



Agenda

Planning Committee

Date: Wednesday, 28 June 2017

Time: 10.00

Venue: Council Chambers, Clydebank Town Hall,
Dumbarton Road, Clydebank

Contact: Craig Stewart, Committee Officer
Tel: 01389 737251, craig.stewart@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)
Councillor Diane Docherty (Vice Chair)
Bailie Denis Agnew
Councillor Jim Brown
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Douglas McAllister
Councillor Marie McNair
Councillor Lawrence O'Neill
1 Vacancy (Opposition - Other)

All other Councillors for information

Date of Issue: 16 June 2017

PLANNING COMMITTEE
WEDNESDAY, 28 JUNE 2017

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 - 11

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 31 May 2017.

4 NOTE OF VISITATION 13

Submit, for information, Note of Visitation carried out on 29 May 2017.

5 PLANNING APPLICATIONS

Submit reports by the Strategic Lead – Regulatory in respect of the following planning applications:-

- (a) DC17/061 – Display of two internally illuminated advertising hoardings at Great Western Road, Clydebank, by Forrest Outdoor Media.

15 - 19

- (b) DC13/210 – Variation of condition 1 of permission DC08/154 (extension of time period for commencement of development – erection of nursing home) at Lesser Boll of Meal Park, Alexandria by Asset Crest Investments.

21 - 31

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Wednesday, 31 May 2017 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Jim Brown, Gail Casey, Karen Conaghan, Diane Docherty, Jim Finn, Douglas McAllister, Jonathan McColl* and Lawrence O'Neill.

* Attended later in the meeting.

Attending: Peter Hissett, Strategic Lead – Regulatory; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader - Development Management; Raymond Walsh, Interim Manager - Roads and Transportation; Nigel Ettles, Section Head - Litigation; and Craig Stewart, Committee Officer.

Councillor Jim Finn in the Chair

WELCOME

Councillor Finn, Chair, welcomed everyone to the first meeting of the Planning Committee since the local government elections on 4 May 2017.

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 26 April 2017 were submitted and approved as a correct record.

PLANNING APPLICATIONS

Reports were submitted by the Strategic Lead – Regulatory in respect of the following planning applications:-

(a) DC16/249 – Erection of garage and formation of driveway at 115 Dalglish Avenue, Duntocher by Mrs Linda Friel.

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.

The Chair invited Ms Kim Harvey and Ms Anne Marie Connelly, objectors, to address the Committee. Both were heard in respect of their representations in regard to the application.

The Chair then invited Mrs Linda Friel, applicant, to address the Committee. Mrs Friel was heard in support of the application and in answer to Members' questions.

After discussion and having heard the Planning & Building Standards Manager and the Team Leader – Development Management in further explanation of the report and in answer to Members' questions, the Committee agreed to refuse the application on the grounds that the formation of the driveway would result in a loss of amenity for neighbouring residents as it would exacerbate the existing parking problems in the street by resulting in a loss of on-street spaces available to all residents.

Note: Councillor McColl entered the meeting during consideration of the above item.

(b) DC16/244 – Erection of care home and daycare centre and associated works including landscaping and parking at Queens Quay, Clydebank by West Dunbartonshire Council (Approval of Matters Specified in Conditions).

The Planning & Building Standards Manager was heard in further explanation of the report.

The Chair invited Mr Craig Jardine, Capital Investment Programme Manager, to give a short presentation to the Committee on the background and current position of the application. Mr Jardine was then heard in answer to Members' questions.

After discussion and having heard the Planning & Building Standards Manager in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report as detailed within Appendix 1 hereto.

(c) DC17/021 – Change of use from vacant industrial unit to dance studio at Unit 9, Fleming Court, 2 North Avenue, Clydebank Business Park by Mrs Deborah Hunter-Mills.

The Committee agreed to grant planning permission subject to the condition set out in Section 9 of the report as detailed within Appendix 1 hereto.

STREET NAMES FOR NEW HOUSING DEVELOPMENT SITE AT LAND OPPOSITE STRATHLEVEN PARK ESTATE, STIRLING ROAD, BONHILL

A report was submitted by the Strategic Lead – Regulatory requesting the allocation of new street names to the new housing development site at land opposite Strathleven Park Estate, Stirling Road, Bonhill.

