

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 4 October 2006 at 10.00 a.m.

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew, Douglas McAllister, Linda McColl, Marie McNair and Connie O'Sullivan.

**Attending:** Irving Hodgson, Head of Regeneration Services; Alasdair Gregor, Planning Services Manager; Nigel Ettles, Principal Solicitor; Steve Marshall, Section Head – Forward Planning and Regeneration; Sean McDaid, Team Leader – Development Management; and Fiona Anderson, Administrative Assistant – Legal and Administrative Services.

**Also Attending:** Bill Clark, Director of Social Work Services and David Elliott, Assistant Principal Officer, Social Work Services.

**Apology:** An apology for absence was intimated on behalf of Councillor Dennis Brogan.

## **RECORD OF APPRECIATION**

Prior to commencing with the business of the meeting, the Convener, Councillor McAllister, indicated that he wished to record his appreciation of Councillor Agnew taking the Chair at the September meeting of the Planning Committee when Councillor McAllister was unable to be present due to personal circumstances.

## **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Committee held on 6 September 2006 were submitted and approved as a correct record, subject to an amendment to the item under the heading Planning Applications - DC06/077 (Page 2641, paragraph 9904 refers) as follows:-

After discussion, on a motion by Councillor McNair, seconded by Councillor Agnew, it was agreed that consideration of the application be continued to the next meeting to allow further consideration of the impact of the residential development and traffic and to ensure that Parkhall and North Kilbowie Community Council, the users of

Auchentoshan and other relevant bodies were consulted for their views.

## **NOTE OF VISITATIONS**

A Note of Visitations carried out on 5 September 2006, a copy of which forms Appendix 1 hereto, was submitted and noted.

## **PLANNING APPLICATIONS**

Reports were submitted by the Director of Housing, Regeneration and Environmental Services in respect of the following planning applications.

The Convener, Councillor McAllister, reminded the Committee that, at the September Meeting of the Planning Committee, Provost Macdonald had declared a non-financial interest in the following item of business and had left the meeting while the application was considered.

The Committee was also reminded that only Councillors Agnew, McColl and McNair who had participated in the consideration of the application at the last meeting could again participate in any debate or decision.

Provost Macdonald left the meeting while the application was considered.

### Continued Application

**(a) DC06/077 – Mixed Use development comprising new adult centre, children’s therapy centre and residential development (outline) at Auchentoshan Estate, Clydebank**

Having heard the Planning Services Manager in further elaboration it was noted:-

- (1) that at a meeting with the Secretary of Parkhall and North Kilbowie Community Council it had been confirmed that the Community Council had nothing further to add to concerns already expressed at the previous meeting by the Chairperson of the Community Council; and
- (2) that Auchentoshan Service Users had indicated as a Group that they were happy to place on record their full approval of the Bobath application. However it was also noted that a further letter had been received from the parent of a service user stating that this had not been a unanimous decision by all service users.

Following discussion, on a motion by Councillor Agnew, seconded by Councillor McNair, it was agreed that the application be continued to

allow for further full consultation with the entire Parkhall and North Kilbowie Community Council and not just the office bearers.

Note: At this point, Provost Macdonald returned to the meeting.

#### New Applications

- (b) **DC06/112 – Change of use from vacant retail unit (class 1) to office (class 2) or food/drink (class 3) at 39 High Street, Dumbarton.**

Having heard the Convener, Councillor McAllister, the Committee agreed that the application be granted subject to the conditions specified in the report, details of which are contained in Appendix 2 hereto.

#### **DECLARATION OF NON-FINANCIAL INTEREST**

Councillor O'Sullivan declared a non-financial interest in the following item of business and left the meeting while the application was considered.

- (c) **DC06/178 – Erection of residential development with associated open space, landscaping and infrastructure (outline) at part of former Strathleven Bonded Warehouses, Gooseholm Road, Dumbarton**

Having heard the Planning Services Manager and the Team Leader – Development Management in further elaboration and in response to Members' questions, the Committee indicated that they were minded to grant the application subject to the conditions specified in the report, details of which are contained in Appendix 2 hereto. It was noted that the application required to be referred to the Scottish Ministers as a departure from the Development Plan because the Council has an interest in the land through its interest in the Strathleven Regeneration Company.

