

# Agenda

## Planning Committee

**Date:** Wednesday, 13 January 2021

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**Time:** 10.00

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**Venue:** Zoom Video Conference

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**Contact:** Craig Stewart, Committee Officer  
craig.stewart@west-dunbarton.gov.uk

Dear Member

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and so Members will attend this meeting of the **Planning Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

**JOYCE WHITE**

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)  
Bailie Denis Agnew  
Councillor Gail Casey  
Councillor Karen Conaghan  
Councillor Ian Dickson  
Councillor Diane Docherty (Vice Chair)  
Councillor Daniel Lennie  
Councillor Douglas McAllister  
Councillor Marie McNair  
Councillor Lawrence O'Neill

All other Councillors for information

Date of Issue: 23 December 2020

**PLANNING COMMITTEE**  
**WEDNESDAY, 13 JANUARY 2021**

**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 – 10**

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 9 December 2020.

**4 NOTE OF VISITATION 11**

Submit, for information, Note of Visitation carried out on 7 December 2020.

**5 OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**6 PLANNING APPLICATIONS**

Submit reports by the Chief Officer – Regulatory and Regeneration in respect of the following planning applications:-

- (a) DC20/088 – Development of up to 44,450m<sup>2</sup> of commercial/industrial floorspace, link road with upgraded junctions on the A82 and A814, a railway underbridge and an overbridge, landscaping, green network and public realm improvements, flood defences, drainage, transport and utilities infrastructure including the formation of platforms for development across the site at Land at Former Dunglass Oil Terminal, Dumbarton Road, Bowling by West Dunbartonshire Council.

**13 – 43**

- (b) DC20/201 – Proposed temporary relaxation of condition Nos. 3 and 4 to allow use of side doors for access and egress (DC09-297) at 25-27 Kilbowie Road, Clydebank by Ms L. Murray.

**45 – 53**

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## PLANNING COMMITTEE

At a Meeting of the Planning Committee held by Video Conferencing on Wednesday, 9 December 2020 at 2.00 p.m.

**Present:** Bailie Denis Agnew and Councillors Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Marie McNair and Lawrence O'Neill.

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Erin Goldie, Team Leader – Development Management; Antony McGuinness, Team Leader – Forward Planning; James Hall, Policy Planning Officer; John Walker, Assistant Engineering Officer, Roads & Transportation; Mark Walsh and Chris Seyfried, Environmental Health Officers; Sarah Christie, Team Leader – Heritage and Arts; Nigel Ettles, Section Head – Litigation (Legal Officer) and Craig Stewart, Committee Officer.

**Councillor Jim Finn in the Chair**

### CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the December meeting of the Planning Committee which was being held remotely, in terms of Section 43 of the Local Government in Scotland Act 2003.

Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

### 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 11 November 2020 were submitted and approved as a correct record, subject to the undernoted adjustments:-

With reference to the item under the heading 'WP98/076: Review of Minerals Permission (ROMP) and DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton', it was noted that Councillor O'Neill had acknowledged that, as he had not been present at the meeting of the Committee in March when the applications were first heard, he would not take part in the decision in respect of this item.

With reference to the item under the heading 'WP98/076: Review of Minerals Permission (ROMP) and DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton', it was agreed that the words "full hearing" be replaced by the words "fresh hearing" in the second paragraph of this item.

### **NOTE OF VISITATIONS**

A Note of Visitations carried out on 9 November 2020, a copy of which forms Appendix 1 hereto, was submitted and noted.

### **OPEN FORUM**

The Committee noted that no open forum questions had been submitted by members of the public.

### **PLANNING APPLICATION**

A report was submitted by the Strategic Lead – Regulatory in respect of the following planning application:-

**DC20/135 – Part change of use of indoor sports facility and associated external hardstanding area to street food market including the siting of five containers and formation of 12 parking spaces at Unit 1, Gavinburn Business Park, 223 Dumbarton Road, Old Kilpatrick by Mr J. Steel.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Team Leader – Development Management was then heard in further explanation of the report.

Councillor Finn, Chair, invited Ms Janice Hall, objector, to address the Committee. Ms Hall was heard in respect of her representation and in answer to Members' questions.

The Chair then invited Mr James Steel, applicant, Ms Maureen Cummings, Old Kilpatrick Food Parcels, and Ms Isobel Plunkett, Old Kilpatrick Community Council, to address the Committee. All were heard in support of the application and in answer to Members' questions.

After consideration and having heard the Team Leader – Development Management in clarification of certain matters and in answer to Members’ questions, the Committee agreed to grant temporary planning permission for a period of two years subject to the conditions set out in Section 9 of Appendix 1 of the report to the 11 November 2020 Planning Committee, as detailed within Appendix 2 hereto.

### **ANNUAL REVIEW OF QUARRIES AND LANDFILL SITES**

A report was submitted by the Strategic Lead – Regulatory providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area along with the status of the relevant restoration bonds which applied to three of the sites.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members’ questions, the Committee agreed to note the progress of the quarry and landfill sites, the status of the relevant restoration bonds and that a further update would be provided to a future meeting of the Committee during 2021.

### **STREET NAMES FOR QUEENS QUAY SITE, CLYDEBANK**

A report was submitted by the Strategic Lead – Regulatory seeking approval of the Street Naming Strategy and Street Names for the Queens Quay site.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and relevant officers in further explanation and in answer to Members’ questions, the Committee agreed to approve the Street Naming Strategy and the revised list of street names following public consultation, with the exception of the name “Queens Quay Park” which should be replaced by the name “Riverview Park” for the Linear park and path.

The meeting closed at 3.40 p.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 9 NOVEMBER 2020

**Present:** Councillors Ian Dickson, Diane Docherty, Marie McNair and Lawrence O'Neill

(The above includes Members who attended at least one site visit.)

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager and Erin Goldie, Team Leader – Development Management.

SITE VISITS

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

1. **Unit 1, Gavinburn Business Park, 223 Dumbarton Road, Old Kilpatrick**

DC20/135 – Part change of use of indoor sports facility including associated hardstanding area to street food market including the siting of five containers and formation of 12 parking spaces by Mr J. Steel.

2. **Sheephill Quarry, Milton, Dumbarton**

WP/98/076 & DC02/447 – Review of Minerals Permission and extension at Sheephill Quarry, Milton, Dumbarton by William Thompson.



**DC20/135 – Part change of use of indoor sports facility and associated external hardstanding area to street food market including the siting of five containers and formation of 12 parking spaces at Unit 1, Gavinburn Business Park, 223 Dumbarton Road, Old Kilpatrick by Mr J. Steel.**

**GRANT temporary planning permission subject to the following conditions:-**

1. The permission hereby granted is for a temporary period of 2 years only and shall expire on 9th December 2022.
2. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any other future enactment, only a street food market use shall be permitted to operate from the application site and no other use shall be permitted without the prior written consent of the Planning Authority.
3. The converted containers shall trade only between the hours of 08.00 and 20.00.
4. Notwithstanding the submitted details, no more than 5 converted containers in the positions shown on drawing number 2020/915/01 shall trade at any one time on the premises. Any change to the location of any of the converted containers must first be approved in writing by the planning authority.
5. Prior to the commencement of the use, an amended parking plan including two parking spaces for disabled badge holders, each measuring 6.5 metres by 3.9 metres, shall be submitted for the further written approval of the planning authority. All of the parking spaces shown on the approved plan shall be delineated on the site before the commencement of the use and retained thereafter.
6. Prior to the commencement of the use, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority. It shall be installed as approved and maintained thereafter.
7. Prior to the commencement of the use, specific details of the proposed method of ventilation shall be submitted to and approved in writing by the Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the container structure.

- c) Noise associated with the ventilation shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
8. Prior to the commencement of the use, full details of any proposed outdoor customer seating shall be submitted for the further written approval of the planning authority and implemented as approved. Thereafter, any changes proposed to the details as may approved under the terms of this condition shall require the further written consent of the Planning Authority.
9. Prior to the commencement of the use, full details of any previously recorded background music to be played from the unit as part of the development shall be submitted for the further written approval of the planning authority in consultation with the Council's Environmental Health Service. Such details shall include the maximum volume of music and the location of any speakers. Thereafter, the development shall be implemented as approved and the maximum volume of music shall not be exceeded and there shall be no changes to the location of speakers without the prior written consent of the Planning Authority. No music shall be played from outside the unit and no live music shall be played at any time.
10. Prior to the commencement of the use, details of the menu(s)/ those foods to be prepared and sold from outside the unit/ building subject to this application shall be submitted to and agreed in writing by the Planning Authority through consultation with the Council's Environmental Health Service. Thereafter only the menu(s)/ those foods as may be agreed under the terms of this condition shall be prepared and sold from outside the unit/building and there shall be no changes without the prior written consent of the Planning Authority.
11. Prior to the commencement of the use, full details of the number and location of bins within the site and the management of waste shall be submitted for the approval in writing of the Planning Authority and implemented as approved.

## PLANNING COMMITTEE

### NOTE OF VISITATION – 7 DECEMBER 2020

**Present:** Bailie Denis Agnew and Councillor Gail Casey.

**Attending:** Erin Goldie, Team Leader – Development Management.

### SITE VISIT

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

**Unit 1, Gavinburn Business Park, 223 Dumbarton Road, Old Kilpatrick**

DC20/135 – Part change of use of indoor sports facility including associated hardstanding area to street food market including the siting of five containers and formation of 12 parking spaces by Mr J. Steel.



## WEST DUNBARTONSHIRE COUNCIL

### Report by Chief Officer - Regulatory and Regeneration

Planning Committee: 13<sup>th</sup> January 2021

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**DC20/088:**            **Development of up to 44,450m<sup>2</sup> of commercial/ industrial floorspace, link road with upgraded junctions on the A82 and A814, a railway underbridge and an overbridge, landscaping, green network and public realm improvements, flood defences, drainage, transport and utilities infrastructure including the formation of development platforms at former Dunglass Oil Terminal, Dumbarton Road, Bowling by West Dunbartonshire Council.**

#### 1.     **REASON FOR REPORT**

- 1.1    This application relates to a major development and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

#### 2.     **RECOMMENDATION**

- 2.1    **Grant** Planning Permission in Principle subject to the conditions set out in Section 9 of the report.

