



Agenda

Planning Committee

Date: Wednesday, 26 October 2016

Time: 10.00

Venue: Committee Room 3, Council Offices,
Garshake Road, Dumbarton

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 Lawrence O'Neill (Chair)
Provost Douglas McAllister (Vice Chair)
Councillor Denis Agnew
Councillor Gail Casey
Councillor Jim Finn
Councillor Jonathan McColl
Councillor Patrick McGlinchey
Councillor John Mooney
Councillor Tommy Rainey
Councillor Hazel Sorrell

All other Councillors for information

Date of Issue: 14 October 2016

PLANNING COMMITTEE

WEDNESDAY, 26 OCTOBER 2016

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 - 16

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 21 September 2016.

4 PLANNING APPLICATION 17 - 34

Submit report by the Strategic Lead - Regulatory in respect of the following planning application.

New Application:-

- (a) DC15/251 – Development of a recycling sorting facility, recyclables recovery facility, anaerobic digestion facility including junction works to Glasgow Road/Dock Street and associated ancillary work (Variation to Conditions 1, 2, 4, 6, 7, 8, 11, 13, 18 and 21 of DC12/143) at Dock Street, Clydebank by Peel Environmental Ltd.

5 ENFORCEMENT APPEAL DECISIONS 35 - 38

Submit report by the Strategic Lead - Regulatory advising on the outcome of two enforcement appeals on:-

- (a) Unauthorised change of use of domestic outbuilding to separate dwelling/holiday accommodation and erection of fence at Fisherwood House, Balloch (EP14/047 & EP15/057); and
- (b) Unauthorised change of use of retail units to amusement centre at Units 57-61, Shopping Hall 1, 36 Sylvania Way South, Clydebank (EP15/003)

6 ANTONINE WALL HERITAGE LOTTERY FUND BID

39 - 42

Submit report by the Strategic Lead – Regulatory recommending approval of a Stage 1 Heritage Lottery Fund bid for Antonine Wall related projects.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 21 September 2016 at 2.00 p.m.

Present: Councillors Denis Agnew, Gail Casey, Jonathan McColl, John Mooney, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

Attending: Peter Hessett, Strategic Lead – Regulatory; Pamela Clifford, Planning and Building Standards Manager; Keith Bathgate, Team Leader Development Management; Raymond Walsh, Network Co-ordinator; Nigel Ettles, Section Head - Litigation and Craig Stewart, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Jim Finn and Patrick McGlinchey.

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 MEETING

The Minutes of Meeting of the Planning Committee held on 31 August 2016 were submitted and approved as a correct record.

NOTE OF VISITATION

A Note of Visitation carried out on 29 August 2016, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATIONS

A report was submitted by the Strategic Lead - Regulatory in respect of the following planning applications.

New Applications:-

- (a) **DC16/102 - Erection of residential development comprising 44 dwellings and associated works at the former Bonhill Primary School site, Main Street, Bonhill by Cube Housing Association.**

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

The Chair invited Mr Jack Fordy, Bonhill & Dalmonach Community Council, to address the Committee. Mr Fordy made his views on the application known and was heard in answer to Members' questions.

The Chair then invited Mr Gordon Smith, representing the applicant, to give a presentation on the application. Mr Smith was then heard in support of the application and in answer to Members' questions.

After discussion and having heard the Planning & Building Standards Manager and the Network Co-ordinator in answer to Members' questions, the Committee agreed that it was minded to grant planning permission and delegated authority to the Planning & Building Standards Manager to issue the decision subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 herewith, and subject to:- (1) the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a developer contribution towards the green network; and (2) a further condition restricting the movement of key plant accessing/egressing the site during construction of the development, 30 minutes either side of Bonhill Primary School opening and closing.

- (b) **DC16/157 - Removal of condition 5 (retail type restrictions) of permission CB88/152 in respect of unit 6 at Clyde Retail Park, 75 Livingstone Street, Clydebank by VALAD European Diversified Fund (Jersey) 16 Limited.**

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

After discussion and having heard the Planning and Building Standards Manager in further explanation and in answer to Members' questions, Councillor O'Neill, seconded by Councillor Sorrell, moved:-

That the Committee grant planning permission subject to the conditions set out in Section 9 of the report, as detailed in Appendix 2 herewith.

As an amendment, Councillor Agnew, seconded by Councillor McColl, moved:-

That the Committee refuse planning permission on the grounds that this would change the concept of the retail park, and could in the longer term adversely affect the type of business use which had been intended for the retail park.

On a vote being taken, 3 Members voted for the amendment and 4 Members voted for the motion which was accordingly declared carried.

ANNUAL REVIEW OF QUARRIES AND LANDFILL SITES

A report was submitted by the Strategic Lead - Regulatory providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area, and the progress made on the renewal of restoration bonds for two of the sites.

The Committee agreed:-

- (1) to note the outcomes of the site visits outlined in Appendix 1 to the report;
- (2) to note the progress made on the renewal of restoration bonds for Dumbuckhill Quarry and Rigangower; and
- (3) that a further update would be provided to the Committee in August 2017.

The meeting closed at 2.48 p.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 29 AUGUST 2016

Present: Councillors Jim Finn and John Mooney

Attending: Bernard Darroch, Lead Planning Officer

Apologies: Councillors Gail Casey and Lawrence O'Neill

SITE VISIT

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

a) Cherry Tree Court, Hill Street, Alexandria

DC16/106 - Modification of planning obligation relating to occupancy restriction (Planning Ref. VL3801) (flats 9, 10 and 11) at Cherry Tree Court, Hill Street, Alexandria by Volbis Limited.

DC16/102 - Erection of residential development comprising 44 dwellings and associated works at the former Bonhill Primary School site, Main Street, Bonhill by Cube Housing Association.

Minded to GRANT permission subject to the following conditions, and an additional condition restricting the movement of key plant accessing/egressing the site during construction of the development, 30 minutes either side of Bonhill Primary School opening and closing:-

1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.
2. Prior to the commencement of works, full details 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 shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.
4. Prior to the commencement of development details of the design and location of the bin stores, cycle storage, street furniture and lighting shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved prior to the occupation of the approved properties.
5. No unit shall be occupied until the vehicle parking spaces associated with that unit have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
6. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and thereafter shall be implemented prior to the occupation of the first property.
7. A landscaping scheme for the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after occupation of the first property. The landscaping shall thereafter be maintained in accordance with these details.
8. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:

- a) a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
 - b) an assessment of the potential risks (where applicable) to:
 - human health;
 - property (existing and proposed), including buildings, pets, service lines and pipes;
 - ground waters and surface waters.
 - c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
9. 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 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.
10. 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. 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.
11. A monitoring and maintenance scheme for the long term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within a timescale agreed with the Planning Authority. 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 in writing by the Planning Authority.
12. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to

the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remedial actions shall be implemented within a timescale agreed with the Planning Authority.