After hearing the Planning & Building Standards Manager, the Committee agreed that Kingfisher Avenue and Osprey Place be approved as street names for the new housing development site at this location.

The meeting closed at 10.50 a.m.

DC16/244 – Erection of care home and daycare centre and associated works including landscaping and parking at Queens Quay, Clydebank by West Dunbartonshire Council (Approval of Matters Specified in Conditions).

GRANT planning permission subject to the following conditions:-

1. The materials to be used on the development hereby approved shall be a mix of facing brick (Ivanhoe Cream and Bradgate Light Buff), single ply membrane roof in lead grey, curtain walling (matt black & charcoal aluminium finish) and fibre cement panels (Marley Eternit Equitone Tectiva: Calico, Hessian and Chalk) unless otherwise agreed in writing with the Planning Authority.
2. Prior to the commencement of works, samples of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
3. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site, including the entrance gates to the service yard, shall be submitted for the further written approval of the Planning Authority and implemented as approved.
4. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The SUDS shall thereafter be formed and maintained on site in accordance with the approved details.
5. The landscaping scheme approved under Drawing Nos. P-001 Rev05, P-002 Rev04, P-003 Rev04, P-004 Rev04 and P-005 Rev02 shall be implemented as approved not later than the next appropriate planting season after the occupation of the care home. Details of the maintenance arrangements for the landscaping scheme shall be submitted for further approval and the landscaping shall thereafter be maintained in accordance with these details.
6. Prior to the commencement of development on site, timescales for the completion of the walkway, associated landscaping works and boundary treatments shown on Drawing No.P-006 Rev00, and the demolition of the wall along the boundary with Centenary Court, shall be submitted for the further approval of the Planning Authority. Thereafter, such works shall be fully implemented as agreed.
7. The development shall be constructed in accordance with the proposed ground levels as shown on Drawing No. 5145579-ATKCLY- ZZ-DR-C-0010 RevP6. Any alterations to these levels shall be agreed in writing with the Planning Authority.

8. Unless otherwise approved, no development shall commence until such time as a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Planning Authority. Thereafter the developer shall secure the implementation of the approved Scheme which shall incorporate the recommendations set out in the Archaeological Mitigation Strategy, and ensure the recording and recovery of archaeological resources during works approved by this consent is undertaken in agreement with the Planning Authority and West of Scotland Archaeology Service.
9. Prior to work commencing on site, the arrangements to ensure that all public roads are kept free of deleterious material (wheel washers and rumble strips), shall be put in place and implemented as approved. The arrangements for construction traffic entering and exiting the site during works approved by this consent shall be in accordance with the approved Drawing No. (--) AL201 Rev02.
10. Twelve months after the commencement of use, a parking review shall be undertaken to ascertain levels of parking and to establish whether there are any parking related problems associated with the development. The findings and recommendations of the review shall be submitted for the written approval of the Planning Authority. If required by the review, additional parking spaces shall be formed on site in the open space area adjacent to the parking courtyard (up to a maximum of 13 parking spaces as per the WDC Parking Standards (2016)) in accordance with the Council's adopted design standards.
11. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historic environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
12. If there is a requirement to either re-use site-won material or to import material, then details of assessment criteria and sampling frequency to demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any such 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.

13. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development on site (other than that required to carry out said remediation), unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
14. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week, and work on the site shall cease. At this stage, if requested, a comprehensive contaminated land investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The scheme shall be implemented as approved.
15. If required, a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme, shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed with the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
16. The recommendations contained in section 5.0 of the approved Noise Impact Assessment (Atkins, August 2016) shall be implemented prior to the occupation of the approved building and shall thereafter be retained in accordance with the approved assessment.
17. No development shall take place on site until such times as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
18. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement should include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 Evaluation of Human Response to Vibration in Buildings. It shall detail any

procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

19. Prior to work commencing on site a scheme for the control and mitigation of dust shall be submitted for the further approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and measures to prevent or limit the occurrence and impact of such dust. The scheme shall be implemented as approved prior to any dust-generating activities commencing on site.
20. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.
21. Prior to commencement of use the vehicle parking spaces shown on Drawing No.LA P-001 Rev04 shall be provided within the site in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times.
22. Prior to any works to demolish/partially demolish the wall along the boundary with Centenary Court, an updated bat survey shall be carried out and the report submitted for the further approval of the Planning Authority. The report shall demonstrate whether the wall is being used as a roost for bats and confirm when the wall can be taken down without adverse impact upon any bat species thereby identified.
23. In addition to condition 22 above, works to the wall shall not be carried out during the bird nesting season of March to August (inclusive) unless a bird nesting survey is carried out and demonstrates that there are no nesting birds located within the walls and/or ivy, all for the further approval of the Planning Authority.

