

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 28 August 2013

DC13/121: Amendment of time condition for the erection of 92 flats with associated parking (DC08/072 - Condition 1) at Stanford Street, Clydebank by Dawn Homes Ltd /RHI Refractories UK Ltd.

1. REASON FOR REPORT

- 1.1** This report relates to a proposal which is classified as Major Development. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to conditions.

3. DEVELOPMENT DETAILS

- 3.1** The application site consists of a long rectangular site, 1.32ha in area, which is located between Stanford Street and the south side of the Forth and Clyde Canal towpath. The site formerly contained a large factory building, but has now been cleared of all buildings and is generally flat with some piles of rubble remaining. The site is bordered by a council depot to the south (on the opposite side of Stanford Street), by the Whitecrook Business Centre to the west, and by the remaining operational part of the factory complex to the east. To the north, beyond the canal and its towpaths, are the backs of retail units on Livingstone Street.
- 3.2** Planning permission was granted in June 2008 for the erection of 92 two-bedroom flats with associated car parking (decision DC08/072). The approved buildings were a mixture of 3 and 4 storeys high and would be laid out in a crescent shape, facing onto both Stanford Street and the canal. External materials would include reconstituted stone and dry dash render. A total of 153 car parking spaces were proposed, the majority of which would be laid out in front of the crescent adjacent to Stanford Street.
- 3.3** Condition 1 of the planning permission required that the development commence within 5 years of the decision (i.e. by June 2013). The development has not commenced, and the applicant now seeks to amend the time condition for commencement in order to extend the permission by a further three years.

4. CONSULTATIONS

- 4.1** BAA Aerodrome Safeguarding have no objection subject to the original conditions still applying.
- 4.2** Historic Scotland note that the canal towpath is a Scheduled Monument but have no objection to the proposal.
- 4.3** West Dunbartonshire Council Environmental Health Service have advised that historical maps show the site as a chemical works with railway lines and a gravel pit on site. It is recommended that the conditions be updated to reflect the changes in legislation and guidance over the past five years.
- 4.4** Scottish Canals, West of Scotland Archaeology Service and West Dunbartonshire Council Roads Service all have no objections.

5. REPRESENTATIONS

- 5.1** No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is identified as a private housing opportunity site in Schedule H2, and Policy H1 indicates that such sites represent the main opportunities for private sector housing developments within the Plan area. Policy H4 sets out the standards against which new housing developments are assessed and seeks to ensure that housing is of a high quality design in terms of scale, form, layout and materials. The development of the site for housing would comply with Policy H1, and the design and layout are considered to be appropriate and thus consistent with Policy H4.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (Proposed Plan)

- 7.1** The site is allocated as a Housing Opportunity in the proposed plan. The proposed development would be consistent with all relevant policies.

Extending the time for Commencement

- 7.2** As this is an application to vary a planning condition, the only issues under consideration are those which relate to the condition in question. The purpose of the time condition is to allow the periodic reconsideration of unimplemented consents in order to take account of any changes in planning policy or material considerations in the intervening years.
- 7.3** When the previous application was approved, the site was identified in the former Clydebank Local Plan 2004 as a Redevelopment Opportunity Site suitable for residential and other uses. Whilst this plan has been superseded by the West Dunbartonshire Local Plan 2010, the site remains an important opportunity site for new housing within Clydebank. The design of the

proposal was considered at the time of the original permission and is still judged to be appropriate. There have been no relevant changes to other policies or land use allocations which relate to the proposal. Overall, the proposal remains consistent with current planning policies.

- 7.4** As well as the applicant committing to the site by way of clearing the site of the large industrial buildings they confirm that they have signed up to the Scottish Government initiative “Help to buy” which is to be rolled out in the Autumn of this year and will provide a shared equity scheme backed by the Treasury, which will assist those with low deposits to get on the housing ladder. If the scheme proves to be successful it is Dawn Homes intention to market and commence with development through mid-late 2014.
- 7.5** None of the consultees referred to in Section 4 above have raised any adverse comments, as all technical issues were considered at the time of the original application and have been covered by conditions where necessary. There have however been some changes to the regulations and guidance relating to contaminated land and noise over the intervening years, and use of the adjacent Council depot has intensified. The Environmental Health Service has therefore requested that the wording of the relevant conditions be updated to reflect these changes. This can also be addressed by an updated condition.

8. CONCLUSION

- 8.1** The site is allocated as a private housing opportunity site in the local plan and there have been no material changes in policy or circumstances which would justify refusing to renew this permission for another 3 years.

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 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 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 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;**
 - archaeological sites and ancient monuments, property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;**
 - 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 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.

Elaine Melrose
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and Economic Development
Date: 7th August 2013

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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Consultation responses; and
3. West Dunbartonshire Local Plan 2010.
4. Planning application no: DC08/072

Wards affected: Ward 6 (Clydebank Waterfront)