13. During the period of construction, all works (including piling) and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
14. 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. The 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.
15. No commercial vehicle making deliveries to or collecting material from the development site shall enter or leave the site before 8am or after 6pm.
16. 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 shall be submitted to and approved in writing by the Planning 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 the Planning Authority.
17. All plant or machinery being used on site shall be enclosed with sound insulating material in accordance with a scheme which shall be submitted to, and approved in writing by the Planning Authority. The approved sound insulation measures shall thereafter be retained at all times during construction on site.
18. The existing boundary wall and railings shall be retained. No works to remove or alter any part of the boundary wall other than the formation of a new vehicular entrance shall be undertaken unless approved in writing by the Planning Authority.
19. Prior to the commencement of development, details of measures to protect the trees adjacent to Main Street during construction work on site shall be submitted for the written approval of the Planning Authority. The approved tree protection measures shall thereafter be implemented prior to any construction/ground works commencing on site.

20. Twelve months after occupation of the first 30 flats within the development, a parking review shall be undertaken to ascertain levels of car ownership and whether there are any parking related issues within 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 (up to a maximum of 12 parking spaces as per the WDC Parking Standards (2016)) in accordance with the agreed recommendations and the details shown on Drawing No. SK(160627)010. Thereafter, yearly parking reviews shall be carried out and the findings submitted for the written approval of the Planning Authority. Five years after the completion of the development, a final review shall be undertaken and the findings submitted for the written approval of the Planning Authority, unless the additional parking spaces have by that time already have been formed.
21. Prior to the commencement of development, a tracking plan shall be submitted for the written approval of the Planning Authority which demonstrates how the site will be serviced by large vehicles for bin collection and deliveries.
22. Prior to the commencement of development, details of the new vehicular access onto Main Street shall be submitted for the written approval of the Planning Authority. This information shall include details of any alterations required to be made to the boundary wall. Thereafter the new vehicular access shall be formed in accordance with the approved details prior to the occupation of any dwelling within the development.

DC16/157 - Removal of condition 5 (retail type restrictions) of permission CB88/152 in respect of unit 6 at Clyde Retail Park, 75 Livingstone Street, Clydebank by VALAD European Diversified Fund (Jersey) 16 Limited.

Permission GRANTED subject to the following condition:-

1. This consent approves the removal of planning restrictions relating to the sale of food and drink from Unit 6 of the Clyde Retail Park as contained in condition 5 of planning consent CB88/152 but the restrictions relating to the sale of cars and petrol remain in place.

Informatives

1. For the avoidance of doubt, the following classes of retailing will not be permitted as the principle use of any unit within the Clyde Retail Park: food, drink, cars, petrol, with the exception of Unit 6, edged red on the Location Plan, which is permitted to retail food and drink (Class 1 Convenience). It will be permitted within each individual unit, to sell food and drink as a service to customers of the principle use.

DRAFT

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead - Regulatory****Planning Committee: 26 October 2016**

DC15/251 **Development of a recyclable sorting facility, recyclables recovery facility, anaerobic digestion facility including junction works to Glasgow Road/Dock Street and associated ancillary work (Variation to Conditions 1, 2, 4, 6, 7, 8, 11, 13, 18 and 21 of DC12/143) at Dock Street, Clydebank by Peel Environmental Ltd**

1. REASON FOR REPORT

- 1.1** This application is classified as Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site comprises approximately 2.4 hectares of vacant land at Rothesay Dock, Clydebank. This part of the dock originally contained railway sidings and loading gantries for the shipping of coal and was later used as a scrap yard, but it has been derelict for many years. The site is bordered to the south west by the dock basin with a boatyard on the opposite quay, and to the north-west by the Nu-Star oil storage depot. Located to the north east is a footpath/cycle track along a disused railway line, with Holm Park stadium of Yoker Football Club and a variety of industrial buildings beyond. To the south east is a large area of vacant former railway land within the Glasgow City Council area, which is currently subject to planning applications for residential development. The closest existing residential property is a house behind the former Hamilton Memorial Church on Glasgow Road, with other residential development in the area being located on the opposite side of Glasgow Road approximately 180m away. The site is located directly beneath the flight path for the main runway at Glasgow Airport. All road access to the site is by way of Dock Street.
- 3.2** Planning permission was granted for a recycling centre in December 2012. The approved recycling centre would include facilities for the sorting, recovery and anaerobic digestion of waste material, all contained within a single large

building. It would be capable of handling up to 250,000 tonnes of waste and recyclable material per annum, from both household and commercial waste uplifts. The facility would operate continuously over 24 hours, 7 days per week but with no deliveries or dispatch of goods overnight. The approved development included the upgrading of the junction of Dock Street and Glasgow Road to incorporate traffic signals. No work has commenced on the site to date.

- 3.3** This current application seeks to amend some of the pre-commencement conditions attached to the planning permission Ref. DC12/143. These are conditions which must be discharged in full before any part of the development can commence on site. The applicant has indicated that the site requires to be remediated which will require plant, machinery and HGVs to access the site and as there is presently no suitable vehicular access to the site it is proposed to form the permanent site access in advance of any other works. This would allow the main site investigations and remediation work to take place. Formation of the site access would be without complying at this stage with some of the pre-commencement conditions which primarily relate to the main building works. The main building works would be a later phase, after the conditions had been discharged.
- 3.4** The applicant has proposed alternative wording to conditions 1, 2, 4, 6, 7, 8, 11, 13, 18 and 21 which would have the effect of changing the point at which information is required to be submitted (i.e. after the access road has been constructed instead of prior to this work). The conditions would retain the existing wording of the condition but add the following words "*other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence*" to ensure there is still a restriction on commencement.
- 3.5** The approved access road consists of a single access off Dock Street and a circular road around the perimeter of the recycling building. The current proposal seeks to allow the early construction of part of this, consisting of the bell-mouth junction onto Dock Street and a 10m length of the road into the site. This arrangement would accommodate the swept paths of larger HGVs and provide the minimum road length necessary to enable vehicles associated with the site remediation operations to safely and easily enter the site.
- 3.6** As the proposal is for a significant waste management facility on a site adjacent to the River Clyde, the application was screened and it was considered that an Environmental Impact Assessment was required. The application has therefore been accompanied by an addendum Environmental Statement (ES) which updates the previous ES submitted in 2012, along with an updated Transportation Assessment and Flood Risk Assessment.

