring outcomes from a place-based perspective is supported, however how this will be achieved requires further explanation. Peer review and benchmarking may be a reasonable way for monitoring how a place has changed over time.
- Restructure of planning fees such as discretionary charges for pre application discussions and higher fees for retrospective planning applications is supported.
- The aligning consents is welcomed and this should be widened out to include listed buildings, conservation area consents, licensing and road construction consents so they can be processed together.
- Support is given to new methods of engaging people but there must be recognition that additional resources will be required for them.

4.9 The responses contained above and within Appendix 1 reflect the submissions by the Glasgow City Region – City Deal and Clydeplan.

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial Implications

6.1 There are no financial issues associated with this report.

7. Risk Analysis

7.1 It was not considered necessary to carry out a risk assessment on the matters covered by this report.

8. Equalities Impact Assessment (EIA)

8.1 It was not considered necessary to carry out an Equalities Impact Assessment on the matters covered by this report.

9 Strategic Environmental Assessment

9.1 A strategic environmental assessment is not required.

10. Consultation

10.1 Community Planning, Economic Development and Regeneration, Housing, Finance and Legal Services have been consulted on the responses to the

review of the planning system and their views to the proposals have also been incorporated in the draft response in Appendix1.

11. Strategic Assessment

- 11.1 The above Consultation covers a wide range of topics and is considered to contribute to all of the Council's strategic priorities and in particular towards:
- Economic growth and employability.
 - Local housing and sustainable infrastructure.

Peter Hessett
Strategic Lead - Regulatory
Date: 29th March 2017

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Appendix:	Appendix 1 – Response to the Places, People and Planning – A consultation on the future of the Scottish Planning System
Background Papers	Scottish Government Review of the Planning System in Scotland- “Places, people and planning”.
Wards Affected:	None.

MAKING PLANS FOR THE FUTURE

<p>A</p>	<p><i>Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.</i></p>	<p>The Council is generally supportive of the majority of the proposals to improve development planning. However, there are some concerns about certain aspects of the proposals which are summarised below and detailed in response to the individual questions:</p> <p>Community Planning: There needs to be a statutory link between both the Community Plan and the Development Plan which ensures that the Community Plan takes account of planning and that planning matters are represented at this level and on the Community Plan Partnership Board. Development Planning should also take into the Community Plan.</p> <p>Regional Partnerships: If the existing Strategic Development Plan is to be removed, it is vital that a robust, credible form of regional planning continues to exist. Regional partnerships require to have an agreed land use spatial strategy that informs local development plans. There should also be a statutory link for regional partnerships to ensure that all the partners are required to work together to prepare a set of strategies, plans and other documents to inform, develop and implement the regional priorities through a regional land use strategy in support of an enhanced National Planning Framework</p> <p>There requires to be greater clarity around the purpose, roles and responsibilities, governance, accountability and funding of collaborative regional partnerships.</p> <p>NPF and SPP: Greater alignment between NPF and SPP is essential if greater weight is required to be given to the NPF and SPP, if the Strategic Development Plan is to be removed. NPF should be given</p>
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		<p>more powers, specifically in terms of implementation. SPP should remain as non-statutory guidance which sets out the Scottish Government's aspirations for planning in Scotland and that Local Development Plans should still contain policies that reflect the guidance contained within SPP, whilst according with NPF and the Regional priorities expressed through a regional land use strategy and other documents produced by the regional priorities.</p> <p>Development Plans: The Council is in broad agreement with the proposals for local development plans. The Council suggests that there needs to be an expedited process in where local development plans can be reviewed and altered quickly. A process similar to the expedited procedures contained within the Town and Country Planning (Structure And Local Plans) (Scotland) Regulations 1983 is suggested, albeit, amended to take into account SEA.</p> <p>In relation to Supplementary Guidance, the Council is of the view that this should remain as it provides detailed guidance on specific policy matters which could not be contained in a LDP if they are to be short and concise.</p> <p>The Council is also of the view that neighbour notifications for development plans should be repurposed as they do not adequately differentiate themselves from planning application neighbour notifications, which in turn, leads to confusion for members of the public and communities.</p> <p>Examination: The Council is not convinced that the 'gateway check' would speed up the system and therefore is of the view that the existing system should be repurposed to ensure that examinations are concluded expediently. The Council is firmly of the view that the final decision to accept or reject the Reporters recommendations should revert to the Council.</p>
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<p>1</p>	<p><i>Do you agree that local development plans should be required to take account of community planning?</i></p>	<p>The Council would agree, in principle, that local development plans should take account of community planning. However, there should also be a requirement for all community planning partnerships to actively engage in spatial planning so there is a mutual synergy, at a high level, between the two documents.</p> <p>It is recommended that a statutory link be introduced and this should place a duty on Community Planning Partnerships to actively engage in local development plans and that planning is represented on the Partnership, as there are instances where there is a disconnect between Community Planning Partnerships and Planning.</p> <p>The Council welcomes the Scottish Government’s intention to bring forward guidance on both community planning and spatial planning, but this should have a statutory link ensuring that both documents take account of each other</p>
<p>2</p>	<p><i>Do you agree that strategic development plans should be replaced by improved regional partnership working?</i></p>	<p>If the existing Strategic Development Plan is to be removed, it is vital that a robust, credible form of regional planning continues to exist. It is agreed that the planning system requires to be refocussed at a Regional level to be more effective in relation to support delivery and infrastructure. Regional partnerships require to have an agreed land use spatial strategy that informs local development plans. There should also be a statutory link for regional partnerships to ensure that all the partners are required to work together to prepare a set of strategies, plans and other documents to inform, develop and implement the regional priorities through a regional land use strategy in support of an enhanced National Planning Framework.</p> <p>Should regional partnerships be taken forward, the Council would</p>

		<p>suggest that the current Glasgow and Clyde Valley SDP and City Deal models of working are used as a template for regional partnership working, as the Councils have successfully worked together over several years at a regional level for the benefit of the city region, as a whole and for each local authority area.</p>
2(a)	<i>How can planning add greatest value at a regional scale?</i>	<p>Planning requires to be involved at the highest level of decision making at the regional scale. Planning is used as the mechanism to ensure that infrastructure and development is implemented at a regional scale. The strength of Planning lies in co-ordinating and delivering development on the ground in association with infrastructure providers and developers etc. Planning should therefore be given a statutory role to lead on the implementation of regional priorities.</p>
2(b)	<i>Which activities should be carried out at the national and regional levels?</i>	<p>The Council suggests that the Scottish Government takes a lead role on the facilitation of infrastructure provision which is important nationally, informed by NPF and what is required from the regional partnerships. This would ensure that key infrastructure is identified at the earliest and highest level which will assist early delivery and future growth. In relation to housing numbers, the Council is of the view that the NPF should set an aspiration for the delivery of housing throughout Scotland with the exact scale of housing development left to each of the Regional Partnerships to set for their region.</p> <p>At the regional scale, the range of activities that should be remitted to the regional partnership should include, but not limited to the following:</p> <ul style="list-style-type: none"> • Preparation of a regional land use strategy, which should set out strategic issues such as economic investment, housing, transport, infrastructure, tourism, flood risk management and biodiversity for example;

		<ul style="list-style-type: none"> • Preparation of economic, transport, housing, tourism, digital infrastructure plans. Strategies etc; • Ensuring the alignment of regional strategies such as economic, transport and land use strategies; • Support housing delivery and economic growth; • Identify strategic transport interventions; and • Preparing delivery plans.
2(c)	<i>Should regional activities take the form of duties or discretionary powers?</i>	Regional partnership should take the form of statutory duties to ensure that all members of the regional partnerships work together to ensure that smaller authorities are not disadvantaged by larger authorities where the market for development and investment is stronger. If there is no statutory link there is always the possibility that some local authorities would go alone and follow their own priorities to the detriment of adjacent local authorities at a regional level. Also, a statutory duty can encourage greater cross boundary working and can be used to facilitate resolution in times of dispute.
2(d)	<i>What is your view on the scale and geography of regional partnerships?</i>	The Council is of the view that the scale and geography of regional partnerships should reflect existing SDP and city deal areas.
2(e)	<i>What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?</i>	<p>The role of the Scottish Government should be to set national priorities and ensure, through a statutory mechanism, that all agencies and infrastructure providers etc fulfil their requirements in delivering infrastructure and development on the ground through the regional partnership model.</p> <p>In terms of agencies, partners and stakeholders, there should be stronger requirements for them to fully participate and be responsible for ensuring the priorities of the regional partnership are delivered. There should be stronger monitoring arrangements in place to ensure that they fulfil their role as enablers within the partnership and that they fully disclose all relevant information etc to ensure that development is not constrained or delayed by</p>

			infrastructure issues for example.
3	<i>Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?</i>		<p>The Council is concerned that there is becoming a centralisation of planning policy, which does not give planning authorities much scope or power to deviate from planning guidance contained within SPP. The national guidance provided by SPP works reasonably well at present and guides LDP's and is a material consideration in terms of planning applications.</p> <p>NPF 3, therefore, should be given more powers, specifically in terms of implementation, but SPP should not become part of the statutory development plan.</p> <p>The Council recognises that LDP's should be a framework, which provides a vision of how an area should be developed whilst focussing on creating places. The Council, therefore, does not necessarily agree with the Scottish Governments view that LDP's act as a rule book for decision-making.</p> <p>SPP should remain as it is: non-statutory guidance which sets out the Scottish Government's aspirations for planning in Scotland and that Local Development Plans should still contain policies that reflect the guidance contained within SPP, whilst according with NPF and the Regional priorities expressed through a regional land use strategy and other documents produced by the regional priorities.</p>
	<i>3(a)</i>	<i>Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?</i>	The Council is content with the proposals to update how NPF is prepared.
4	<i>Do you agree with our proposals to simplify the preparation of development plans?</i>		The Council is in favour of the proposals to simplify the preparation of development plans. However, it is suggested that the Scottish

		<p>Government review the need to neighbour notify in terms of the LDP process, as this requirement has caused confusion for members of the public due to neighbour notifications on a development plan being mistaken as neighbour notification for a planning application.</p> <p>It is suggested that the Scottish Government repurpose neighbour notification for development plans, to ensure that the process is simplified and that the public and communities can easily understand the difference between sites in a development plan and if they are being neighbour notified for a planning application.</p>
4(a)	<i>Should the plan cycle be lengthened to 10 years?</i>	<p>In principle, the Council agrees that the plan cycle should be lengthened to 10 years but the economy and the development industry can move at a fast pace and that a 7 or 8 year period could be more desirable to balance the needs of implementing and delivering the plan with the pace of the development industry.</p>
4(b)	<i>Should there be scope to review the plan between review cycles?</i>	<p>If the plan period cycle is extended there should be scope to alter/review the local development plan between cycles. The Council would suggest that a review/refresh of the plan every three years would be sensible, which would mean alignment with the Councils Economic Strategy.</p> <p>The ability to quickly update an LDP to reflect regeneration and other infrastructure projects that may come on stream during the lifespan of the plan or where a there is a requirement to alter policy direction to reflect an unforeseen circumstances would be required. The Council suggests that to ensure quick reviews/updates of LDP's an expedited mechanism for altering a LDP, as contained within the Town and Country Planning (Structure And Local Plans) (Scotland) Regulations 1983, should be reintroduced in some format in accordance of the requirements of the Environmental Assessment (Scotland) Act 2005.</p>