#### 3.     **DEVELOPMENT DETAILS**

- 3.1    The site extends to approximately 56 hectares and is located on the northern bank of the River Clyde and is bounded by the River Clyde, the Glasgow to Dumbarton and Argyll railway line and the A82. The national cycle route - NCN7 runs along the northern boundary of the site and provides a local route to Bowling and Dumbarton as well as onto Glasgow and Balloch beyond it. Two Category "B" listed buildings reside within the site: Dunglass Castle and Obelisk Memorial to Henry Bell. The Inner Clyde Special Protection Area (SPA), Ramsar Site (Wetlands of international importance) and the Milton Burn Sites of Special Scientific Interest (SSSI) overlap and abut the site to the south along the River Clyde foreshore.
- 3.2    The majority of the site comprises land of the former Esso Oil Terminal which was previously occupied and remains currently owned by Exxon Mobil and Esso Petroleum Company Limited (thereafter Esso). This was historically used as a fuel distribution terminal from the 1920s until the 1990's. While the majority of the site is owned by EXXON Mobil and ESSO, there are other sections of land subject to this application that are owned by other private individuals and parties. The former terminal has been vacant and unused since decommission and clearance was completed in 2001, with the land now vacant.

Other land subject to the application includes fields and strips of land under private ownership and it is the Council's intention to purchase the whole application site. An extensive programme of remediation of parts of the former oil terminal site was granted planning permission (reference DC18/013) in 2019. This comprises of works for areas known as Centerfield, Garden, Northfield and Westfield. The Eastfields area of the site has previously been remediated in 2014 under planning permission DC11/218. ESSO and EXXON Mobil are currently undertaking preliminary works granted under the DC18/013 permission, with the indicative timetable for the completion of the full remediation works scheduled for the end of 2022.

**3.3** The proposals for the site intend to deliver a mixed use development through a masterplan approach comprising of:

- Up to 44,450m<sup>2</sup> of commercial and industrial development comprising a mix of storage, distribution, industrial, business and office space;
- 1.95km of new spine road with associated drainage and lighting infrastructure;
- 1.32 km of upgraded existing public road (A814);
- A new junction on the A82 at Dumbuck with closure of the existing junction;
- A remodelled junction on A82 at Dungallass;
- An enhanced routing of the 475m of the National Cycle Network Route 7;
- A new underbridge of the Glasgow-Dumbarton Railway at the western access to the site;
- A new railway overbridge at the eastern access to the site;
- Flood mitigation works;
- Site drainage works;
- Landscaping, green corridors and green open space;
- Environmental mitigation works;
- Establishment of platforms for development across the site.

**3.4** The redevelopment of the site forms part of the Council's City Deal project and when the £34,050,000 project is completed it is intended to provide up to 980 full time jobs, as well as, 670 jobs during the construction stage. The development will provide a platform for major industrial and commercial development, whilst at the same time, providing road and infrastructure improvements to relieve pressure and provide an alternative route to the A82.

**3.5** The masterplan approach is to sub-divided the site into seven 'Development Zones' (Zones A, B, C, D, E, F and G):

- Zones A, B and C - areas where buildings are proposed including, businesses, industrial and storage uses with this being arranged to maximise efficiency of access for the commercial units to the A82, link road, junctions and railway overbridge.
- Zones D and E (including the Milton Burn) - landscaping and open space due to topographical and flooding constraints and will include features such as the green network corridors as well as the waterfront pedestrian and cycle path.
- Zone F - delivery of transport infrastructure including active travel and road safety enhancements.

- Zone G - set around Dunglass Castle and the Henry Bell Obelisk and their setting with intentions to reinstate these historic features and redevelop this area for recreational access and use in the future.

- 3.6** The application is also accompanied by a Planning Statement, a Proposal of Application (PAC) Report, a Shadow Regulations Appraisal Assessment, an Energy Masterplan and a full supporting Environmental Statement submission. The Environment Statement scoping undertaken in April 2015 determined the following topics that could have likely significant effects and that must be addressed in the Environmental Statement. These have all be captured in the comprehensive Environmental Statement submission and include Ground Conditions, Water Hydrology and Flood Risk, Ecology, Traffic and Transport, Air Quality, Noise and Vibration, Landscape and Visual Impacts and Archaeology and Heritage.
- 3.7** The Environmental Statement has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. Whilst these Regulations are now superseded by new and updated Regulations that came into force in 2017, they do remain applicable as the EIA Scoping Request and the EIA Scoping Opinion Response for the proposed development were submitted and completed in 2015. On this basis, the application has been accepted under the terms of Part 12, Article 60 of the Town and Country Planning (Environmental Impact Assessments or EIA) Regulations 2017.

#### **4. CONSULTATIONS**

- 4.1** Scottish Environmental Protection Agency (SEPA) has no objection on flood risk grounds subject to appropriate conditions relating to foul connections and waste and recycling management strategies.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to remediation controls.
- 4.3** Nature Scot has no objection to the proposal subject to conditions to deliver placemaking requirements, biodiversity opportunities, safeguard protected species and avoid adverse effects on the integrity of the Special Protection Area.
- 4.4** Historic Environment Scotland (HES), Transport Scotland, Scottish Water, West of Scotland Archaeological Service (WOSAS), Strathclyde Partnership for Transport (SPT), Network Rail and West Dunbartonshire Council Roads Service have no objection to the proposed development subject to conditions and advisory notes.

#### **5. REPRESENTATIONS**

- 5.1** Two hundred and twenty eight letters of representations have been received. This comprises of 227 letters of objection and 1 letter of support. A number of contributors have

submitted a second representation following re-neighbour notification and the figure reflects this. Where a contributor has made more than one representation, these still only count as one representation. The full versions of each representation are available on the electronic planning file for the application and available for public viewing but for the purposes of this report, they have been summarised below:

## 5.2 Objections

### Land ownership matters

- The land located within Zone F of the site including 2 equestrian fields and a core path is within private ownership and has been for approximately 20 years and the owners have invested in equestrian buildings, drainage, landscaping, and infrastructure works.
- There are alternative options that could be chosen that would result in there being no need to develop on private land within the site.
- The private owners land in Zone F has been subject to damage caused by contractors who were carrying out unauthorised surveys and an insurance claim was paid out.
- There are feral ponies going to be introduced in Zone F and it is highly possible that an accident will occur if the land is accessed without permission.

### Greenbelt

- The development is contrary to the Council's Greenbelt policies and the planned infrastructure within the site has no specific locational need for the development proposed.
- The Council is inconsistent in their application of Greenbelt policies and developments proposed on greenbelt land. For example the Council has resisted development at Young's Farm, Duntiglennan and Strauss Avenue. Development should only take place on brownfield sites to protect these greenbelt designated sites. Much of the fields within the site are greenbelt but development is not in keeping with its current greenbelt status.
- Land within the development site is designated as greenbelt within the LDP and the relevant policies state that this should not be development. The proposals should be refused. This proposal which is located within the Greenbelt and Countryside are required to accord with Policy GB1 of LDP2. The proposed development does not meet with any of the policy requirements and the planned infrastructure within the site has no site specific locational need.
- No greenbelt will be retained as part of the application proposals.
- The Landscape Framework Principles document refers to Bowling Policy 3 which cites objectives to maintain and enhance biodiversity and protect existing trees and woodlands. Despite the requirements of this policy, the development will destroy 5.5 acres of greenbelt and wildlife rich land to implement infrastructure.

### Pre-Application Consultation and supporting information



- Concerns over the accuracy of the Pre application Consultation(PAC) Report. Most people present at the pre application event were there to object to building on the privately owned land within Zone F of the site. Over 100 objections were submitted by the owners supporters and they take up the bulk of the 116 mentioned in the PAC Report.
- The PAC report is misleading and indicates that parties who attended the pre application events were willing and accepting of private land being used for the development when they are not. A recurring theme and foregoing conclusion of the Planning Statement is that the private land in Zone F will be acquired This is wholly inaccurate the owner has never at any point agreed to the sale of their land or indicated that they would do so.
- Point 3.4.16 of the Transport Assessment states that the design evolution, consultation with Transport Scotland and affected land owners, and, feedback from the public consultation on the masterplan has resulted in two preferred junction options being determined. The overwhelming feedback given by attendees was to reroute the road away from the fields in Zone F and hundreds of people gave the same feedback..
- As stated in the Planning Statement, it is not true to say that there has never been access to the waterfront of the site. There is metal seating right on the front (a road and then footpath leads right up to it and beyond) and it was likely installed by the Council, indicating public access was possible some time ago.
- The data and evidence around the figures for construction jobs and opportunities created by the development is flawed and is not substantiated.
- The Landscape Framework Principles document is misleading and amongst all other submissions fails to acknowledge and account for the destruction that these proposals will cause in terms of trees, ecology and for people.

### Impacts on Zone F

- Zone F provides an emergency facility and charity for rescue horses and ponies and it also functions as a horse therapy venue and enterprise. This is an amenity space for locals and provides an operational therapy venue for vulnerable adults/children living in West Dunbartonshire, with mental health benefits. This development will cause a local enterprise and facility to close which helps the community and vulnerable people.
- The horses who inhabit Zone F are under the land owners care and require specialist veterinarian care due to their age/general health. Disturbance, stress and loss of the privately owned fields within the site where they stay would cause significant distress and hardship to the owner and harm animal welfare.
- The works including the access road through Zone F will impact upon a number of horse and pony graves located within the privately owned land.
- The owner of Zone F was not aware of these proposals until recently and could have made arrangements for the relocation of all of the therapy horses.

### Principle of Development

- There is sufficient industrial land and industrial space in existing industrial estates within West Dunbartonshire. An industrial estate will not be of benefit to the area and it does not make it a desirable place to visit
- Only 19.1 hectares of the site can be developed and that includes the roads and this is due to a number of environmental designations and other constraints.

### Placemaking and Amenity

- Section 2.1.1 of the Landscape Framework principles document highlights that something special can be created at this location. The proposal is for an industrial estate with 4 roads going through greenbelt land and it will not create anything special.
- Policy CP1 of LDP2 states that the layout and forms of development should protect and enhance existing communities. The removal of the land within Zone F and building on it without the legal permission does not protect the landowners amenity and as such is contrary to this policy.

### Ecology and Biodiversity

- The site is next to the Inner Clyde Special Protection Area (SPA), the Site of Special Scientific Interest (SSSI) and the RAMSAR. The development of the site will affect the redshanks both during construction and once completed.
- This development will impact on bats and bat roosts both during construction and once completed and operational.
- Concerns that any form of ecology survey/assessment work has not been carried out and that a license has not been applied for.
- There have been no ecological survey work done in support of the application in Zone F. Potential impacts on European Protected Species such as badger, bats, otters etc. require to be fully understood. The introduction of access roads will not allow for freedom of movement of wildlife, it actually would endanger it and will create fragmented areas.
- The land in Zone F has benefits for wildlife/conservation/biodiversity/grazing and all of these are promoted by the local planning policies. These will all be compromised by the development.
- The otter survey undertaken should have included Zone F. If it does not include this area then the survey undertaken is invalid.
- The validity of the bat and otter surveys come into question if those undertaking these surveys could not get access onto privately owned land to properly assess and consider the tree specimens and the environments and their potential to accommodate wildlife.
- Nature Scot in their consultation response state that wildlife and particularly protected birds will be significantly affected by this development during and after construction and that this must be taken account of as part of the assessment. There are concerns that this has not been considered.

