

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Council Chamber, Clydebank Town Hall, 5 Hall Street, Clydebank on Wednesday, 12 October 2022 at 10.00 a.m.

Present: Provost Douglas McAllister and Councillors Karen Conaghan, Ian Dickson, Diane Docherty, Gurpreet Singh Johal, June McKay, Lawrence O'Neill, Chris Pollock and Hazel Sorrell.

Apologies: An apology for absence was intimated on behalf of Councillor Daniel Lennie.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Alan Williamson, Team Leader, Development Planning and Place; James McColl, Acting Development Management Team Leader; Nigel Ettles, Section Head – Litigation (Legal Officer); and Nicola Moorcroft, Committee Officer.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Planning Committee held on 3 August 2022 and 21 September 2022 were submitted and approved as a correct record.

OPEN FORUM

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

PLANNING APPLICATIONS

The following reports were submitted by the Planning, Building Standards and Environmental Health Manager – in respect of the following planning applications:-

(a) DC22/049/MS – Approval of matters specified in conditions 1, 3, 5 and 7 of PPI approval DC19/203 for the erection of 99 dwelling houses, formation of access, landscaping, open space, SUDS and associated infrastructure at Farm Road, Duntocher, Clydebank by BDW Trading Ltd.

Reference was made to a site visit that had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report and in answer to Members' questions.

The Chair invited Mr Gordon Lindsay, objector, to address the Committee. Mr Lindsay was heard in support of his objections and in answer to Members' questions.

The Chair invited Mr Harry Borthwick, objector, to address the Committee. Mr Borthwick was heard in support of his objections and in answer to Members' questions.

The Chair invited Mr Lewis Breen, objector, to address the Committee. Mr Breen was heard in support of his objections and in answer to Members' questions.

The Chair invited Ms Jeanne Robinson, objector, to address the Committee. Ms Robinson was heard in support of her objections and in answer to Members' questions.

The Chair invited Mr David Jinks on behalf of the applicant (Barratt Homes), to address the Committee. Mr Jinks was heard in respect of the application and in answer to Members' questions.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, Provost Douglas McAllister, seconded by Councillor Lawrence O'Neill, moved:

I note and recognise that in September 2020, Planning Permission in Principle was granted on appeal. I accept that this Council has exhausted all legal routes to appeal Planning Permission in Principle for residential development on this site. Accordingly, Planning Permission in Principle remains granted.

We can't revisit that now, and I understand the frustration of local residents that we can't now revisit their representations such as traffic concerns, Green Belt concerns, pollution concerns and ecological concerns.

I cannot understand why anyone thinks a singular access road from Farm Road is workable or realistic in practice. The local road network at Farm Road is already severely congested. That is not my reason for moving refusal nor is my reason for moving refusal the loss of wildlife within the site and the loss of nature as highlighted by the slides during a representation this morning by a local resident, which I agree is heart breaking. My reasons for refusal are none of the above.

My objection to the planning application is in relation to the layout and design of the application. Policy GD1 maintains that any new development must respect character and amenity of the area. Scottish Planning Policy (SPP) requires or introduces a presumption in favour of sustainable development. A development must be socially sustainable. The aim of the National Scottish Planning Policy is to achieve the right development in the right place; and not allow a development at any cost and that a development must create better places. This application does not.

I also move refusal on the basis of Policy CP1 which seeks to ensure that housing is of a high-quality, adaptable, and is designed to be suitable for a mix of occupants. It also indicates that all new developments will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place, one of which is the quality easy to get to/move around and this application certainly doesn't achieve that.

The application does not minimise the visual impact, in fact it will have an adverse effect, the visual impact of the development within the landscape will detract from the local amenity and will detract from the overall character of the local settlement and the adjoining Kilpatrick Hills.

I don't consider that the proposed development is appropriate in terms of layout and design and therefore move refusal.'

The motion to refuse planning permission was agreed by the Committee

(b) DC22/072/FUL – Residential development, landscaping and associated infrastructure at the former Our Lady and St Patrick's High School site, Hawthornhill Road, Dumbarton by Persimmon Homes.

Reference was made to a site visit that had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report and in answer to Members' questions.

The Chair invited Mrs Violet Struthers, objector, to address the Committee. Mrs Struthers was heard in support of her objections and in answer to Members' questions.

The Chair invited Mr Thomas Struthers, objector, to address the Committee. Mr Struthers was heard in support of his objections and in answer to Members' questions.

The Chair invited Mr Kevin Murphy on behalf of the applicant (Persimmon Homes), to address the Committee. Mr Murphy was heard in respect of the application and in answer to Members' questions.

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 that it was minded to grant planning permission

and delegated authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure a financial payment towards open space provision/ green infrastructure improvements in the local area.