DC17/021 – Change of use from vacant industrial unit to dance studio at Unit 9, Fleming Court, 2 North Avenue, Clydebank Business Park by Mrs Deborah Hunter-Mills.

GRANT planning permission subject to the following condition:-

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any subsequent order amending, revoking or re-enacting that Order, the premises shall be used as a dance club only, and not for any other purpose (including another 'Class 11' purpose) without the express permission of the Planning Authority.

PLANNING COMMITTEE

NOTE OF VISITATION – 29 MAY 2017

- Present:** Councillors Jim Brown, Diane Docherty and Jim Finn.
- Attending:** Pamela Clifford, Planning & Building Standards Manager and Keith Bathgate, Development Management Team Leader.
- Apologies:** Councillors Jim Bolland, Gail Casey, David McBride, Jonathan McColl and Martin Rooney.

SITE VISIT

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

DC16/249 – Erection of garage and formation of driveway at 115 Dalglish Avenue, Duntocher by Mrs Linda Friel.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 28 June 2017**

DC17/061**Display of Two Internally Illuminated Advertising Hoardings at Great Western Road, Clydebank, by Forrest Outdoor Media.****1. REASON FOR REPORT**

- 1.1** This report relates to an application which has received a representation from the Community Council 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** advertisement consent subject to the condition set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to an existing poster-hoarding site located on the south side of the A82 dual carriageway a short distance east of the Duntocher Burn bridge. The location is remote from any buildings, and there are trees on both sides of the road. A hoarding has existed at this location for many years, although it's precise position and the size of the posters has changed several times. Presently, the hoarding comprises two externally illuminated 'portrait' style poster panels arranged in a 'V' shape, so that one panel faces towards motorists approaching in each direction. About 30m west of the hoardings is an existing dot-matrix traffic advisory sign operated by Transport Scotland.
- 3.2** It is proposed to remove the existing poster hoardings and to erect two digital advertisement displays. These would also be arranged in a 'V' shape, with the two displays being mounted on a single totem column. Each display would be a landscape format panel measuring 6.5m by 3.25m, and the totem would have a maximum height of 8.5m (including a section which would project above the display panels and which would incorporate an illuminated digital clock/temperature display). The digital

displays would not feature animated advertisements, but they would be capable of changing from one static image to another.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service and Estates Section have no objections to the proposal.

5. REPRESENTATIONS

- 5.1** One representation has been received from Parkhall, North Kilbowie and Central Community Council, who object to the proposal due to concerns about road safety. They consider that illuminated digital advertisements may cause a distraction to drivers, especially if they display a moving picture, and they note that the location was historically an accident blackspot which required significant re-engineering work to rectify.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The application site is within an area identified for Retention of Open Space. Policy R1 states that there is a presumption against development which would adversely affects the use, character or amenity of area of functional and valued open space or which are capable of being brought into functional use to meet identified needs. The open space in this case is a tree-lined road cutting, and this proposal would simply replace an existing advertising hoarding with another advertisement display. There would therefore be no adverse impact upon the open space.
- 6.2** Policy DC1 has regard to advertisements, and states that particular regard will be given to visual amenity and to the safety of pedestrians and vehicular traffic. These issues are discussed in Section 7 below, and it is considered that the proposal would be consistent with this policy.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP) 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 will

remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

- 7.2** The site is identified as open space. The proposal would not have any adverse impact upon the open space and it is therefore consistent with Policy GN1.
- 7.3** Policy DS1 sets out requirements for all development proposals, including that these be safe and pleasant. The appearance of the development and its impact on road safety are discussed below, and it is concluded that the proposal is consistent with this policy.