			This suggestion would ensure that where a local development plan needs to be reviewed, this can be done in a timely matter.
	4(c)	<i>Should we remove supplementary guidance?</i>	No. Supplementary Guidance is useful to explain the detail of some policy matters, for example, developer contributions, design guidance, green network requirements. This is important to ensure that local developments plans are not weighed down by detail and are shorter and more concise.
5	<i>Do you agree that local development plan examinations should be retained?</i>		Local development plan examinations should be retained as it gives confidence and credibility that the plan has been subject to independent scrutiny. The Council agrees with the Scottish Government that examinations need to be repurposed to reduce the financial burden on Council's and to ensure that the examination is concluded in a timely manner i.e. shorter than 6 months. However, the final decision on whether to accept the Reporter's recommendations or not should be the Council's decision, as was the case with previous legislation.
	5(a)	<i>Should an early gatecheck be added to the process?</i>	<p>The Council is not convinced that the proposal for an early 'gatecheck' of the plan would help to speed up plan preparation process, as adding another level of scrutiny at the beginning of the plan, in addition to an examination at the end, may have the unintended purpose of actually increasing the plan preparation process.</p> <p>It is considered that this proposal should not be implemented and the Council suggests that the Scottish Government should explore other methods to ensure that if an examination is required at the end of the process, it considerably shortened to 6 months or less.</p>

5(b)	<i>Who should be involved?</i>	<p>Should the “gatecheck” be taking forward, it is suggested that involvement in the “gatecheck” is kept to a minimum.</p> <p>Care will also have to be given to ensure that if the community are involved in the process, that they have to take a broader view of the local development plan.</p>
5(c)	<i>What matters should the gatecheck look at?</i>	<p>The matters the Scottish Government have outlined are generally those which would be expected to be considered at an early stage. However, the Council has concerns about housing land being debated at a local level where this has already been agreed at regional level as part of an overall strategy. Furthermore, where an infrastructure provider has not provided or cannot provide infrastructure for proposed plans that this may negatively impact on the timeframe for the local development plan gatecheck.</p> <p>Therefore, matters relating to infrastructure provision and housing land should be removed from the ‘gatecheck’.</p>
5(d)	<i>What matters should be the final examination look at?</i>	<p>The Council is of the view that it would not be in the public interest to specify what matters the final examination should look at, but the Council is generally content with what the Reporters are currently tasked with examining in relation to a local development plan.</p> <p>However, where there is strong evidence provided by the Council that requires a deviation from the guidance contained in SPP to reflect local circumstances. The Reporter should have the freedom to approve this different approach, if the Reporter is of the view that the approach can be justified, instead of having to ensure that SPP is implemented as it is written</p> <p>The Council is firmly of the view that the final decision on the</p>

			content of the Plan, taking on board the Reporters recommendations, should revert to the Council as was previously the case before the enactment of the 2006 Act. The views of the Council should take precedence to that of the Reporter where the Council has justification to decline to follow the Reporter's recommendation.
	5(e)	<i>Could professional mediation support the process of allocating land?</i>	The Council is unsure what benefit professional mediation would bring to support the process of allocating land within an examination process. However further details would be required in order to fully consider this.
6	<i>Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?</i>		Yes. The additional time and complexity which this would add to the development planning process would be both undesirable and impracticable. Also, it is believed that landowners/ developers may continue to make applications for Planning Permission in Principle in order to satisfy legal requirements.
7	<i>Do you agree that plans could be strengthened by the following measures:</i>		The Council agrees with the measures proposed to strengthen the plans, as detailed below.
	7(a)	<i>Setting out the information required to accompany proposed allocations</i>	The Council is of the view that there should be a requirement for landowners/developers to submit basic information on at the LDP stage on the viability and effectiveness of the site, such as those suggested in the Draft Planning Delivery Note: Housing and infrastructure. This will help to ensure the sites allocated within the LDP can be delivered within the plan period.
	7(b)	<i>Requiring information on the feasibility of the site to be provided</i>	<p>The Council is fully in agreement that feasibility and viability of a site should be provided in order to properly consider whether a site is effective and would be delivered within the plan period.</p> <p>As noted above, this should be basic information at the LDP stage with more detailed information being submitted at planning application stage.</p> <p>The assessment of viability appraisals requires further</p>

			consideration by the Scottish Government and who has the necessary skills to provide an assessment.
	7(c)	<i>Increasing requirements for consultation for applications relating to non-allocated sites</i>	Whilst the principle of consultation on non-allocated sites with communities is a commendable aspiration, the Council is of the view that this may have unintended consequences of slowing down the consideration of a planning application and thus the planning system. The Council is of the view that LDP's should be to identify sites for development and should set the policy framework for sites that are "windfall" to be assessed by the Development Management process.
	7(d)	<i>Working with the key agencies so that where they agree to a site being included in the plan they do not object to the principle of an application</i>	The Council is fully in support of this measure as it will ensure that Key Agencies are fully involved in the preparation of the LDP and that all issues relating to sites are dealt with at that stage.
8	<i>Do you agree that stronger delivery programmes could be used to drive delivery of development?</i>		Stronger delivery programmes, subject to infrastructure and other providers being required to implement them in a partnership approach, would be useful mechanism to drive the delivery of development. However, there would have to be a statutory mechanism to ensure that all involved in the delivery of the plan is responsible for its implementation.
	8(a)	<i>What should they include?</i>	They should include all the measures that are required to deliver the LDP i.e. infrastructure (including digital). They should also have milestones to measure progress and contain a risk assessment. They should be regularly updates and that they detail progress or not, the reasons why and the measures required to move the delivery of the development forward.

PEOPLE MAKE THE SYSTEM WORK

B	<i>Do you agree that our proposed package of reforms will</i>	In summary, the Council is supportive of increased involvement of
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	<p><i>increase community involvement in planning?</i></p>	<p>communities within planning. However, it does have reservations regarding the role/value of Community Council involvement in Development Plan Schemes.</p> <p>The Council is especially supportive of children and young people being engaged in planning and suggests that this could be achieved through Schools and within the existing Curriculum of Excellence or by a specific course in planning.</p> <p>The Council agrees with some of the proposals for pre-application consultations and is of the view that these could be strengthened further by enhancing feedback after the event.</p> <p>However, regulations governing Local Review Bodies should be reviewed prior to any expansion of their role. Some aspects of the current regulations do not work well, including the lack of opportunity for officers to respond to claims made by appellants. The Council is however firmly of the view that any further expansion of local reviews requires to be funded properly.</p> <p>In relation to planning applications and appeals, it is agreed that applications which are refused, withdrawn, or dismissed on appeal should require a fee if they are resubmitted. An increased fee should also be charged for retrospective applications with fees also being introduced for appeals and reviews.</p> <p>Finally, it is considered that Ministers should not review more decisions and that the current arrangements for the scrutiny by an independent Reporter should remain.</p> <p>Further detail is provided in the responses to the questions below.</p>
<p>9</p>	<p><i>Should communities be given an opportunity to prepare</i></p>	<p>The Council is supportive of the engaging and involving our</p>

	<p><i>their own local place plans?</i></p>	<p>communities within planning and are supportive of proposals that are focussed on achieving this aim. However, concerns are raised about the ability of local communities or community bodies to undertake and produce local place plans, as they may not have the requisite skills or resources to produce the plans and also to articulate their vision for the area. They may also not have the ability to consult with relevant bodies about a place. This could also lead to disparity between affluent and deprived communities where affluent areas are more likely to have the skills and resources to produce local place plans than those communities within a deprived area, who have other priorities.</p> <p>There is also concern that community groups will use the production of a local place plan to protect the status quo and prevent development or change from being delivered on the ground. These plans could also be seen as offering a ‘second bite at the cherry’ where a development is contained within the local development plan, despite representations to the contrary, and then the site is zoned for another type of development in the local place plan which contradicts the land zoning.</p> <p>Evidence from the Council’s Community Planning Action Plans also suggests that local place plans could significantly overlap with action plans. The action plans within the Council area, which are derived from issues within the communities, tend to focus on non planning issues or issues on the periphery of planning, such as cleanliness, dog fouling, anti-social behaviour etc. There is a strong possibility that local place plans may also include such issues which deviate from looking at the place as a whole and how it can function and be improved for the community.</p> <p>Whilst the Council is supportive in principle of local place there is a possibility of conflict between the local development plan and the</p>
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		<p>local place plan. Local Place plans could be more action plans, which do not form part of the development plan, but reflect the communities' aspirations for the area, which the local development plan will take on board during its preparation.</p> <p>The Council is also of the view that there should not be a statutory duty placed upon it to adopt these plans, should they be taken forward, as part of the local development plan as they are adding another layer into the planning system which would make it more complex than it currently is .</p>
9(a)	<i>Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?</i>	Should local place plans be taken forward, the Council would suggest that there is a statutory requirement that the local place plan cannot deviate from the local development plan strategy and the sites allocated within it.
9(b)	<i>Does Figure 1 cover all of the relevant considerations?</i>	The Council would suggest that if Figure 1 is taken forward as the relevant considerations for a local place plan, there is a requirement placed upon the community to ensure that the local place plan is appropriate in terms viability in delivering development.
10	<i>Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?</i>	<p>The Council does not see any benefit of involving Community Councils in the preparation of the Development Plan Scheme (DPS) and is content with the requirement of the DPS to set out how the community will be consulted and the scrutiny by the Reporter to ensure the participation strategy has been undertaken.</p> <p>There may be merit, however, in involving the key agencies and infrastructure providers in the preparation of the DPS to ensure that the timescales for the production and implementation of the local development plan can be met by all parties.</p>

	10(a) <i>Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?</i>	If local place plans are taken forward there may be benefit in involving the community in the preparation of the DPS, however this should be discretionary and be a decision for the Local Authority based on how the Local Place plans are progressing..
11	<i>How can we ensure more people are involved?</i>	<p>The importance of engaging children and young people in the planning process is strongly supported. The Council suggests schools as the best places to engage with young people and the Scottish Government should explore how planning can be integrated in the school curriculum i.e. as a separate subject or as part of geography, social studies or citizenship.</p> <p>This will enable children and young people to have a better understanding of what planning is about and ultimately, allow more meaningful engagement by children, young people and communities when the local development plan is being produced.</p>
	11(a) <i>Should planning authorities be required to use methods to support children and young people in planning?</i>	Yes, the Development Plan Scheme could be required to set out how and where children and young people will be specifically involved and engaged in the plan preparation process and this could be included within the participation statement. There also needs to be closer links between the development plan process and the Curriculum of Excellence both at primary school and secondary school levels.
12.	<i>Should requirements for pre-application consultation with communities be enhanced?</i>	Engagement in pre-application consultation varies. Some communities engage readily because the development proposal has a particular interest to them whilst other communities do not engage as the development proposal may have little interest to them. Also the quality of pre-application consultation varies under the current arrangements. Some developers engage at a very early stage with very little details whilst other developers engage at the end of the process when the development is nearly ready to be

