

# Agenda

## Planning Committee

**Date:** Wednesday, 25 January 2017

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**Time:** 14.00

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

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**Contact:** Craig Stewart, Committee Officer  
Tel: 01389 737251, [craig.stewart@west-dunbarton.gov.uk](mailto: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.

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: 13 January 2017

## PLANNING COMMITTEE

WEDNESDAY, 25 JANUARY 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 - 16**

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 21 December 2016.

**4 NOTE OF VISITATIONS 17**

Submit, for information, Note of Visitations carried out on 19 December 2016.

**5 PLANNING APPLICATIONS**

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

- (a) 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. **19 - 26**
  - (b) 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 West Dunbartonshire Council. **27 - 34**
  - (c) DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) at Development Site, Dumbarton Road, Milton by William Rooney. **35 - 45**
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## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 21 December 2016 at 10.05 a.m.

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

**Attending:** Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader – Development Management; Colin Newman, Team Leader – Building Standards; Raymond Walsh, Interim Manager – Roads and Transportation; Marnie Ritchie, Regeneration Coordinator; Nigel Ettles, Section Head - Litigation and Nuala Quinn-Ross, Committee Officer.

**Apologies:** Apologies were intimated on behalf of Councillors Jonathan McColl 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 23 November 2016 were submitted and approved as a correct record.

### CHAIR'S REMARKS

The Chair, Councillor O'Neill, advised that the agenda item 'DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) at Development Site, Dumbarton Road, Milton by William Rooney' would not be considered by the Committee at this time as the Developer had requested that the application be continued for consideration at the January 2017 meeting.

## PLANNING APPLICATIONS

Reports were submitted by the Strategic Lead – Regulatory in respect of the following planning applications.

New Applications:-

- (a) **DC16/156 – Erection of 12 houses including new access road and parking at the Former Napierston Farm, Napierston Road, Bonhill, Alexandria by Argyle Homes (Bonhill) Ltd.**

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

Having heard the Planning & Building Standards Manager, the Team Leader – Development Management and the Interim Manager – Roads and Transportation in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) that it was minded to grant full planning permission; and
  - (2) that authority be delegated 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 1 hereto and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a developer contribution towards the green network.
- (c) **DC16/191 – Erection of residential development (Variation of conditions 1, 3, 5 and 16 of permission DC13/121 in order to allow formation of access road prior to agreement of various details) at Stanford Street, Clydebank by Dawn Homes Ltd./Ediston Homes Ltd.**

Having heard the Planning & Building Standards Manager and the Team Leader – Development Management in further explanation of the report and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report as detailed within Appendix 2 hereto.

## CONSULTATION ON PROPOSED INCREASE TO BUILDING STANDARDS FEES

A report was submitted by the Strategic Lead – Regulatory advising of the publication of a consultation document regarding increasing Building Standards fees and seeking approval to respond to the consultation.

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed that Appendix 2 to the report be submitted to the Scottish Government as the Council's response to the consultation.

**RECEIPT OF PLANNING APPEAL IN RESPECT OF REFUSAL OF APPLICATION DC16/106 (PROPOSED MODIFICATION OF PLANNING OBLIGATION RELATING TO OCCUPANCY RESTRICTION) AT CHERRY TREE COURT, HILL STREET, ALEXANDRIA**

A report was submitted by the Strategic Lead – Regulatory advising of the receipt of a planning appeal in relation to the above.

The Committee agreed to note the receipt of the appeal.

**PLANNING PERFORMANCE FRAMEWORK 2015-16**

A report was submitted by the Strategic Lead – Regulatory informing of the recent comments received from the Scottish Government and the peer review regarding the Planning Performance Framework submitted by this Council for 2015-16.

Having heard the Planning & Building Standards Manager in further explanation of the report, the Committee agreed:-

- (1) that the improvement plan contained within Appendix 4 to the report be implemented; and
- (2) otherwise to note the contents of the report.

**DUMBARTON WATERFRONT PATH PLANNING GUIDANCE**

A report was submitted by the Strategic Lead – Regulatory seeking approval of draft Planning Guidance on Dumbarton Waterfront path.

After discussion and having heard the Planning & Building Standards Manager and the Regeneration Coordinator in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to approve Appendix 1 to the report as the draft Planning Guidance on Dumbarton Waterfront path; and
- (2) that Appendix 1 to the report be published for consultation.

**CHAIR'S REMARKS**

The Chair, Councillor O'Neill advised that he had received an indication that a consultation regarding legislation changes to the classifications of payday lending and betting shops would be issued by the Scottish Government for consultation. The Chair then wished everyone a safe and hearty festive period.

The meeting closed at 10.40 a.m.

