

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 18 September 2019 at 10.00 a.m.

**Present:** Councillors Gail Casey, Ian Dickson, Diane Docherty and Marie McNair.

**Attending:** Peter Hessett, Strategic Lead – Regulatory; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Antony McGuinness, Team Leader – Forward Planning; Erin Goldie, Team Leader – Development Management; Nigel Ettles, Section Head – Litigation and Nuala Borthwick, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Karen Conaghan, Jim Finn, Douglas McAllister and Lawrence O'Neill.

**Councillor Diane Docherty 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 28 August 2019 were submitted and approved as a correct record.

### **NOTE OF VISITATIONS**

A note of Visitations carried out on 27 August 2019 was submitted for information, a copy of which forms Appendix 1 hereto.

### **OPEN FORUM**

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

Note: Councillor Casey advised that she had not been present at the Meeting of Planning Committee held on 28 August 2019 when the undernoted Continued Application DC19/054 was part-heard, and therefore advised that she would not take part in consideration of the continued application. Thereafter, Councillor Casey left the meeting.

## **PLANNING APPLICATIONS**

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

### **Continued Application**

- (a) **DC19/054 – Residential development 22 units with associated landscaping, parking and ancillary works at Creveul Court, Alexandria by West Dunbartonshire Council.**

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Committee agreed to grant full planning permission subject to the conditions set out in Section 9 of the report to the Meeting of the Committee held on 28 August 2019, as detailed within Appendix 2 hereto.

Note: Councillor Casey re-entered the meeting at this point.

### **New Application**

- (b) **DC19/030 – Change of use from beauty parlour to café (retrospective) at 129 Main Street, Renton by Duncan Wrethman.**

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

Councillor Docherty, Chair, then invited objector Ms Susan Connolly to address the Committee. Thereafter Ms Connolly was heard in respect of her objection and in answer to Members' questions.

After discussion and having heard the Strategic Lead - Regulatory and the Team Leader – Development Management in further explanation and in answer to Members' questions, Councillor Casey, seconded by Councillor Docherty, moved:-

That the Committee refuse the application for the reason set out in Section 9 of the report, as detailed within Appendix 2 hereto.

As an amendment, Councillor Dickson, seconded by Councillor McNair, moved:-

That Committee agrees to continue consideration of this item to the next meeting of the Committee, in order to give the applicant a further opportunity to install a new ventilation system to safeguard the amenity of adjacent residential properties from adverse cooking odours and to allow time for the applicant to seek any grant funding which might be available.

On a vote being taken, 2 Members voted for the amendment and 2 for the motion. There being an equality of votes, Councillor Docherty, Chair, used her casting vote in favour of the motion which was accordingly declared carried.

### **DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT (SEPTEMBER 2019)**

A report was submitted by the Strategic Lead – Regulatory providing an update on the progress of the Development Plan and seeking approval of the annual review of the Development Plan Scheme and Participation Statement.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation of the report and in answer to Members' questions, the Committee agreed to approve the Development Plan Scheme and Participation Statement.

The meeting closed at 10.40 a.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 27 AUGUST 2019

**Present:** Bailie Denis Agnew and Councillors Jim Bollan, Karen Conaghan, Ian Dickson, Diane Docherty and Caroline McAllister.

(The above lists Members who attended at least one site visit).

**Attending:** Erin Goldie, Team Leader – Development Management and Ross Lee, Lead Planning Officer.

SITE VISITS

Site visits were undertaken in connection with the undernoted planning applications:-

(1) Creveul Court, Alexandria

DC19/054 – Residential development 22 units with associated landscaping, parking and ancillary works by West Dunbartonshire Council.

(2) Site At Former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick

DC19/046 – Erection of fabrication building, yard area and ancillary office building with access road, parking, gatehouse and associated infrastructure by Malin Group Properties Ltd.

**DC19/054 – Residential development 22 units with associated landscaping, parking and ancillary works at Creveul Court, Alexandria by West Dunbartonshire Council.**