Note: At this point, Councillor O'Sullivan returned to the meeting.

- (d) **DC06/246 – Erection of 14.7m high telecommunications monopole and installation of two equipment cabinets at Dumbarton Road, Old Kilpatrick**

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

At this point in the meeting, it was noted that Provost Macdonald would not participate in consideration of the application as he had not been present at the site visit.

Having heard the Convener, Councillor McAllister, the Committee agreed to hear representation from Councillor Black, the local Elected Member for the area in question, who made his views on the application known.

Having heard the Officers in response to Members' questions and after discussion, the Committee agreed that the application be refused, contrary to the Director's recommendation, on the grounds that the proposed development is contrary to Local Plan Policy DC4 in that its height and location, adjacent to an area of amenity landscaping, would result in the installation being visually prominent and contrasting with its surroundings, thereby having an adverse visual effect on the site and surrounding area.

#### **SCOTTISH EXECUTIVE PLANNING ADVICE NOTE – COMMUNITY ENGAGEMENT “PLANNING WITH PEOPLE”: CONSULTATION DRAFT**

A report was submitted by the Director of Housing, Regeneration and Environmental Services informing of the publication by the Scottish Executive Development Department of a Planning Advice Note on Community Engagement “Planning with People”: Consultation Draft and recommending an appropriate response.

Having heard the Planning Services Manager in further explanation the Committee agreed:-

- (1) to note that the report had been submitted to the September meeting of the Community Participation Committee for comments but the Committee had nothing further to add;
- (2) to note the content of the report; and
- (3) to await the enactment of the Planning Bill and publication of further legislative and procedural guidance.

#### **SCOTTISH PLANNING POLICY SPP 11 – PHYSICAL ACTIVITY AND OPEN SPACE CONSULTATION DRAFT**

A report was submitted by the Director of Housing, Regeneration and Environmental Services informing of the publication of the Scottish Planning Policy SPP 11 – Physical Activity and Open Space Consultation Draft and recommending the Council's formal response to the Scottish Executive.

Having heard the Planning Services Manager in elaboration and in response to Members' questions and following discussion the Committee agreed:-

- (1) to note the contents of the report on the Scottish Planning Policy SPP17 – Physical Activity and Open Space Consultative Draft; and
- (2) that the report and Appendix form the Council's response to the Scottish Executive.

### **WEST DUNBARTONSHIRE LOCAL PLAN (CONSULTATIVE DRAFT)**

A report was submitted by the Director of Housing, Regeneration and Environmental Services advising of the responses to the West Dunbartonshire Local Plan (Consultative Draft) outlining the main issues raised in relation to the Plan and recommending the Council's response to these matters and noting the next steps in the Plan process.

Having heard the Head of Regeneration Services, the Planning Services Manager and the Section Head, Forward Planning and Regeneration in further explanation and in response to Members' questions, the Committee agreed:-

- (1) to note the interest in the West Dunbartonshire Local Plan;
- (2) to the recommended responses to the main issues listed in Appendix 1, with the exception of the issues concerning the areas of Dalmuir Park and Auchentoshan as referred to in paragraph 3.7 of the report;
- (3) to defer a decision on the matters referred to in paragraph 3.7 of the main report until such time as Planning Application DC06/077 concerning Auchentoshan Estate, Clydebank, is determined; thereafter Planning Officers should report back to the Planning Committee on the matters contained in paragraph 3.7;
- (4) with exception to (3) above, to delegate authority to Officers to negotiate with all parties making representations to the Plan in order to make relevant modifications to the Plan; and
- (5) to note progress in the process of preparing the finalised West Dunbartonshire Local Plan.