**DC16/156 – Erection of 12 houses including new access road and parking at the Former Napierston Farm, Napierston Road, Bonhill, Alexandria by Argyle Homes (Bonhill) Ltd.**

**Minded to GRANT full planning permission, and that authority be delegated to the Planning & Building Standards Manager to issue the decision subject to the conditions detailed below and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a developer contribution towards the green network.**

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 shall be implemented as approved.
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 implemented as approved.
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 these shall be implemented as approved. Boundary treatments fronting Napierston Road shall not exceed 1m in height and shall incorporate landscape planting.
4. Prior to the commencement of development details of the design and location of the bin stores, street furniture and lighting shall be submitted for the further written approval of the Planning Authority and implemented as approved prior to the occupation of the houses.
5. No unit shall be occupied until the vehicle parking spaces associated with that house have been provided within the site in accordance with the approved plans. The spaces shall have minimum dimensions of 5.5m x 3m and 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 first house.
7. A landscaping scheme for the site 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 house. 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; and  
ground waters and surface waters; and
  - (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 carrying out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
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 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 during construction 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. Prior to the commencement of development on site, the culvert trash screen shall be replaced as detailed in the letter dated 07 November 2016 from Charles Scott & Partners, unless otherwise agreed in writing with the Planning Authority,
  19. Prior to the commencement of development on site, a noise impact assessment shall be submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the nearby Sawmill, using BS 4142: 2014 'Method for Rating

Industrial Noise Affecting Mixed Residential and Industrial Areas'. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme at all times.

20. Prior to the commencement of development, details of the new junction onto Napierston Road that is to be formed shall be submitted for the written approval of the Planning Authority and shall thereafter be implemented as approved prior to the occupation of the first house within the development.

DRAFT

**DC16/191 – Erection of residential development (Variation of conditions 1, 3, 5 and 16 of permission DC13/121 in order to allow formation of access road prior to agreement of various details) at Stanford Street, Clydebank by Dawn Homes Ltd./Ediston Homes Ltd.**

**Permission GRANTED subject to the following 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, other than the construction of the road access from Stanford Street as shown on Drawing 16.004.P.100, and shall be implemented as approved.
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 implemented as approved.
3. Prior to the commencement of works, other than the construction of the road access from Stanford Street as shown on Drawing 16.004.P.100, 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 implemented as approved.
4. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The SUDS shall thereafter be formed and maintained on site in accordance with the approved details.
5. A landscaping scheme for the amenity open space and boundaries of the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site other than the construction of the road access from Stanford Street as shown on Drawing 16.004.P.100, and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.
6. 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:
    - ground waters and surface waters;
    - human health;
    - ecological systems; and
    - archaeological sites and ancient monuments, property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; and
  - (c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
7. 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 historic 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.
8. 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 said 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.
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, and work on the site shall cease. At this stage, if requested, a comprehensive contaminated land investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The scheme shall be implemented as approved.
10. A monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme, shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed with

the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

11. No development shall take place on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. It shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from nearby commercial/industrial areas, using BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas". Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. The noise impact assessment and any recommendations shall be prepared by a suitably qualified person.
12. No development shall take place on site until such times as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
13. 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 should include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 Evaluation of Human Response to Vibration in Buildings. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
14. Prior to work commencing on site a scheme for the control and mitigation of dust shall be submitted for the further approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and measures to prevent or limit the occurrence and impact of such dust. The scheme shall be implemented as approved prior to any dust-generating activities commencing on site.
15. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by

the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.

16. Development shall not commence other than the construction of the road access from Stanford Street as shown on Drawing 16.004.P.100, until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of: - Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Approved Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall be adhered to at all times.
17. No residential unit shall be occupied until the vehicle parking spaces have been provided within the site in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times.
18. Notwithstanding the submitted details and prior to the commencement of development on site, details of the design and location of the proposed communal bin stores shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of any residential unit.
19. Notwithstanding the submitted details and prior to the commencement of development on site, details of the treatment of the boundary adjacent to the canal shall be submitted to and approved by the Planning Authority. The boundary treatment shall include the use of reconstituted stone, railings and a gate, and shall be implemented prior to the occupation of any flats.
20. Prior to the commencement of development, other than the construction of the road access from Stanford Street as shown on Drawing 16.004.P.100, details of an equipped play area(s) within the site shall be submitted for the further written approval of the Planning Authority. The details shall include:
  - (a) details of the type and location of play equipment, seating and litter bins;
  - (b) details of the type and location of safety surfacing material;
  - (c) details of fences and gates to be erected around the play area; and
  - (d) details of the timing of the works. Thereafter the agreed play areas shall be retained and maintained unless its removal is agreed in writing by the Planning Authority.





## PLANNING COMMITTEE

### NOTE OF VISITATIONS – 19 DECEMBER 2016

- Present:** Councillor Jim Finn
- Attending:** Keith Bathgate, Development Management Team Leader and Bernard Darroch, Lead Planning Officer
- Apologies:** Councillors Gail Casey and John Mooney

### SITE VISITS

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

- a) Former Napierston Farm, Napierston Road, Bonhill, Alexandria  
DC16/156 – Erection of 12 houses including new access road and parking by Argyle Homes (Bonhill) Ltd.
- b) Development site at Dumbarton Road, Milton  
DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) by William Rooney.