**GRANT full planning permission subject to the following conditions:-**

1. Twelve months after occupation of the 22 properties 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 6 parking spaces) in accordance with the agreed recommendations and the details shown on 'Proposed Site Plan (Drawing No. 1321-ABC-BB-XX-DR-A-0010 Revision H)'. 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 been formed.
2. No housing unit shall be occupied within the site until the vehicle parking spaces associated with that unit have been provided within the site in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking at all times.
3. Exact details, specifications and samples of all proposed external materials for residential blocks 1, 2 and 3 as part of the development shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and the development shall thereafter be completed in accordance with the approved details.
4. Prior to the commencement of works and further to approved amended plan 'Amended Landscape and Planting Plan Rev C (Drawing No: EH-LD-04)', full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.
5. 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 the development shall thereafter be completed in accordance with the approved details.
6. Prior to the commencement of development, details and specifications of the design and location of all street furniture (including cycle racks, bin stores and lighting) shall be submitted for the further written approval of the Planning Authority. This shall also include details of the structures and features associated with the communal/community garden area and recreational areas

as outlined on approved plan 'Amended Landscape and Planting Plan Rev C (Drawing No: EH-LD-04)' The development shall thereafter be completed in accordance with the approved details prior to the occupation of any of the approved properties, unless otherwise agreed in writing with the Planning Authority.

7. Prior to the commencement of development on site and further to approved amended plan 'Amended Landscape and Planting Plan Rev C (Drawing No: EH-LD-04)', a detailed landscape scheme shall be submitted to and approved in writing by the Planning Authority. These details shall include a full planting schedule and also maintenance arrangements for all landscaping within the site. Once approved, this shall be implemented no later than the next appropriate planting season after occupation of the first property. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details.
8. No development shall commence on site until such time as a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from nearby commercial/entertainment venues. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.
9. No development shall commence on site until such time as a Noise Control Method Statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
10. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed 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.
11. 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.

12. 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.
13. 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;
    - Ecological systems;
    - Archaeological sites and ancient monuments;
  - c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
14. 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.

15. 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.
16. 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.
17. The presence of any previously unsuspected 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.
18. No development shall commence on site until details (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours) of the street lighting within the site have been submitted to and approved in writing by the Planning Authority. The street 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. No development shall commence on site until details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the first property being occupied and thereafter maintained for the lifetime of the development.
20. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported.
21. Prior to occupation of any of residential properties, the developer shall install the necessary infrastructure to enable all properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.



22. Any works to the trees (including felling, lopping, thinning) within the application site shall be carried out in full compliance of the relevant BS5837 Standard and in accordance with the details of the approved 'Tree Survey Report (PALS Tree Services Ltd August 2019)'. These works shall be carried out by a suitably knowledgeable tree surgeon either when the trees are dormant between November and mid-March or when in full leaf during June or July.
23. All works approved on site relevant to the application shall be carried out in accordance with the recommendations and mitigation measures of the approved 'Preliminary Roost Assessment and Ecological Survey Work Report (GAVIA Environmental Ltd. 16<sup>th</sup> April 2019)' and the 'Bat Activity and Tree Survey Report GEL19176/R1/VO (GAVIA environmental Ltd. 22<sup>nd</sup> May 2019)'.
24. Further to condition 24 above, all ground or vegetation clearance works, including any tree felling or demolition works, shall take place out with the main bird breeding season (i.e. outwith the period of April to July inclusive), and no demolition or ground or vegetation clearance works are permitted between April to July in this respect. If this is not possible, a suitable qualified ornithologist/ecologist shall be engaged to survey any buildings, grounds and trees immediately prior to such works to advise the applicant/contractor/developer of any bird and bat nesting activity and of any actions required to protect the birds/bats.
25. Unless otherwise approved in writing, no development shall commence until such time as detailed arrangements to ensure that all public roads are kept free of deleterious material have been submitted to and approved in writing by the Planning Authority. Such measures shall include wheel washing; rumble bars and mechanical brushing. Thereafter, the approved arrangements shall be implemented as approved, and the arrangements for construction traffic entering and exiting the site during construction works will be adhered to until all construction activity is complete on site.
26. Prior to the commencement of development on site, a plan detailing pedestrian access arrangements through the site during the construction period shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt these details shall show an unrestricted means of pedestrian access through the application site including along both Susannah Street and Creveul Court. The approved pedestrian access arrangements will be formed and maintained on site for the duration of the construction activity associated with the development and remain in place until all construction activity is complete on site

**DC19/030 – Change of use from beauty parlour to café (retrospective) at 129 Main Street, Renton by Duncan Wrethman.**

**REFUSE full planning permission for the following reason:-**

The existing ventilation system is inadequate to control odours from the type and method of cooking/menu at the café. A new ventilation system is required and despite requests for the detail of this, the information provided is insufficient and has not confirmed that the ventilation system can safeguard the amenity of adjacent residential properties from odour nuisance. The proposal is therefore unacceptable and contrary to policies RET7, GD1, B3, DS1 and H4 of the Adopted and Proposed Plans.

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