4. CONSULTATIONS

- 4.1** Glasgow Airport Safeguarding has no objection subject to conditions relating to bird hazard control and the use of cranes during construction.
- 4.2** Glasgow City Council is satisfied that proposal would not adversely impact the GCC local road network.
- 4.3** Renfrewshire Council notes that Dock Street is emerging as the preferred route for a new River Clyde bridge which is proposed as part of the Glasgow City Region City Deal project, and that such a development would result in a significant increase in traffic levels on Dock Street. The transport assessment for the recycling centre pre-dates the bridge proposal and therefore does not take account of it.
- 4.4** Historic Environment Scotland, HSE, SEPA, SNH, Scottish Water, and Transport Scotland all have no objections subject to the other previous conditions being retained.
- 4.5** West Dunbartonshire Council Environmental Health, Waste and Roads Services all have no objections subject to the other conditions being retained.

5. REPRESENTATIONS

- 5.1** Although classed as Major Development, Section 42 applications are not required to undergo statutory pre-application consultation with the local community. The application was however advertised in the Clydebank Post and the Edinburgh Gazette in accordance with statutory requirements for Major Development proposals, and neighbour notification procedures were carried out. No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** Glasgow and the Clyde Valley Strategic Development Plan 2012 (SDP) Strategy Support Measure 13 states that the provision of appropriate infrastructure to meet the targets of the national Zero Waste Plan will be considered to support the Spatial Development Strategy. Proposals for waste management facilities will generally be acceptable within industrial and storage/distribution locations, particularly where the opportunity exists to reuse waste heat. Diagram 3 of the Plan sets out the Spatial Development Strategy, which identifies the Clyde Waterfront as a core location for sustainable development. Indicative uses which would be in line with the strategy for Clyde Waterfront are economic activity, housing, tourism, fixed and green infrastructure, culture, leisure, education, health and public transport. In terms of the sustainable location assessment required by Diagram 4 of the Plan, the proposal is considered to contribute positively to the Spatial Development Strategy by re-using brownfield land, and helps

meets a recognised need for additional recycling infrastructure in the Clyde Valley area.

- 6.2** The previous application (Ref. DC12/143) concluded that the proposal would be in compliance with the Spatial Development Strategy in that it meets a known need for additional recycling infrastructure, albeit the application is speculative and the sources of waste are not yet known with certainty. There have been no changes to the GCVSDP 2012 and the amendment to the conditions would not have any implications at a strategic level. The proposal therefore complies with the Strategic Development Plan.

West Dunbartonshire Local Plan 2010

- 6.3** The site is within an area identified as an Industrial and Business Opportunity Site, on which Policy LE1 has a presumption in favour of uses which would positively extend its permanent employment potential. Sites listed within Schedule LE1 are identified as potential marketable industry and business class opportunity sites, and the application site is specifically identified as being suitable for Use Classes 5 (General Industrial) or 6 (Storage and Distribution). The proposed use would provide employment, and is considered to be an industrial process falling within Use Class 5. The fact that the site is also designated as suitable for Class 6 uses suggests that it is suitable for activities with high levels of vehicle movements. The development of the site as a recycling centre would therefore be in compliance with the land use designation and with Policy LE1.
- 6.4** Policy LE6 relates to designations from the superseded Structure Plan and is no longer relevant.
- 6.5** Policy PS4 indicates that new or extended waste management infrastructure will be supported where they meet the following criteria:
- Accordance with and contribution to implementation of the objectives of the National Waste Strategy, National Waste Plan and Area Waste Plan;
 - Justification against a locational need for such facilities identified by the Area Waste Plan; and
 - Location within or immediately adjacent to existing waste management facilities, within a general industrial area, storage or distribution land or on degraded, contaminated or derelict land consistent with the principles of sustainable waste management.

The National Waste Strategy, National Waste Plan and Area Waste Plans referred to in the policy have all since been supersede by Scotland's Zero Waste Plan. As discussed in Section 7 below it is considered that the proposal would accord with the Zero Waste Plan and that there is a locational need for additional recycling facilities in the region if the Plan's objectives are to be achieved. The site is an existing derelict industrial site where new waste management infrastructure will be supported. The proposal would therefore be in compliance with the criteria of Policy PS4.

- 6.6** Policy DC6 states that renewable energy development will be permitted where it can be established without unacceptable detriment in terms of landscape character, nature conservation interests, historic environment, noise, odour, traffic, or amenity of local communities, including any cumulative impacts. In this particular instance it is considered that there is no significant impact upon the landscape, the natural or built environment or local amenity. The proposal is therefore considered to be in compliance with Policy DC6.
- 6.7** Policy GD1 indicates that new development should be of a high quality design and respect the character and amenity of the area in which it is located. Proposals will be required to meet a number of criteria set out in this policy. The design and impacts are considered to be acceptable and the proposal is thus in compliance with Policy GD1.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Strategic Development Plan (Clydeplan), Proposed Plan (January 2016)

- 7.1** The proposed replacement Strategic Development Plan (Clydeplan) was published in January 2016 and submitted to the Scottish Ministers for Examination in May 2016. On approval by the Scottish Government it will supersede the existing Strategic Development Plan.
- 7.2** The proposal is of a scale identified in Clydeplan as being strategic (i.e. a waste facility which exceeds 25,000 tonnes capacity per annum), and therefore the application requires to be assessed against Policy 11 (Planning for Zero Waste). It states that development proposals for waste management facilities will generally be acceptable, subject to local considerations, in the locations set out below:
- land designated for industrial, employment or storage and distribution uses;
 - degraded, contaminated or derelict land;
 - working and worked out quarries;
 - sites that have the potential to maximise the re-use of waste heat through co-location with heat users;
 - existing or redundant sites or buildings that can be easily adapted; and,
 - existing waste management sites or sites that were previously occupied by waste management facilities.
- The proposal is on land designated for industrial uses and it would therefore comply with these strategic requirements for waste management facilities and previous planning permission has been granted for the waste facility.
- 7.3** Policy 3 of Clydeplan supports the City Deal Programme and related projects, and Diagram 1 identifies Clyde Waterfront and Renfrew Riverside (CWRR) project as a Strategic Economic Investment Location (SEIL). Although not specified in the Plan, the CWRR project includes a proposal for a bridge over the River Clyde to directly connect Renfrewshire with Clydebank and north-west Glasgow. That proposal is at an early stage, with work ongoing to identify a preferred location and design for the bridge and associated roads. There is to be community consultation on the preferred design during

November/December 2016 with an application to be submitted in 2017. This issue is discussed below, but it is not considered that the current proposal would adversely affect the City Deal project.

West Dunbartonshire Local Development Plan (LDP) Proposed Plan

7.4 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.