**WEST DUNBARTONSHIRE COUNCIL****Report by Strategic Lead- Regulatory****Planning Committee: 25 January 2017**

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**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** 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, without the provision of the pedestrian crossing. 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 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).

The above 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, but 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 contents 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 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** 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).

## **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: 10 January 2017**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards  
Manager  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** None

**Background Papers:**

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

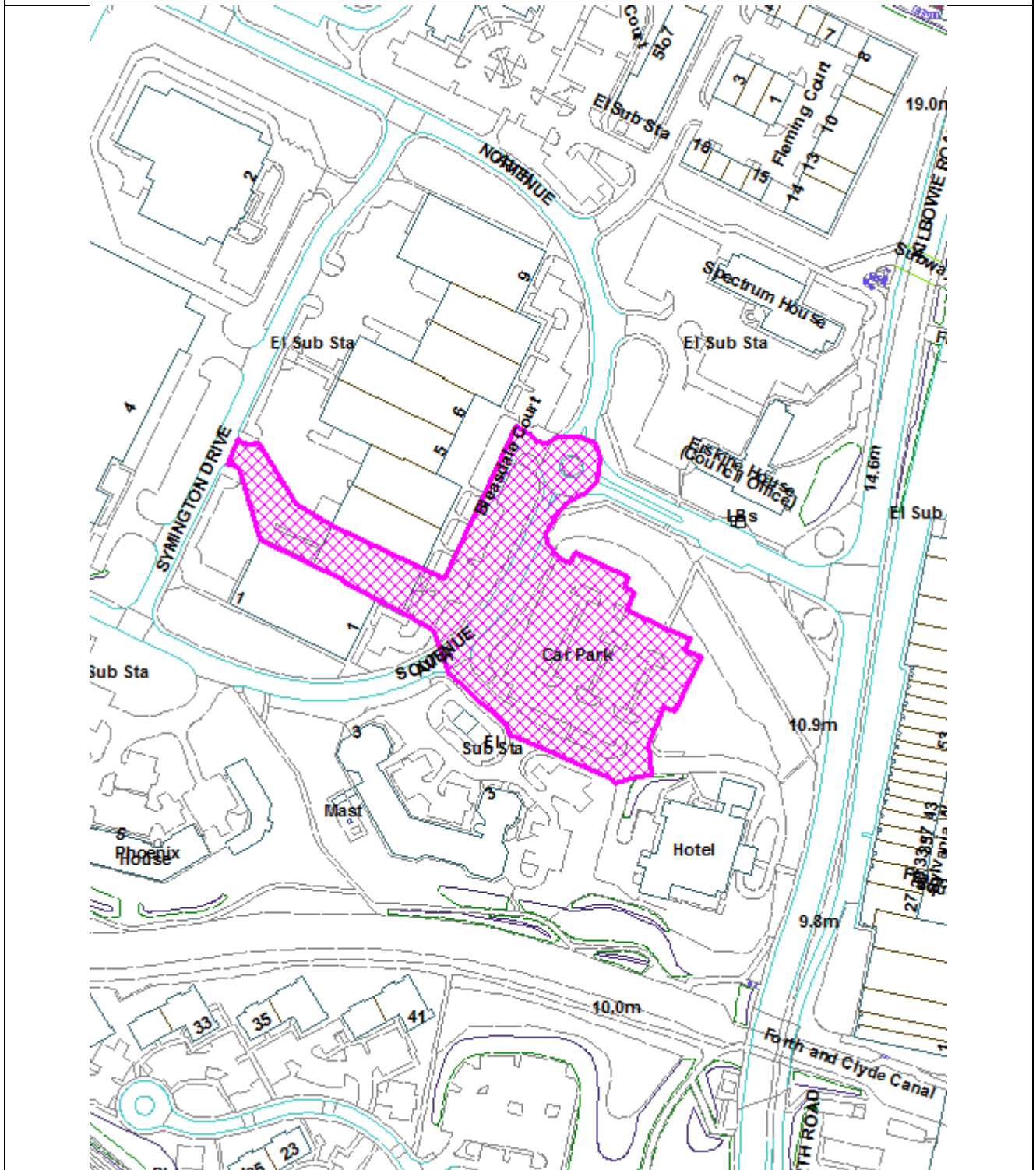
**Wards affected:** Ward 6 (Clydebank Waterfront)



DC16/269

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: 25 January 2017**

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**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 West Dunbartonshire Council**

**1. REASON FOR REPORT**

- 1.1** This report relates to an application which seeks to amend a condition which was imposed by the Planning Committee. 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 below.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to the newly constructed educational campus comprising Aitkenbar Primary School, St. Peter's Primary School and the St. Peter's Early Education and Childcare Centre. The schools and EECC are contained in a predominantly two-storey building fronting Howatshaws Road, with a floodlit all-weather synthetic sports pitch located on higher ground behind the building, backing onto fields and the new Our Lady and St. Patrick's High School (OLSP) which is under construction to the north. To the south east, the pitch borders five-storey flats on Murroch Avenue, with two-storey housing beyond. Other housing nearby comprises a single storey bungalow (the school janitor's house) on Howatshaws Road and more two-storey houses opposite the school building. St. Peter's Roman C. Church is also located a short distance to the south of the pitch. Due to the contours of the site all of these properties are at a lower ground level than the artificial pitch.
- 3.2** The site was redeveloped in accordance with planning permission DC14/193, which was approved by the Planning Committee in October