PROCUREMENT OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking approval to enter a process for the procurement of Geographic Information System software.

After discussion having heard the Team Leader, Development Planning and Place, in further explanation, and in answer to Members' questions, the Committee agreed to approve the undertaking of a procurement exercise for the supply of Geographic Information System software.

CLYDE CLIMATE FOREST

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking approval of a concordat in relation to the Clyde Climate Forest.

After discussion having heard the Team Leader, Development Planning and Place, in further explanation, and in answer to Members' questions, the Committee agreed to approve the Clyde Climate Forest concordat.

The meeting closed at 11.58 a.m.

DC22/072/FUL – Residential development, landscaping and associated infrastructure at the former Our Lady and St Patrick’s High School site, Hawthornhill Road, Dumbarton by Persimmon Homes.

GRANT planning permission subject to the following conditions:-

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the houses within the development site shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to condition 1 above, unless otherwise agreed in writing with the Planning Authority, the brick type to be used for the elevation treatment of all houses within the development site shall be of the ‘Forterra Victorian Mixture’ specification and variety.
3. Further to Conditions 1 and 2 above, prior to the approved brickwork associated with any house being constructed or installed on site, a sample panel of this brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
4. The approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed prior to the commencement of works on site with the Planning Authority.
5. Notwithstanding the approved plans , an updated planting schedule to incorporate Hawthorn planting and clarify the suitability of the planting within the SuDS area shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented with a timescale to be agreed with the Planning Authority.
6. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
7. That full details of maintenance and management for the landscaping approved shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.

8. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
9. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
10. That prior to the occupation of any house, the off-street parking provision shall be completed and be available for use by residents of the associated house. The offstreet parking provision inclusive of garages where they part of this parking provision shall be shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.
11. No construction works except ground investigation works shall commence on site until the existing pedestrian crossing on Cardross Road shall be relocated and be fully operational in the new position.
12. No construction works shall commence on site until full details of the new position of the existing bus stop on Cardross Road currently in the position of the relocated pedestrian crossing shall be submitted to and approved in writing by the Planning Authority in consultation with SPT with the relocation taking place and the bus stop being available for use by services
13. That the approved drainage regime inclusive of the SuDS pond shall be fully implemented. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
14. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing ty the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.
15. No site clearance works shall be undertaken during the bird nesting September inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of works on site, the methodology and findings of which shall be submitted to the Planning Authority.
16. That prior to the commencement of any works on site, full details of the incorporation of low or zero carbon generating technologies shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
17. Prior to the commencement of development with the site, details of the location and design of electric charging points/units and associated infrastructure and ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed

in accordance with the approved details at a timescale agreed by the Planning Authority and maintained at all times thereafter.

18. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
19. Details of the provision of grit bins for the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.
20. Prior to the commencement of works on site, details of any street furniture shall be submitted to and approved in writing by the Planning Authority and shall be implemented within an agreed timescale.
21. No house shall be occupied until the contents of a Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents.
22. No development (other than investigative work) can take place until such time as a comprehensive site investigation has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. The investigation shall be completed by a suitably qualified and competent person and completed in accordance with advice given in the following:
 - Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection
 - Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - BS 10175:2011+A1:2013 – British Standards institution 'The Investigation of Potentially Contaminated Sites – Code of Practice'.
 - Land Contamination and Development Management - Guidance.[https://www.epscotland.org.uk/wp\[1\]content/uploads/2019/09/ConLanDevGuide_12-Aug19-FINAL.pdf](https://www.epscotland.org.uk/wp[1]content/uploads/2019/09/ConLanDevGuide_12-Aug19-FINAL.pdf)
23. If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted.
24. If the risk assessment identifies any unacceptable risks then an appraisal of remedial options followed by a detailed remediation scheme will be submitted to and approved in writing by the Planning Authority. No works other than

investigative works shall be carried out on site prior to receipt of the Planning Authority's written approval of the remediation scheme.

25. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
26. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site.
27. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Local Planning Authority.
28. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
29. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.
30. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

31. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
32. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
 - Mondays to Fridays: 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working
33. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by this Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by this Authority.
34. No commercial vehicle making deliveries to or collecting material from the development shall enter or leave the site before 0800 or after 1800.
35. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
36. Notwithstanding condition 36 above, full details of the design, height and location of an acoustic fence adjacent the sports pitch shall be submitted to and approved in writing by the Planning Authority. The fence shall then be erected prior to the occupation of any dwellinghouse on plots 32 to 44 inclusive.

37. No development shall commence on site until details for the storage and the collection of waste arising from the development and the location of grit bins shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first housing unit/property within the site and thereafter maintained for the lifetime of the development.