- Nature Scot advise that more could be done to exploit the natural assets on site and if these are not realised it will be an opportunity missed. These concerns have not been addressed.

### Landscaping, Open Space and Trees

- Parts of the site are bounded by mature trees. By planting the small trees, it will still look a barren landscape as it takes longer than 15 years for a tree to reach maturity.
- The land in Zone F is currently a wildflower meadow and proposals will destroy this.
- The Landscape Framework Principles document identifies that it will seek to find new opportunities for woodland, whilst at the same time the development is removing hundreds of mature and native trees to deliver the development.
- Bug hotels and creating a series of interconnected open green spaces with trees and plants as set out in the Landscape Framework Principles document is already in place within Zone F. The proposal will include some saplings in between industrial buildings built on contaminated land, this will not deliver habitat enhancements.

### Roads and Traffic

- There is suitable vehicular road present already for a relief road which gives direct access from the A82 to the Exxon site. This is suitably surfaced, is already used and would be a more appropriate and less invasive alternative route to using privately owned land. Buses already stop on the A82 at this site so no extra benefit would be provided in creating this road.
- There are alternative ways to access the Exxon site other than that proposed. There is already a tarmac road and bridge under the railway suitable for vehicles or the Dunglass access without the need for expensive railway bridges or new road layouts.
- The outline business case states that there is a 'traffic accident risks' from the proposals. This is a concern as is congestion due to the creation of so many new junctions directly onto the A82. Equally, no data has been included indicating how many times existing stretches of road are blocked due to accidents. Any blockages caused further up will not be able to be eased by the 'relief road'.
- Most blockages or delays on the A82 are caused simply by an influx of day trippers or tourists heading north or to Loch Lomond or from an accident further up nearer Old Kilpatrick or nearer Dumbarton. Very little blockages or delays occurs on that straight stretch of road that could be rectified by the additional of the intrusive relief road.
- The 2 extra junctions and increased traffic and disruption over many years will affect road users negatively.
- The application references benefits to active and lower carbon travel. These include provision of cycle routes and bus routes and cycle parking, loans for season tickets or bike

purchases. These are already existing benefits offered as standard by most businesses, made available through government schemes.

- There will be disruption to residents and businesses during construction but if it takes up to 15 years this is a huge inconvenience, together with loss of public spaces, cycle track (when cycle usage is being promoted), traffic disruption and the increased traffic accident risk.

### Ground Conditions and Public Health

- Concerns are expressed about how the site is to be remediated and whether it will be suitable for the future use.
- No Site Investigation surveys have been carried out on the land in Zone F and the topographical surveys for the site are incomplete.
- Concerns that areas such as Sheepfold and neighbouring land would be left unsafe and un-remediated. The public will have access to this area before, during and after development and as such public health should be considered for the full site and also include risk for animals and pets.

### Flooding

- The site is in a flood area and there is no Flood Survey on the land within Zone F. The reports suggest that flood risk is higher on the land in Zone F than what will occur on the neighbouring area referred to as Sheepfold but it has been deemed acceptable for road infrastructure.

### Heritage

- The current proposals do not include any proposals for the historic buildings located within the site which will remain in disrepair.

### Archaeology

- From review of WOSAS's response it is clear that they find the Non-Technical Summary of the Environmental Statement misleading in its conclusion on archaeology matters and the relevant mitigation conditions for permission DC18/013 have not yet been addressed.

## **5.3 Support**

One letter of Support has been received which highlights broad support the principle of the development subject to clarification on a number of specific points. These include the following:

- Clarification that the access to and from their property (located on Crannog Road, Milton) and accessed via Colquhoun Road will not be compromised by the construction or post development operations.

- Clarification that the disruption for cycle routes will only be temporary and that the National Cycle Route will still be accessible post development.
- Clarification that the wooded area between the A82 and National Cycle Route will be retained to ensure a buffer from the proposed road and traffic noise.

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

### Clydeplan (2017)

- 6.1** The Vision for Clydeplan sets out a Compact City Region as its Spatial Land Use Model, which supports the recycling and re-development of previously developed land whilst directing development to sustainable brownfield locations; the creation of high value jobs; and promoting investment within the Clyde Waterfront, which forms part of the development corridor for Clydeplan's Spatial Development Strategy. The proposals align with the vision and strategy for Clydeplan. Policy 3 provides particular support for the delivery of city deal projects, of which the Exxon site is one. Policy 14 allows development which supports regeneration on areas allocated within the Greenbelt, this matter is considered further in Section 7 below. Policy 16 requires development to reduce flood risk particularly addressing the water level rise in the River Clyde. The proposed development accords with all of this policies requirements and is in conformity with Clydeplan.

### West Dunbartonshire Local Plan 2010

- 6.2** A significant portion of the site (excluding a part of Zone F) is identified as a Specialised Economic Development Site, where Policy LE4 supports the redevelopment of this site for employment uses. Policy LE6 also identifies much of the site as a Strategic Employment Location. The proposed development accords with Policies LE4 and LE6.
- 6.3** Policies UR1 and RP1 supports the re-development and regeneration of vacant sites within the urban area and Policy GN1 states that new development should contribute positively to the protection and improvement of the Green Network. Policy GB1 which is applicable as part of the site is designated as Greenbelt, allows development within the Greenbelt where there is a site specific locational requirement; established need for the proposal; and it meets with the other criteria in terms of design, siting, landscaping, nature conservation and protection of habitats. Policy GD1 lists the criteria which all new development has to comply with to create high quality design without any adverse impact on the character and amenity of the area. As this is a Planning Permission in Principle application, much of the required detail will be provided at the detailed application stage in relation to these policies. However, the masterplan and supporting information that has been provided do accord with these policies. With specific reference to Policy GB1, a site specific locational requirement and need has been sufficiently established and justified to conform with the policy requirements. This is considered further in Section 7 below.
- 6.4** Policy T1 supports developments which provide sustainable transport and path and cycle links, supported by a Green Travel Plan and Policy T2 states that opportunities will be

sought to develop an alternative route to the A82 at Bowling/Milton by extending the A814. Policy T3 states the Council will support development which provides a link road from A814 Bowling to A814 Dumbuck terminating in Bowling in the vicinity of the entrance to the former Exxon site. Policy T4 requires walking, cycling and public transport routes to be integrated into the development subject to securing the relevant mitigation measures proposed, the development accords with these policies.

- 6.5** Policy BE2 relates to protection of Listed Buildings and seeks to ensure that there is no adverse impact on their character, appearance and setting. Policy BE4(5) specifically encourages the rejuvenation and restoration of Dunglass Castle and improvements to the setting of the castle will aid in this regard. Policy BE5 relates to archaeology and sets out the circumstances in which development will be allowed. WOSAS and HES have both offered no objections subject to conditions. The proposals are considered to be compliant with the relevant heritage and archaeological policies.
- 6.6** Policy R5 states that waterfront sites will be required to provide paths to and along the river bank as well as an expectation to integrate new paths into the off-road path network where appropriate. The masterplan proposes paths around the waters edge and whilst these are purely indicative at this time, it is clear that the proposed path network links into routes outwith the site.
- 6.7** Policies E2A E2B, F1, F2, F3, relate to nature conservation, biodiversity, water environment and flooding matters. It is considered that the principle of the proposed development, subject to appropriate mitigation measures secured through conditions, complies with all of these policies. These environmental considerations are in further detail in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP1) 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 has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** The former oil terminal is identified as a 'Changing Place' and the potential future redevelopment opportunities are identified which include industrial/business development, a potential link road and green network enhancements. Policy GE1 also provides support for business and industrial development on this site. Policy GN5 relates to the water environment and is in place to ensure that there is no adverse impact on its quality and enjoyment via the criteria within the policy.

**7.3** Policies GN3, GN4, DS1, DS2, DS6, BH2 and BH3 are also relevant and they relate to nature conservation, landscape, greenbelt, flooding, archaeology and heritage. Policy SD1 relate to the road network and impacts upon travel and traffic. The content of these policies is similar to the policies of the adopted local plan which is discussed in Section 6 above. It is considered that the proposals comply with these policies and the detailed assessment is set out below.

#### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

**7.4** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Plan is now with Scottish Ministers for final consideration. Local Development Plan 2 is therefore the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

**7.5** LDP2 identifies a development strategy which seeks to encourage the redevelopment of the site to primarily increase the business and industrial opportunities available within West Dunbartonshire. Esso Bowling Policy 1 outlines the acceptable uses within the site and requires a comprehensive masterplan to be provided of which development proposals must be in accordance with. Policy E1 also more broadly supports business and industrial development on this site. Esso Bowling Policy 2 sets out the infrastructure requirements for the site in relation to Roads, Walking, Cycling and Public Transport. The policy specifically requires the provision of a link road to provide a through route for public transport and a relief road for the A82 and also places active travel requirements that the development must provide. Esso Bowling Policy 3 sets out the requirements for the provision of green network and green infrastructure that must be provided within the site. The principle of the proposed development and accompanying masterplan, subject to mitigation measures, accords with these policies.

**7.6** Policies GB1, CP1 and CP2 are relevant and they relate to greenbelt, design, green infrastructure considerations with the content of these policies similar to the policies of the Adopted Local Plan and LDP1. Similar to Esso Bowling Policy 1, Policy CP3 requires a masterplan to be provided including details of phasing and a delivery strategy. The inclusion of both the masterplan and parameters plan as part of this application ensure that both of these specific policy requirements have been met.

**7.7** Policies ENV1 and ENV2 and ENV4 focuses on nature conservation, biodiversity and landscaping requirements. Similar to the other plans, these policies stipulate that development with potential to have an impact upon on ecological designations like a SPA or SSSI will only be allowed if there would be no adverse impacts on the nature conservation interest, or where there are imperative reasons of overriding public interest. In this case the disruption to ecology on the site itself during the work is considered to be outweighed by the longer term environmental benefits of redeveloping the site, and subject to suitable safeguards whilst the work is taking place and thereafter during operational stage, the works would not adversely impact upon the protected habitat of the Inner Clyde SPA or other ecological designations. Nature Scot have offered no objections and on this basis, subject to conditions, the proposals are compliant with these policies.