2014. When that application was originally submitted the Education Service wished to make the all-weather pitch available for hire to community group's outwith school hours. In support of that application an acoustic strategy report was provided which assessed the potential for noise disturbance to nearby residents, and that report recommended that if the pitch was to be used during evenings, weekends or school holiday periods (i.e. the times when community lets would occur) a 2m high acoustic fence would be required. The planning permission was accordingly granted subject to the following condition:

12. *The sports pitch on site shall only be available for community use once an acoustic fence is erected on site and the pitch shall thereafter only be available for community use on the evenings, at weekends and during school holidays during the following hours:*
- *9am to 9pm Monday to Friday;*
  - *9am to 5pm on Saturdays;*
  - *10am to 5pm on Sundays*

*Reason: In order to avoid disturbance to nearby residential properties.*

**3.3** It was subsequently decided that as the much more extensive sports facilities at the neighbouring new Our Lady and St. Patrick's High School will be available for community lets, demand for use of the pitch on the application site may be limited and that it would not justify the significant cost of providing acoustic fencing. Accordingly, the pitch has been built without the acoustic fencing, and it is not currently available for community lets. However, the OSLP pitches are not due to become available until October 2017, and at the 23 November 2016 meeting of the full Council Members decided that until such time as the pitches at the new OLSP are completed, the pitch at the primary school should be made available for community lets. Members instructed officers to apply for planning permission to vary the condition accordingly.

**3.4** The current application therefore seeks to allow use of the pitch for community let purposes without complying with condition 12 of the original permission (i.e. the requirement to first install acoustic fencing).

## **4. CONSULTATIONS**

**4.1** West Dunbartonshire Council Environmental Health Service understand the need for expanding community outdoor activity. However they would object to the use of these facilities for community lets without the construction of an acoustic fence as recommended by the acoustic consultant's report dated 7<sup>th</sup> May 2014 for the original school. If approved, they have indicated that this proposal sets a dangerous precedent

whereby developers could point to this decision as they may consider the requests for noise control measures on their applications as unreasonable.

## **5. REPRESENTATIONS**

**5.1** One representation has been received from a local resident which objects to the proposal for the following reasons:

- If the acoustic fence is not installed then it will lead to noise pollution in the surrounding area;
- Due to the level of the pitch, noise is more likely to travel if the acoustic fence is not installed;
- The floodlights will result in light pollution;
- Use of the site for community lets could increase traffic.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

**6.1** The school campus is designated as a Public Service site, which Policy PS1 requires to be safeguarded for public utility, social and community facilities. Broadening the use of the sports pitch to include community lets would be consistent with this policy.

**6.2** Policy GD1 sets out general requirements for all new development proposals, which are expected to respect the character and amenity of the area in which they would be located. Amongst other requirements, proposals should be appropriate to the local area in terms of land use, layout and design. It is considered that the proposal to allow community lets without providing the appropriate noise mitigation infrastructure would not respect the amenity of the area and that the proposal is therefore contrary to policy GD1 as discussed in Section 7 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's recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity. 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 educational campus is designated as a Community Facility Opportunity suitable for shared campus primary schools. Policy BC5 supports such development, and the use of the pitch for community lets at times when it is not required by the schools would be consistent with this policy in principle.
- 7.3** Policy DS1 requires that all new development contribute towards creating successful places by having regard to the 'six qualities of a successful place'. These include being safe and pleasant, by avoiding unacceptable impacts on adjoining uses in terms of noise. It is considered that the proposal would have an unacceptable noise impact on nearby housing and that the proposal is therefore contrary to this policy as discussed below.

Noise Impact

- 7.4** The principle of using the sports pitch for community lets is consistent with land use policies and has already been approved as part of the original permission for the new schools campus. The only issue for consideration is therefore whether or not it would be appropriate to allow community let's to occur without having first provided the acoustic fencing which was identified as necessary in the original acoustic report. Whilst it is desirable to accommodate community use where possible, the benefits of doing so must be weighed against the impact it would have upon neighbours.
- 7.5** Use of the pitch at any time and by any group will inevitably give rise to noise and disturbance. This noise will sometimes be audible in nearby homes, but normal school use is largely confined to supervised groups of children and it occurs during the school day when levels of background noise are higher and resident's expectations of quietness may be lower. However, community lets occur at other times (evenings, weekends and school holiday periods) when there is greater potential for the noise to cause disturbance to the occupants of nearby housing or to other noise-sensitive premises such as the nearby church. Furthermore, experience at other locations suggests that community lets can give rise to other specific types of noise nuisance, such as use of foul language by players. For these reasons the acoustic fence was not considered necessary if use of the pitch was confined to the schools themselves, but was required to be installed if any community lets were to take place. As part of the current application, the original Noise Impact Assessment has been submitted along with an updated covering letter from the Acoustic Consultant which reiterates the need for an acoustic fence if community lets are to be undertaken on site.