7.5 The Local Development Plan was at an early stage during the assessment of the original application and was not a consideration at that time. The subsequently published Proposed Plan identifies the site as suitable for a waste management facility under Schedule 8 (site SD2(3)) and Policy SD2 supports the management of waste at the location subject to criteria relating to ensuring the proposal has no adverse impact on other businesses, residential amenity, the green network, built heritage or the operations of Glasgow Airport. The facilities should contribute to a greater proportion of waste being treated further up the waste hierarchy, ensure the recovery of energy from waste is achieved and consider potential for waste to be transferred by means other than road. The proposal would comply with these requirements and the proposed amendment to conditions would not raise any new issues.

Scottish Planning Policy

7.6 Scottish Planning Policy (SPP) was updated in 2014 and supersedes the previous SPP against which the previous application was assessed. The current SPP indicates that Scotland has a Zero Waste Policy and the planning system plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arising to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

- 7.7** These zero waste targets are the same as those identified in SPP (2010) and against which the proposal was originally assessed. Achieving these targets will require a reduction in the amount of waste produced, and also a significant increase in the number, range and type of waste management installations to process municipal, commercial and industrial waste. The proposed development would provide a facility of such type, and would therefore still be in accordance with the SPP's policy of general support for the provision of additional waste management infrastructure.
- 7.8** In terms of the location of new waste facilities, SPP (2014) requires local plans to give effect to the aims of the Zero Waste Plan and promote the waste hierarchy. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health.

Planning and Waste Management Advice

- 7.9** This document has superseded the Planning Advice Note 63 (PAN 63) which was used in assessment of the previous proposal. It has the same function as PAN 63 and complements the Scottish Planning Policy and Scotland's Zero Waste Plan. It promotes a low carbon place and 'circular economy' as alternatives to the 'make, use, dispose' culture, meaning that it supports re-using products and materials continually and growing a low carbon economy. The issues which planning authorities should consider in the context of planning applications for waste facilities are similar to those considered under the previous decision and there are no additional considerations as a result of the proposed changes to the wording of the conditions.

Scotland's Zero Waste Plan (ZWP) 2010

- 7.10** This document sets out the Scottish Government's strategy for reducing the amount of waste created, as part of a commitment to reduce Scotland's greenhouse gas emissions by 42% by 2020 and 80% by 2050 (from the 2009 base). The role of the planning system in relation to delivering Zero Waste is set out in Annex B but this has been superseded by the advice contained in SPP (2014), but otherwise the ZWP remains relevant. The ZWP includes targets for increasing recycling and reducing the amount of waste going to landfill, which are the same as those set out in the SPP (2014), and much of the detailed advice contained in the Zero Waste Plan (ZWP) also corresponds to the SPP. The proposal continues to comply with the ZWP's general guidance on site selection.

Principle of Development

- 7.11** Planning permission granted for a Section 42 application is not merely an "amendment" of the earlier permission, but rather it is new standalone permission for the development with different conditions. In determining such applications the Council may only consider the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting new planning

permission, including where the previous permission has lapsed or is incapable of being implemented. In this case, whilst the application was submitted prior to the permission lapsing, it has been more than 3 years since the original permission was granted and that if the application is approved it would effectively renew the permission, it is appropriate to consider whether there have been any material changes in circumstances in the intervening period which have a bearing on the principle of the development.

- 7.12** In relation to policy changes, there have been updates to policy documents and two new development plans (Clydeplan and West Dunbartonshire Local Development Plan Proposed Plan) have been progressed. Although there have been amendments in the way both national and local policies have considered the issue of waste management, these still identify a need for new recycling infrastructure to meet national and local targets for waste reduction, and that the proposed use is consistent with meeting those targets. In addition, both sets of strategic and local plans contain strong support for the provision of new waste management infrastructure in this location.
- 7.13** The main site-specific change is the emergence of a proposal for a bridge from Renfrew to Clydebank or Yoker as part of the City Deal programme. That proposal is at an early stage and any planning application for it will require to be considered on its own merits, however as part of the wider City Deal it enjoys support from the emerging Strategic Development Plan. The project is being led by Renfrewshire Council, which has indicated that following a detailed analysis, comparison and evaluation of alignment options/corridors for a new opening bridge over the River, their emerging preferred route corridor for the new bridge is likely to utilise Dock Street as the connection between the bridge and Glasgow Road.
- 7.14** Although a detailed design for the bridge proposal has not yet been prepared, it is unlikely that any proposed bridge or access road would directly impact upon the application site in terms of land requirements. However, a bridge would significantly increase traffic flows along Dock Street, and the transport assessment undertaken for the recycling centre does not take account of this possibility. However, as projected traffic figures for any future bridge proposal are not yet available it is not currently possible for the developer to update their transportation assessment to take account of the bridge. On the other hand, as the recycling centre is identified development any future transport assessment for a bridge would be required to take account of its potential traffic generation. Whilst detailed traffic figures and modelling are not currently available, the level of traffic generated by a bridge would be likely to significantly exceed that arising from the recycling centre and in this context the impact of the recycling centre traffic would not be significant. Any remodelling of the access into the site would require to be addressed as part of the remodelling of Dock Street if the bridge project proceeds. Overall, it is not considered that the proposed recycling centre would impact upon the potential delivery of the City Deal project and there is therefore no conflict with Policy 3 or Diagram 1 of Clydeplan.

Effect of Amendments to Conditions

- 7.15** The proposal to construct part of the access road in advance of the approval of final details of the boundary treatments, finishing materials of the building, landscaping details and external lighting (conditions 1, 2, 4 and 18) is acceptable as the access does not directly relate to any of these conditions and its early construction would not impact upon the issues covered by them. It would not have an adverse impact on the surrounding area or be prejudicial to any future development as it would be constructed in the same location and to the same design as the permanent access into the site.
- 7.16** The Council's Environmental Health Service and SEPA have no objections to the proposed changes to the conditions, and there will be no adverse impact in relation to site investigation and remediation works, noise control and pollution control plans (conditions 7, 8, 13 and 21) by constructing the junction and a short section of access in advance of agreeing measures for the rest of the site.
- 7.17** The Council's Road Services have no objections to the early construction of bell-mouth junction onto Dock Street and a 10m length of the road into the site. They are satisfied that the road design will enable vehicles associated with the site remediation operations to safely and easily enter the site. Condition 6 requires a pedestrian/cycle crossing to be formed and Road Services are satisfied that this will be provided in advance of the main works to the site in order to protect pedestrians and cyclists using the national cycle route where as it crosses Dock Street. In respect of condition 11 it is agreed that drainage and SUDS details for the site can be agreed prior to any building works commencing on site.
- 7.18** The applicant has not requested any amendment of condition 19, which requires a submission and agreement of a Bird Hazard Management Plan before work commences on site. However, that requirement also relates specifically to the new building and its landscaping, and the construction of the proposed section of access road would not raise any bird hazard issues. It is therefore considered that condition 19 could also be amended with similar wording to that added to the other conditions and Glasgow Airport Safeguarding is satisfied with this approach.