		<p>submitted. Both circumstances are criticised by communities. It is felt that if there were earlier and closer dialogue with the Planning Authority regarding the best way to engage communities these issues may be reduced.</p> <p>Also, some developers use it as a “tick box exercise” without taking on board the communities comments or use it as a “sales promotion” for their development. Stronger guidance to developers on the minimum level of information appropriate to present at pre-application consultation would be beneficial and seeking early and more direct guidance from the Planning Authority. Also there needs to be stronger guidance to indicate how that comments made by members of the public at the event have been addressed and taken onboard.</p>
12(a)	<i>What would be the most effective means of improving this part of the process?</i>	With the present arrangements there is no feedback to members of the public who attend the consultation event and have made comments. It is suggested that those who have attended the event and have made comments are emailed/lettered to inform them how their comments have been addressed. Also, if the pre-consultation event is done at an early stage it may be appropriate to do a follow up session to inform the community how the development has been taken forward.
12(b)	<i>Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?</i>	As indicated above, there should be procedural changes to address feedback from pre-application consultation events.
12(c)	<i>Are the circumstances in which PAC is required still appropriate?</i>	<p>For some applications PAC serves little purpose as proposals are uncontentious or public interest is limited, but it would be difficult to define these circumstances for regulatory purposes.</p> <p>There is limited value in requiring PAC for applications to renew existing permissions if there have been no significant changes to the proposal. Therefore this requirement should be removed.</p>
12(d)	<i>Should the period from the serving of the Proposal</i>	Yes. The lack of a specified maximum period or any guidance to

		<i>of Application Notice for PAC to the submission of the application have a maximum time-limit?</i>	planning authorities on the issue is a source of ambiguity. It is suggested that a 18 month period may be an appropriate period, beyond which a second PAC would be required.
13		<i>Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?</i>	Yes. Firstly it may encourage a higher standard of initial submission. Often the second application involves the same work as the first application therefore it is appropriate that a second application fee is charged if the development management system is to be adequately resourced.
14		<i>Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?</i>	Yes. Enforcement remains a weak point of the development management system and in some cases penalties are ineffective. There should be stronger powers to take formal action, easier to recover costs and increased financial penalties. Often the Procurator Fiscal is not interested in planning cases and the only way to remedy the breach is for the Council to take direct action. This involves taking the cost from tight budgets and the Council using resources to recover the costs over several years or the costs never being recovered. The Scottish Government should look at closing the loophole which hinders the use of Fixed Penalty Notices. Greater powers should be given to Local Authorities to undertake prosecutions as occurs in Ireland or for education cases.
15		<i>Should current appeal and review arrangements be revised:</i>	
	15(a)	<i>for more decisions to be made by local review bodies?</i>	<p>In principle this is supported, however it is difficult to envisage how the number and type of applications decided by local review bodies could be increased in terms of the number of applications that potentially already can be determined at the LRB. Also, in some circumstances, appeals determined by a Reporter may be more appropriate, for example if it is a complex development, or depends on a certain level of expertise.</p> <p>The regulations governing local review bodies should be reviewed with some aspects of the current regulations do not work well, including the lack of opportunity for officers to respond to claims made by appellants.</p>

	15(b) <i>to introduce fees for appeals and reviews?</i>	Yes, there should be an appropriate charge to meet the cost of a planning appeal and reviews. Local reviews have already transferred costs from the Scottish Government to planning authorities without any commensurate alterations to funding. Local review bodies require to be funded properly.
	15(c) <i>for training of elected members involved in a planning committee or local review body to be mandatory?</i>	Yes. Training for elected members serving on the Planning Committee or Local Review Body should be mandatory in order that they are kept up to date of new legislation and practices but also to make them aware of the consequences of their decisions and actions. Planning officers are required to be properly trained and to keep their training up to date. Elected members appointed to the Licensing Board require to pass an exam before sitting on the Board and this has worked well. A similar requirement in relation to Planning could be considered.
	15(d) <i>Do you agree that Ministers, rather than reporters, should make decisions more often?</i>	No. It is considered that decisions by Reporters are impartial and that the independent status of them is important when considering planning applications. The current arrangements should remain with Reporters unit taking the majority of the appeal decisions. Ministers should make decisions that are of national significance or raise strategic issues affecting more than one planning authority.
16	<i>What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?</i>	Not applicable to this authority.

BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE

C	<i>Will these proposals help to deliver more homes and the infrastructure we need?</i>	There is general support for the proposals to deliver more homes and infrastructure.
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		<p>In summary, there should not be national or regional targets for housebuilding and that validation of a planning application for a housing site should not be dependent on a viability appraisal being submitted with the application. Developers should provide basic information at the LDP stage, with more detailed information being provided with the planning application, to ensure that the proposed site is effective and can be delivered.</p> <p>The Council is of the view that the Scottish Government would be required to provide resources for training to undertake viability appraisals, as well as, providing guidance on how to use the information when deciding viability and effectiveness and what the procedure would be when a Council disagreed with the developers viability assessment.</p> <p>The use of land assembly powers to enable development is a positive step in the right direction. However, there are resources and costs involved in acquiring or compulsory purchasing a site, providing infrastructure and then marketing the site for development or the Council developing the site. How these issues would be addressed has not been fully considered within the consultation and requires further investigation.</p> <p>The use of Simplified Planning Zones (SPZ) within development plans is not suitable for all housing sites and it should be for the Planning Authority to determine if a SPZ is suitable for a particular housing site.</p> <p>It is supported that a national co-ordination role should be established for infrastructure and that regional partnerships should be responsible for co-ordination between national and regional infrastructure groups. However, the proposal for an infrastructure levy should not be taken forward. Instead, the</p>
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		Council is of the view that direct funding of infrastructure from the Scottish Government to directly fund the Regional Partnerships to deliver development should be considered instead.
17	<i>Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?</i>	<p>There is agreement that there is too much debate on housing numbers and there is a need to move away from this. However, establishing national or regional targets are unlikely to reflect local circumstances. There could be instances of housing land being allocated to areas that the market is interested in rather than providing housing in local authorities within low market areas. For example, the different housing markets between West Dunbartonshire and adjacent East Dunbartonshire</p> <p>Within Glasgow and the Clyde Valley authorities, housing numbers are agreed by all authorities within the region to ensure that there is no disadvantage to smaller local authority areas which are less attractive to the market. If SDPs are removed, there should be a statutory duty placed upon the regional partnerships to ensure that there is an equitable distribution of housing land requirements throughout the region. This could be contained within the regional land use and housing strategies, as discussed in the response to question 2 above.</p> <p>The Council, however, welcomes the recognition of the 'Our More Homes Scotland' approach within the planning review document and is supportive of this approach and the investment for housing made available through the Rural Housing Fund and the Housing Infrastructure Fund.</p>
18	<i>Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?</i>	Requiring evidence from developers and/or landowners to demonstrate the viability of a major housing development is to be welcomed; however, it is considered that this should be provided at the Local Development Plan stage as was proposed in the Draft

		<p>Planning Delivery Advice: Housing and Infrastructure and not at the planning validation stage. To provide this information at the planning application stage would be too late in the process and would add further complexity and delay to the validation of a planning application. Also if a developer is ready to submit an application which will attract a sizeable planning application fee together with the costs of all the necessary reports it is unlikely that she/he would progress if they were unsure about the viability of the site.</p> <p>In addition, as detailed in the response to question 7 (a) and 7 (b), developers should provide much more information at the LDP stage to ensure that planning authorities are confident that the proposed site is effective and can be delivered within the lifespan of the development plan. It is considered that this could be made a statutory requirement as this would assist the Council to ensure that developers can demonstrate that the site is effective and deliverable.</p>
19	<p><i>Do you agree that planning can help to diversify the ways we deliver homes?</i></p>	<p>The use of land assembly powers to enable development is a positive step in the right direction. However, there are resources, skills and costs involved in acquiring or compulsory purchasing a site, providing infrastructure and then marketing the site for development or the Council developing the site. Some sites if the private sector cannot make viability, the public sector is unlikely to make viable without public subsidy. This Council is an example of how the public sector can work with the private sector through a development partnership in terms of the Clydebank Queens Quay site to facilitate development and the building of over 1,000 new homes.</p> <p>The Council agrees in principle that planning can help to diversify the way that homes are delivered and is supportive of measures to deallocate or propose alternative sites if they have not been</p>

		developed within successive development plans. However, it is not the role of planning to overcome market weaknesses on its own or force market house builders to build on sites which they are simply not interested in. Planning can make sites as attractive as possible through the development plan process and work more closely with developers and landowners, especially in low market areas, regarding why they will not build on these sites and what measures could be used to enable development.	
	19(a)	<i>What practical tools can be used to achieve this?</i>	As detailed in question 19 above public sector subsidies may be the only measure available to bridge the viability gap for development on the sites within low market areas and the Council may not want to subsidise these sites as they want to assist other priorities. The Scottish Government should explore monetary and non-monetary options to ensure that there is a mechanism available to “kickstart” stalled sites in low market areas by providing solutions to bridge the viability gap that may exist for private sector sites.
20		<i>What are your views on greater use of zoning to support housing delivery?</i>	The use of Simplified Planning Zones (SPZ) or a similar mechanism needs further detailed information before a view can be expressed as the consultation is very light on how this could be used to support housing delivery. However this type of zoning within development plans is not suitable for all housing sites and it should be for the Planning Authority to determine if a SPZ is suitable for a particular housing site.
	20(a)	<i>How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?</i>	As indicated above in the response to question 20, SPZ’s are not appropriate for all housing sites and all local authority areas. However, if this proposal is taken forward greater requirements should be placed on housebuilders to improve the standard of their housing layouts and house designs with greater emphasis on the particular characteristics of the site and area and less on standard national house types and layouts.
	20(b)	<i>What needs to be done to help resource them?</i>	SPZs need to be adequately resourced as they can be very resource intensive during the initial stages of setting up the SPZ and still require local authority involvement during the implementation. The