### **APPEAL NOTIFICATIONS: (i) 43 BRAEHEAD ROAD, CLYDEBANK, (ii) RADNOR PARK HOTEL, KILBOWIE ROAD; AND (iii) CLYDE SHOPPING CENTRE, KILBOWIE ROAD, CLYDEBANK**

A report was submitted by the Director of Housing, Regeneration and Environmental Services informing of the submission of one new planning appeal and two appeals which have been determined.

The Committee agreed to note:-

- (i) that an appeal against the refusal of planning permission under delegated powers for the erection of a one and a half storey side extension at 43 Braehead Road, Clydebank had been received and would be dealt with by way of written submissions and a site visit by a Reporter;
- (ii) that an appeal against the refusal of planning permission under delegated powers for the installation of 2 roof mounted antennas concealed behind Glass Reinforced Plastic “chimneys” and the installation of 1 wall mounted antenna at Radnor Park Hotel, Kilbowie Road, Clydebank had been upheld; the Reporter considered the proposal to be consistent with the relevant provisions of the local plan, national planning policy guidance on telecommunications developments and that there were no material considerations that justified refusing planning permission for the installation of the 2 roof mounted antennas and a wall mounted antenna together with associated equipment cabinets; and
- (iii) that an appeal against refusal under delegated powers of advertisement consent for the display of ten internally illuminated pole mounted/lamppost mounted advertisement panels within the car parks at the Clyde Shopping Centre, Kilbowie Road, Clydebank, had been allowed in part; the Reporter predominantly agreed with the Council’s decision but decreed that two of the ten proposed advertisement panels were acceptable and granted consent for two advertisement panels within the car park adjacent to the canal.

The meeting closed at 10.38 a.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATIONS – 5 SEPTEMBER 2006**

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew, Linda McColl and Marie McNair.

(The above lists all Councillors who attended at least one site visit).

**Attending:** Alasdair Gregor, Planning Services Manager; Sean McDaid, Team Leader – Development Control and Fiona Anderson, Administrative Assistant - Legal and Administrative Services.

**Apologies:** Councillor Douglas McAllister

**SITE VISITS**

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

DC06/221 – Formation of temporary access road off Overburn Avenue, Dumbarton.

DC06/176 – Erection of licensed social club, car parking and formation of new access road and temporary car park at Bruce Street, Clydebank.

DC06/077 – Mixed use development comprising new adult centre, children's therapy centre and residential development (outline) at Auchentoshan Estate, Clydebank.

## **APPENDIX 2**

### **APPLICATIONS FOR PLANNING PERMISSION CONSIDERED BY THE PLANNING COMMITTEE ON 4 OCTOBER 2006**

**DC06/112 – Change of use from vacant retail unit (class 1) to office (class 2) or food/drink (class 3) at 39 High Street, Dumbarton.**

**Permission GRANTED subject to the following conditions:-**

1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.
2. Prior to the premises being brought into use as a Class 3 (Food and Drink) use, exact details and specifications for the ventilation and air extract systems serving the premises (both internal and external) shall be submitted to and approved in writing by the Director of Housing, Regeneration and Environmental Services. The approved ventilation and air extract systems shall be fully implemented before the use commences.

**DC06/178 – Erection of residential development with associated open space, landscaping and infrastructure (outline) at part of former Strathleven Bonded Warehouses, Gooseholm Road, Dumbarton**

**Minded To GRANT Outline Planning Permission subject to the following conditions:-**

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto including any emergency access, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services within three years of the date of this permission and the development must be commenced within five years of the date of this permission or within two years from the date of final approval of all the foregoing reserved matters.
2. At the same time as the submission of the reserved matters, a Design Statement in accordance with the advice issued in Planning Advice Note No.62 shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services.
3. Within six months of the date of this permission, a masterplan for the development of the site and its integration with the adjacent site approved under DC04-192 shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services.