**7.6** The Committee will be aware that there is a history of complaints against facilities like this from residents living next to them who find the noise intrusive, not just within West Dunbartonshire but throughout the UK. The noise sources that cause annoyance at these facilities are:

- The ball striking the fence or board
- Shouting
- Referee's/coach's whistle

These are intermittent noise sources and are considered more annoying than continuous steady noise. Some of the residents' complaints at other facilities also relate to the use of foul language and object to its intrusion into their homes. One of the properties near to the artificial pitch is St. Peter's RC Church and it is possible that profane language generated by the activities on the football pitch would be heard within the Church during evening services as well as the homes of nearby residents. Places of worship and residential premises are considered "Noise Sensitive Receptors" of "High Sensitivity" in terms of the Scottish Government's Technical Advice Note for Assessment of Noise.

**7.7** The rationale for imposing the acoustic fence condition in 2014 remains valid, and there have been no material changes in circumstances in the intervening period. If community lets are permitted without the acoustic fence being provided the noise disturbance to neighbours will be increased, and therefore there is a risk that this would give rise to noise complaints which could result in the Environmental Health Service to serve a noise abatement notice under the Environmental Protection Act 1990. This is not discretionary, and failure to serve notice would leave the Council open to criticism by the Public Service Ombudsman. In this case, should complaints be justified, and then the notice would require the council to erect the fence or cease community lets. Even if consultation with the current residents indicated that they were supportive of the use for community lets, there is no guarantee that they would not change their attitude once exposed to noise in their home.

## **8. CONCLUSION**

**8.1** The use of the sports pitch for community lets is to be supported. However, allowing community lets to take place without first providing the acoustic fence which was identified as necessary in the original acoustic report would give rise to a significantly increased risk of noise disturbance to nearby residents and to other noise sensitive premises. The required acoustic fence is still required and no new evidence has been submitted to allow the pitch to be used for community lets without the fence being

erected. It is considered that this would not be acceptable and accordingly it is recommended that the application be refused.

## 9. REASONS

1. The use of the pitch for community lets without providing the acoustic fence which was identified as being necessary for noise mitigation in the original acoustic report would give rise to an unacceptable risk of noise nuisance to nearby noise sensitive premises and would detract from the residential amenity of the area. It would also set an unacceptable precedent for other similar developments. Accordingly, the proposal is contrary to Policy GD1 of the adopted West Dunbartonshire Local Plan 2010 and to Policy DS1 of the West Dunbartonshire Local Development Plan (Proposed Plan).

**Peter Hessett**  
**Strategic Lead- Regulatory**  
**Date: 10<sup>th</sup> January 2017**

---

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**Appendix:** None

**Background Papers:**

1. Application forms and plans
2. Consultations
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire Local Development Plan Proposed Plan
5. Planning application no: DC14/193