			establishment of an SPZ should carry an overall fee to recompense the Council in terms of resources it requires to prepare an SPZ and its involvement during the implementation stages.
21	<i>Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?</i>		Yes. An infrastructure first approach to development as part of any Regional Partnerships should ensure that the existing capacity of infrastructure is properly understood and supports the national co-ordination of development and infrastructure delivery. This is preferable to the establishment of a new agency at this present time.
22	<i>Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?</i>		Yes. Regional partnerships should take on a co-ordinating role at a regional level and interact with the national co-ordinating group. The partnerships should ensure that infrastructure planning and delivery is co-ordinated and spread evenly throughout the Council areas and that infrastructure development is not concentrated within larger authorities or where developers wish to build.
	22(a)	<i>What actions or duties at this scale would help?</i>	As previously stated within the questions relating to ‘making plans for the future’ set out above, the Council is of the view that a statutory duty is required to ensure that all Councils within the regional partnership are on an equal status in relation to infrastructure planning and delivery.
23	<i>Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?</i>		It would be difficult to restrict this in a way which allowed flexibility for changed circumstances. Planning authorities are not under any obligation to accept modifications where circumstances do not justify this. It would however be useful if the Scottish Government guidance was strengthened to make clear that developers are expected to honour S75 obligations unless there was a very clear justification for not doing so. Section 75 applications should be subject to a fee similar to that for Section 42 applications.
24	<i>Do you agree that future legislation should include new powers for an infrastructure levy? If so,</i>		An infrastructure levy could play a significant role in supporting the delivery of strategic infrastructure however this would further inhibit disadvantaged areas and could negatively impact on regeneration sites. It could also be seen as another inhibitor to

		development. Instead, the Council is of the view that direct funding of infrastructure from government, as is the case with how the Greater Manchester Housing Fund is funded. Direct funding of a Housing Infrastructure Fund is now also being introduced by the UK parliament. Similar arrangements should be considered by the Scottish Government in order to directly fund the Regional partnerships to deliver development.
	24(a) <i>At what scale should it be applied?</i>	If it is to be applied it should be applied at a regional scale
	24(b) <i>To what type of development should it apply?</i>	If it is to be applied the Council is of the view that it should be applied to large scale housing sites, mineral sites and waste sites.
	24(c) <i>Who should be responsible for administering it?</i>	The administration of any infrastructure levy or fund should be at a regional level.
	24(d) <i>What type of Infrastructure should it be used for?</i>	The infrastructure levy should be used to fund strategic infrastructure requirements, funding to construct business and industrial units on Strategic Economic and Investment Locations, enable funding to bridge viability gaps on housing sites within low market areas; transport infrastructure (including active travel); and green infrastructure
	24(e) <i>If not, please explain why.</i>	N/A
25	<i>Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?</i>	Yes, it should be removed as the building standards regulations adequately covers these areas.

STRONGER LEADERSHIP AND SMARTER RESOURCING

D	<i>Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.</i>	In summary, the Council is supportive of measures which improve how the planning system is resourced. Investment in skills development is particularly supported as is
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		<p>multi-disciplinary working. Full cost-recovery of planning fees is also supported subject to the fees being ring-fenced for the planning service. Any additional income generated from the increase in planning fees should not be used to subsidise the cost of agencies and the Scottish Government's planning functions but it should be used to invest in local authority service and performance improvements as well as reducing the contribution of the grant/Council tax to subsidising the planning process.</p> <p>Whilst the Council is very supportive of monitoring outcomes, how this will be achieved requires further explanation. Peer review and benchmarking may be a reasonable way for monitoring how a place has changed over time. An outcome could also be included in the Planning Performance Framework.</p> <p>There is support for the restructure of planning fees such as discretionary charges for pre application discussions and higher fees for retrospective planning applications. The further extension of permitted development rights as proposed is unlikely to free up additional resources. The use of Simplified Planning Zones would be a better mechanism for extending permitted development rights within town centres.</p> <p>Consistency of validation across all local authorities would help to simplify development management procedures. The aligning consents is welcomed and this should be widened out to listed buildings, conservation area consents, licensing and road construction consents.</p> <p>Support is given to new methods of engaging people but there must be recognition that additional resources will be required for them.</p>
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		The Council's full responses are detailed within the questions below.
26	<i>What measures can we take to improve leadership of the Scottish planning profession?</i>	It should be recognised that not all Heads of Service are planner-trained as a consequence of changing local authority structures towards leaner management frameworks. Leadership skills are usually generic, rather than, specifically tailored towards planners. Therefore, the Scottish Government, HOPS and/or the RTPI should look at developing training and courses for Heads of Service (where planning is part of their remit); Managers and Team Leaders and planners in leadership.
27	<i>What are the priorities for developing skills in the planning profession?</i>	The Council considers that leadership, project management, mediation, economics, development viability and design skills are priorities for developing skills for those involved in planning, especially within smaller local authorities where smaller planning teams have to be multi skilled.
28	<i>Are there ways in which we can support stronger multidisciplinary working between built environment professions?</i>	The principle of multi-disciplinary working is supported. In most Planning Authorities staff resources are tight and therefore the authority would require to be compensated for the loss of that officer's time when undertaking work for another authority and an agreement put in place. Furthermore, where pooled resources already exist, they are often under threat when savings are required.
29	<i>How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?</i>	<p>The primary need is to streamline the system by reducing unnecessary bureaucracy which detracts from casework. . Many of the requirements introduced in the wake of the 2006 Act and more have added additional burden. The annual PPF absorbs a significant amount of staff time, both in its preparation and in the collection of statistics.</p> <p>The Scottish Government could maintain more comprehensive guidance on its website, taking on roles (such as permitted development guidance notes and basic design guidance) which have hitherto been carried out by planning authorities. This would</p>

		<p>free up resources within planning authorities. The provision of consolidated up to date legislation online would also assist planning authorities as well as making the legislation more accessible to the wider public.</p> <p>Often delays in application performance is down to the developer who has submitted insufficient information or it is not of a sufficient quality. Often the Planning Authority has to work with a developer on a step by step basis to get to an approval stage.</p> <p>The suggestion of fast tracking is not supported. There is a danger it could be perceived as a developer paying for a consent or to “jump the queue”, which contradicts the trust that the Scottish Government wish to build into the system, especially in relation to interaction with communities. The main source of delay for major applications is often not lack of staff, but issues arising from technical consultations or poor submissions. If overall performance is high there should be no requirement to fast track applications.</p> <p>The effectiveness of press advertising should be reviewed. The determination of some non-contentious applications is delayed by the need for press advertisements for neighbour notification purposes, when the likelihood of the landowners concerned becoming aware of the application by such means is considered to be very low. It is recommended that press advertising be removed and that a portal for notifications as originally proposed by the Scottish Government be considered.</p>
30	<p><i>Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?</i></p>	<p>The principle of monitoring outcomes is supported, but the means of doing so is not obvious. Measurement of qualitative criteria such as how places have changed over time is inevitably subjective and does not lend itself to straightforward performance indicators. The planning review continues to emphasise monitoring through the PPF and this is supported.</p>

		<p>Whilst using the 'place standard' as a monitoring tool would work there are issues that those evaluating a place 'after' a development has been built may not be the same people as those that evaluated a place 'before' the development occurred. There would need to be consistency in who has evaluated the place before and after development to provide any meaningful results to be used for monitoring purposes. It would also be difficult to make comparisons between different authorities.</p> <p>In relation to monitoring development through quality and awards requires more explanation on how it would work in practice, as the planning review is quite vague on how this proposal would become an adequate monitoring tool. This was raised at the last planning review and has still not been quantified or taken forward.</p>
30(a)	<p><i>Do you have any ideas on how this could be achieved?</i></p>	<p>Peer review could be a useful tool in relation to monitoring as it has had some success when previously used for planning purposes. It will, of course, have to be repurposed for monitoring purposes and this could be achieved by reviewing build development in-house and then comparing it through a comparison with other local authorities.</p> <p>The West of Scotland Benchmarking Group is an excellent example whereby adjacent authorities meet on a regular basis to share information, pool resources and discuss development management issues. Recently it has been agreed that each authority would hold a training event in their respective area for all officers in the Benchmarking Group to present a development which they consider to be an example of good practice or quality development. The continuation and value of West of Scotland Benchmarking Group requires commitment by all authorities and that all authorities benefit in some way from this interaction.</p>

			<p>A self-assessment checklist for major developments (perhaps based on the former CABE “20 questions”) might form the basis of qualitative measurements of place. However, the resources which such exercises would consume should be taken into consideration.</p> <p>As discussed above benchmarking is also a good way of monitoring outcomes.</p> <p>360 degree feedback would seem more applicable to measuring customer service than development quality. Levels of participation in existing customer feedback exercises are often very low, and it is considered that inviting customers to participate in more time-consuming feedback exercises would be unlikely to produce representative results, especially for smaller authorities.</p>
31		<p><i>Do you have any comments on our early proposals for restructuring of planning fees?</i></p>	<p>The Council is supportive of the proposals for restructuring of planning fees within the document. The proposals to move towards full-cost recovery for the development management function is supported, but in itself this will not necessarily result in increased resources for planning services. The increased fees should be ring-fenced for the planning service, particularly to be used to increase staff resources and continue to consistently improve performance which in turn reduces Council grant/subsidy.</p> <p>Any additional income generated from the increase in planning fees should not be used to subsidise the cost of agencies and the Scottish Governments planning functions but it should be used to invest in the planning service.</p> <p>However, the Council does have serious concerns about extending cost recovery to include costs of other agencies/services and the Scottish Government, as this may necessitate a very substantial fee increase and would create new administrative costs for the planning authorities. Furthermore, agencies charging for their</p>

		<p>services may have unintended outcomes. For example, if contact with an agency becomes more formalised and fee-earning there will be less willingness to pick up the phone or arrange meetings with them and the developer.</p> <p>As noted above, the Council does not support “fast tracking” of applications with an enhanced fee.</p> <p>Other than these concerns, the proposals for fee restructuring outlined in the consultation are otherwise generally welcomed.</p>
32	<p><i>What types of development would be suitable for extended permitted development rights?</i></p>	<p>The Council considers that changes to permitted development rights should focus on non-contentious types of development where the planning system adds little value, rather than seeking to reduce the number of applications for the sake of doing so. It is therefore reassuring that the consultation does not propose a further extension of householder permitted development rights. Nevertheless, the 2011 householder Permitted Development rights are more difficult and time-consuming to interpret than those in the 1992 order, and the effectiveness of the 2011 changes could usefully be reviewed.</p> <p>The Council has no objection to the changes suggested in the consultation paper. However, for changes of use within town centres it is suggested that the English experience of allowing changes of use of commercial premises to dwellings should not be replicated.</p> <p>Considerations should be given to encouraging use of Simplified Planning Zones within town centres instead of extending permitted development rights for changes of use, as this would allow greater flexibility whilst still allowing a measure of local control where circumstances justify this.</p>