- 7.8** Policies, ENV5, ENV6, ENV9, BE1 and BE2 are similar to policies in the adopted plan and LDP1 in relation to the water environment, flooding, contaminated land, archaeology and cultural and built heritage with the proposals meeting with the requirements set out. Policy ENV 8 relates to air, noise and light pollution and sets out specific requirements for each of these policy areas in this regard. Policy ENV 10 requires the mitigation measures for the site to be included in their proposals as set out in the Environmental Report. In relation to Policy ENV 8, the development, due to its location, is unlikely to have any adverse impact on air, noise and light; however, these will be considerations for the developer to address at the detailed planning application stage. The mitigation and enhancement measures of the Environmental Statement have been provided as part of the development and will be addressed as part of the detailed applications or through the conditions attached to the planning consent to be in accordance with policy ENV10.
- 7.9** Policy CON1 sets out the transport requirements for new development. It requires the development proposal to accord with Designing Streets, National Roads Development Guidelines and Regional and Local Transport Strategies. It also requires such developments to prioritise active travel and walking, cycling and public transport links within and outwith the site, including a specific expectation for electrical charging points to be provided within the site. Policy CON4 requires developers to provide the necessary infrastructure to ensure the development is connected to a full fibre network. It is considered that the proposed development accords within this policies and this is discussed in Section 7 below.

#### Principle of Development

- 7.10** The Bowling oil terminal was developed in the 1920's and was decommissioned in 1997 and has largely been unused since, with the exception to the site being cleared. The proposals for the former oil terminal and associated areas are one of 20 projects as part of the Glasgow City Region City Deal Infrastructure Programme which is to be delivered over a 10 year period. The Council has strong ambitions for the site which is one of the largest brownfield sites in West Dunbartonshire and along the Clyde Waterfront. The proposals through a masterplan approach offer real opportunities to transform the site and bring it back into use, re-instate public access to the waterfront and create significant economic, environmental, infrastructure, recreational and placemaking benefits to the site and the wider West Dunbartonshire area.
- 7.11** There is strong support for the principle of the development through Clydeplan and the framework of local planning policy. A significant portion of the site in the Adopted Plan is identified as a Specialised Economic Development Site where there is a presumption to provide a Strategic Employment Location. The more recent LDP2 identifies a development strategy for the former oil terminal which seeks to encourage the redevelopment of the site to primarily increase the business and industrial opportunities within West Dunbartonshire. Esso Bowling Policies 1, 2 and 3 relate to development uses for the site including infrastructure requirements, green network and green infrastructure all of which the application and development proposals seek to address and achieve through a



business and commercial floorspace, a new relief road link, green network and environmental enhancements.

- 7.12** Part of the site is designated as Green Belt. This is the area historically known as ‘Sheepfold’ and the area referred to within Zone F of the parameters plan. Policy GB1 of the adopted plan and proposed plans seeks to prevent any development within the Green Belt for which there is no specific site justification and avoid any adverse effects on the landscape character of the local area. No development is proposed on the Sheepfold area within Zone F, however it will be used for green environmental and biodiversity improvements that will link into and enhance the development areas and therefore the proposed use is in keeping with LDP2 which identifies this area for Green Network enhancements. The western access and new relief road is proposed, to be located in Zone F and while outwith the Sheepfold area, it is still within the Green Belt designation. The inclusion of the new road network through this part of the site is a consequence of the rigorous transport assessments undertaken which justify its requirement. Detailed studies and options appraisals have been undertaken, with the identified infrastructure and route representing the only viable option in this case. The road infrastructure reflects a need to address a number of challenging identified engineering issues, including the requirements of Transport Scotland and Network Rail alongside the wider need for the site to deliver further infrastructure capacity to accommodate the development. The other options that have been considered, either failed to meet with the design requirements of Network Rail or were unable to accommodate the necessary traffic movements in both directions between the A814 and A82. Therefore the western access and A814 link road network are considered the only feasible option and, on this basis, they are essential in unlocking the site and securing the effective redevelopment of this large vacant brownfield site.
- 7.13** The position above aligns with the Reporters conclusions as set out within the recent examination report of LDP2 where the Reporter concluded that the principle of the link road and dual junctions are appropriate. In specific relation to the greenbelt designation, the Reporter found that the use of this land to enable a necessary link from the Dunglass roundabout to the Dumbuck junction took precedence and outweighed its use as agricultural pastureland for grazing horses and associated activity, particularly noting the benefits for road safety and strategic infrastructure that could be achieved if it is delivered. Therefore the development strongly demonstrates a site specific locational need for the associated road infrastructure through the greenbelt land and it therefore complies with policies GB1 of the adopted local plan and LDP2 and the relevant ESSO policies of LDP2.
- 7.14** The Environmental Statement demonstrates that the potential impacts on the Inner Clyde SPA; Dunglass Castle; Flood Risk and other environmental constraints have been properly considered and can be appropriately mitigated. Moreover, the other requirements for the proposed site, such as the need for a new access and relief road for the A82; provision of walking, cycling and public transport within the site; and connections to Bowling Station via a new Railway Bridge can also be accommodated without adversely impacting on the environment or sensitive designations.

**7.15** Considering the above, it is concluded that the principle of the development is acceptable. It represents a significant step forward in delivering this positive economic and infrastructure project while bringing a longstanding vacant site back into use and it is demonstrated that this can be achieved without significant environmental impacts and that positive environmental and economic enhancements can be secured.

#### Masterplan and Site Layout

**7.16** The site development is to be delivered by a masterplan approach which identifies the areas to deliver the commercial-industrial floorspace by the construction of platforms for development. Office and industrial development is proposed to be located in Eastfield (Zone A) with business in Centrefield (Zone B) and Storage and Distribution in the Westfield areas (Zone C) In addition to the above landscaping, open space, green corridors and public spaces have been incorporated throughout the development in many cases overlapping between the zones and areas of the site. The masterplan also includes a new link road with upgraded A82 and A814 access junctions alongside a railway underpass and overbridge. Of the 150 acres of land 45 acres will be developable land with a further 2 acres being used for the proposed new road. A heritage area has been identified around Dunglass Castle and Obelisk Memorial and this will comprise of a protection zone to ensure the listed structure and its setting are not compromised as the site is developed and evolves. There is also an opportunity to allow reinstate public access to the waterfront and the site in the future.

**7.17** Active travel, green and landscape corridor links have been provided throughout the site and these navigate through most of the site. Further extensions to these areas have been secured through this application so that the green corridor and path networks extends along the full waterfront of the site, linking to the new road to the west and continuing around Dunglass Castle and terminating at the very eastern edge of the development. The proposed greenspace is located to the north of the site in the Sheepfold area with Greenfield and Northfield containing the bulk of the open space for the site.

**7.18** An Energy Masterplan Report has been provided in support of the development which explores the principles of low carbon and renewable energy solutions and building specific technologies that could be utilised for the re-development of the site. This includes a whole suite of measures ranging from ground, water and air heat pumps, gas powered turbines to solar panels and heat recovery materials. An energy strategy will compliment the masterplan and will be developed as the development progresses and evolves through subsequent applications.

**7.19** The masterplan approach and associated parameters plan provides a structured way to how the site will be taken forward and developed in the future. It demonstrates the specific areas for the particular uses as well as delivering the specific requirements for active travel; road infrastructure; green space and biodiversity in the future. It is expected that the masterplan and parameters plan for the site may require to adapt and be updated to reflect a number of placemaking or other requirements as the development progresses through the various phases. Specific conditions to this effect have been included to

ensure a flexible mechanism is in place to achieve this such as a Phasing Plan which will provide a clear 'roadmap' for a series of future design and detailed applications (and subsequent delivery) for each phase of the development as it comes forward. The masterplan approach adopted is considered to comply with the requirements of ESSO Policy 1 of LDP2.

### Placemaking

- 7.20** An initial Landscape Framework has been submitted which addresses Placemaking Principles following discussion with Nature Scot. It will compliment the masterplan and will set out in detail the placemaking principles, objectives and parameters that the forthcoming Landscape Framework will set to establish once detailed applications are brought forward. The purpose and role of the 'Landscape Framework' will go beyond a mitigation measure tool for ecology, heritage and landscape setting with this including design objectives for the layout and architecture of the new development to ensure it will maximise and take advantage of its riverside location, deliver multi-functional green infrastructure spaces and biodiversity enhancements as well as harness opportunities for active travel. Placemaking ambitions will be embedded into the proposals at this early stage and in turn making sure that these will inform the masterplan layout as it continues to evolve. This approach accords specifically with the requirements of Policy Esso Bowling 3 of LDP 2.

### Ecology and Biodiversity Matters

- 7.21** Since the site was decommissioned, it has over time provided a habitat for various forms of wildlife. The site is partly within and also adjacent to a number of ecological designations including, the Inner Clyde Special Protection Area (SPA); the Ramsar site; and Site of Special Scientific Interest (SSSI). A number of assessments have been undertaken, both as part of the Environmental Statement and as separate supporting submissions, including a Habitat Regulations Appraisal Appropriate Assessment (HRA) and updated Bat and Otter Surveys. The outcome of these assessments, stipulates that a range of design and mitigation measures are required to minimise potential effects on the ecology presence within the site and the surrounding area.
- 7.22** Nature Scot in their response have concluded that the proposals would not have an adverse impact on the SPA and other relevant ecological designations, subject to the suitable mitigation measures proposed being in place. This includes the need for a Construction Environmental Impact Assessment (CEMP); a Landscape Framework; the appointment of a qualified ecologist to be retained to oversee and monitor construction works; the erection of visual screens and barriers and the installation of screen planting where necessary to reduce visual/noise disturbance to wading birds (redshank) in the Clyde; limitations on access to the SPA restrictions to times for working and night lighting arrangements and updated protected species surveys where required. These matters can all be addressed through the use of appropriate conditions and it is considered that by taking account of all of these mitigation and enhancement measures, these will safeguard

against potential impacts on ecology designations and ensure that there will be no adverse effects on the integrity of these European Sites and protected species.

- 7.23** The Planning Authority has also undertaken a Habitat Regulations Appraisal Appropriate Assessment. The outcome of this assessment also demonstrates that any adverse effect on the integrity of the site can be avoided subject to mitigation measures being in place and secured through appropriate conditions. As a result the supporting assessments and recommended conditions allow the development to comply with policies ENV1, 2 and 4 of LDP2.