Amenity

- 7.4** There have been advertising hoardings at this location for many years, and they have been illuminated since around 1999. Although the site is located prominently alongside a busy road, it is viewed against rising land and tall trees which serves to reduce the visual impact of the advertisements. The proposal would replace the existing conventional poster hoardings with modern digital displays, and whilst the new advertisements would be of a different type the new displays would be significantly smaller and lower than the existing posters. The dimensions of the existing and proposed signs are as follows:

	Current signs	Proposed signs
Size of poster/display panels	8.05m x 5.4m	3.25m x 6.5m
Height of top of display panels	10.05m	6.75m
Total height including column	10.05m	8.5m

It is therefore not considered that the proposed replacement advertisements would have any greater impact upon the visual amenity of the area than the existing poster hoardings.

Safety

- 7.5** The Community Council has raised concern that the display panels may display moving images which would be a distraction to drivers. However, this would not be the case. The applicant confirms that only static images would be displayed, and although the display would change from one advertisement to another the transition between images would be smooth to avoid creating any distraction. Digital advertisement displays of this type are increasingly replacing conventional poster hoardings throughout the UK, and it is not considered that they represent any greater hazard to road safety than poster hoardings. Although the advertisement is

positioned close to the nearby traffic advisory sign this proximity is also long established (the hoardings were in fact repositioned to facilitate construction of the traffic sign), and the relationship between the proposed advertisement and the sign is considered to be acceptable. The Roads Service therefore has no objection to the proposal on road safety grounds.

- 7.6** The Community Council also refers to a history of accidents at this site which necessitated re-engineering of the road. That issue arose from an adverse camber on the curve, and the necessary remedial works took place over 20 years ago. It is therefore not relevant to the current proposal.

8. CONCLUSION

- 8.1** The proposal involves replacing existing poster hoardings with a modern digital advertisement display. The site has been used for the siting of advertising hoardings for many years and it is not considered that the proposal would have any adverse impact upon either visual amenity or road safety. The proposal is consistent with all relevant policies.

9. CONDITIONS

- 01. The advertisement panels shall display static images only.**

Peter Hessett
Strategic Lead- Regulatory
Date: 14 June
2017

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers:

