

## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 3 November 2004 at 10.00 a.m.

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew, Jack Duffy, Linda McColl and Duncan McDonald.

**Attending:** Dan Henderson, Director of Development and Environmental Services; Alasdair Gregor, Planning and Development Manager; Nigel Ettles, Principal Solicitor; Kevin Neeson, Section Head, Planning and Building Control; and Shona Barton, Administrative Assistant.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Dennis Brogan and Connie O'Sullivan.

**Councillor Jack Duffy in the Chair**

### MINUTES OF PREVIOUS MEETING

4081 The Minutes of Meeting of the Committee held on 6 October 2004 were submitted and approved as a correct record.

### PROVOST'S REMARKS

4082 Provost Macdonald advised the Committee that he would not be participating in any deliberations or decisions in relation to planning applications where a site visit had been undertaken which he did not attend. It was noted, however, that Provost Macdonald had undertaken a separate site visit to Clydebank College, the site relating to application DC04/109. Accordingly, Provost Macdonald took no part in the deliberations or decisions in relation to planning applications DC03/536 and DC04/075.

### PLANNING APPLICATIONS

4083 Reports were submitted by the Director of Development and Environmental Services in respect of various planning applications as detailed below.

Continued Applications**(a) DC03/536 – Installation of air handling units (Retrospective) at 232/234 Dumbarton Road, Old Kilpatrick**

4084 The Committee heard the Planning and Development Manager who provided an update and made reference to the site visit that was undertaken in respect of the application. The Convener, Councillor Duffy, advised the Committee that an objector to the application had intimated that he wished to address the Committee. The Committee agreed to hear this representation, accordingly Mr. Colin Clark was invited to address the Committee and made his views on the application known. The Convener then asked the applicant, Mr. Paul Uppal who was also present, if he wished to address the Committee. Mr. Uppal declined the invitation to address the Committee.

4085 After discussion, and having heard the Planning and Development Manager in answer to Members' questions, the Committee agreed that the application be refused contrary to the recommendation of the Director, on the grounds that the development would result in continuous and unacceptable levels of noise which would lead to a significant loss of amenity to adjacent properties.

4086 Note: Provost Macdonald took no part in the deliberation or decision in relation to this application.

**(b) DC04/075 – Erection of 2 storey rear extension at 86 Crosslet Road, Dumbarton**

4087 Reference was made to the site visit undertaken in respect of this application. After discussion and having heard the Planning and Development Manager in further explanation, the Committee agreed that the application be refused for the reason specified in the Director's report details of which are contained in the Appendix hereto.

4088 Note: Provost Macdonald took no part in the deliberation or decision in relation to this application.

**(c) DC04/109 – Erection of Residential Development (Outline) at Clydebank College, Kilbowie Road, Clydebank**

4089 The Committee heard the Planning and Development Manager who provided an update and made reference to the site visit that was undertaken in respect of the application. Reference was made to correspondence from the local Member, Councillor Tony Devine, detailing his concerns with regard to the development. After discussion and having heard the Planning and Development Manager in further explanation the Committee agreed to grant outline planning permission

subject to the conditions in the Director's report, details of which are contained in the Appendix hereto.

4090 It was noted that the outline permission would not include the area of Riddell Street Lane until the issues with ownership had been satisfactorily resolved.

#### New Applications

**(d) DC02/372 – Erection of 12 flats, vehicular access and car parking at Cross Cottage/1 - 3 William Street, Duntocher, Clydebank**

4091 After discussion and having heard the Planning and Development Manager in further explanation, the Committee agreed that consideration of the application be continued until the next meeting of the Committee to enable a site visit to be undertaken.

**(e) DC03/315 – Erection of Car Showroom and Workshops at ground adjacent to Animal Welfare Centre, Dumbarton Road, Milton**

4092 After discussion and having heard the Director of Development and Environmental Services and the Planning and Development Manager in further explanation and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions as specified in the Director's report, details of which are contained in the Appendix hereto.

**(f) DC04/017 – Erection of Building for use as a Photographic Studio at 24 Glebe Gardens, Bonhill**

4093 After discussion and having heard the Planning and Development Manager in further explanation, the Committee agreed that the application be refused for the reason specified in the Director's report, details of which are contained in the Appendix hereto.

**(g) DC04/171 – Erection of non-food retail unit and refurbishment of existing units with associated access, landscaping and car parking works at St James Retail Park, Glasgow Road, Dumbarton**

4094 After discussion and having heard the Planning and Development Manager in further explanation, the Committee agreed to grant planning permission subject to the conditions as specified in the Director's report, details of which are contained in the Appendix hereto.

