

PLANNING COMMITTEE

At a Meeting of the Planning Committee held by Video Conferencing on Wednesday, 13 January 2021 at 10.00 a.m.

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

Attending: Peter Hessett, Chief Officer – Regulatory and Regeneration; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Erin Goldie, Team Leader – Development Management; Antony McGuinness, Team Leader – Forward Planning; John Walker, Assistant Engineering Officer, Roads & Transportation; Mark Walsh, Environmental Health Officer; Nigel Ettles, Section Head – Litigation (Legal Officer) and Craig Stewart, Committee Officer.

Apology: An apology for absence was intimated on behalf of Councillor Douglas McAllister.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

Bailie Agnew declared an interest in Item 6(b) 'Planning Application DC20/201' on the agenda and advised that he would leave the meeting during consideration of this item.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 9 December 2020 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 7 December 2020, a copy of which forms Appendix 1 hereto, was submitted and noted.

OPEN FORUM

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

PLANNING APPLICATIONS

Reports were submitted by the Chief Officer – Regulatory and Regeneration in respect of the following planning applications:-

- (a) **DC20/088 – Development of up to 44,450m² of commercial/industrial floorspace, link road with upgraded junctions on the A82 and A814, a railway underbridge and an overbridge, landscaping, green network and public realm improvements, flood defences, drainage, transport and utilities infrastructure including the formation of platforms for development across the site at Land at Former Dunglass Oil Terminal, Dumbarton Road, Bowling by West Dunbartonshire Council.**

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

Councillor Finn, Chair, invited Mr Graham Parton, Ms Elizabeth Glen, Ms Susan Dick and Mr Jim Thomson, objectors, to address the Committee. All were heard in respect of their representations.

The Chair then invited Mr Dougie McDonald, agent for the applicant, to address the Committee and was heard in respect of his representation.

After consideration and having heard the Team Leader – Development Management and the Legal Officer in clarification of certain matters and 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 2 hereto.

Note: Bailie Agnew left the meeting at this point in the proceedings.

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

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

Councillor Finn, Chair, invited Mr Michael Hilferty, objector, to address the Committee and he was heard in respect of his representation.

The Chair then invited Ms Lesley Murray, applicant, to address the Committee and she was heard in respect of her representation.

After consideration and having heard the Team Leader – Development Management in clarification of certain matters and in answer to a Member's question, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

The meeting closed at 12.18 p.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 7 DECEMBER 2020

Present: Bailie Denis Agnew and Councillor Gail Casey.

Attending: Erin Goldie, Team Leader – Development Management.

SITE VISIT

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

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

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

APPENDIX 2

DC20/088 – Development of up to 44,450m² of commercial/industrial floorspace, link road with upgraded junctions on the A82 and A814, a railway underbridge and an overbridge, landscaping, green network and public realm improvements, flood defences, drainage, transport and utilities infrastructure including the formation of platforms for development across the site at Land at Former Dunglass Oil Terminal, Dumbarton Road, Bowling by West Dunbartonshire Council.

GRANT planning permission subject to the following conditions:-

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

Conditions 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 16 that are relevant to the development being proposed.

3. Prior to the submission of the first application for the approval of matters specified in conditions, a Phasing Plan including details for the subsequent delivery for each phase of the development alongside timescales for implementation of the various phases shall be submitted to and approved in writing by the Planning Authority. The Phasing Plan shall contain a strategy for the submission of a series of future detailed applications as under Condition 1 above including the delivery and implementation of the approved zones (including the waterfront walkway, green spaces and green network corridors). The approved Phasing Plan including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates of the approved phasing plan shall be subject to the written approval of the Planning Authority and implemented thereafter as approved.
4. Prior to the submission of any application for matters specified in Condition 1 (parts B, C or D), a design strategy to establish the principles for the design and locations of street furniture, railings, bollards, signage, bins, substations, generators and cycle parking shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, each application for approval of matters specified in conditions submitted shall adhere to the principles and requirements approved through the design strategy.
5. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any application for matters specified in Condition 1 (A, B, C or D), a Preliminary Options Appraisal Report including a condition survey and scheme of repairs for the conservation, repair and reuse of Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk in both in the short term and long term shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any buildings to be located within Zones A and B as identified on Parameters Plan (Drawing No. 30953/4504/002 Rev F), details of the final chosen option for Dunglass Castle (including the house, garden and castle walls) and the Henry Bell Obelisk shall be submitted to and agreed in writing Planning Authority. These details shall include a programme of works including timescales for obtaining relevant permissions alongside timelines for the delivery and completion of the works for the Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk. Thereafter this shall be implemented as approved in accordance with the approved final strategy.
6. Prior to the submission of the first application for the approval of matters specified in conditions, a Soil Management Plan and Earthworks and Materials Movement Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), these submissions shall include:

- Details of the assessment criteria and sampling frequency that would adequately demonstrate suitability for use.
- A Waste Management and Recycling Strategy to address on-site waste and materials.