#### Heritage and Archaeological Considerations

- 7.24** Within the site is the listed “B” Dunglass Castle and the Henry Bell Obelisk. The masterplan illustrates that the proposed development has been orientated and sited so as to preserve the setting and not compromise the range of options for these buildings at risk’, including an exclusion and buffer zone around these features. A number of mitigation measures are proposed, informed by the assessments undertaken within the Heritage, Landscape and Visual Impact Assessment of the Environmental Statement. The outcome of these is that, subject to the adherence and delivery of these measures, the proposals will likely have positive impacts on these heritage assets. Historic Environment Scotland have offered no objections to the methodology and outcome of these assessments.
- 7.25** No direct works are proposed to Dunglass Castle and the Henry Bell Obelisk as part of the current proposals. However, Historic Environment Scotland advised in their response that there is a fundamental need for the comprehensive re-development of this site to support the conservation and long-term viability of these assets, and that this should be addressed as part of the redevelopment of the site. The applicant has outlined their intention to protect and enhance these assets once it takes ownership and to incorporate them into the future proposed development. The applicant intends to work with Historic Environment Scotland to identify an appropriate options appraisal and to develop a vision and forward plan and this has been secured by condition. It is considered that there is a clear commitment by the applicant as they are taking these assets on through the prospective sale of the land and have showed commitment to working with Historic Environment Scotland. By virtue of doing this, they are giving these assets the best opportunity of reinstatement in the future.
- 7.26** An assessment of archaeological impacts is provided in the Environmental Statement of the likely effects of the construction phase on archaeological features. The assessment indicates that remediation works have been completed under permission DC18/013 having its own specific site wide archaeological mitigation condition for a programme of archaeological works requiring to be implemented. The end position adopted is that the site should have been excavated and remediated by the time it comes to develop the site. The Environmental Statement does still consider the potential for construction associated with the current proposals to affect previously-unrecorded sub-surface archaeological material within Zone F of the site.

- 7.27** Despite the position taken in the Environmental Statement, West of Scotland Archaeology Service in their consultation response have asked for a watching brief for the site as a whole rather than just for Zone F and a condition is recommended requiring the developer to complete a programme of archaeological works in accordance with an agreed written scheme of investigation for the whole site.

#### Flood Risk Considerations

- 7.28** A comprehensive assessment of flood risk and hydrology has been undertaken and this has defined a range of flood mitigation measures to ensure the site is safe and habitable for future development and these measures are secured by condition.
- 7.29** SEPA, following a review of the assessments provided, have advised that they are satisfied with the mitigation measures proposed and are of the view that these will ensure that the development will have at least a neutral effect on flooding whilst at the same time allowing the proposals to be compliant with Scottish Planning Policy requirements. SEPA have requested that all foul drainage from the development will be discharged into the public sewer network. This is necessary to ensure the protection of the water environment and that there are no residual effects on water quality as a result of foul drainage. This has been included as a planning condition.

#### Contamination and Ground Condition Matters

- 7.30** ESSO and EXXON Mobil have committed to undertake remediation of the former oil storage facility, by addressing levels of contaminants that would be unacceptable in a commercial-industrial developed environment. As previously outlined above, the Eastfield area of the site which extends to approximately 5 hectares was remediated in 2014 by the permission DC11/218. The remainder of the site will be remediated through the Remediation Strategy approved by the Planning Committee in March 2019. Work has started on this and the remediation method is by a 'soil washing solution'. Therefore this aspect of the development is covered by the above permissions and does not form part of the application under consideration. ESSO and EXXON Mobil will undertake the remediation works prior to the site being taken over by the Council for the re-development proposed as part of this application. Both SEPA and the Council's Environmental Health Section are content that the remediation strategy will successfully mitigate the contamination on site and enable its re-development. They have however recommended that the additional Soil Management Plan and a Earthwork and Material Movements Strategy which forms part of the mitigation proposals for the Environmental Statement are in place to ensure a comprehensive plan for the positioning and distribution of soils throughout the site. These requirements have been secured through conditions. Considering the above, the management of contamination is therefore considered to be acceptable subject to the inclusion of these as conditions alongside a few other standard conditions put in place to address any un-encountered contamination.

## Transport and Roads Matters

- 7.31** The submitted Transport Assessment provides a detailed consideration of the likely effects of the proposed development on traffic, transport and access at construction and operational stage. The outcome concludes that the construction and operational phases of the proposed development, subject to mitigation, are not likely to generate traffic flows of a level that would trigger significant traffic effects. Both a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) are proposed in relation to the impacts of traffic disruption during the construction phase. Transport Scotland and the Council's Roads Service will be consulted once the planning authority are in receipt of these management plan details.
- 7.32** Detailed studies and options appraisals have been undertaken for the access and transport infrastructure which is detailed in paragraph 7.12 above and it is clearly indicated that the western access and A814 link road network are considered the only feasible option to unlock the redevelopment of this site. The new relief road will allow for the diversion of traffic from the A82, in the event of a closure on the section of that road north of the site or in cases of emergency it can act as a relief road. This new through-route serving the site would also increase the potential for the site to be served in the future by public bus services and provide connectivity to neighbouring sites.
- 7.33** A section of National Cycle Route 7 (NCR7) which is located along the Northern boundary of the site is to be diverted to facilitate the construction of the western junction arrangements, with various options for post-development reconfiguration. Railway crossings are also proposed including a new underbridge of the Glasgow Dumbarton railway and the remodelling of an overbridge at the Eastern access to the site. As evidenced in the supporting information and above, the range of new infrastructure features alongside the upgrade of existing infrastructure is needed to accommodate the development.
- 7.34** The site has real potential to increase sustainable access opportunities. The NCN7 route provides local and regional walking cycling connections and its proximity to the site will make cycle access to the site attractive. The existing and proposed footway network provides connections locally, and to Bowling Rail Station as well as to the current bus network operating on A82 and A814. The implementation of a Travel Plan to be in place prior to occupation of any part of the site will assist in maximising opportunities for staff and visitors to use local transport options. This combined with other measures including the inclusion of cycle parking, changing facilities and provisions to ensure the incorporation of new and existing bus stops into the road design and layout will ensure sustainable travel opportunities are at the heart of the development.
- 7.35** Transport Scotland, SPT and the Council's Roads Service have offered support to the development and have recommended a number of mitigation measures which are secured through conditions. On this basis the principle of the infrastructure proposed in support of the development is considered acceptable.

## Public Consultation and Pre-Application Processes

- 7.36** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to the submission of the application and the proposals have been subject to a Proposal of Application Notice (PAN) process. Public consultation events took place in Bowling on 5<sup>th</sup> and 6<sup>th</sup> May 2017 and more recently two further public consultation events took place in Bowling on 24<sup>th</sup> and 26<sup>th</sup> February 2020 (one daytime and one evening session). A further additional event was proposed in Milton on 19<sup>th</sup> March 2020 to facilitate an interest in the site by Milton Community Council and this took place digitally to comply with COVID-19 restrictions at the time. The applicant has submitted a pre-application consultation (PAC) report which summarises all of these proceedings. This evidences that the events were well attended and fostered a good degree of dialogue. The views expressed by those who participated in the event have been captured in detail within the Planning Application Consultation Report submitted with the application and relevant and material concerns have been appropriately addressed through the Environmental Statement and other supporting information accompanying the submission.
- 7.37** Objections to the planning application received have made reference to concerns regarding the PAN events proceedings associated with the applicants public consultation including the way these were delivered and facilitated, the conduct of participants and dialogue as part of these. The responsibility for undertaking public consultation is the applicants (and/or their appointed agent) and the Planning Authority cannot be involved in this process as the relevant legislation makes it clear that this is the responsibility of the applicant. The role of the Planning Authority in relation to the public consultation process is to ensure that the relevant notification of the forthcoming application is received and the intentions for public consultation is set out and that a Planning Application Consultation Report is submitted with the application. The Consultation Report must evidence that the pre-application consultation happened and the activities undertaken complied with the statutory minimum criteria alongside any additional activity agreed with the planning authority when they were notified of the application. The Planning Application Consultation Report provided sufficiently demonstrates compliance with the relevant planning legislation.
- 7.38** Additional pre-application consultation beyond that of the statutory minimum included the delivery of two 'Stakeholder Consultation Events' which took place in May 2015 and March 2020 respectively. In both instances, these involved the direct input of a number of statutory consultees such as SEPA, NatureScot, HES and Transport Scotland, as well as, internal Council Services such as Environmental Health and Roads Service. Whilst neither of these processes were statutory requirements, these were facilitated to provide an opportunity for consultees to be informed about the proposals and to provide early feedback at key milestones of its development, including at its very infancy and thereafter just before the application was lodged.

## Elected Member Briefing

- 7.39** The pre-application proposals were presented to Elected Members at a briefing on the 4<sup>th</sup> June 2020 and was welcomed. The presentation provided an overview of the masterplan and parameters layouts, a summary of the public consultation undertaken and details regarding the approach to the Environmental Statement to accompany the application. Members sought clarification on the proposed zoning and sub-division for development and raised matters with regards to implications for traffic and transport. The points raised have addressed as part of the application.

## Other Points Raised in Representations

- 7.40** A number of consistent themes have arose when reviewing the representations received in response to this application and this section seeks to clarify some of these which have not been directly addressed in the assessment of the sub-sections above.
- 7.41** The representations received in respect to the privately owned land within Zone F being used for the redevelopment of the site have raised issues relating to the compulsory purchase process; the impact upon existing enterprises/charities; the impact upon equine health and wellbeing; financial and land value implications; cost of the proposals; and damage to land during site investigation and survey works. Issues with regard to the ownership of land and all of the other inter-related and consequential matters are not material planning considerations that can be considered as part of the assessment of this application. Again, with regard to the relevancy and consideration of other previously determined planning applications each application requires to be considered on their own individual merits and are not material in the consideration of this application.
- 7.42** A number of claims have also made within the representations that elements of the supporting Planning Permission in Principle submission are inaccurate, misleading and unreliable, including aspects of the commentary within the Planning Application Consultation Report, Planning Statement and Transport Assessment. These points are not supported or backed up by any evidence to substantiate these positions. There is however no objection by statutory consultees to these documents and their content and recommendations are considered to be well evidenced and acceptable from a planning perspective.

## **8. CONCLUSION**

- 8.1** This ambitious development proposal will bring about a real change for the area, by bring a large waterfront former industrial site back into productive use, by supporting extra jobs, and by providing much needed alternative road routes. The principle of the development is supported by Clydeplan and local planning policies and it represents a significant step forward for the future of the site and West Dunbartonshire. Through a masterplan approach it will guide development towards maximimising the assets of the site and its location and all consultees are supportive of the development proposals. A comprehensive Environmental Statement has been provided as part of the application and this



demonstrates that the proposals will not have significant adverse impacts subject to a series of mitigation measures which have been secured by conditions. The development will also bring significant environmental, placemaking, infrastructure and economic benefits improvements to the site and wider area.