**PROCEDURAL MATTERS RELATING TO HEARINGS AND SITE VISITS**

4095 With reference to the Minutes of Meeting of the Planning Committee held on 1 September 2004 (page 1031, paragraph 3446 refers), a report was submitted by the Director of Development and Environmental Services reviewing procedures in relation to hearings and site visits following consideration of the findings of the Scottish Public Services Ombudsman's report into a complaint concerning a planning application for decking at a house in Old Kilpatrick.

4096 After discussion and having heard the Director of Development and Environmental Services and the Planning and Development Manager in further explanation and in answer to Members' questions, the Committee agreed to continue consideration of this matter to allow all the concerns raised by Members to be addressed.

**PLANNING APPLICATION DC02/283 – MIXED USE DEVELOPMENT  
INCORPORATING HOUSING, LEISURE, BUSINESS, RETAIL,  
RESTAURANTS, BARS, COLLEGES, MUSEUM, STUDENT  
ACCOMMODATION, ROADS AND CAR PARKING AT CART STREET,  
GLASGOW ROAD AND CABLE DEPOT ROAD, CLYDEBANK**

4097 A report was submitted by the Director of Development and Environmental Services providing an update on the progress of Planning Application DC02/283 which was previously considered at the meeting of the Planning Committee held on 2 June 2004.

4098 After discussion and having heard the Director of Development and Environmental Services in further explanation and in answer to Members' questions, the Committee agreed to confirm that outline planning permission could be granted upon:-

- (1) the conclusion of a finalised phasing scheme to the satisfaction of the Director of Development and Environmental Services;
- (2) the production of documents showing the completion of the transfer of the proposed business park/college site and the Titan Crane to Clydebank Rebuilt, and the terms of the transfer agreement;
- (3) the applicant providing suitable written assurance that the public areas shall be completed to an adoptable standard and offered to the Council for adoption; and
- (4) the applicant providing a satisfactory land/financial contribution in respect of the museum/heritage element.

4099 The Committee further agreed that the new museum/heritage centre would require to be located next to, but separate from, any new leisure centre building.

**1203**

**SITE VISIT**

4100 It was agreed that the site visit referred to in planning application DC02/372 would be undertaken in the morning of Monday, 29 November 2004.

The meeting closed at 10.52 a.m.



**APPLICATIONS FOR PLANNING PERMISSION CONSIDERED BY THE PLANNING COMMITTEE ON 3 NOVEMBER 2004****DC04/075 – Erection of 2 storey rear extension at 86 Crosslet Road, Dumbarton****Permission REFUSED for the following reason:-**

1. The proposal is contrary to the provisions of the Council's design guidance for house extensions and would seriously affect the amenity of adjoining residential properties contrary to the provisions of Policy H5 of the Local Plan and no material considerations would justify an exceptional approval.

**DC04/109 – Erection of Residential Development (Outline) at Clydebank College, Kilbowie Road, Clydebank****Outline permission GRANTED subject to the following conditions:-**

1. That the development to which this permission relates shall be begun not later than whichever is the latest of the following dates:-
  - i) the expiration of five years from the date of the grant of outline permission or
  - ii) the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. That in the case of any reserved matter, application for approval must be made before:-
  - i) the expiration of 3 years beginning from the date of the grant of outline planning permission or
  - ii) the expiration of 6 months from the date on which an earlier application for such approval was refused or
  - iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed whichever is the latest; provided that only one application may be made in the case after the expiration of the 3 years period mentioned in sub-paragraph (i) above.
3. That any reserved matters submitted under the terms of condition 2 above shall include details of the siting, size, design and external appearance of the buildings, the means of access thereto, vehicular turning manoeuvres, a fire path connection, footpaths, traffic and pedestrian safety, car parking and the proposed landscaping.
4. At the same time as the submission of the reserved matters application, the developer should submit evidence that post development flows of foul water will be no greater than the pre-development flows either by calculation or a hydraulic model.

5. At the same time as the submission of the reserved matters application, the developer shall submit a scheme for the implementation of Sustainable Urban Drainage Systems (SUDS).
6. This consent does not grant permission for the erection of any structure of over 4 storeys in height.
7. That any reserved matters submitted under the terms of condition 2 should have any vehicular access to the development proposed off Clarence Street/Riddell Street and that no vehicular access should be taken off Kilbowie Road.
8. That any reserved matters submitted under the terms of condition 2 should contain details of a public pedestrian link through the development site linking Kilbowie Road and Clarence Street/Riddell Street.
9. At the same time as the reserved matters, detailed plans shall be submitted which clearly illustrate in cross-section form the existing and proposed ground levels, the finished floor levels of the proposed development and the extent of any under-building involved. The floor levels shall clearly relate to a fixed datum point on the site which shall be clearly identified on the submitted plans.