33	<i>What targeted improvements should be made to further simplify and clarify development management procedures?</i>	<p>Raising validation standards to ensure a higher standard of submission consistent across local authorities would simplify development management procedures. However any guidance issued must be clear, concise and not difficult to administrate.</p> <p>The need for neighbour notification advertising should be reviewed. Such press adverts are of less value than types of press advertising (e.g. “bad neighbour” and departure advertising) as they are unlikely to reach the landowners concerned.</p> <p>The neighbour notification timescales for minor development could return to 14 days.</p> <p>The legislation/regulations limiting the extent of delegated powers within planning authorities should be repealed. For example, there is no requirement that non-contentious major development applications be determined by the Planning Committee and it should be up to each authority to determine the extent of its own delegated powers.</p> <p>There is a need to align consents - Roads Construction Consents, Listed Buildings, Conservation Area permissions and Licensing so they can be processed in parallel. However these should not add additional bureaucracy to the planning system and should not delay the issue of early permissions.</p>
	<i>33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?</i>	<p>Part of the issue with permissions in principle lapsing before completion has been the reduction in the commencement period from 5 years to 3 years however this is considered a reasonable time to allow for the commencement of development.</p> <p>Where the development is underway or MSCs substantially approved it is reasonable to simplify renewal/extension of the overall permission to allow the submission of the remaining MSCs, but this should not be allowed to occur repeatedly on an indefinite basis.</p>

	<p>33(b) <i>Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?</i></p>	<p>The loophole which allows Section 42 applications for minor, contrived or unnecessary changes to conditions to be used as a back-door route to renewal needs to be closed. It is currently used by some developers as a way of circumventing application fees, and such applications can involve more work for planning authorities than a simple renewal.</p> <p>It is suggested that the status of such applications as de novo consents should be changed so that they become merely amendments to the original permission which do not affect commencement timescales. This would also have the advantage that relatively minor changes to conditions on major/EIA developments would not be subject to the disproportionate bureaucracy which can sometime arise at present.</p>
	<p>33(c) <i>What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?</i></p>	<p>There are various situations where PAC would be desirable for AMSC applications, but it would be difficult to prescribe these in legislation. Requiring PAC for each AMSC application would often be disproportionate, but some form of PAC would be desirable in cases where the permission in principle application had little or no detail of the design/layout of the development.</p>
	<p>33(d) <i>Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?</i></p>	<p>The present requirements are unnecessarily bureaucratic, and the requirement for applications to be decided at full council adds little to the process. It is not logical to require major departure applications to be determined by full council even though adoption of the development plan (a more important matter) has been delegated to the planning committee. It is considered that there should be no legislative requirement for any applications to be decided by full council.</p>
<p>34</p>	<p><i>What scope is there for digitally enabling the transformation of the planning service around the user need?</i></p>	<p>The Council, in principle, is supportive the use of 3D visualisation, data sharing, mobile technology, drones, online apps for other consenting regimes. However, there requires clarification of how these advances will be resourced as some of the proposals could be</p>

		costly and time consuming to operate.
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WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead – Regulatory
Planning Committee: 29th March 2017

Subject: Review of High Hedges (Scotland) Act 2013

1. Purpose

- 1.1** To inform the Committee of the call for evidence by Scottish Parliament to examine whether the High Hedges (Scotland) Act 2013 has achieved its objectives.

2. Recommendations

- 2.1** That the Committee notes the contents of the report and ratifies the response contained in Appendix 1 as this Council's response to the Call for Evidence.

3. Background

- 3.1** The High Hedges (Scotland) Act 2013 sought to provide a solution to the problem of high hedges where they interfere with people's right to reasonable enjoyment of their domestic property and where neighbours have not been able to resolve the issue between themselves. The Act sets out a process whereby those people affected by high hedges can apply to local authorities for a high hedge notice, and it gives powers to local authorities to make and enforce decisions. The process has been in place for almost four years and as part of its post-legislative scrutiny the Scottish Parliament's Local Government and Communities Committee has launched a call for written evidence from organisations and individuals on how the Act is working. The closing date is 20 March, 2017 and as a result the response contained in Appendix 1 has been forward as the Council's draft response to the Call for Evidence.
- 3.2** The high hedges process requires an application to be submitted to the local authority along with evidence which determines that efforts have been made to agree a solution with the owner of the hedge. In making a decision, the local authority assesses whether the height of the hedge would have an adverse impact on the reasonable enjoyment of the property and, if so, a High Hedges Notice can be served requiring the owner to take action, for example, by trimming the hedge to a set height. There is a right of appeal for both applicant and hedge owner, and the Act gives local authorities' enforcement powers where there is non-compliance with a notice.

4. Main Issues

- 4.1** The call for written evidence seeks views on whether the Act has achieved its objective and provided a solution to the problem of high hedges which interfere with the reasonable enjoyment of domestic property. It sets out a number of questions on the definition of a high hedge, the appeal and enforcement procedures, fees and costs and any positive/negative impacts. The responses to these are detailed in Appendix 1.
- 4.2** In the last 4 years, the Council has had a small number of high hedge applications, but these have been resource-intensive due to the requirements of the Act and the adversarial nature of the sites in question. As a result there have been difficulties in achieving expedient and satisfactory solutions. There is a gulf between neighbours trying to resolve matters themselves and the formal process which is the high hedges application. A formal mediation process prior to an application being submitted may bridge this gap and help eliminate the unfairness associated with applicants having to pay, and is recommended for consideration. This step would require additional funding and training support by the Scottish Government. High hedge applications are not a straightforward mechanism both for the Council and for all parties involved and should only be sought when all else fails.
- 4.3** A contentious aspect of the legislation is the fee for making a high hedge application. Presently local authorities can set their own fees for High Hedge applications. The fee is paid by the person affected by the hedge, and while the level of the fee is set by each individual local authority the legislation was intended to be “cost neutral” – i.e. the fee should cover the cost of administering the application. In practice this necessitates a comparatively high fee, which in West Dunbartonshire is currently set at double the householder planning application fee (i.e. £404 at current rates), but still does not fully cover the full cost of resourcing the application. This is a source of grievance to potential applicants, and probably discourages some people with legitimate high hedge problems from making applications. The number of enquiries received significantly exceeds the number of applications submitted. However, charging a lower or no fee would involve subsidising high hedge applications from other Council income sources, and this is not considered desirable in view of the ongoing funding issues affecting local government. It is likely if there was a lower or no fee the number of High Hedge applications would increase significantly. It is acknowledged that it is unfair that the person(s) impacted by the high hedge are required to pay the High Hedge application fee. It is recommended that the Committee revisits this part of the Act so that the perpetrator is required to reimburse some or all of the application fee if a High Hedge Notice is served.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

6.1 None.

7. Risk Analysis

7.1 There are no risk issues.

8. Equalities Impact Assessment (EIA)

8.1 An EIA is not required.

9. Consultation

9.1 No consultation was necessary for the preparation of this report.

10. Strategic Assessment

10.1 The high hedges legislation is intended to provide a means of resolving hedge disputes which impact upon the amenity of residents. This contributes towards the Council strategic priority of “improving the well-being of communities and protect the welfare of vulnerable people”.

Peter Hessett
Strategic Lead - Regulatory
Date: 6th March 2017

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Appendices: Appendix 1: Responses to Call for Evidence

Background Papers: None

Wards Affected: All

Responses to the call for evidence on the High Hedges (Scotland) Act 2013

Question	Response to the Question
<p>Has the definition of a high hedge as set out in the Act proved helpful? If not, please provide details.</p>	<p>The Act defines a high hedge as:</p> <ul style="list-style-type: none"> • being formed completely or mainly by a row of two or more trees or shrubs; • rising to a height of more than 2 metres above ground level; and • forming a barrier to light (unless gaps in the hedge significantly reduce its overall effect as a barrier to light at heights of more than 2 metres above ground level). <p>It has been straightforward to determine what constituted a high hedge in terms of enquiries and high hedge applications which West Dunbartonshire Council have received to date. However, it is not difficult to conceive of situations where this would be less clear, particularly in relation to tree belts or linear groupings of trees.</p>
<p>Do you have any experience of the appeals procedure as set out in the Act?</p>	<p>No. Only two high hedge applications have been submitted since the legislation came into force in 2013. The first application was not appealed and the appeal deadline for the second application does not expire until 27 March, 2017.</p>
<p>Do you have any comments on the enforcement procedures under a high hedge notice?</p>	<p>The enforcement procedures as set out in the Act provide local authorities with the necessary powers to enter land to carry out works where required, apply to courts for a warrant where entry is refused and make it a criminal offence to deliberately prevent an officer or other person authorised to enter land and carry out the works.</p> <p>However, it is unclear whether such offences would be taken up by Procurator Fiscals as being “in the public interest”. Experience in other enforcement areas suggests that this is not always the case and this somewhat weakens the powers given by the Act.</p> <p>The Act also gives local authorities powers to recover costs and where necessary register a notice of liability for expenses in the Registers of Scotland. This mechanism is welcomed but has yet to be tested by West Dunbartonshire.</p>

	<p>Where Council's have to take direct action this only adds to the pressures on local authorities to find money in tight budgets and recover costs which may not be paid back for several years.</p> <p>Also, there is a real risk that there will be reoccurrence of enforcement and cost recovery issues where hedges regrow above the height specified in the notices.</p>
<p>Do you have any comments on fees and costs?</p>	<p>The Act was also intended to be "cost neutral" and gave local authorities the right to set their own fee rather than a standard Scotland-wide fee. Whilst this allowed local circumstances to be taken into account in setting fees, it inevitably resulted in significant variation between authorities, especially as it was difficult to predict the likely costs of administering the powers.</p> <p>West Dunbartonshire Council currently charge a flat rate of £404 (i.e. double the fee of a householder planning application). This reflected an expectation that high hedges would be more costly to administer than the average householder application, and also the fact that planning fees do not currently deliver full cost recovery.</p> <p>High hedges applications have been found to be administratively more costly than householder planning applications. For example, an application will typically require more paperwork/correspondence (with many documents being required to be copied to both owner and applicant). Such applications are by their nature contentious and adversarial, and therefore they generate more telephone calls, emails and meetings than would normally be expected of householder planning applications. In addition, it has been found necessary to carry out more than one site visit to assess daylight and overshadowing at different times involving two members of staff where entry is potentially problematic or challenged. Finally, the costs of administering an application needs to also reflect the relatively high probability of an appeal against the decision by one or both of the parties involves, and the high potential for enforcement costs.</p> <p>While we are unable to provide definitive costings for the small number of</p>

	<p>applications received, the current fee level in our view is considered to be somewhat below the level necessary to cover the Council's costs.</p> <p>On the other hand, the level of the fee has been the subject of criticism from potential applicants, who consider that it is unfair to charge them to address a situation in which they consider themselves to be the 'victim'. Additionally, where a high hedge goes over several properties each property has to make a separate application and pay a separate fee. Some potential applicants have indicated that the fee has dissuaded them from making an application. However, if fees were lowered high hedges applications would require to be subsidised from other local authority funding sources, which are already under pressure. Also it may involve resources having to be diverted away from processing planning applications. There is also a danger that if the fee is reduced significantly this would encourage applications for relatively trivial hedge disputes which the legislation was not intended to address and this would take up valuable staffing resources.</p> <p>It is therefore considered that local authorities should continue to be allowed to set the fees as appropriate to contribute to their costs.</p>
<p>Overall, are there any aspects of this Act which has had a positive or negative impact on your life?</p>	<p>See responses above</p>
<p>Any other issues relating to the Act which you wish to bring to the attention of the Committee?</p>	<p>Overall, West Dunbartonshire has found the process to be time-consuming and unlikely to achieve a speedy resolution to the problems residents may face. The enforcement powers are similar to those for planning enforcement matters and similarly are subject to due process and rights of appeal which do not lend themselves to quick outcomes.</p> <p>There is a gulf between neighbours trying to resolve matters themselves and the formal process which is the high hedges application. There is perhaps a need for a formal mediation process prior to an application being submitted, administered by mediation services already offered by local authorities. This would require additional funding and training support by the Scottish Government but may help those who cannot afford to pay for a high hedges application.</p>

It is unfair that the person affected by the hedge pays the application fee; it is recommended that the Committee revisits this part of the Act so that the perpetrator is required to reimburse some or all of the application fee if a High Hedge Notice is served.