## **9. CONDITIONS**

1. Prior to the commencement of works associated with any part of the development (apart from remediation works), an application(s) for approval of detailed design matters shall be submitted for the written approval of the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, all applications for the approval of matters specified in conditions shall be accompanied by:
  - a) Development platforms and site layout plans showing the position of all buildings, roads, access arrangements, parking areas, footpaths, waterfront walkway, green corridors, open space, boundary treatments and drainage infrastructure.
  - b) Block and layout plans showing existing, proposed and finished floor levels and elevations of each building, showing dimensions, and palettes of external materials.
  - c) Applications that include proposals for buildings, will provide details of cycle parking, shelter and storage provision, electric car charging points, shower, changing and drying facilities and any other facilities and measures which promote and support active and sustainable travel.
  - d) Landscape and streetscape plans showing the locations and species of all proposed trees, shrubs, hedges, palettes of hard landscaping materials and street furniture. Where applicable, all trees and planting shall be sited at least 10 metres in distance from the railway boundary located within the application site. Where it is agreed for trees, shrubs are to be planted adjacent to the railway boundary located within the application site, these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
2. Any applications(s) for approval of matters specified in conditions for any phase or part of the development submitted under Condition 1 shall also accord with the elements of approved 'design and construction' and 'operational phase' management plans and strategies associated with Conditions 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 16 that are relevant to the development being proposed.
3. Prior to the submission of the first application for the approval of matters specified in conditions, a Phasing Plan including details for the subsequent delivery for each phase of the development alongside timescales for implementation of the various phases shall be submitted to and approved in writing by the Planning Authority. The Phasing Plan shall

contain a strategy for the submission of a series of future detailed applications as under Condition 1 above including the delivery and implementation of the approved zones (including the waterfront walkway, green spaces and green network corridors). The approved Phasing Plan including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates of the approved phasing plan shall be subject to the written approval of the Planning Authority and implemented thereafter as approved.

4. Prior to the submission of any application for matters specified in Condition 1 (parts B, C or D), a design strategy to establish the principles for the design and locations of street furniture, railings, bollards, signage, bins, substations, generators and cycle parking shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, each application for approval of matters specified in conditions submitted shall adhere to the principles and requirements approved through the design strategy.
5. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any application for matters specified in Condition 1 (A, B, C or D), a Preliminary Options Appraisal Report including a condition survey and scheme of repairs for the conservation, repair and reuse of Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk in both in the short term and long term shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any buildings to be located within Zones A and B as identified on Parameters Plan (Drawing No. 30953/4504/002 Rev F), details of the final chosen option for Dunglass Castle (including the house, garden and castle walls) and the Henry Bell Obelisk shall be submitted to and agreed in writing Planning Authority. These details shall include a programme of works including timescales for obtaining relevant permissions alongside timelines for the delivery and completion of the works for the Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk. Thereafter this shall be implemented as approved in accordance with the approved final strategy.
6. Prior to the submission of the first application for the approval of matters specified in conditions, a Soil Management Plan and Earthworks and Materials Movement Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), these submissions shall include:
  - Details of the assessment criteria and sampling frequency that would adequately demonstrate suitability for use.

- A Waste Management and Recycling Strategy to address on-site waste and materials.

The approved plans and strategies shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. These shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

7. Prior to the submission of the first application for the approval of matters specified in conditions, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019)', the CTMP shall include details of measures for minimising the disruption of the construction works on existing local bus services along the A82 and A814. As part of such details it shall also demonstrate continuity of access along the A82 and A814 at all times, to allow for the continued operation of local bus services, except where otherwise agreed by the Planning Authority. The approved CTMP including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CTMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
8. Prior to the submission of the first application for the approval of matters specified in conditions, a Flood Risk Management Plan, a Construction Flood Response Plan and a Construction Drainage Plan shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019)', the Construction Drainage Plan shall include confirmation that all foul drainage installed within the application site shall discharge into the public sewer network at all times. The approved plans including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved plans shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
9. Prior to the occupation of any part of the site, all measures agreed in accordance with Condition 8 above which are associated with addressing flood risk shall be implemented. This shall also include those measures set out in Section 5.3.5 of the approved 'Environmental Statement Non-technical Summary (September 2019)' and Chapter 7 and figure 7.2 'Conceptual Flood Mitigation Strategy' of the approved 'Environmental

Statement Volume 1 Main Text (Dated: September 2019)' . Once implemented, all of these measures shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

10. Prior to the submission of the first application for the approval of matters specified in conditions, a Lighting Strategy and an Otter Mitigation Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the Lighting Strategy shall provide specific confirmation that night lighting will be avoided during the months of September to March inclusive where such lighting would illuminate areas of inter-tidal habitat of the Inner Clyde Special Protection Area (SPA) to levels in excess of 1 Lux (i.e. the maximum natural night-time background light level). The approved strategies, including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved strategies shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
11. Prior to the submission of the first application for the approval of matters specified in conditions, a Landscape Framework and Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the Landscape Framework and Strategy shall be prepared in accordance with the approved 'Landscape Framework Objectives' document (Dated October 2020) and shall update the approved masterplan and parameters plan for the site. The approved Landscape Framework and Strategy including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for this approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
12. Unless otherwise agreed in writing by the Planning Authority, as part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, a supporting report which evidences how the relevant development proposals complies with and delivers the requirements and aims of the 'Landscape Framework and Strategy' approved under Condition 10 above.
13. Prior to the submission of the first application for the approval of matters specified in conditions, a Construction Environmental Management Plan (CEMP) shall be submitted to

and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the CEMP shall also include a timetable and programme for all noise and vibration generating works associated with the construction of the development including the use of plant and machinery and vehicle movements. The timetable shall set out how the construction works will be programmed to minimise noise and vibration generation during the months of September to March inclusive and associated disturbance on wintering redshank and other qualifying features of the Inner Clyde Special Protection Area. Any noise generating works and/or operations agreed in consultation with the Planning Authority as being unavoidable during the period specified shall be accompanied by a schedule of mitigation detailing the measures that will be put in place to mitigate those impacts that will be caused by noise generating works and operations. The approved CEMP including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved CEMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

14. Prior to the submission of the first application for the approval of matters specified in conditions, a Written Scheme of Archaeological Investigation and Programme of Archaeological Works shall be submitted to and approved in writing by the Planning Authority. Notwithstanding the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), this investigation shall be subject to a full Risk Assessment considering all areas of the site not previously covered by permission DC18/013 for the Remediation Strategy for the site. If required by the Risk Assessment, the scope for the Written Scheme of Archaeological Investigation shall be extended beyond the boundary of Zone F of the site and may include other areas. The approved written investigation and programme of works including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the areas subject to the investigation, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved written investigation and programme of works shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
15. Prior to the submission of the first application for the approval of matters specified in conditions, an Energy Strategy shall be submitted to and approved in writing by the Planning Authority. Further to the approach and overarching aims set out in the approved 'Energy Masterplan' (Dated, May 2020) document, the Energy Strategy shall include

details for the delivery and implementation of on-site low carbon and renewable energy solutions, building specific technologies and features alongside any other measures aimed at increasing energy efficiency on the site. The approved strategy including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

16. Prior to the occupation of any part of the site, a Travel Plan including measures to minimise the impact of traffic and to promote sustainable and active travel choices for staff and visitors shall be submitted to and approved in writing by the Planning Authority. The Travel Plan shall include the details and requirements as set out in Section 7 of the approved 'Transport Assessment (Dated April 2019). The approved Travel Plan including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved Travel Plan shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
17. No development (other than investigative works) shall commence on site until such time as an assessment of the risks to all new receptors, such as people and buildings, that this development will introduce has been undertaken. If the risk assessment identifies any unacceptable risks, a remediation strategy/plan will be submitted to and approved in writing by the Council as Planning Authority prior to development works commencing. The report shall be prepared by a suitably qualified person.
18. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any approval of matters specified in conditions applications, a full Site Investigation and Risk Assessment for areas of the site not previously covered by the Remediation Strategy to be undertaken in accordance with permission DC18/013 shall require to be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.
19. In the event that contamination, which has not previously been identified and assessed, becomes evident at any time during the development of the site, it shall be reported in writing to the Planning Authority within 1 week. If such contamination can be dealt with without departing from the principles and outcome of an already approved remediation strategy then works can continue on the affected part of the site. If the contamination would result in a departure from the principles and outcome of the approved remediation strategy and if requested by the Planning Authority, works shall cease and/or an

investigation and risk assessment shall be undertaken and an amended remediation strategy shall be submitted to the Planning Authority for approval. The amended remediation strategy, once approved in writing by the Planning Authority, shall be implemented as approved prior to the recommencement of works in the affected area.

20. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of Dunglass Roundabout Junction of the A82 (T) with the A814 to traffic signal control shall be constructed in accordance with approved plan 'Eastern Access' (Drawing No. 30953-STN-00-XX-DR-D-0021 Rev P01).
21. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of the Dumbuck signalised junction of the A82 (T) with the A814 shall be constructed in accordance with approved plan 'Western Access' (Drawing No. 30953-STN-00-XX-DR-D-0020 Rev P01).
22. Development proposals affecting the route of NCN7, shall include arrangements for the temporary diversion of the NCN7. Such details shall be accompanied by measures which seek to mitigate the impact of the diversion such as the provision for wayfinding signage and the use of distinctive materials alongside other measures of route design required to ensure that the diverted route remains clear, attractive and intuitive to users. Thereafter the approved temporary diversion and associated mitigation measures shall be undertaken in a timescale agreed in writing by the Planning Authority. The mitigation measures shall be maintained on site for as long as the temporary diversion of the NCN7 remain in place.
23. Development proposals that propose to alter the route of NCN7 shall include details for the final arrangement of post-development reconfiguration of NCN7 at the western end of the site. These details shall include the final route and positioning of NCN7. Thereafter, the approved details shall be implemented as approved in a timescale agreed in writing by the Planning Authority.
24. Any development proposals that will permanently affect the route and function of existing bus stops shall be accompanied by a report assessing and reviewing the impact of the proposed road layout upon existing bus stop locations (including those stops situated along the A82 and A814). If required, the report shall include details for any new bus stops required or details for relocation of existing bus routes. The approved report, including any identified findings and measures shall be implemented in a timescale agreed in writing by the Planning Authority.