Updated Environmental Statement

- 7.19** The original Environmental Statement (ES) concluded that the recycling facility would not result in significant adverse environmental impacts. Since the original ES was submitted there have been no significant changes in the condition of the site itself or to receptors in the vicinity of the site, and there has therefore been no material change to the baseline situation since the previous approval. The neighbouring land to the east (within the City of Glasgow) was already subject to proposals for housing development at the time of the previous permission, and that remains the case. Nevertheless, at the scoping stage it was agreed that updating of some of the chapters in the ES was necessary to account for changes in legislation and/or guidance. These chapters relate to traffic and transportation, ecology and nature conservation, and air quality.

- 7.20** There would be no changes to the anticipated traffic levels generated by the recycling facility, but the traffic and transportation assessment was updated to take account of revised traffic growth figures and contemporary personal injury accident data. The updated assessment concludes that the severity of any traffic related environmental effects arising from the recycling facility would be slight and negative in nature but that some of the mitigation measures would be expected to provide some degree of positive impact to existing road users. This represents no change from the conclusions of the 2012 Environmental Statement, and the Council's Roads Service has no objection to the proposal. As discussed in section 7.4 above the CWRR City Deal project is likely to generate significant traffic within the vicinity of Dock Street and the A814 and those matters will be dealt with when the final proposal is put forward in 2017. It is considered that the traffic increases along Dock Street as a result of the recycling facility will be moderate compared to the traffic increases as a result of a new link between Renfrew, West Dunbartonshire and Glasgow.
- 7.21** The Environmental Statement ecological assessment was also updated to reflect changes to guidance and to the baseline conditions identified through a new data search and a verification survey carried out by the applicant's consultant in February 2016. It concludes that changes in the site's ecology since the 2012 survey are minor in nature, and the evaluation, impact assessment and mitigation requirements remain essentially the same and no significant effects are predicted on statutory designated sites, legally protected species, or Scottish Biodiversity List habitats and species. The development will not result in significant pollution or deterioration of habitats of wild birds. Scottish Natural Heritage are satisfied with this conclusion and have no further comments to make provided the original conditions relating to these matters are still applied.
- 7.22** The air quality assessment was updated at the request of the Environmental Health Service to take into account the changes since the original work was undertaken. These changes included updates to the recommended approach to determining the significance of air quality effects for planning, more recent weather data and dispersion model, revised consideration of ecological effects and approach to calculating impacts. The updated assessments have shown that the conclusions of the 2012 Environmental Statement have not changed and the proposed development would continue to have a negligible impact on local air quality. The Environmental Health Service concurs with this conclusion.

Health and Safety Executive (HSE) Considerations

- 7.23** HSE requested a minor alteration to the location of the gatehouse which was shown located within the Development Proximity Zone (DPZ) around Nu-Star petrol storage terminal. An amended layout plan has been submitted to show the gatehouse repositioned southwards along the access road so that it is now outside the DPZ. HSE have confirmed that this is acceptable and do not advise against granting planning permission.

8. CONCLUSION

- 8.1** The proposed change to the order of works does not raise any new considerations and it is considered reasonable to form this access in advance of the agreement of the other matters without prejudice to the future development of the site. The new wording of conditions proposed by the applicant is acceptable and would still give the Council the necessary controls over the development. As a Section 42 consent has the effect of granting a new permission with new conditions, the principle of the proposal has also been considered in relation to updated guidance and development plan policies. There is still a requirement for new recycling infrastructure in the Clyde Valley in order to meet national and local targets for waste reduction and the proposal is consistent with the relevant land use policies. It is not considered that the proposal would give rise to any significant adverse environmental, amenity or other impacts.

9. CONDITIONS

- 01. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence until such time as full details of the design and location of all walls and fences to be erected on site have been submitted to and approved in writing by the Planning Authority, and these shall thereafter be implemented as approved.**
- 02. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence until such time as exact details and specifications of all proposed external materials have been submitted to and approved in writing by the Planning Authority, and these materials shall thereafter be implemented as approved.**
- 03. No development shall commence until such time as full details of all hard surfaces have been submitted to and approved in writing by the Planning Authority, and these shall thereafter be implemented as approved.**
- 04. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence until such time as a landscaping scheme for the boundaries of the site has been submitted to and approved by the Planning Authority. Such schemes shall take account of BAA Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at www.aoa.org.uk/publications/safeguarding.asp), and shall include details of the maintenance arrangements. The approved landscaping shall thereafter be implemented not later than the next appropriate planting season after the opening of the waste**

management facility (or, in the case of landscaping which serves a noise attenuation function, not later than the opening of the facility), and the landscaping shall thereafter be maintained in accordance with the approved arrangements.

05. The development hereby approved shall not be brought into use until such time as a Routing Management Plan for heavy goods vehicles travelling to and from the development has been submitted to and approved in writing by the Planning Authority, and implemented by the site operator. Such Plan shall include measures to ensure that (other than vehicles collecting waste from local households and businesses etc.), access and egress to/from the development site shall wherever possible be confined to the following main roads:
- A814 Dumbarton Road, thence Anniesland Road to Anniesland Cross
 - A814 Dumbarton Road/Victoria Park Drive South to Clydeside Expressway or A739 Clyde Tunnel
 - A814 Glasgow Road, thence either A8014 Kilbowie Road or A814 Dumbarton Road and Mountblow Road to A82 Great Western Road/Erskine Bridge
- The Plan shall include measures for monitoring to ensure that the approved strategy is being adhered to.

06. No development shall commence until such time as details of a pedestrian/cycle crossing facility on Dock Street for use by persons using the cycle track along the former railway line have been submitted to and approved in writing by the Planning Authority. Such crossing shall be completed prior to the commencement of use in Area B development in accordance with the approved plans.

07. No built development shall commence in Area B as identified on Drawing 1751-01-03 until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
- a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether such contamination originates on the site);
 - b) An assessment of the potential risks (where applicable) to groundwater, surface water, human health, ecological systems, archaeological sites and property;
 - c) An appraisal of remedial options including a detailed remediation scheme based on the preferred option.

08. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of built development in each development area, unless otherwise agreed

in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement 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 and approved by the Planning Authority.