**DC03/315 – Erection of Car Showroom and Workshops at ground adjacent to Animal Welfare Centre, Dumbarton Road, Milton**

**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. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Director of Development and Environmental Services prior to any work commencing on the site.
3. Car transporters shall not be permitted to load or offload within the application site, identified by a red line on drawing no. 0228200, nor on the adjacent access to the site from the A82 Trunk road. Car transporters shall only be permitted to load or offload within the adjacent showroom/garage complex to the east of the application site identified by a blue line and cross hatching on drawing no. 0228200, currently in the ownership of the applicant. Prior to the use of the site commencing, details of the proposed location of the loading/offloading area shall be submitted in writing for the further approval of the Director of Development and Environmental Services.



4. The use of the site granted under this consent shall not commence until the modified access shown on Drawing No 0228 03a and the junction improvements between the access to the application site and the A82 trunk road are formed to the satisfaction of the Director of Development and Environmental Services. This consent shall only enure while the modified access and junction improvements are formed to the agreed specification or any other specification as may be agreed by the Director of Development and Environmental Services.
5. A continuous barrier shall be provided prior to the use commencing on site along the boundary of the site with the trunk road boundary as marked green on Drawing No 0228203 with details to be submitted for the further approval of the Director of Development and Environmental Services. The barrier shall be retained at all times.
6. For the avoidance of doubt there shall be no connections from the proposed development to the trunk road drainage system.
7. Prior to work commencing on site, full details of any lighting within the site shall be submitted for the further approval of the Director of Development and Environmental Services.
8. The permitted maximum noise level emanating from the construction site shall be relative to the pre-contract ambient noise level for that area. The contractor shall ensure that his method of working and the use of his 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 Development 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.
9. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Council, shall be carried out only between 0800 and 1800 hours Monday to Saturday inclusive and not at all on a Sunday or Public Holiday.

**DC04/017 – Erection of Building for use as a Photographic Studio at 24 Glebe Gardens, Bonhill**

**Permission REFUSED for the following reason:-**

1. The proposal would be contrary to Policy TA3 of the Dumbarton District, District Wide Local Plan 1999 as it would not provide adequate off street parking required to comply with the parking standards policies contained in the “Strathclyde Roads, Development Guide (1995)”.

**DC04/171 – Erection of non-food retail unit and refurbishment of existing units with associated access, landscaping and car parking works at St James Retail Park, Glasgow Road, 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. Exact details and specifications of all proposed external finishing materials shall be submitted for the further approval of the Director of Development and Environmental Services prior to any work commencing on the site.
3. 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 Development and Environmental Services.
4. Prior to the commencement of work on the site full details of the proposed improvements to the existing pedestrian access on the western edge and in front of the retail units, as shown on the Approved Plan No. 00192(-- )05 Rev H marked green, shall be submitted for the further approval of the Director of Development and Environmental Services and shall include details of hard surfacing materials, lighting and signage.
5. The development shall be landscaped in accordance with the approved scheme as follows:-
  - (a) completion of the scheme during the first planting season following the completion of the building(s), or such other date as may be approved in writing by the Director of Development and Environmental Services; and
  - (b) the maintenance of the landscaped areas for a period of three years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Director of Development and Environmental Services, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
6. Prior to the commencement of work on the site full details of the proposed pedestrian crossings shall be provided for the further approval of the Director of Development and Environmental Services.

7. The permitted maximum noise level emanating from construction 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 Development 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 work commencing on site.

8. During the period of construction all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Council, shall be carried out only between 0800 and 1800 hours Monday to Saturday and at no time on a Sunday or on a public holiday, all to the satisfaction of the Director of Development and Environmental Services.
9. 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. All reasonable practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
10. Where piling works are proposed account must be taken of the guidance in BS6472:1984 Evaluation of Human Responses 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 Development and Environmental Services.
11. Prior to work commencing on site full details of the proposed surface water drainage scheme which may require to be a sustainable urban drainage system, shall be submitted for the further approval of the Director of Development and Environmental Services.
12. The new retail unit shall be restricted in gross internal floor space to a maximum of 1399m<sup>2</sup> and shall be for the sale of comparison (non-food) goods only.
13. Prior to the use of the new unit commencing refurbishment of the existing units and the new accesses, car parking and pedestrian routes as shown on the approved plan or as required by conditions 4 & 6 shall be completed to the satisfaction of the Director of Development and Environmental Services.
14. Prior to work commencing on site, a revised plan of the site layout Drawing No.00192(-- ) 05 Rev K shall be submitted detailing the exact numbers of car parking spaces proposed for the application site and the delineation and number of those spaces for retail units outwith the application site, for the further approval of the Director of Development and Environmental Services.