4. At the same time as the submission of the reserved matters, details of the phasing of the development and roads infrastructure, shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services and thereafter implemented in accordance with such approved details and thereafter retained for the life of the development.
5. At the same time as the submission of the reserved matters, details shall be submitted for a Sustainable Urban Drainage System (SUDS) for the approval of the Director of Housing, Regeneration and Environmental Services. The SUDS shall be designed in accordance with the CIRIA C521 Design Manual for Scotland and Northern Ireland.
6. At the same time as the submission of the reserved matters, detailed plans shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services that clearly illustrate in contour and cross-section form the existing and proposed ground levels throughout the site, the finished floor levels of the proposed development and the extent of any land raising or under building involved. The levels shall clearly relate to a fixed datum point on the site, which shall be clearly identified on the submitted plans.
7. At the same time as the submission of the reserved matters, a noise assessment shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services. The assessment shall be prepared in accordance with PAN56 and shall include protection and mitigation measures in respect of noise from A82 trunk road.
8. At the same time as the submission of the reserved matters, a comprehensive contaminated land investigation shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services. The investigation shall be completed in accordance with a recognised code of practice and shall include a site-specific risk assessment of all relevant pollution linkages.
9. Where the risk assessment referred to in condition 8 above identifies any unacceptable risk as defined under Part II A of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services and no works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy.
10. Remediation of the site shall be carried out in accordance with the approved remediation plan referred to in condition 9 above. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Director of Housing, Regeneration and Environmental Services.
11. On completion of the remediation works referred to in condition 10 above, and prior to the site being occupied, the developer shall submit a report to the Director of Housing, Regeneration and Environmental Services to confirm that the works have been carried out in accordance with the approved remediation plan.

12. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Director of Housing, Regeneration and Environmental Services within one week. At this stage, if requested by the Director of Housing, Regeneration and Environmental Services, a comprehensive contaminated land investigation shall be carried out.
13. The permitted maximum noise level emanating from construction or demolition sites shall be relative to the pre-contract ambient noise level for that area. The contractor shall ensure that the method of working and the use of constructional plant shall not cause the noise level at adjacent residential properties, schools, offices or libraries to exceed the levels agreed in writing with the Director of Housing, Regeneration and Environmental Services. The applicant is required to contact the Public Health and Pollution Section of Protective Services not less than 14 days prior to works commencing on the site.
14. During the period of construction, all works and ancillary operations that are audible at the site boundary, or at such other places as may be agreed with the Council, shall be carried out only between the hours of 08.00 and 18.00 Monday to Saturday and not at all on Sundays or Public Holidays.
15. To minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works the plant and machinery used should be in accordance with the relevant Codes of Practice specified in the Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 2002.
16. Where piling works are proposed account must be taken of the guidance in BS 6472: 1984 Evaluation of human response to vibration in buildings. A competent person must carry out an assessment. The findings of the assessment require to be submitted to, and approved in writing by the Director of Housing, Regeneration and Environmental Services.
17. At the same time as the submission of the reserved matters, details shall be submitted of all trees and hedging on the site. This survey shall be displayed on a site layout plan and include an identification of the existing tree species, an estimation of their height and spread of branches and their location within the site accurately plotted (any trees around the perimeter that overhang the site shall also be included). Those trees which it is intended to fell or remove shall be separately identified.
18. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Director of Housing, Regeneration and Environmental Services prior to any work commencing on the site.
19. Prior to commencement of works, full details of the design and location of all fences and walls to be erected on the site shall be submitted for the consideration and written approval of the Director of Housing, Regeneration and Environmental Services.

20. Prior to commencement of works, full details of all hard surfacing to be provided on the site shall be submitted for the consideration and written approval of the Director of Housing, Regeneration and Environmental Services.
21. At the same time as the submission of the reserved matters, a flood risk assessment shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services.
22. Only solid, inert, non-toxic, non-ferrous, non-putrescable and non-degradable materials shall be used as material for land raising operations to the exclusion of all liquids, sludge, oil, domestic refuse or plasterboard, to the satisfaction of the Director of Housing, Regeneration and Environmental Services.
23. Prior to the occupation of any house in this development all roads and footpaths within and serving the development shall be completed to the level of bottoming and bitmac base course, including the access bell mouth, visibility splay and all turning heads to the satisfaction of the Director of Housing, Regeneration and Environmental Services.
24. Prior to occupation of the last dwellinghouse in the development all roads and footpaths within and serving the development shall be completed to their final specification and adoptable standard of the Roads Authority.
25. No dwellinghouse shall be occupied until the vehicle parking spaces and turning areas have been provided within the site in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times.
26. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the hours of operation to prevent mud being deposited on the public road.
27. At the same time as the submission of the reserved matters, details of bus halts and lay-bys shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services and thereafter implemented in accordance with such approved details and thereafter retained for the life of the development.
28. Should the demolition of the warehouses not commence by the end of November 2006 the demolition works should not begin unless a targeted re-survey for the presence of bats is undertaken. This should be carried out by a suitably experienced surveyor. The results of the survey shall be submitted for the written approval of Director of Housing, Regeneration and Environmental Services in conjunction with Scottish Natural Heritage. The survey shall include details of mitigation measures and details of the method of translocation of this protected species.

29. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEETLLD – TRNMD, construction of the new roundabout on the A82 trunk road, providing access to both the north and south portions of the site, and generally as set out in WSP drawing 0374/SK/001D, shall not be commenced until such time as the following works have been completed to the satisfaction of the Planning Authority, in consultation with SEETLLD – TRNMD.
- a. Formation of access road from A82/A813 link road to adoptable standard.
  - b. Formation of Business Park gateway entrance feature.
  - c. Formation of structural landscaping as defined in Strathleven Regeneration Company – Schedule of Works dated 5 December 2005.
  - d. Public Utility provision as defined in Strathleven Regeneration Company – Schedule of Works dated 5 December 2005.
  - e. The adoption of a masterplan for the business park setting out the process and the timetable for delivery.
30. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEETLLD – TRNMD, no development shall be commenced until modifications to the A82 Barloan Toll Roundabout have been completed to the satisfaction of the Planning Authority, in consultation with SEETLLD – TRNMD. These modifications shall be:
- As generally set out in WSP Drawing No. 0374/SK/002C RevB.
31. In the event the new A82 roundabout as indicated in Condition 29 is not completed, no development shall commence until alternative modifications to Barloan Toll Roundabout are agreed in writing with the Planning Authority, in consultation with SEETLLD – TRNMD.
32. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEETLLD – TRNMD, no development shall be commenced until modifications to the A82 signal controlled Junction with Garshake Road, generally as set out in WSP drawing 0374\_SK\_103A and including the reinstatement of the eastbound bus layby on the east side of the junction, have been completed to the satisfaction of the Planning Authority, in consultation with SEETLLD – TRNMD.
33. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEETLLD – TRNMD, no development shall be commenced until details of the alterations to the traffic signal timings at the A82 Dumbuck Junction have been approved by the Planning Authority, in consultation with SEETLLD – TRNMD.
34. Access to all parts of the development shall be provided from both the new roundabout on the A82 and from the western end of Gooseholm Road.

35. No part of the development shall commence until details of pedestrian and cycle connections between the north and south parts of the development across the A82 trunk road and from the site to the surrounding network have been submitted to and approved by the Planning Authority, in consultation with SEETLLD – TRMND.
36. No part of the development shall be occupied until the approved pedestrian and cycle connections indicated in Condition 35 have been implemented to the satisfaction of the Planning Authority in consultation with SEETLLD – TRNMD.
37. No part of the development shall be occupied until improvements to the existing pedestrian underpass beneath the A82 on the west side of Barloan Toll Roundabout have been completed to the satisfaction of the Planning Authority, in consultation with SEETLLD – TRNMD.
38. The combined number of residential units at this site together with the adjacent site approved under DC04-192 shall not exceed 338 dwellings.
39. No part of the development shall commence until fencing has been erected in a manner and position to be agreed with the Planning Authority, in consultation with SEETLLD – TRNMD, between the site and the A82 trunk road.
40. No part of the development shall be occupied until public transport services, in the form of diversion of existing bus services into the site or provision of a dedicated new bus service to connect the site to Dumbarton town centre and Dumbarton Central rail station, have been provided to the satisfaction of the Planning Authority, in consultation with SEETLLD – TRNMD.