09. 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.
10. 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 measures. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
11. No development shall commence in Area B as identified on Drawing 1751-01-03 until such time as details of the SUDS and its maintenance following installation for that specific development area have been submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that the 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 prior to the facility being operational.
12. The noise attenuation/soundproofing measures detailed in the approved noise impact assessment shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.
13. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built 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 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 approved in writing by the Planning Authority.

14. 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
15. 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 minimize 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.
16. The recycling facility shall not commence operation until such time as all of the measures to safeguard local air quality and to minimise the risk of dust and odour have been fully implemented in accordance with the approved air quality impact assessment, and all such measures shall be retained thereafter.
17. In the event of complaints of odour or dust arising once the development is operational, the site operator shall investigate any such complaints and shall submit a report to the Planning Authority detailing the source of the problem and the measures proposed (which shall be all measures that are reasonably practicable) to prevent its recurrence. Such measures once approved shall be implemented immediately.
18. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall take place on site until such time as details of all external lighting (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours)

have been submitted to and approved in writing by the Planning Authority. Lighting shall be designed to avoid light nuisance for residential properties and to avoid impact upon the effectiveness of approach lighting for Glasgow Airport. Such lighting shall then be implemented in accordance with the approved details and shall be maintained in this condition. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.

19. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 `Potential Bird Hazards from Building Design`. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.
20. No deliveries of waste or recyclable material and no collections of material from the site shall take place outwith the hours of 0700 hours to 1900 hours.
21. Other than works associated with the construction of the site access as shown on Drawing 1751-01-02, no built development shall commence until such time as the following have been submitted to and agreed in writing by the Planning Authority:
 - a Construction Environmental Management Plan, which shall include details of mitigation measures to protect the water environment during the construction phase, including the provision of sacrificial SUDS;
 - an Environmental Management Plan, which shall include details of the treatment of runoff from the digester storage and effluent treatment facility;
 - a Site Waste Management Plan; and
 - a revised Site Surface Water Management Plan, having regard to the comments contained in SEPA’s letter dated 21 September 2012 (attached)The development shall thereafter be implemented and operated in accordance with these approved plans unless otherwise approved in writing by the Planning Authority.
22. For the avoidance of doubt, “built development” is defined as any works required to form any buildings, internal roads, service/access yards, weighbridges, plant equipment, tanks or

landscaping in the area identified as Development Area B on Drawing No.1751-01-03 but does not include any works necessary to remediate Development Area B.

23. Notwithstanding the details of the approved plans, in the event that prior to the formation of the new access being implemented the Planning Authority notifies the developer of the emergence of detailed proposals for significant road improvements on Dock Street, the developer shall be required to make such reasonable alterations to the detail of the new junction as may be agreed with the Planning Authority at that time.

Peter Hessett
Strategic Lead - Regulatory
Date: 10 October 2016

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Appendix: None

Background Papers:

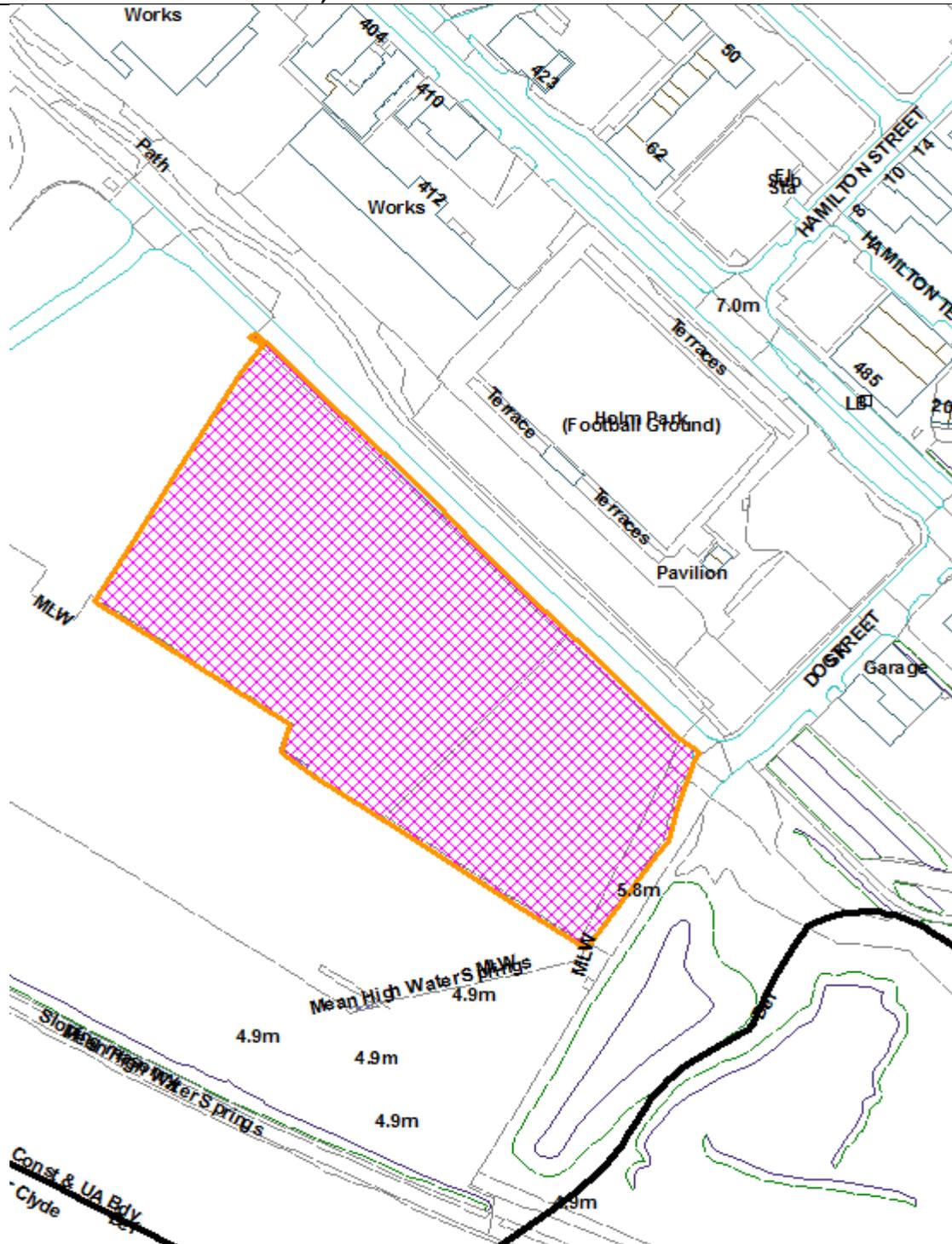
1. Application Forms and Plans
2. Environmental Statement and Supporting Documents
3. Representations and Consultation Responses
4. Planning application no: DC12/143
5. Glasgow and Clyde Valley Strategic Development Plan 2010
6. West Dunbartonshire Local Plan 2010
7. Scotland's Zero Waste Plan (2010)
8. Scottish Planning Policy
9. Planning Advice Note 63
10. Scottish Planning Policy