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

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

Summary (September 2019)' and Chapter 7 and figure 7.2 'Conceptual Flood Mitigation Strategy' of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019)' . Once implemented, all of these measures shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

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

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

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

required for the approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

16. Prior to the occupation of any part of the site, a Travel Plan including measures to minimise the impact of traffic and to promote sustainable and active travel choices for staff and visitors shall be submitted to and approved in writing by the Planning Authority. The Travel Plan shall include the details and requirements as set out in Section 7 of the approved 'Transport Assessment (Dated April 2019)'. The approved Travel Plan including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved Travel Plan shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
17. No development (other than investigative works) shall commence on site until such time as an assessment of the risks to all new receptors, such as people and buildings, that this development will introduce has been undertaken. If the risk assessment identifies any unacceptable risks, a remediation strategy/plan will be submitted to and approved in writing by the Council as Planning Authority prior to development works commencing. The report shall be prepared by a suitably qualified person.
18. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any approval of matters specified in conditions applications, a full Site Investigation and Risk Assessment for areas of the site not previously covered by the Remediation Strategy to be undertaken in accordance with permission DC18/013 shall require to be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.
19. In the event that contamination, which has not previously been identified and assessed, becomes evident at any time during the development of the site, it shall be reported in writing to the Planning Authority within 1 week. If such contamination can be dealt with without departing from the principles and outcome of an already approved remediation strategy then works can continue on the affected part of the site. If the contamination would result in a departure from the principles and outcome of the approved remediation strategy and if requested by the Planning Authority, works shall cease and/or an investigation and risk assessment shall be undertaken and an amended remediation strategy shall be submitted to the Planning Authority for approval. The amended remediation strategy, once approved in writing by the Planning Authority, shall be implemented as approved prior to the recommencement of works in the affected area.
20. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of Dunglass Roundabout Junction of the A82 (T) with the A814 to traffic signal control shall be constructed in accordance with approved plan 'Eastern Access' (Drawing No. 30953-STN-00-XX-DR-D-0021 Rev P01).

21. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of the Dumbuck signalised junction of the A82 (T) with the A814 shall be constructed in accordance with approved plan 'Western Access' (Drawing No. 30953-STN-00-XX-DR-D-0020 Rev P01).
22. Development proposals affecting the route of NCN7, shall include arrangements for the temporary diversion of the NCN7. Such details shall be accompanied by measures which seek to mitigate the impact of the diversion such as the provision for wayfinding signage and the use of distinctive materials alongside other measures of route design required to ensure that the diverted route remains clear, attractive and intuitive to users. Thereafter the approved temporary diversion and associated mitigation measures shall be undertaken in a timescale agreed in writing by the Planning Authority. The mitigation measures shall be maintained on site for as long as the temporary diversion of the NCN7 remain in place.
23. Development proposals that propose to alter the route of NCN7 shall include details for the final arrangement of post-development reconfiguration of NCN7 at the western end of the site. These details shall include the final route and positioning of NCN7. Thereafter, the approved details shall be implemented as approved in a timescale agreed in writing by the Planning Authority.
24. Any development proposals that will permanently affect the route and function of existing bus stops shall be accompanied by a report assessing and reviewing the impact of the proposed road layout upon existing bus stop locations (including those stops situated along the A82 and A814). If required, the report shall include details for any new bus stops required or details for relocation of existing bus routes. The approved report, including any identified findings and measures shall be implemented in a timescale agreed in writing by the Planning Authority.
25. Prior to the commencement of any development on site, a trespass proof fence of minimum 1.8 metres in height shall be installed along the boundary of the railway line within the application site. Prior to its installation, details of the proposed trespass fencing including its location and design shall be submitted to, and approved in writing by the Planning Authority. The approved trespass fence shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved trespass fence shall remain in place for the duration of when construction works are taking place on the part of the site impacting the railway.
26. No development shall take place, between the months of September to March inclusive, until an independent Ecological Clerk of Works (ECoW) or on-site Ecologist (with ornithological experience) has been appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Inner Clyde Special Protection Area and other ecological designations. The Planning

Authority shall be notified in writing once this person has been appointed. Thereafter, the ECoW shall remain in place for the duration of the construction works associated with that part of the development, unless otherwise agreed with the Planning Authority.