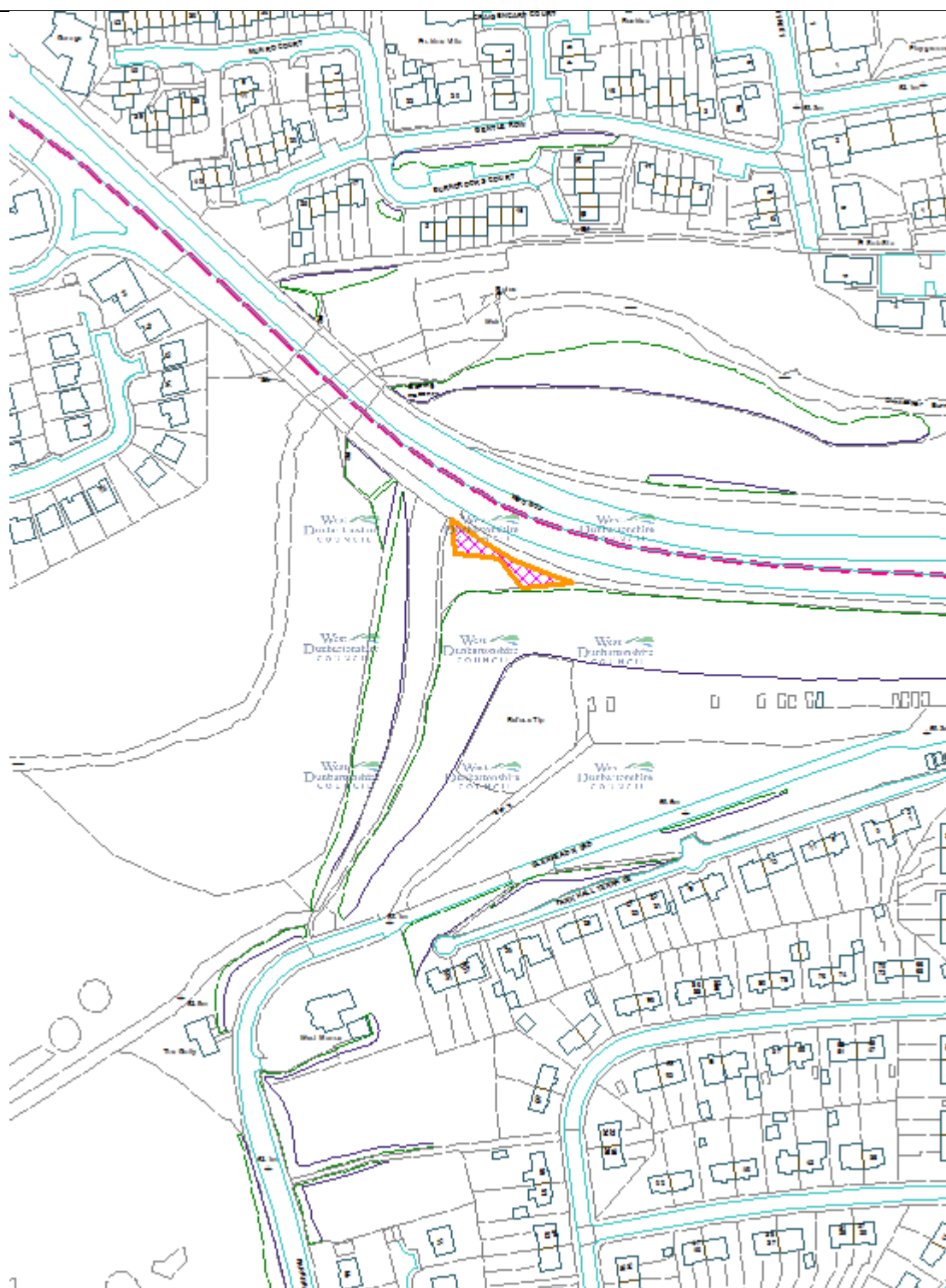
1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire Local Development Plan Proposed Plan

Wards affected: Ward 5 (Clydebank Central)

DC17/061

**Display of two internally
illuminated hoardings**

**Advertising Hoardings
Great Western Road
Clydebank**



WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 28 June 2017

DC13/210: Variation of condition 1 of permission DC08/154 (extension of time period for commencement of development – erection of nursing home at Lesser Boll of Meal Park, Alexandria by Asset Crest Investments.

1. REASON FOR REPORT

- 1.1 This application relates to a proposal which raises issues of local significance, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 **Refuse** planning permission for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1 This application relates to the site of a former sand and gravel quarry which ceased operations many years ago. It extends to just over one hectare, and due to the length of time since it was last used as a quarry, it has naturally regenerated and now has the appearance of a woodland area. The site is roughly triangular in shape and is bounded by further woodland to the north, east and south east. Beyond the woodland to the east is the River Leven whilst there is open space and a combination of play areas and residential properties further to the south and south west. Beyond the open space and the games court to the west is a railway line. Access to the site is by way of a narrow shared-surface section of Heather Avenue which leads to the Vale of Leven and District Angling Club and various moorings on the River Leven.
- 3.2 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, which allows applications to develop land otherwise than in accordance with conditions. For such applications, consideration by the planning authority is normally limited to the conditions themselves and not the merits of the wider proposal. However, in this case the condition which the applicant seeks to alter is

the former statutory time condition. The purpose of such conditions was to enable the periodic review of historic permissions to ensure that the development remained appropriate for the site and that it complied with all current standards.

3.3 The application therefore seeks to renew an existing planning permission for the erection of a nursing home and extend the time period for the commencement of development. The site has a long planning history, the pertinent points of which are as follows:

- The site was allocated for recreational open space in the former Dumbarton Local Plan No.1 (adopted 1984). In 1995 the then owners of the site requested that the site be allocated for housing. Although there were some misgivings about the access, the site was considered to be unsightly and was allocated as a “General Redevelopment Opportunity” in the Dumbarton District, District Wide Local Plan (adopted 1999);
- Outline planning permission for a nursing home was refused by the Council in 1997 (decision VL4734), due to concerns about access, noise, visual amenity, wildlife and the loss of open space. However, permission was granted by the Secretary of State on appeal on the basis that the proposal was consistent with the draft local plan and the Council had not pursued its former proposal to acquire the site for public open space;
- The outline permission was subsequently renewed in 2000 and 2003 (decisions WP00/076 and DC02/446);
- A detailed application for a nursing home (approval of reserved matters) was granted in 2004 and renewed in 2008 (decisions DC04/200 and DC08/154);