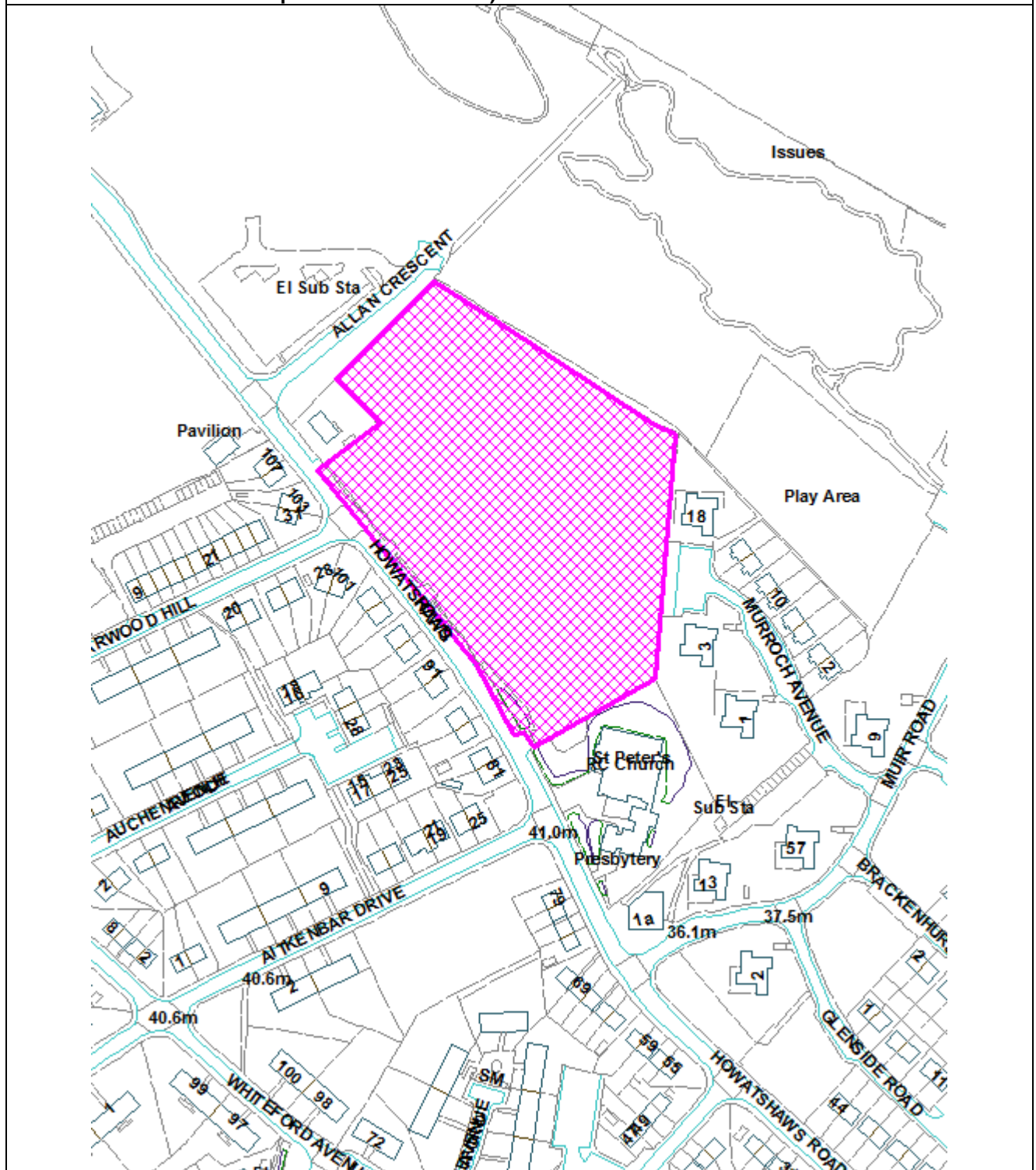
**Wards affected:** Ward 3 (Dumbarton)



DC16/279

Use of existing synthetic  
sports pitch for community  
lets without providing  
acoustic fence for St  
Peter's and Aitkenbar  
Primary School's (variation  
of condition 12 of  
permission DC14/193)

Primary School Development Site  
Howatshaws Road  
Dumbarton





**WEST DUNBARTONSHIRE COUNCIL****Report by Strategic Lead - Regulatory****Planning Committee: 25 January 2017**

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**DC16/146**                      **Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) at Development Site, Dumbarton Road, Milton by William Rooney**

**1. REASON FOR REPORT**

- 1.1** This report relates to an application which raises issues of local significance. 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** planning permission and delegate authority to issue the decision to the Planning and Building Standards Manager subject to the conditions set out in Section 9 and to the satisfactory conclusion of a planning obligation or other appropriate mechanism for securing a developer contribution towards Green Network enhancements.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a grassed area to the south of Mill House, Milton. The land once contained a small paper mill, but this was demolished many years ago and the land became part of the garden ground of the house. However, the application land is currently fenced off from the existing house and several shipping containers have been placed in the centre of the site for storing garden and fencing equipment. It is approximately 0.4 hectares in area, and relatively flat but rises slightly from south to north and is slightly elevated in relation to the access road. The land is currently a grass lawn, with seven trees located at various points around its perimeter. The site is bordered by Mill House and the houses of Milton Court to the north (at a higher level), by a public park (King George's Field) to the east and south east, and by Milton Burn to the west with housing at Hill View and Lennox Road beyond. Access to the site is by way of the existing private access to Mill House, which has a private access onto the A82 between Hill View and Whyte Corner.

- 3.2** Planning permission is sought to develop the site with four detached two-storey dwelling houses, which would be positioned in a row facing the access road along the western edge of the site. All of the houses would have 5 bedrooms. Three of these would be of the same design with integral garages and one property (the southernmost) would be slightly larger with a detached double garage. Driveway parking would be provided at the front of each property.
- 3.3** Planning permission for four houses was granted in June 2013 (decision DC11/268). The current application seeks to renew the earlier permission, and is identical apart from a minor alteration to the site boundary to correct an error on the previous plans.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads and Environmental Health Services, the Scottish Government (Trunk Roads Authority) and SEPA all have no objections subject to conditions.
- 4.2** West Dunbartonshire Council Greenspace has requested that traffic calming be provided on the track passing through the playing field.
- 4.3** West Dunbartonshire Council Estates Service requests that the developer be required to make good any damage to the track arising from construction traffic.
- 4.4** Scottish Water has no objection but note that the developer will require to liaise with them in relation to any works close to an underground water main which runs through the site.