25. Prior to the commencement of any development on site, a trespass proof fence of minimum 1.8 metres in height shall be installed along the boundary of the railway line within the application site. Prior to its installation, details of the proposed trespass fencing including its location and design shall be submitted to, and approved in writing by the Planning Authority. The approved trespass fence shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved trespass fence shall remain in place for the duration of when construction works are taking place on the part of the site impacting the railway.
26. No development shall take place, between the months of September to March inclusive, until an independent Ecological Clerk of Works (ECoW) or on-site Ecologist (with ornithological experience) has been appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Inner Clyde Special Protection Area and other ecological designations. The Planning Authority shall be notified in writing once this person has been appointed. Thereafter, the ECoW shall remain in place for the duration of the construction works associated with that part of the development, unless otherwise agreed with the Planning Authority.
27. Further to Condition 26, prior to appointing the ECoW, a 'scope of works' and 'terms of reference' for that person shall be submitted to and approved in writing by, the Planning Authority. This specifically shall detail the role and remit of the ECoW and the circumstances and timescales during the construction phase whereby they will require to be present within the application site. As a minimum, this shall detail that the ECoW shall:
- Be kept adequately informed of and ensure compliance with the construction timetable and programming (including any variations to such details) to be agreed under the terms of approved CEMP alongside all other ecological mitigation measures and proposals which are to be in place for the lifetime of the construction work associated with the redevelopment of the site.
  - Have the capacity and authority to halt/postpone any construction works taking place during the sensitive over-wintering months (i.e. from September to March inclusive) and until such time as they believe the operations concerned will not result in any redshank, cormorants, goldeneye, oystercatchers, red-breasted merganser (or any other notified bird species) being displaced from feeding or roosting within the identified Inner Clyde Special Protection Area or within the designated Site of Special Scientific Interest (SSSI).



28. No development shall commence, between the months of September to March inclusive until a screening and protective barrier has been installed along the boundary between the Inner Clyde Special Protection Area (SPA) and the area proposed for development works within the application site (southern boundary of the water/foreshore edge boundary of the works area). Prior to its erection, details of the proposed screening barrier including its location, extent, design and level of obscurity shall be submitted to, and approved in writing by the Planning Authority. The approved screening barrier shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved screening barrier shall remain in place for when construction works are taking place within the part of the site impacting the SPA.
29. Further to Condition 28 above, in the event that any such screening barrier is to be replaced by more permanent screen planting, details of such proposals shall be submitted to and approved in writing by the Planning Authority prior to the removal of the screening barrier (between the months of September to March inclusive). Such proposals shall include details for planting along the edge of the development site area (referred to as the 'Green Corridor' on the approved Masterplan and Parameters Plan) combined with tree/scrub retention and appropriate reinforcement planting along the route of the new/upgraded road and along the edge of the existing railway line. The approved screen planting details shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority.
30. As part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, up-to-date protected species surveys insofar as required in relation to the area of proposed development and associated ecological features shall accompany development proposals within the site. These surveys shall be carried out by a suitable qualified ecologist at the appropriate time of year and will be provided to update the baseline information provided through the Environmental Statement and ecological surveys provided as part of this application. Furthermore, should the results of such surveys show them to be necessary, any such applications shall also be accompanied by the relevant species protection plans to identify any license requirements.
31. Prior to the commencement on any development on site, details of measures to protect retained trees and areas of woodland on the site during construction shall be submitted to and approved in writing by the Planning Authority. The details shall include specific details for the establishment of buffer zones for the protection of trees and area of woodland along and within the site boundary. Thereafter, unless otherwise agreed in writing by the

Planning Authority, the approved measures shall be implemented and shall remain in place for the duration when construction works are taking place on site.

**Peter Hessett**  
**Chief Officer - Regulatory and Regeneration**  
**Date: 13<sup>th</sup> January 2021**

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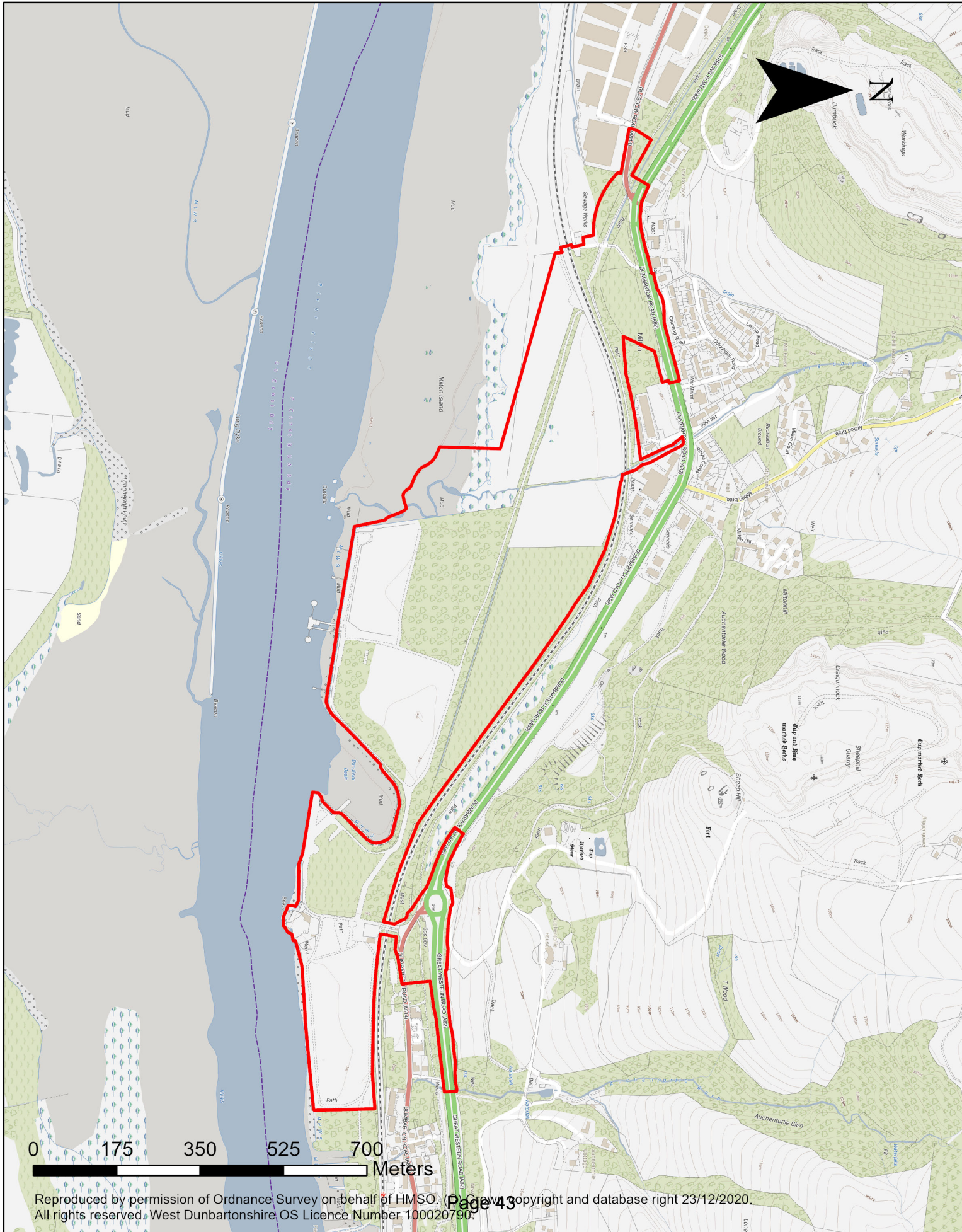
**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** Site Location Map

**Background Papers:**

1. Application forms, plans and Environmental Statement;
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. West Dunbartonshire Local Development Plan Proposed Plan (LDP 1);
6. West Dunbartonshire Local Development Plan 2 Proposed Plan (LDP 2); and
7. Clydeplan.

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





## WEST DUNBARTONSHIRE COUNCIL

### Report by Chief Officer – Regulatory and Regeneration

**Planning Committee: 13 January 2021**

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**DC20/201: Proposed temporary relaxation of Conditions Nos. 3 and 4 to allow use of side doors for access and egress (DC09/297) at 25-27 Kilbowie Road, Clydebank by Ms Lesley Murray**

#### **1. REASON FOR REPORT**

- 1.1** The application seeks to amend conditions which were 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** **Grant temporary** planning permission for a period of 12 months subject to the conditions set out in Section 9.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application site is a single storey building located within Clydebank town centre. To the north of the site there is a detached house and a railway line, to the east there is Kilbowie Road and commercial properties with tenement flats above, to the south there are offices and to the west there is a telephone exchange building. The property currently operates as a dance studio with three separate rooms used for dance classes along with toilets, changing areas and a small office. The dance studio is accessed via an entrance on Kilbowie Road, however, there is a lane at the side of the building with two doors providing emergency/disabled access.

- 3.2** In 2010 planning permission was granted to change the front part of the building from a photography studio to a dance studio. The application was granted subject to a number of conditions including the following:

Condition 3 - Notwithstanding the submitted plans, entry and exit to all dance studios and any ancillary uses shall be from the entrance on Kilbowie Road as specified in the e-mail dated 2 February 2010.

Condition 4 - Notwithstanding the submitted plans all doors to the side of the building shall remain closed except for emergency or disabled access.

The reason for both conditions was 'to prevent noise and disturbance to the adjacent residential property.'

The current application proposes the temporary relaxation of conditions 3 and 4 to allow the two side doors of the dance studio to be used for entering and exiting the premises. The door to the front of the building facing Kilbowie Road would continue to be used also. The applicant has stated that use of the side doors is required to enable the premises to operate under the current government guidance with regard to COVID-19. There are three dance studios/ rooms within the premises and this arrangement would allow each to have their own entrance/ exit which would minimise children (and parents/ carers) from different classes coming into contact with each other. The applicant proposes only a temporary relaxation of the conditions and suggests a period of 18 months to 2 years.

#### **4. CONSULTATIONS**

- 4.1 West Dunbartonshire Council Environmental Health Service has no objections to the proposal provided no music is played in the premises when the side entrance doors are open and subject to the conditions as set out in section 9 below.

#### **5. REPRESENTATIONS**

- 5.1 One representation objecting to the application has been received from the occupant of the adjacent residential property to the north and 81 representations have been received in support of the application, primarily from parents/ carers of children who attend the dance studio. A summary of the points raised in the representations are as follows:

##### Points of Objection:

- Impact on residential amenity in relation to noise.
- Matters of public health are not material planning considerations so should not be considered.
- WDC Roads have not raised any road traffic concerns during the determination of previous applications for change of use at this site so roads matters are not a reason or justification for the alternative access arrangements that are proposed.
- Better management systems for children leaving the building can be put in place to avoid using the side doors, applicant has had time to consider other options.
- Difficulties regulating the position after a temporary planning permission timescale ends, and with vaccine now being rolled out any temporary consent should last for a few months rather than years.
- Historically, the side doors have not been used to enter the dance studio or other uses that previously occupied parts of the building.
- Application is retrospective as side doors have been used since September 2020.
- History of problems on site regarding noise from dance studio.
- Applicant hasn't considered impact on neighbour when reopening and hasn't made contact with neighbour to resolve problems as previously promised.