As it stands, it is clear that high hedge applications are not a straightforward mechanism and should only be sought when all else fails.

Most local authorities have chosen to administer high hedges applications through its Planning Service and this is accepted the correct way for consideration.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 29 March 2017**

DC16/282: Residential development of 99 houses and associated roads, landscaping and drainage on land at Farm Road, Duntocher by Taylor Wimpey West Scotland.

1. REASON FOR REPORT

- 1.1** This application is for a major development which would be a significant departure from the adopted development plan. Under the national regulations relating to the handling of planning applications, it requires to be determined by the full Council. The Council's procedure requires that a pre-determination hearing take place at the Planning Committee, before the full Council considers and determines the application.

2. RECOMMENDATION

- 2.1** That the Planning Committee considers the details of the development and **refers the application to the full Council** for determination, expressing the provisional view that the application should be refused for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to approximately 8.8 hectares of agricultural land on the northern edge of Duntocher. The site comprises two fields roughly similar in size, which are connected to each other by a narrow corridor. The north-eastern field lies on the west side of Farm Road, bounded by the back gardens of houses on Mirren Drive to the south and by the houses in the former Duntiglennan Farm buildings to the north. At its south-western corner is a connection into the south-western field, which is bordered by back gardens in Mirren Drive and Craigielea Road to the east and south. Both fields border farmland to the north and west. There are significant level changes across both parts of the site, with the land generally rising to the north. The land was previously used for agricultural grazing but it is currently unused, and it consists mainly of overgrown grassland. The south western field contains mature trees around its perimeter, and these are covered by a Tree Preservation Order.

- 3.2** Full planning permission is sought for the erection of 99 houses, comprising a mixture of 2, 3 and 4 bedroom detached and semi-detached two-storey properties, each with a private garden and driveway. Some houses have either integral or detached garages, and all of the properties would be for private ownership. Externally, finishing materials would consist of rendered or facing brick walls and concrete roof tiles. In the north-eastern field, 63 houses would be sited around a loop road bordering the north side of Mirren Drive, while a further 36 houses would be sited around a second loop road in the centre of the south-western field. All vehicular access to the proposed development would be via Farm Road. Due to the significant gradients over much of the land, the new housing would be limited to the more level areas and would occupy less than half of the total site area, with the remaining land being retained as open space and landscaping. Surface drainage would be by way of SUDS, and two drainage ponds would be formed within the development.
- 3.3** A Supporting Planning Statement, Pre-Application Consultation Report, Design and Access Statement, Archaeological Desk-Based Assessment, Landscape and Visual Appraisal, Transport Assessment and a Phase 1 Habitat Survey have all been submitted as part of the application, in order to address the various technical issues.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection subject to various conditions relating to footway provision on Farm Road, a swept path analysis for refuse vehicles, provision of a footpath link to Craigielea Road, retention of off street parking spaces, drainage, wheel wash facilities and submission of a traffic management plan.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to permitted hours of work on site, deliveries, piling and dust control measures.
- 4.3** West of Scotland Archaeological Service has no objection subject to a condition requiring that an archaeological watching brief be implemented prior to any development on site.
- 4.4** The Scottish Environmental Protection Agency object on the grounds of a lack of information regarding the provision of heat and power to the proposed development.
- 4.5** Scottish Natural Heritage have no objection to the proposal, but advise that the development should be carried out in accordance with the recommendations contained in the Phase 1 Habitat and Protected

Species Report. In addition, they have also commented on the landscape impact of the development as follows:

- In order to reduce landscape impacts, the built development should avoid the western third of the south western field;
- Retention of existing trees and woodland along with new planting is to be supported;
- Further details of the enhancements to existing open space and improvements to the path network off-site at Craigielea should be provided. Improvements to Craigielea open space and appropriate integration into the proposed recreational greenspace to the south of the development site should form part of this proposal; and
- The layout and design of housing in the northern field should minimise impacts on the rural setting of the steading buildings located at the end of Farm Road. They recommend a greater set back from the boundary of the steadings in order to minimise impacts on the rural setting of these buildings.

4.6 The Health & Safety Executive and Historic Environment Scotland have no objections to the proposal.

5. REPRESENTATIONS

5.1 Two hundred and ten representations have been received objecting to the proposal. These include objections from Duntocher & Hardgate Community Council, Parkhall, North Kilbowie & Central Community Council, Bowling & Milton Community Council, Clydebelt and Gil Paterson MSP as well as many local residents. The reasons for objection are summarised as follows:

- The site forms part of the greenbelt around Duntocher/Clydebank and should be protected from development;
- There is no need to release this greenbelt site for housing as suitable brownfield sites exist elsewhere in Clydebank;
- The revised housing land supply targets are such that this site is not required to be developed for housing;
- The only vehicular access to the development site will be via Farm Road which is not suitable for any additional traffic. Vehicles from an extra 99 houses will result in further congestion, parking issues and pollution;
- The development will have a detrimental visual impact on the landscape and the Kilpatrick Hills;
- The development will have a detrimental impact on wildlife and result in the loss of an open space often used for recreation;
- The location of the new houses will result in a loss of privacy, overshadowing and overlooking at neighbouring properties;
- Noise and disturbance in the surrounding area during construction;

- Surface water currently from the site causes issues at houses adjacent to the site. The proposed development will include areas of hardstanding which will make this situation worse;
- There is no capacity in the local primary schools to cater for families who may move into the development; and
- The water pressure in the surrounding area is low at present and this development will exacerbate the situation.

5.2 Additionally, one representation has been received from a resident who supports the proposal on the grounds that Clydebank does not have enough new private housing developments.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Glasgow and the Clyde Valley Strategic Development Plan

6.1 The Strategic Development Plan (SDP) was approved in May 2012. The housing land requirements in the SDP were derived from the results of the Housing Need and Demand Assessment (HNDA), which assessed need and demand for all housing tenures across the city region. Schedule 7 of the SDP indicates that 4,000 new private sector houses were required to be completed in West Dunbartonshire between 2009 and 2025. This translated into a housing supply target of 250 private houses per annum in the West Dunbartonshire Local Housing Strategy 2011-16.

6.2 The application site is within the green belt, where housing development would not be a form of development consistent with the Strategic Development Strategy (Diagram 3). The Sustainable Location Assessment approach set out in Diagram 4 lists criteria for assessment of development which is not in line with the Spatial Development Strategy. As the site is no longer required to meet housing land supply requirements, it is considered that the proposal does not meet these criteria, which include supporting green belt objectives. The proposal therefore requires to be assessed against the local development plan.

6.3 Strategy Support Measure 8 requires the continued designation of a green belt, with a review of the inner and outer boundaries of this being a priority for local development plans. Strategy Support Measure 10 requires local authorities to maintain a five year effective land supply and to augment supply where/when necessary, with priority given to bringing forward delivery of sites already identified, and then additional sites guided by assessment against Diagram 4 and deliverability factors. The site is in the green belt, and the proposed development is not in accordance with the Spatial Development Strategy.

West Dunbartonshire Local Plan 2010

- 6.4** Policy GB1 seeks to preserve the landscape character of the green belt by specifying a general presumption against development other than that falling into certain specified categories. The proposed residential development does not fit into any of these categories and the proposal is therefore contrary to Policy GB1. Policy RD1 states that preference will be given to residential development on brownfield sites within the urban area rather than on greenfield land. The proposal is therefore contrary to Policy RD1.
- 6.5** The sites specified in Schedules H1 and H2 represent the main opportunities for private sector housing, with Policy H2 stating that if additional housing land needs to be identified, further sites will be brought forward with a preference given to sites on brownfield land. The site is not listed in either schedule, and it is not a brownfield site. Policy H4 sets out general standards expected of new residential development, requiring high quality in terms of shape, form, layout and materials. Policy GD1 sets out development control criteria for the assessment of all new development. The proposal is considered to be contrary to Policies H2, H4 and GD1 for the reasons detailed below in Section 7.
- 6.6** Policy E4 indicates that the Council will continue to protect trees covered by a Tree Preservation Order and Policy E5 states that proposals should take account of all existing trees at the beginning of the design process. Policy E9 requires that development within the green belt will have particular regard to the landscape character and distinctiveness of the area and its surroundings, with measures being proposed to minimize adverse impacts on the landscape character of the green belt. Proposals which are detrimental to the landscape character will not generally be supported. The proposal complies with these policies.
- 6.7** Policy R2 specifies the open space provision required for all new development. However, the open space requirement for this application has been assessed against the more up-to-date Our Green Network Guidance. Policy T4 relates to the accessibility of new development and requires new developments to integrate with walking, cycling, and public transport routes. Priority should be given to the positioning of footpaths, cycle ways and bus stops at the main entrances to developments or within residential areas. Policy DC5 states that the Council will seek advice from the Health & Safety Executive when considering the appropriateness of development within the consultation distances of installations including the Transco Pipeline which runs to the north of the site. Policy F2 requires all new developments to incorporate appropriate sustainable drainage measures. The proposal complies with these policies.