Wards affected: Ward 6 (Clydebank Waterfront)

DC15/251

Development of a
recyclables sorting facility
recyclables recovery
facility anaerobic digestion
facility including junction
works to glasgow
road/dock street and
associated ancillary work
(variation to conditions 1 2
4 6 7 8 11 13 18 and 21 of
DC12/143)

Vacant Land At Rothesay Dock
Dock Street
Clydebank



WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead - Regulatory****Planning Committee: 26 October 2016**

Subject: Enforcement Appeal Decisions in respect of:

- i) Unauthorised change of use of domestic outbuilding to separate dwelling/holiday accommodation and erection of fence at Fisherwood House, Balloch (EP14/047 & EP15/057); and**
- ii) Unauthorised change of use of retail units to amusement centre at Units 57-61, Shopping Hall 1, 36 Sylvania Way South, Clydebank (EP15/003)**

1. Purpose

1.1 To advise the Planning Committee of the outcome of two enforcement appeals.

2. Recommendation

2.1 It is recommended that the Committee notes the outcome of these appeals

3. BackgroundFisherwood House, Balloch

3.1 Fisherwood House comprises a pair of semi-detached houses in substantial grounds, and is a listed building. An outbuilding was installed in the garden of one of the houses in around 1998, consisting of a portable unit with timber cladding resembling a log cabin. At various times the Council received complaints about the alleged use of this outbuilding as separate living accommodation, but upon investigation the appellant indicated that any such use was of a short term nature and was incidental to the enjoyment of the dwellinghouse and nothing was found to demonstrate otherwise. However, over the years the use of the outbuilding intensified, and once it began to be marketed online as a holiday chalet it became clear that a breach of planning control had occurred. An application for retrospective planning permission for the use of the chalet was refused on 9 September 2015 (decision DC15/137). That decision was subject to a local review, which was dismissed by the Local Review Body on 10 February 2016. An amended enforcement notice was subsequently served requiring that the unauthorised use of the outbuilding cease.

3.2 During the course of the planning application and the local review the appellant erected a timber screen fence adjacent to steps leading into the back of the neighbouring house. This fence was also unauthorised and was considered to be unacceptable, so in addition to dealing with the unauthorised

use of the outbuilding the enforcement notice also required that the fence be removed.

Units 57-61, Shopping Hall 1, Clydebank

- 3.3** A retrospective application to use these units within the indoor market as an amusement centre was refused by the Committee on 24 June 2015 (decision DC15/041). The appellant appealed against the refusal of planning permission, but that appeal was called in and dismissed by the Scottish Ministers (as reported to the Committee on 31 August 2016). Following the conclusion of that appeal, an enforcement notice was served requiring that the unauthorised use of the units cease.

4. Main Issues

Fisherwood House, Balloch

- 4.1** The appellant appealed against the enforcement notice on the following grounds:

- That no breach of planning control had occurred;
- That insofar as a breach has occurred it was immune from enforcement under the “four year rule”;
- That the steps required to comply with the notice was unduly onerous; and
- That the time period for compliance was insufficient.

- 4.2** In relation to the use of the outbuilding as a holiday chalet, the Reporter who determined the appeal dismissed the first of these grounds as it was clear that an unauthorised change of use had occurred. However, in relation to the second ground of appeal the Reporter considered that on the balance of probabilities the change of use had likely occurred at least four years prior to the service of the first enforcement notice. Accordingly, it was considered that the use of the outbuilding had become lawful by virtue of Section 124(2) of the Town and Country Planning (Scotland) Act 1997, (the “four year rule”). Therefore the other grounds of appeal did not require to be considered.

- 4.3** In relation to the fence, the Reporter acknowledged that there might once have been a similar fence at the site, but the fence which was erected in 2015 is a breach of planning control and is not immune from enforcement. It was considered that the fence was injurious to the amenity of the neighbouring house, and that the requirements and compliance period specified in the enforcement notice were proportionate.

- 4.4** Accordingly, the Reporter sustained the appeal in respect of the use of the outbuilding, and granted planning permission for this use. However, the appeal was dismissed in relation to the fence, which the appellant is still required to remove within 28 days of the Reporter’s decision.

Units 57-61, Shopping Hall 1, Clydebank

- 4.5** The appellant appealed against the enforcement notice on the following grounds:

- That the steps required to comply with the notice was unduly onerous; and
- That the time period for compliance was insufficient

4.6 The Reporter who determined the enforcement appeal considered that the steps required complying with the notice (i.e. cessation of the use) and the period for compliance (4 weeks) were appropriate and proportionate. Nevertheless to be consistent with the statutory period for challenging an appeal decision through the courts, the Reporter extended the compliance period to 6 weeks from the date of his decision. The enforcement notice therefore stands, and the appellant is required to cease the use.

4.7 The appellant has recently submitted a planning application to reconfigure some nearby units where a different amusement centre has recently closed, in order to relocate the business. That application will come before the Planning Committee for a decision in due course.

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial Implications

6.1 There are no financial issues associated with this report. Neither appeal was subject to an application for costs.

7. Risk Analysis

7.1 It was not considered necessary to carry out a risk assessment on the matters covered by this report.

8. Equalities Impact Assessment (EqIA)

8.1 An equalities impact assessment is not required.

9. Consultation

9.1 No consultation was required.

10. Strategic Assessment

10.1 There are no strategic issues.

Peter Hessett
Strategic Lead - Regulatory
Date: 12 October 2016

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0141 951 7938

Appendices: Appeal Decision letters:
1) Fisherwood House; and
2) Units 57-61, Shopping Hall 1, 36 Sylvania Way South

Background Papers: None.

Wards Affected: 1) Ward 1 – Lomond
2) Ward 3 – Clydebank Waterfront

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead – Regulatory****Planning Committee: 26 October 2016**

Subject: Antonine Wall Heritage Lottery Fund bid**1. Purpose**

- 1.1 To approve the submission of a Stage 1 Heritage Lottery Fund bid for Antonine Wall related projects.

2. Recommendation

- 2.1 It is recommended that the Committee approve the submission of a Stage 1 bid for Heritage Lottery Fund funding and delegate authority to the Planning & Building Standards Manager to decide in conjunction with the partner organisations whether West Dunbartonshire Council is best placed to act as lead applicant for the bid.