27. Further to Condition 26, prior to appointing the ECoW, a 'scope of works' and 'terms of reference' for that person shall be submitted to and approved in writing by, the Planning Authority. This specifically shall detail the role and remit of the ECoW and the circumstances and timescales during the construction phase whereby they will require to be present within the application site. As a minimum, this shall detail that the ECoW shall:
- Be kept adequately informed of and ensure compliance with the construction timetable and programming (including any variations to such details) to be agreed under the terms of approved CEMP alongside all other ecological mitigation measures and proposals which are to be in place for the lifetime of the construction work associated with the redevelopment of the site.
 - Have the capacity and authority to halt/postpone any construction works taking place during the sensitive over-wintering months (i.e. from September to March inclusive) and until such time as they believe the operations concerned will not result in any redshank, cormorants, goldeneye, oystercatchers, red-breasted merganser (or any other notified bird species) being displaced from feeding or roosting within the identified Inner Clyde Special Protection Area or within the designated Site of Special Scientific Interest (SSSI).
28. No development shall commence, between the months of September to March inclusive until a screening and protective barrier has been installed along the boundary between the Inner Clyde Special Protection Area (SPA) and the area proposed for development works within the application site (southern boundary of the water/foreshore edge boundary of the works area). Prior to its erection, details of the proposed screening barrier including its location, extent, design and level of obscurity shall be submitted to, and approved in writing by the Planning Authority. The approved screening barrier shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved screening barrier shall remain in place for when construction works are taking place within the part of the site impacting the SPA.
29. Further to Condition 28 above, in the event that any such screening barrier is to be replaced by more permanent screen planting, details of such proposals shall be submitted to and approved in writing by the Planning Authority prior to the removal of the screening barrier (between the months of September to March inclusive). Such proposals shall include details for planting along the edge of the development site area (referred to as the 'Green Corridor' on the approved Masterplan and Parameters Plan) combined with tree/scrub retention and appropriate reinforcement planting along the route of the

new/upgraded road and along the edge of the existing railway line. The approved screen planting details shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority.

30. As part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, up-to-date protected species surveys insofar as required in relation to the area of proposed development and associated ecological features shall accompany development proposals within the site. These surveys shall be carried out by a suitable qualified ecologist at the appropriate time of year and will be provided to update the baseline information provided through the Environmental Statement and ecological surveys provided as part of this application. Furthermore, should the results of such surveys show them to be necessary, any such applications shall also be accompanied by the relevant species protection plans to identify any license requirements.
31. Prior to the commencement on any development on site, details of measures to protect retained trees and areas of woodland on the site during construction shall be submitted to and approved in writing by the Planning Authority. The details shall include specific details for the establishment of buffer zones for the protection of trees and area of woodland along and within the site boundary. Thereafter, unless otherwise agreed in writing by the Planning Authority, the approved measures shall be implemented and shall remain in place for the duration when construction works are taking place on site.

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

GRANT temporary planning permission subject to the following conditions:-

1. The two entrance doors on the side of the building may be used for access to and egress from the building for a period of 12 months from the date of this consent. Thereafter, the side doors shall revert to emergency and disabled access use only and access to/egress from the building shall be via the Kilbowie Road entrance only, unless as may otherwise agreed in writing by the Planning Authority.
2. No amplified music, speech or singing shall take place within the dance studio while the side entrance doors are open.
3. Within one month of the date of this consent, any external doors that do not have a self-closing mechanism shall have one fitted and thereafter be maintained in working order.
4. There shall be no less than 15 minutes between classes finishing and starting at the premises unless as may otherwise be agreed in writing by the Planning Authority.

5. The LAeq (5min) level measured 1 metre outside a window in any adjacent residential property with amplified music, speech and singing taking place shall show no increase when compared with the same position, under the same conditions and during a comparable period with no amplified music, speech or singing taking place.
6. The LA10 (5min) in the 1/3 octave bands from 40 to 160 Hertz measured 1 metre outside a room in any adjacent residential property, with amplified music, speech or singing taking place shall show no increase when compared with the representative LA90 (5min) level in the 1/3 octave bands from 40 to 160 Hertz measured from the same position, under the same conditions and during a comparable period with no amplified music, speech or singing taking place.