#### **5. REPRESENTATIONS**

- 5.1** One representation was submitted by a local resident, who objects to the proposals on the following grounds:
- Increased traffic passing through King George's Field a risk to persons using the recreation area and detrimental to local amenity;
  - Increased traffic using junction onto A82 a hazard to road safety at a location where it is already difficult to access the main road from side streets;
  - Submitted plans do not show the locations of all of the existing trees;

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Local Plan 2010

- 6.1** The application site is within an Existing Residential Area, where Policy H5 seeks to safeguard and enhance character and amenity. Infill residential development within such areas is generally subject to the development reflecting the character of the surrounding area in terms of:
- scale, density, design and materials;
  - avoidance of overdevelopment;
  - appropriate access and parking;
  - not being out of scale with surrounding buildings;
  - retention of trees, hedgerows, open space and other natural features.
- 6.2** Policy H4 sets out standards for the assessment of new housing development, which should be appropriate to the wider landscape and built character of the surrounding area. Proposals are required to be of a high quality in terms of scale, form, layout and materials, and should comply with other criteria including providing a range of house types, open space provision, landscaping and natural features, road and parking standards, plot setting and residential densities. Policy GD1 sets out general assessment criteria for all new development, including requirements that the development be suitable in terms of energy efficiency, flood risk, drainage, traffic and parking. It is considered that the proposal would comply with Policies H4, H5 and GD1 as discussed in Section 7 below.
- 6.3** The site is within an area covered by a Tree Preservation Order where Policy E2 seeks to retain and protect existing trees. The proposal would involve the loss of one tree, however it is proposed to compensate for this with replanting of additional trees and it is considered that there is no conflict with this policy.
- 6.4** Policy R2 sets out open space guidance associated with new development; however this has now been superseded by the requirements set out in the Our Green Network Supplementary Guidance.

## **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's recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity. 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 is identified as open space, where Policy GN1 states that development which would result in the loss of an open space which is or has the potential to be of quality and value will not be permitted unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity. In this instance, the development forms part of a fenced area of private garden ground which has never functioned as open space, nor are there any proposals to acquire the land for such a purpose. Therefore, the proposed development is not considered to conflict with this policy.
- 7.3** Policy DS1 requires all development to create successful places by having regard to the six qualities of a successful place: i.e. that it be distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant; and welcoming. It is considered that the development accords with these criteria.
- 7.4** 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 the Our Green Network Supplementary Guidance. Further guidance is provided in the Our Green Network Supplementary Guidance. For a small development such as this it would be appropriate to require financial contribution rather than providing open space on the site.

Residential Development: Principles for Good Design

- 7.5** The Council's supplementary guidance on residential development applies to developments of 3 or more houses. The guidance seeks to ensure that housing developments give importance to the local context, are designed, and promote the six qualities of good design and are accompanied by supporting documents. The proposed layout is considered to be of an appropriate density and layout, and to feature suitable house types, landscaping and open space for the context of the site. Overall the proposal is considered to be of a suitable character and appearance, and to be in compliance with the Council's design guidance.

### Our Green Network Supplementary Guidance

- 7.6** For a development of this size, a financial contribution to local green network enhancement should be sought, as per the contribution requirements set out in the guidance. It is considered that there is sufficient good quality open space within the vicinity of the proposed development, with King George's Field to the east and woodland to the north and west, and there is therefore no requirement for on-site provision of formal open space. The applicant has agreed to a developer contribution of £5,940 towards green network enhancement, which is consistent with the guidance.

### Principle of Residential Development

- 7.7** Whilst the land use designation has been changed from Existing Residential in the adopted local plan to Open Space in the proposed Local Development Plan, this change appears to be a drafting error due to the garden boundaries not being clear on the site, and it did not imply any specific intentions for the site. The application site is brownfield land which historically contained industrial buildings located and which was subsequently used as domestic garden ground, and should therefore have been included in the built-up area. There would be no loss of functional open space and there are no plans to use this land as open space. The development of the site as a small housing development remains consistent with surrounding land uses in the area and is considered to be in compliance with the relevant adopted plan and proposed LDP policies.

### Design and Appearance

- 7.8** The proposed design and layout have not changed since the previous permission in 2013. The site is within the existing urban envelope of Milton, and the proposal would be of an appropriate density (with the proposed houses and plot sizes being slightly larger than most of those located nearby). The need to leave space for a water main wayleave near the southern end of the site also contributes to the relatively low density of the proposal. The proposed layout of the development with properties facing westwards to Milton Burn would mirror the arrangement of Hill View the south west of the site. It is considered that this layout would provide an attractive character within the development whilst minimising the prominence of the new housing within this area of open space
- 7.9** The surrounding area contains a mixture of house styles and materials. The proposed new houses would be two-storey and of traditional proportions with pitched roofs. The properties would be finished in white rough cast and use buff coloured stone coins on the edges of the building along with a concrete roof tile finish. It is also proposed to use a stone base course. The house types and finishes are considered to be of an appropriate character and appearance for the location.