3.4 Prior to the expiry of permission DC08/154 in November 2013, the applicant submitted the current application which effectively seeks to renew the permission for a further period, by means of varying the standard time condition which was attached to permissions prior to 2009. The applicant is not seeking to alter any of the other conditions attached to the original planning permission in principle consent (DC02/446) or approval of matters specified in conditions (DC04/200).

3.5 Upon receipt of the application in 2013 the applicant was advised that the technical supporting information submitted in 2002 and 2004 was no longer up to date and that new technical information would be required. The applicant requested that the application be held in abeyance pending the outcome of the Local Development Plan inquiry, following which they would make a decision as to how to proceed. The LDP situation is now clear, and the applicant has not submitted the relevant supporting

information after several requests to do so, so it is now proposed that the application be determined as it stands.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection subject to the conditions previously attached to DC08/154 being attached to any further planning permission. They also advise that up to date flood risk assessment should be submitted which demonstrates that the development complies with guidance on critical infrastructure.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to permitted hours of work on site, deliveries, piling, dust control measures, noise and contaminated land.
- 4.3** The Scottish Environmental Protection Agency object to this application due to a lack of information regarding flood risk.
- 4.4** Scottish Natural Heritage have no objection to the proposal, but they would expect the Council as Planning Authority to identify and address any natural heritage impacts and seek opportunities for enhancement or mitigation.
- 4.5** Network Rail has no objection to this application as it will have no impact on railway infrastructure.
- 4.6** West of Scotland Archaeological Service has no objection to the proposal.

5. REPRESENTATIONS

- 5.1** None.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is identified as a public service opportunity site and Schedule PS3 specifically identifies it as suitable for a nursing home. Policy PS3 encourages new and improved public services and supports the developments listed in Schedule PS3 subject to conformity with other relevant local plan policies.
- 6.2** The site is also identified as a local nature conservation site. Policy E3A indicates that proposals should not have an adverse effect on the integrity or character of local nature conservation sites and that suitable

compensatory features may be required. In general, the Council will seek to maintain and enhance habitats, species and natural features which are vulnerable and/or specifically protected.

- 6.3 Policy GD1 seeks to ensure that all new development has a high quality of design and respects the character and amenity of the area in which it is located and also addresses any contaminated land issues. Policy E5 seeks to ensure that new proposals on sites with, or adjacent to, existing trees or woodlands take accounts of trees in order to minimise any impacts. Policies F1, F2 and F3 relate to flooding and drainage and aim to ensure that new development is not at risk of flooding, does not increase the risk of flooding elsewhere and has suitable drainage infrastructure which includes SUDS measures.
- 6.4 Policy T4 requires new development to be well integrated into walking, cycling and public transport routes.
- 6.5 The issues raised in the above policies are discussed in Section 7 below. Whilst the principle of a nursing home at this location is supported by policy PS3, the failure to submit any up to date supporting information means that the development as a whole would not comply with the adopted local plan in terms of policies E3A, E5, GD1, F1, F2 and F3.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- West Dunbartonshire Local Development Plan (LDP) 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 will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.
- 7.2 The site is identified as open space in the Proposed Plan. Policy GN1 states that development which would result in the loss of an area of open space which is, or has the potential to be, of quality and value will not be permitted unless provision of an open space of equal or enhanced value is provided within the development or its vicinity. Policy GN2 requires development to follow an Integrating Green Infrastructure approach to

design by incorporating SUDS, open space, paths and habitat enhancements at a level proportionate to the scale of development.