- 6.8 The principle of a residential development at this location is not supported by the local plan and the proposed design and layout are considered to be unacceptable. The application is therefore contrary to policies GD1, GB1, RD1, H2 and H4.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Glasgow and the Clyde Valley Strategic Development Plan (Proposed Plan 2016) ("Clydeplan")

- 7.1 Clydeplan is currently within its examination phase, and it is anticipated that the Examination Report will be submitted to Scottish Ministers in the following weeks. The emerging Clydeplan continues the existing spatial development strategy, with an emphasis on creating high quality places. It notes that significant reserves of vacant and derelict land remain along the riverside. Clydeplan is committed to supporting new housing which creates high quality places and delivers the right type of housing in the right locations. Policy 14 (Greenbelt) states that Local Authorities are required to designate greenbelt in order to ensure that development is directed to the most appropriate locations and supports regeneration.
- 7.2 As part of the preparation of the Clydeplan, the housing need and demand assessment was updated in May 2015, and it now provides lower housing estimates than those used in the approved SDP. Schedule 7 of the emerging Clydeplan indicates a private housing supply target of 150 units per annum for West Dunbartonshire. Schedule 10 indicates a surplus in the private sector supply and demand comparison for West Dunbartonshire. The latest housing land audit (2016) assesses West Dunbartonshire's effective housing land supply for the next seven years as 1,774 which can meet the more recent housing supply targets of 150 per annum with a significant surplus to provide flexibility. Therefore, no further sites (including the Duntiglenan Fields site) require to be allocated in order to fulfil the housing land supply target within West Dunbartonshire.
- 7.3 Policy 8 of the emerging Clydeplan requires local authorities to make provisions within their LDPs for all-tenure housing land requirement as set out within Schedule 8; to allocate a range of effective residential sites; to provide a minimum of 5 years effective land supply at all times; to undertake an annual housing land audit to monitor completions; and to take steps to remedy any shortfalls that may exist. The updated assessment of private sector supply and demand in the HNDA has concluded that there is a surplus of land in West Dunbartonshire to meet the private housing land requirement to both 2024 and 2029. For development such as this application which is deemed to be of a strategic scale, it is necessary to be assessed against Diagram 11 (Assessment of

Development Proposals). As the development does not support the vision, spatial development strategy and placemaking policy, and is not considered to be an acceptable departure, the proposal is deemed to be contrary to the proposed Clydeplan.

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

7.4 On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report's recommended modification in respect of including the Duntiglennan Fields site as a housing development opportunity. The Planning Committee accepted all of the other recommended modifications of the examination report and they have been incorporated into West Dunbartonshire Local Development Plan. As a result of the Scottish Ministers' direction, the Local Development Plan will remain unadopted but the Planning Committee has taken the decision that the Local Development Plan will retain Proposed Plan status. They also advised that work should commence immediately on the new Local Development Plan. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications. The Proposed Plan is the most up to date statement of Council policy and significant weight should be attached to its policies as a material consideration as the adopted plan is now nearly 7 years old.

7.5 The proposed development site is located within the green belt. Policy DS2 restricts development out with the urban area to uses which support the countryside and any housing development must be in accordance with Policy BC1. Under the terms of Policy BC1 if the housing land audit identifies a shortfall in the five year effective land supply, the Council will support housing proposals which:

- are capable of delivering completions in the next five years;
- can address infrastructure constraints;
- are in a sustainable location as guided by Diagram 4 of the Glasgow and Clyde Valley Strategic Development Plan; and
- do not undermine the strategic focus on urban regeneration and brownfield redevelopment.

7.6 The application site is not listed within Schedules 2-4 which are reserved for housing development. On sites which are so listed, Policy BC2's support for housing development is subject to consideration of the principles for good design of residential development provided in guidance. Policy DS1 indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming).

All residential developments of more than 3 units are also expected to comply with the Residential Development: Principles of Good Design Guidance. As discussed in Section 7 below, it is not considered that the proposal would comply with these requirements.

- 7.7** Policy DS3 requires that significant travel generating uses are located within 400 metres of the public transport network. Policy DS6 states development will not be supported where it would have a significant probability of being affected by flooding or increasing the risk of flooding elsewhere, and requires SUDS to be included, where appropriate in developments.
- 7.8** Policy GN2 requires development to follow an Integrating Green Infrastructure approach to design from the outset by incorporating SuDS, open space, paths and habitat enhancement at a level proportionate to the scale of development and in accordance with relevant Planning Guidance (provided via the Our Green Network Guidance). Policy GN3 requires that the integrity of the green network assets is maintained. Policy GN4 indicates that development that would have a significant adverse impact on the landscape character will not be permitted. Policy GN5 supports the enhancement and management of woodland, and protects trees of amenity and biodiversity value. Policy SD1 states that development should avoid adversely affecting the road network by complying with relevant standards, avoiding unacceptable congestion and providing or contributing to necessary improvements.
- 7.9** The proposal is assessed against all of the above policies in the paragraphs above and it is not considered to comply with policies DS1, DS2, BC1 or GN2. Further assessment against these policies is below.

Scottish Planning Policy (SPP)

- 7.10** Paragraph 32 of SPP states that in situations where development proposals do not accord with up-to-date development plans, the primacy of the plan is maintained. However paragraph 33 of SPP states that where the relevant policies in a development plan are out-of-date, or a development plan is more than five years old, then a presumption in favour of development which contributes to sustainable development will be a significant material consideration. In such circumstances the SPP states that decisions should be guided by a number of principles, including:
- Supporting good design and the six qualities of successful places;
 - Making efficient use of existing capacities of land, buildings and infrastructure;
 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;

- Avoiding overdevelopment, protecting the amenity of new and existing development, and considering the implications for water, air and soil quality.

In addition to an assessment against the principles outlined above, development proposals also require to be assessed against SPP as a whole. In this instance, the sections within SPP in relation to placemaking and providing an effective housing supply are also pertinent. These sections are detailed in the paragraphs below.

- 7.11** SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area, maintaining a 5 year supply of effective housing land at all times. Plans should be informed by a robust housing need and demand assessment (HNDA), covering all tenures.
- 7.12** SPP makes it clear that planning's purpose is to create better places and placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of the urban or rural built environments. The outcome should be sustainable, well-designed places. Planning should take every opportunity to create high quality places by taking a design-led approach. Design is a material consideration in determining planning applications and planning permission may be refused and the refusal defended at appeal solely on design grounds. The Government's policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play. Places which have enduring appeal and functionality are more likely to be valued by people and to be retained for generations to come. It is considered that the proposed development does not support good design and the six qualities of successful places, and neither does it make efficient use of existing land or infrastructure or protect existing green infrastructure and landscape. The proposal is therefore considered to be contrary to the principles of SPP for the reasons discussed below.

Background

- 7.13** The approved SDP provided a preliminary and indicative comparison of private sector supply and demand at housing market area level, and an assessment of an indicative all-tenure housing requirement at local authority level. Neither of these indicated a shortfall in terms of housing land within West Dunbartonshire. However, that preliminary conclusion was subject to a detailed assessment of all sites to be allocated in the Local Development Plan. Because actual private sector completions in the years 2009-13 did not meet the target at that time of 250 private houses per annum, there was a shortfall in the Local Development Plan

period up to 2020 which had to be addressed. The initial draft version of the LDP published in November 2013 therefore allocated three greenfield release sites to meet this shortfall, including Duntiglennan Fields.

- 7.14** Following consultation, the Planning Committee in February 2014 agreed to modify the Plan to remove Duntiglennan Fields and retain it in the green belt, and this modified version of the Plan was published for consultation. This resulted in a shortfall in the private sector housing land supply in the period to 2020, but one that could be addressed due to a generous all-tenure land supply, and the ability to bring sites forward from the 2020-25 period. The developer with an interest in the site, objected to its identification as green belt, and the site featured as part of the Local Development Plan examination. In relation to this site, the Reporter concluded that its development would not cause any unacceptable environmental impacts and that its inclusion was required to enable delivery of the strategic housing requirement for private sector housing in the period to 2020. The Reporter therefore recommended that the site should be reinstated as a housing development opportunity in the Local Development Plan, but that recommended modification was rejected by the Planning Committee in March 2015 on the grounds that the modification would be inconsistent with the Strategic Development Plan. The Scottish Ministers decided that this was unsatisfactory, and hereby directed that the Council consider modifying the proposed West Dunbartonshire Local Plan as indicated in the Annex to the direction. It stated that the Local Development Plan could not be adopted if Duntiglennan Fields was not included as an opportunity site within the Plan. As a result of this decision, the Planning Committee in April 2016 agreed that the Local Development Plan remains unadopted and it would be left as a Proposed Plan, making it a material consideration in the determination of planning applications.

Principle of Development

- 7.15** Duntiglennan Fields was initially allocated as a potential housing development site in order to address an identified shortfall in housing supply within West Dunbartonshire. However, the Planning Committee decided not to accept the Local Development Plan modification which recommended including Duntiglennan Fields as a housing development opportunity. Significantly, the preparation of the proposed LDP began in 2009 and the HNSA from that time is now out of date. The revised housing supply target is 150 per annum, and the current housing land supply indicates that there is now a sufficient surplus of supply to provide flexibility. Whilst the site was allocated on the basis of a housing supply need when the proposed LDP was being prepared, it is no longer required in order for West Dunbartonshire to meet its housing supply targets.

- 7.16** The application site is identified in both the adopted and proposed local plans as a greenbelt location. There is no justification for developing this site based on housing supply figures and the proposal is therefore not an appropriate form of development at this location. Accordingly, the development of this site for housing is contrary to policies RD1, GB1 and H2 of the adopted local plan and policies DS2 and BC1 of the Proposed Plan. Development of this site would also undermine the strategic focus on urban regeneration and brownfield redevelopment.
- 7.17** Overall, the proposed residential development is not an appropriate form of development at this location and is contrary to both the adopted and proposed local plans. The proposal is also contrary to Scottish Planning Policy, the Strategic Development Plan and the emerging Clydeplan since it is greenbelt and the development is not required to meet West Dunbartonshire Council's revised annual housing targets.

Landscape and Setting

- 7.18** The proposed development would result in the loss of an area of disused agricultural grazing land, which would obviously change the characteristics of the site and how it would be viewed from surrounding areas. A Landscape and Visual Appraisal has been submitted in support of the application and highlights that the site forms part of the Rugged Moorland Hills landscape type which covers much of the surrounding area. A residential development at this location would undoubtedly impact on the landscape by introducing an urban characteristic. However, the site is adjacent to existing residential areas and the proposed development would not result in the introduction of buildings which would significantly transform the landscape, especially when viewed from any distance. The development would be likely to be viewed within the context of existing urban development on the settlement edge. Whilst the visual impacts could be reduced further by amending the layout so that it better integrated with the open space on site and improving the relationship with existing buildings to the north of the site, the overall impact on the landscape and general visual impact of the development is considered to be acceptable.

Layout, Design and Appearance

- 7.19** A design and access statement has been submitted in support of the application which explains how the layout relates to the surrounding area. Whilst it is explained in the supporting information that the development aims to create a high quality and welcoming residential area, the proposals fail to create a sense of place and the development does not fully integrate with the surrounding area. Although there are elements of the proposal which reflect the Designing Streets guidance and the Council's Residential Design Guide, overall the layout is not considered to

be of a satisfactory standard and would fail to create a distinctive development that would comply with the six qualities of good design.