### Impact on Neighbouring Residents

- 7.10** The existing house at Mill House would be separated from the new houses by its existing detached garage block and apart from sharing its access it would be little affected by the proposed development. The houses to the north at Milton Court do not immediately border the site (being separated by an area of open space) and are at a higher level, so whilst the rear windows and gardens would face toward the backs of the new houses they would be well separated and there would be no loss of privacy or daylight. The only other houses bordering the application site are at the top end of Hill View on the opposite side of Milton Burn, and due to the orientation of these houses and the presence of trees along the burn the proposed development should have no significant impact upon them. Overall, the impact of the proposed development on nearby residents is considered to be acceptable.

### Road and Traffic Issues

- 7.11** Adequate turning and parking facilities would be provided on site, and the development is not large enough to require the access road to be upgraded to an adoptable standard. The Council's Roads Service had requested at the time of the earlier application that a passing place be provided on the access, and the proposal incorporates this feature. Whilst the proposal would result in additional traffic using the existing private access onto the A82, which is a busy road where right-turning manoeuvres can be difficult, the volume of additional traffic would be relatively small and neither the Trunk Roads authority nor the Council's Roads Service have any objection to the proposal.
- 7.12** Access to the site is by way of a single-track lane which passes through the western edge of the King George's Field playing fields. This lane is owned and maintained by the Council, but the owner of the application site enjoys an unlimited right of access over it. As the use of the track through the playing field will increase as a result of the development it is desirable that traffic speeds be kept as low as possible to minimise the risk to playing field users, and a condition requiring traffic calming measures is recommended. Any damage to the track from construction traffic would require being resolved between the landowners and would not be a material planning consideration.

### Trees

- 7.13** The site is within an area covered by a Tree Preservation Order (TPO), which extends for some distance along the Milton Burn between King George's Field and Loch Bowie. The TPO is primarily intended to protect the woodland along the sides of the burn, but the TPO boundary also encompasses the gardens of some adjoining houses and thus includes the application site. However, whilst there are several trees within the



application site these do not form part of the woodland along the burn. There are two large trees on the eastern boundary of the site, a tall fast-growing conifer at the southern end of the site, and three small ornamental trees along its western edge. The applicant has submitted an amended plan showing the location of these trees and has confirmed that it is intended to remove two of the small garden trees whilst planting three similar trees as replacement. The trees to be removed are small non-native garden trees which do not contribute significantly towards the character of the TPO area, and their loss would be readily offset by the replacement planting.

## **8. CONCLUSION**

- 8.1** The proposed development of this site for residential development is in accordance with the policies of the adopted local plan and proposed Local Development Plan, and the application seeks to renew a previous similar permission. It is considered that the design and layout are appropriate and that there would be no significant impact upon the amenity of the area or upon road safety.

## **9. CONDITIONS**

- 1. Prior to the commencement of development details of the Sustainable Urban Drainage Systems and its maintenance following installation shall be submitted for the approval of the Planning Authority. The SUDS shall be designed to ensure that those contaminants are not mobilised and that pollution pathways into the adjacent watercourse are not created. The drainage arrangements shall also ensure that there is no drainage or run off onto the A82 or its road drains. The approved drainage arrangements shall thereafter be formed prior to occupation of any house and maintained on site thereafter in accordance with the approved details.**
- 2. 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, crops, livestock, pets, woodland and service lines and pipes**
    - **Groundwater and surface waters**
    - **Ecological systems**
    - **Archaeological sites and ancient monuments**
  - c) **An appraisal of remedial options, including a detailed remediation scheme based on the preferred option.**
3. **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 Environment Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.**
4. **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 any dwelling being occupied, the developer shall submit a report to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.**
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 be implemented as approved.**

- 6. 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.**
- 7. Prior to the commencement of works, full details of the design of all lighting, walls, fences and bin stores to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 8. Prior to the commencement of development, details of the provision of traffic calming measures comprising the provision of two “sleeping policemen” on the access road within the adjacent playing field (or of such alternative traffic calming as may be agreed), shall be submitted to and approved in writing with the Planning Authority**
- 9. No house shall be occupied until the construction of the turning head, passing place, traffic-calming, signage and off street parking have been completed in accordance with the approved plans and to the standard specified in the adopted Roads Development Guide. The passing place and turning area shall thereafter be kept available for use at all times.**
- 10. No development shall commence until such time as a scheme of landscaping of the site has been submitted to and approved by the planning authority. Such landscaping scheme shall include the retention of existing trees as shown on the approved plans, and replacement planting equivalent to those which are to be removed. The approved landscaping arrangements shall thereafter be implemented as approved.**
- 11. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with 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.**

**Peter Hessett**  
**Strategic Lead- Regulatory**  
**Date: 10 January 2017**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards  
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**Appendix:** None

**Background Papers:**

1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire Local Development Plan  
Proposed Plan
4. Planning application DC11/268

**Wards affected:** Ward 3 (Dumbarton)

DC16/146

Erection of 4 detached  
dwellinghouses (Renewal  
of Permission DC11/268)

Development Site  
Dumbarton Road  
Milton