- 7.3** The site is also designated as a local nature conservation site. Policy GN3 states that development which would adversely affect sites designated for nature conservation or harms protected species will not be permitted. Policy GN5 states that development which would result in the loss of trees or woodland of amenity, cultural, historical, recreational or biodiversity value will not be permitted unless clear justification can be given and appropriate replanting agreed.
- 7.4** Policy DS1 indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming). Policy DS3 requires that significant travel generating uses are located within 400 metres of the public transport network. Policy DS6 states development will not be supported where it would have a significant probability of being affected by flooding or increase the risk of flooding elsewhere, and requires SUDS to be included, where appropriate in developments. Policy DS7 requires that developments on sites that are potentially contaminated are remediated to ensure the site is made suitable for its future use.
- 7.5** The application is assessed against the criteria of the above policies in Section 7 below. It is considered that the proposed development does not comply with the designated land use identified in the proposed plan and the failure to submit any up to date supporting information means that the development does not comply with the proposed plan in terms of policies GN1, GN2, GN3, GN5, DS6 and DS7.

Scottish Planning Policy (SPP)

- 7.6** Paragraph 32 of SPP states that in situations where development proposals do not accord with up-to-date development plans, the primacy of the plan is maintained. However paragraph 33 of SPP states that where the relevant policies in a development plan are out-of-date, or a development plan is more than five years old, then a presumption in favour of development which contributes to sustainable development will be a significant material consideration. In such circumstances the SPP states that decisions should be guided by a number of principles, including:
- Supporting good design and the six qualities of successful places;
 - Making efficient use of existing capacities of land, buildings and infrastructure;
 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;

- Avoiding overdevelopment, protecting the amenity of new and existing development, and considering the implications for water, air and soil quality.

In addition to an assessment against the principles outlined above, development proposals also require to be assessed against SPP as a whole.

- 7.7** One of the key issues identified in SPP is that proposals which contribute to sustainable development will be a material consideration. In this instance, the site has naturally regenerated to create a woodland setting which is a local nature conservation site and is in close proximity to the River Leven. Due to a lack of supporting information to accompany the application, it has not been demonstrated that there will be no adverse impacts if this development was to proceed. Therefore the proposal cannot be considered as sustainable development and is contrary to the principles of SPP.

Principle of development

- 7.8** Despite the succession of planning permissions for a care home at this location, the site has never been developed. A review of all previously-allocated development opportunity sites was undertaken as part of the Local Development Plan process, and this concluded that the Lesser Boll of Meal site should be removed as a development opportunity in the new plan. Despite the long-abandoned use as a quarry it is now difficult to distinguish the site from the surrounding woodland, and the location is a Local Nature Conservation Site. It is part of a larger area of open space containing mature and semi-mature trees which have continued to regenerate naturally, adding to its local nature conservation value over time. Its value as part of a Local Nature Conservation Site (part of Fishers Wood and Boathouse Wood) was reviewed and confirmed in the West Dunbartonshire Local Plan Review of local nature conservation areas in December 2008, particularly in relation to its mature trees and the connectivity of the area to surrounding habitats. Overall, the site was considered to be a valuable area of green space within the urban area.
- 7.9** A further significant change which had occurred since a nursing home was first approved in 1997 was that the proposed Local Development Plan identified four alternative sites suitable for care homes, all of these being brownfield sites and none of which affect Local Nature Conservation Sites. A care home has recently been completed at nearby Heather Avenue whilst another care home has opened at the former Crosslet House site in Dumbarton. The Council's Community Health and Care Partnership who is responsible for older people's services within West Dunbartonshire was consulted during the preparation of the Main Issues Report for the Proposed Plan and raised no objection to the Lesser Boll of Meal site

being removed as a care home opportunity. Additionally, the access arrangements would remain less than ideal even if the previously required improvements could be implemented. It was therefore considered that more appropriate locations existed for care home developments, and accordingly the Local Development Plan Proposed Plan did not allocate the application site for such a use and the site was allocated for open space.

- 7.10** The issue was considered by a Scottish Government Reporter as part of the Local Development Plan Inquiry. The Reporter concluded that the circumstances of the site had materially changed since the adoption of the existing local plan, and that the site did not have the appearance of a brownfield site, was of some local amenity and conservation value, and that there was some doubt as to the effectiveness of the proposed development. Accordingly he agreed with the Council's view that there was sufficient justification to discontinue the designation of the site as a public service opportunity.
- 7.11** Although the site is identified as a care home opportunity in the adopted local plan, the Proposed Plan sets out the Council's more up to date position on the future of the site, which has considered the site history and the natural regeneration that has occurred. It is considered that notwithstanding the support of the adopted local plan, the site is no longer considered to be an appropriate location for a care home and there is no need for an additional care home site to be designated.