- 7.20** The proposed development fails to make the most of opportunities presented by the site with better use of shared surfaces which would create a more pedestrian focussed layout. The development places the movement of motor vehicles before the needs of people. With substantial areas of open space throughout the site, the housing could better integrate with the landscaping and provide more overlooking and surveillance of the open space. The extensive landscaping presents an opportunity to create a distinctive development which integrates with the open space and reduces the overall impact of this development. The use of loop roads in the manner proposed is relatively standard and fails to create a distinctive development. The link between the two parts of the site appears to be the minimal required rather than being used as an opportunity to create a welcoming transitional zone and gateway between the two phases of the development. The failure to overlook certain parts of the open space and the design of the link between the two parts of the site also raise issues with regards to creating a safe and pleasant development. There is also a failure to create a welcoming site entrance which is distinctive and which provides a transitional area from the existing built environment to the new development.
- 7.21** A greater separation distance from the development and the farm steading to the north of the site for example, could enhance the development and minimise its impact on the surrounding area. The unsatisfactory location of some houses within the site is reflected in the response from Scottish Natural Heritage and a better relationship with the surrounding houses would enhance the development and protect the semi-rural nature of the area. There is also a failure within the development to have differing densities which could add interest through different building types and also create a better urban and street environment. The relationship with the open space could then be enhanced if some houses were orientated differently.
- 7.22** The road layout within the site reflects the site levels. However, the levels would not prevent a more innovative layout being implemented which could better link the two areas of the site and also address the changing levels. The layout is relatively standard and does not make the most of the opportunities presented by the site. The road layout also fails to create a network of informal, formal or interesting spaces within the housing part of the site and the visitor parking spaces are not used to create natural traffic calming which are important elements of the Government's Designing Streets Guidance. Landscaping of both hard and soft varieties are not included within the road layout and could be used to narrow roads in places, enhancing the development and naturally slowing

the movement of vehicles. Landscaping would soften the street scene and allow the houses to be better integrated within the street scape. Due to the unacceptable layout and design of the overall development, the proposed development is contrary to policies H4 and GD1 of the adopted local plan, SPP, Designing Streets, Council's Residential Design guide and policies DS1 and GN2 of the LDP (Proposed Plan).

- 7.23** The proposed mix of housing would provide a variety of house types of varying sizes and design and reflects the existing housing in the surrounding area. The houses will all be two storey and consist of a mixture of detached and semi-detached properties. However, the introduction of different densities could enhance the development and create a distinctive urban environment which would contrast with the surrounding urban area. Externally, the properties will have a traditional appearance and predominantly be finished in off white render, facing brick and grey concrete roof tiles. The proposed materials and appearance of the houses are considered to be acceptable and adequate plot sizes are provided. However, due to the semi-rural nature of the location, there is scope that more traditional materials and a different building design could be used to enhance the development and make the most of the setting.

Landscaping and open space

- 7.24** The proposal would exceed the standards for open space provision contained in the Council's 'Our Green Network' guidance, and open space and landscaping would form a significant part of this development. There would be two main landscaped areas, with one area containing a SuDS pond. A further SuDS pond would be provided on land adjacent to the housing. The layout retains the existing trees covered by a Tree Preservation Order and there are opportunities for a community woodland to be created. Since the quantity of open space and landscaping on this site exceeds the Council's requirements, there would be no need for a financial contribution to be made for any off site works.

- 7.25** However, whilst sufficient areas of open space and landscaping are provided within the development, the housing element of the proposal does not integrate with the open space. Instead, many of the houses turn their back on the open space, ensuring that there will be little in the way of active surveillance or integration at certain parts of the site. It would be more desirable to integrate the development with the open space to create a distinctive development which makes the most of the opportunities presented by this site. The relationship between the houses and open space is such that it almost appears as two distinct aspects of the development rather than a fully integrated single development and does not therefore fully comply with Part 3 of Our Green Network Guidance. Due to the failure to fully integrate the landscaping and open space within the development, provide a network of spaces and include landscaping

throughout the development, the proposed layout is unacceptable and the development is contrary to Part 3 of the Council's Our Green Network Guidance, the Council's Residential Design Guide, and policies DS1 and GN2 of the LDP (Proposed Plan).

Transport and Connectivity Issues

- 7.26** It is proposed that all access to the development be by way of a new access from Farm Road, which itself feeds onto Beeches Road and then onto Dumbarton Road (A810). These roads presently serve a sizeable residential area, and many of the objections received refer to existing traffic congestion and related issues on these roads. However, the application is accompanied by a Transport Assessment which concludes that Farm Road and the various road junctions concerned all have sufficient capacity to cope with the additional traffic from the development without giving rise to adverse road safety or traffic impacts. The Council's Roads Service accepts this position, and has no objection to the application on road capacity or road safety grounds.
- 7.27** The proposal includes provision of a footpath link to the open space adjacent to Craigielea Road. This road is a bus route and this link will improve links to public transport. Whilst the site is on the edge of the town and at the top of a hill, it is no further from local services than various other parts of Duntocher.
- 7.28** The proposed houses would all be provided with adequate off street parking and visitor parking would be dispersed throughout the development. As a sufficiency of parking would be provided on site, the development should not impact upon or exacerbate the existing parking situation on Farm Road.

Drainage & Technical Issues

- 7.29** The site is not at risk of flooding, but due to its sloping nature there have been reports of surface water run-off into the surrounding area from neighbouring residents. In order to address this issue and to provide appropriate surface drainage for the new housing and roads, the proposal would incorporate SuDS measures including use of permeable paving throughout the site and the creation of two attenuation ponds serving both parts of the site. This would allow water to drain away more slowly, helping to alleviate pressure on the drainage network and reducing the risk of any localised off-site flooding. The proposed drainage arrangements are likely to improve the present situation and are considered to be acceptable.
- 7.30** There is an unresolved objection from SEPA due to lack of details of the provision of heat and power for the development. In order to meet the Scottish Government's renewable energy and heat demand targets, it is

important that all types of new development consider the role they play in using heat from renewable sources. The applicant is understood to be working on proposals to address this issue, and it is considered likely that this matter could be resolved in due course.

Natural and Built Heritage

- 7.31** An ecology assessment of the site found no evidence of European protected species on the site, and although it is possible the site is used by deer, birds and other wildlife, the site is agricultural grazing land of limited habitat value. The proposed landscaping and open space areas would minimise the impact of the development on existing trees within the site. The landscaping and tree planting together with the adjacent agricultural land would provide a variety of habitats for different plant and animal species. Therefore there would be no adverse impact upon natural heritage. It would be necessary to ensure that any development was undertaken in accordance with the recommendations contained in the habitat survey.
- 7.32** As part of the consultation exercise, Scottish Natural Heritage have highlighted that the built development should avoid the western third of the south western field in order to minimise the visual impact of the development. Whilst development on this part of the site is proposed, there is scope to amend the layout which could address this issue. However, it might be that due to the topography of the site, some units may be lost. They have also highlighted that there is scope to improve the layout and design of housing in the northern field in order to minimise impacts on the rural setting of the farm steading at the top of Farm Road. A greater set back from the boundary of the steadings would minimise impacts on the rural setting of these properties.
- 7.33** The site is close to the route of the Antonine Wall, and West of Scotland Archaeology Service has advised that an archaeological watching brief should be implemented.

School Capacity

- 7.34** Although the development will involve the construction of 99 family homes, there is sufficient capacity in existing local schools to meet the anticipated demand for school places and the Council's Education Service has no objection to the proposed development.

Pre-application consultation

- 7.35** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. One public consultation event was held at the West Park Hotel, Duntocher in June 2015. A statutory notice was published in the local press advertising the public event and the submission of the proposal of application notice.

The applicant has submitted a pre-application consultation statement which indicates that 40 people attended the public event, with the majority of those who completed feedback forms not in support of the proposals. The main issues raised by the objectors related to traffic on Farm Road, capacity in local schools, loss of views, impacts on wildlife and landscaping.

Pre determination Hearing

- 7.36** Under the terms of Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended) applications for major development which would be significantly contrary to the development plan require a pre-determination hearing, whereby applicants and any persons who have made representations are given the opportunity to appear before and be heard by a Committee. This takes place at the Planning Committee, but as the application requires to be referred to and determined by the full Council, elected members who are not part of the Planning Committee have been invited to the Committee in order to observe the pre-determination hearing.

8. CONCLUSION

- 8.1** There is no requirement for additional land to be made available for housing within Clydebank and the preference is to direct new housing development to brownfield land. The application site forms part of the green belt to the north of Clydebank and is not identified as a suitable location for a housing development. The development is not in accordance with the Strategic Development Plan or the emerging Clydeplan as no further sites are required to be allocated in order to fulfil the housing land supply target within West Dunbartonshire. The development is contrary to policies GB1, RD1 and H2 of the adopted local plan and policies DS2 and BC1 of the local development plan (proposed plan).
- 8.2** The proposed layout also fails to make the most of opportunities presented by the site and places the movement of motor vehicles before the needs of people. The layout fails to create a network of informal, formal or interesting spaces and the housing fails to fully integrate with the open space to create an innovative and distinctive development. Overall, the development fails to comply with the six qualities of good design due to the unacceptable layout and design of the overall development. The proposed development is contrary to SPP, Designing Streets, the Council's Residential Design guide, the Council's Our Green Network guidance, policies H4 and GD1 of the adopted local plan and policies BC1, DS1 and GN2 of the LDP (Proposed Plan).

9. REASONS FOR REFUSAL

- 1. The site is in the green belt and is not in accordance with the Spatial Development Strategies of the approved Glasgow and the Clyde Valley Strategic Development Plan or of the emerging Clydeplan.**
- 2. The site is in the green belt which is an inappropriate location for housing development, and the proposal fails to create a distinctive development in line with the six qualities of good design. The proposal is therefore contrary to the principles of Scottish Planning Policy.**
- 3. The site is in the green belt which is an inappropriate location for housing development and the proposal is therefore contrary to policies GB1, RD1 and H2 of the adopted West Dunbartonshire Local Plan 2010.**
- 4. There is no requirement for additional green belt land to be identified to meet the strategic housing requirement, and therefore the principle of residential development is contrary to policies DS2 and BC1 of the West Dunbartonshire Local Development Plan (Proposed Plan).**
- 5. The layout of the proposed development fails to create an appropriate sense of place. The proposed development is therefore contrary to policies DS1 and GN2 of the Local Development Plan (Proposed Plan) and policies GD1 and H4 of the adopted Local Plan.**
- 6. The proposed development is not in accordance with the principles of Designing Streets, the Council's Residential Design Guidance or the Council's Our Green Network guidance and fails to create a distinctive development that would comply with the six qualities of good design.**

Peter Hessett
Strategic Lead- Regulatory
Date: 13 March 2017

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Manager

email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix:

1. Location Plan

Background Papers:

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan (Proposed Plan);
4. Scottish Planning Policy;
5. Glasgow and the Clyde Valley Strategic Development Plan;
6. Proposed Clydeplan;
7. Our Green Network Guidance;
8. Residential Design Guidelines;
9. Consultation responses;_and
10. Letters of representation.

Wards affected:

Ward 4 (Kilpatrick)

DC16/282

**Residential development of
99 houses and associated
roads, landscaping and
drainage**

**Residential Development Site
Farm Road
Duntocher
Clydebank**