3. Background

- 3.1 The Antonine Wall forms part of the Frontiers of the Roman Empire World Heritage Site. It runs from Old Kilpatrick in West Dunbartonshire to Bo'ness in the Falkirk Council area, passing through the Council areas of Glasgow, East Dunbartonshire and North Lanarkshire. These local authorities, in partnership with Historic Environment Scotland, are responsible for the management of the Antonine Wall World Heritage Site, which is guided by a Management Plan. The Management Plan sets out the following vision for the Wall:

“The Antonine Wall will be a World Heritage Site that is well maintained and sustainably managed to safeguard its Outstanding Universal Value; a property that is established as a world-class visitor experience; a catalyst to connect and transform communities locally, nationally and internationally; a focus to realise sustainable benefits economically, socially and environmentally for locals and visitors alike; and a resource for inspiring learning and creating opportunity for participation and discovery.”

- 3.2 It also sets out long term aims for the Wall including:
- Promote awareness and understanding of this Outstanding Universal value (of the Wall) to local, regional, national and global audiences by improving physical and intellectual accessibility.
 - Realise the World Heritage Site's full potential as an education and learning resource.
 - Build strong structural and organisational partnerships with local, national and international organisations; strengthen engagement with local communities; and contribute to sustainable economic growth.

4. Main Issues

- 4.1** Guided by the Management Plan, the partner organisations have been working with Jura Consulting to develop a Stage 1 bid for Heritage Lottery Funding. West Dunbartonshire Council has been identified as a potential lead applicant as West Dunbartonshire is identified as a priority area for Heritage Lottery Funding.
- 4.2** The bid for Heritage Lottery Funding is a two-stage process. The Stage 1 bid, for which approval is sought through this report, is for Development Phase funding. The Development Phase would run through 2017/18 and involve the employment of staff and consultants to further develop the project ideas ahead of submitting a detailed Stage 2 bid for Delivery Phase funding. The Delivery Phase would run from 2018/19 to 2020/21.
- 4.3** The projects identified for inclusion in the bid seek to address the Management Plan vision for the Antonine Wall and the aims that are set out in paragraphs 3.1 and 3.2 above. The projects are:
- Appoint 3 staff (1 Project Manager and 2 Engagement Officers) to develop and deliver the project.
 - Create a volunteer workforce to support delivery of the project.
 - Reshoot the 1960 film “Walk the Wall” to show landscape change on and around the Wall in the intervening period. This will be a community project filmed by a professional team.
 - Produce 5 replica stone distance markers – one in each Council area. Initial thoughts are that the West Dunbartonshire marker could be located in Old Kilpatrick to mark one end of the wall, corresponding to an existing marker in Bo’ness (the Bridgeness Slab).
 - Community research project with Hunterian Museum to help people understand how carved distance markers would have looked.
 - Work with communities to create projects related to the Antonine Wall such as community curated exhibitions, arts projects, learning projects, events etc. The Antonine Wall interpretation plan will be used to inform this. Two projects per local authority area per annum are envisaged
 - Create 5 outdoor interpretation features close to the Wall making use of play and technology. This project is aimed at engaging young people and families.
 - Outreach programme with Antonine Wall themes and stories taken to “Hub Museums” across Scotland to reconnect the site to museum artefacts.
 - Large-scale public celebration to raise awareness and understanding of the Wall as well as to recognise participant’s contributions.
 - School resource packs to support cross-curricular learning related to the Antonine Wall.
- 4.4** If the Council is to act as project lead, agreements will be required between the Council and each of the partner organisations to ensure that partner contributions are made to the Council and that project delivery occurs in each of the authority areas.

5. People Implications

- 5.1** The project proposal envisages the employment of up to three staff on fixed term contracts. The posts are for a Project Manager and 2 Engagement Officers, who will all assist with developing and delivering the project in collaboration with communities. If the Council is to act as project lead, the staff would be recruited and employed by West Dunbartonshire Council and would be based in, and managed through the Planning & Building Standards Service, but would work throughout the Antonine Wall local authority areas. Salary, employment costs and expenses will be met through Heritage Lottery Funding, partner contributions and other funding sources.

6. Financial Implications

- 6.1** The total cost of the project is £1,698,183 with £1,109,850 (65%) sought from the Heritage Lottery Fund. Included within this, the Development Phase will cost £160,083 with £110,085 (68%) sought from the Heritage Lottery. Historic Environment Scotland and the 5 partner local authorities will contribute £50,000 to match the development phase bid (£8,333 each). The Delivery Phase will cost £1,538,100, with £999,765 (65%) sought from the Heritage Lottery Fund. The partner organisations will contribute £360,000 (23%), equivalent to £20,000 per annum from each partner over a period of three years (2018/19 to 2020/21). For the delivery phase £178,335 will be sought from other funding sources such as Creative Scotland, LEADER, Visit Scotland, Museums Galleries Scotland and grant giving trusts.
- 6.2** West Dunbartonshire Council's total contribution to the project will be £70,000 over 4 years. This will come from designated Antonine Wall budgets, for which there is a £10,000 capital fund and £10,000 revenue fund per annum. This means that the Council's total Antonine Wall budgets for the project years will be designated towards the Heritage Lottery Fund projects.
- 6.3** If the Council is to act as project lead, it would manage all finances associated with the project including the drawing down of grant and receipt of other contributions, and the procurement and payment of services to deliver the project.

7. Risk Analysis

- 7.1** The purpose of the project is to raise awareness of the Antonine Wall locally and amongst visitors, leading to social, cultural and economic benefits for West Dunbartonshire and the other Antonine Wall authority areas. If the project does not go ahead, there is a strong risk that the importance and full significance of the Antonine Wall will not be realised.
- 7.2** There are also risks associated with this Council taking on the lead applicant and managing authority role. These risks and mitigation will be identified in a project risk register as part of the project development phase.

8. Equalities Impact Assessment (EIA)

8.1 An equalities impact assessment screening has been undertaken. This concludes that the project is relevant to the duty to eliminate discrimination, promote equal opportunities or promote good relations, owing to the need to ensure that all sectors of the community are given the opportunity to be involved in the project. A full equalities impact assessment will therefore be undertaken during the development phase of the project.

9. Strategic Environmental Assessment

9.1 The proposed projects are not considered likely to have significant environmental impacts.

10. Consultation

10.1 Partner and stakeholder consultation has helped shape the content of the bid. This included workshops in each of the local authority areas including one in Clydebank on 24 May 2016.

11. Strategic Assessment

11.1 The Antonine Wall Heritage Lottery Fund projects are considered to align with the strategic priority of improving the wellbeing of communities.

Peter Hessett
Strategic Lead - Regulatory
Date: 12 October 2016

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Appendices: None

Background Papers: Equality Impact Assessment

Wards Affected: 4 – Kilpatrick
5 - Waterfront