Natural Environment

- 7.12** The site is identified as a Local Nature Conservation Site and is in close proximity to the River Leven which is also a Local Nature Conservation Site. Due to the potential for the site to contain wildlife or act as a suitable wildlife corridor, and an up to date ecological assessment would be required to be undertaken and submitted in support of the application. However, no up to date ecology studies have been undertaken and the potential impacts of the development on the ecology of the site or surrounding area are unknown.
- 7.13** As part of the natural regeneration of the site, it is now difficult to differentiate between the application site and the surrounding woodland areas. A substantial proportion of the trees on the site would inevitably require to be removed to facilitate the development, but whilst a tree survey was submitted in support of the 2004 application it is now well out of date, and a new tree survey would be required in order to assess the impact of the proposal on trees. However, no up to date tree survey has been provided and therefore the potential impacts of the development on trees within the site or in the surrounding area cannot be properly assessed.

Technical Issues

- 7.14** Due to the proximity of the site to the River Leven, the site is identified as potentially being at risk of flooding. Consequently, a flood risk assessment is required in order to demonstrate that the proposal is not at an unacceptable risk of flooding. Whilst a flood risk assessment was undertaken in 2004 this is out of date, and no up to date flood risk assessment has not been submitted. SEPA therefore object to the proposal. Due to the failure to submit an up to date flood risk assessment in support of the planning application, it has not been demonstrated that the development will not be at risk of flooding and that it will not increase the risk of flooding elsewhere.
- 7.15** The banks of the River Leven have a long history of industrial use and this site was previously used as a quarry. In order to ensure that the site is suitable for a nursing home, an up to date site investigation report is required. Again, previous supporting documents are out of date and no longer in compliance with current standards. Due to the failure to submit an up to date site investigation, in support of the planning application, it has not been demonstrated that the site is capable of being developed.

8. CONCLUSION

- 8.1** Due to the length of time since planning permission was originally granted, it is appropriate to consider whether the principle of development remains acceptable, as well as the suitability of the supporting technical information. The site contributes to the amenity of the area as an area of wild natural greenspace in the urban area and as a Local Nature Conservation Site. Although it is still allocated for a nursing home development under Policy PS3 of the the adopted local plan, it is considered that more weight should be given to the open space allocation in the more up-to-date Proposed Local Development Plan, under which the proposal is contrary to Policy GN1. Furthermore, the original planning permission dates from 1997 and whilst some updated technical information was provided in 2004 there has since been no updating of the technical information required to support an application of this nature. Accordingly, the proposal is also contrary to Policies E3A, E5, GD1, F1, F2 and F3 of the adopted local plan and Policies GN2, GN3, GN5, DS6 and DS7 of the proposed LDP.

9. REASONS FOR REFUSAL

- 1. The proposal would result in the loss of an area of open space within the urban area, which is of amenity and natural heritage value. The proposed development is therefore contrary to**

policy GN1 of the West Dunbartonshire Local Development Plan (LDP) Proposed Plan which allocates the site as open space.

2. The application does not include any up to date technical information to demonstrate that the site is suitable for a development of this nature and in particular no information has been submitted to address drainage, ecology, trees, flooding or contaminated land. The development is therefore contrary to policies E3A, E5, GD1, F1, F2 and F3 of the adopted West Dunbartonshire Local Plan and policies GN1, GN2, GN3, GN5, DS6 and DS7 of the Local Development Plan (LDP) Proposed Plan.

Peter Hessett
Strategic Lead- Regulatory
Date: 12 June 2017

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Site Location Map

Background Papers:

1. Application forms and plans;
2. Consultation responses
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan Proposed Plan;
5. Scottish Planning Policy;

Wards affected: Ward 1 (Lomond)

DC13/210

**Variation of Condition 1 of
DC08/154/FUL (extension
of time period for
commencement of
development - erection of
nursing home)**

**Lesser Boll Of Meal Park
Halkett Crescent
Alexandria**