### Points of Support

- Use of side doors reduces interaction between children in different classes, as well as parents/ carers, and therefore reduces risk of COVID-19 spreading.
- Safer for small children to use side doors as main entrance is on a busy road.
- Dance studio can operate while adhering to social distancing rules, which benefits the physical and mental health of children.
- System of entry and exit is well organised with small numbers of children using the lane at any one time, reducing potential for noise disturbance.

**5.2** The concerns raised in the representations are addressed in section 7 below.

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

### West Dunbartonshire Local Plan 2010

**6.1** The site is located within the town centre. Policy GD1 seeks to ensure that all new development respects the character and amenity of the surrounding area. Policy LE7 specifically addresses business development in mixed use or residential areas and supports such development where there would not be an adverse impact on residential amenity or the surrounding uses.

**6.2** It is considered that the use of the side doors would not have a detrimental impact on the adjacent house or other surrounding properties, provided that their use is managed in accordance with the proposed conditions and for a temporary period only. Overall, it is considered that the proposal complies with Policies GD1 and LE7. This is addressed in more detail in Section 7 of this report.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (LDP1) 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 has remained unadopted but continues to be a material consideration in the determination of planning applications.

**7.2** The site is located within the Town Centre. Policy SC3 relates to non-retail uses within town centres and states that such uses will be assessed in terms of their impact on the amenity of the centre and surrounding uses. Policy DS1 states that all development should avoid unacceptable impacts on adjoining uses including those of noise and invasion of privacy.

**7.3** The proposal is considered to comply with the aforementioned policies and this is discussed further in Section 7.9 below.

#### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is therefore the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.
- 7.5** The site is located within the Town Centre where Policy 1 seeks to ensure proposals will not be detrimental to surrounding uses. Policy ENV8 relates to air, noise and light pollution and states that all new development must ensure that significant adverse noise impacts on surrounding properties and uses are avoided.
- 7.6** The proposal is considered to comply with the aforementioned policies and this is discussed further in Section 7.10 below.

#### Planning History and Principle of the Change

- 7.7** A dance studio has operated from the property for over 35 years, initially occupying just the middle part of the building, then in 2003 permission was granted to change the use of the rear part of the building from a printers to a dance studio (consent no. DC02-274). In 2010 permission was granted to change the front of the building from a photography studio into a dance studio (consent no DC09/297/COU). All consents were implemented and the whole building is now used as a dance studio. The 2010 consent was granted subject to conditions 3 and 4, (detailed in Section 3.2 above) which restrict entry to and exit from the building to the Kilbowie Road entrance, and also prevent the side doors from being opened except for emergency use or for disabled access. These conditions were added as the side doors were being used to access the dance studio and the occupant of the adjacent house had already raised concerns about noise from the existing use. It was considered at that time that the use of the Kilbowie Road entrance would be a suitable alternative to the side entrance doors and would help to address the noise issue.
- 7.8** Since the 2010 consent was granted the dance studio had operated in accordance with conditions 3 and 4. However, as a result of the Covid 19 circumstances since March 2020, the applicant has had to revise how the business operates to follow government guidance in order to protect staff and pupils. By creating separate areas and a track and trace system of registration it has been possible for the business to meet the Government guidelines and to continue to operate in difficult circumstances. This has been done by splitting the three studios within the building into completely separate areas, all with their own entrance/exit and toilets. The two side doors provide separate entrances/exits for two of the studios while the front entrance/ exit to Kilbowie Road services the third studio. This arrangement minimises interaction between staff and pupils adding extra protection and making it easier to carry out track and trace, if required. The start and finish times of the various classes have been altered to ensure there is 15 minutes between



each class to enable cleaning and ensure there is no cross-over of children being picked up and dropped off which minimises the number of people accessing the side of the building at any one time. This also means that during the short time that the side doors, subject to this application, are open, there is no music being played. The introduction of the system has allowed a reduced number of classes to be continued. The principle of this temporary arrangement is considered to be acceptable from a planning perspective provided the premises is managed as described. The applicant has proposed a period of 18 months to 2 years for the temporary relaxation of the conditions, in this occasion a period of 12 months is considered more appropriate given the planned vaccine roll-out programme.

- 7.9** The Council was made aware in September this year that the side doors were being used as an entrance/exit and the applicant was advised to cease using the doors immediately as this was in breach of the planning conditions. The applicant complied with this request and subsequently submitted the current application. Since the introduction of social-distancing requirements they have found that a safety issue has arisen. Prior to the introduction of social-distancing, parents/carers of small children (2 to 5 years old) would enter the building at the end of classes to collect their children. However, they are no longer allowed to do this and parents/ carers must collect their children from the Kilbowie Road entrance where they must maintain social distance from each other. This means that parents/ carers are spread out and may be some distance from the entrance when their child leaves the building, which is immediately next to a very busy road. The applicant makes the case that the use of the side doors made pick-ups safer as 2 parents/ carers at a time could walk up the lane to pick up their children from the side doors. The applicant states that they have always complied with conditions 3 and 4 until this and had previously only used the side doors for emergencies.

#### Impact on Residential Amenity

- 7.10** The occupant of the house adjacent to the site has raised concerns about the impact on their residential amenity as a result of noise coming from the dance studios due to the side doors being used. However, it is understood that the doors will only be open for a short time in between classes when music is not being played and to allow a small number of children to leave and enter the building. As explained above the applicant proposes a 15 minute gap between classes finishing and the next classes starting to minimise the number of people arriving and leaving the premises at any one time. It is therefore considered unlikely that there would be any significant impact on the neighbour's property with regard to noise. Further to this, the Council's Environmental Health Service has advised that they do not have concerns to the temporary use of the doors provided music is not playing when the doors are open and subject to the conditions as set out in section 9 below. They have advised that the use of the side doors enables the applicant to create a safer environment for staff and pupils with regard to COVID-19. It is not considered that there is an alternative solution as the use of the side doors allows the formation of entirely separate spaces inside the building with classes having access to their own individual door to and from the building which significantly minimises interaction of pupils between classes and the

applicant notes that this will minimise the risk of the virus spreading. The conditions imposed on the 2010 consent and are also proposed for the current application to ensure that noise from amplified music for example, will not adversely affect the occupiers of neighbouring property.

#### Other Matters Raised in Representations

- 7.11** A point of objection raised in the representation states that any concerns that the applicant has over child safety as detailed in Section 7.9 of this report stems from parents/ carers who park on the public road. They also state that the Council's Road Service had no objection or road safety concerns to the change of use applications for the use of the premises as a dance studio. It should be noted however that this current situation with regards Covid 19 did not exist when the applications for the use of the premises as a dance studio were being assessed and the issue of parents/ carers not being able to collect their children direct from the premises will not be an issue once social-distancing requirements are removed. It has also been stated that it will be difficult to regularise the position and for the applicant to return to using only the single access from Kilbowie Road once any temporary permission for the use of the side doors ends. However, it is considered that this would not be the case as the proposed condition makes it clear that the side doors must revert back to emergency/ disabled access use only once the 12 month period has lapsed and this can be monitored to ensure that it is complied with. While it is noted in the representation of objection that issues of public health such as the applicant complying with Covid 19 guidance is not a material planning consideration, the Scottish Government has provided updated legislation and guidance to planning authorities with regards responding to Covid 19 and therefore is it considered reasonable for the planning authority to consider the impact of the current government guidance with regards to this application. Such considerations do however require to be considered together with other material considerations such as impacts on residential amenity as discussed above and every case is considered on its own merits.
- 7.12** A significant number of representations supporting the application have been received. These are primarily from the parents/ carers of children who attend classes at the dance studio. The points raised in the representations focus mainly on the safety aspect of the proposal with regard to reducing the spread of COVID 19 and the applicant's changes are welcomed as they consider that they have created a safe environment for their children. The operational changes introduced had allowed the applicant to restart classes and parents/ carers have welcomed this as it benefits the physical and mental health of their children.

## **8. CONCLUSION**

- 8.1** Overall, it is considered that the proposed temporary use of the side doors, if managed in the way that the applicant proposes and subject to the conditions below, would not have a significant impact on the amenity of the neighbouring house or other residential properties with regard to noise. It is considered

that this temporary arrangement which is required under unique circumstances is acceptable and would allow a business to continue to operate whilst allowing children and young people to take part in dance classes. The use of the side doors will be required for a limited time only and therefore a condition allowing the doors to be used for a period of 12 months is considered reasonable.

## **9. CONDITIONS**

- 1. The two entrance doors on the side of the building may be used for access to and egress from the building for a period of 12 months from the date of this consent. Thereafter, the side doors shall revert to emergency and disabled access use only and access to/egress from the building shall be via the Kilbowie Road entrance only, unless as may otherwise agreed in writing by the Planning Authority.**
- 2. No amplified music, speech or singing shall take place within the dance studio while the side entrance doors are open.**
- 3. Within one month of the date of this consent, any external doors that do not have a self-closing mechanism shall have one fitted and thereafter be maintained in working order.**
- 4. There shall be no less than 15 minutes between classes finishing and starting at the premises unless as may otherwise be agreed in writing by the Planning Authority.**
- 5. The LAeq (5min) level measured 1 metre outside a window in any adjacent residential property with amplified music, speech and singing taking place shall show no increase when compared with the same position, under the same conditions and during a comparable period with no amplified music, speech or singing taking place.**
- 6. The LA10 (5min) in the 1/3 octave bands from 40 to 160 Hertz measured 1 metre outside a room in any adjacent residential property, with amplified music, speech or singing taking place shall show no increase when compared with the representative LA90 (5min) level in the 1/3 octave bands from 40 to 160 Hertz measured from the same position, under the same conditions and during a comparable period with no amplified music, speech or singing taking place.**

**Peter Hessett  
Chief Officer - Regulatory and Regeneration  
Date: 13 January 2021**

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

**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Consultation response
6. Representations

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

Map Register No: HW649  
Date: 23 December 2020

DC20/201

Proposed temporary  
relaxation of Condition  
No's 3 and 4 to allow use  
of side doors for access  
and egress (DC09/297)

25 - 27 Kilbowie Road  
Clydebank  
G81 1TL

