

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 22 October 2014 at 2.04 p.m.

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

Attending: Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning & Building Standards Manager; Keith Bathgate, Team Leader (Development Management); Alan Williamson, Team Leader (Forward Planning); Bernard Darroch, Lead Planning Officer; Alan Douglas, Manager of Legal Services and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

Apology: An apology for absence was intimated on behalf of Councillor Patrick McGlinchey.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

Councillor McColl declared an interest in the item 'DC14/193 – Erection of Primary Schools with associated car park, sports pitch, landscaping and an early education and childcare centre at St Peter's Primary School, Howatshaws Road, Dumbarton by West Dunbartonshire Council' having represented the views of the local community on this item of business, and advised that he would leave the meeting and take no part in any decision in regard to this matter.

CHAIR'S REMARKS

The Chair, Councillor O'Neill, advised that a late representation had been received regarding Item 4(d) on the agenda from Aitkenbar Parent Council which was not included within the report. Councillor O'Neill asked the Committee if it would be in agreement to hear the terms of the objection and if a representative from the Parent Council could address the Committee.

Having heard officers in answer to Members' questions, the Committee agreed that the terms of the objection should be heard and that the representative from the Parent Council be invited to address the Committee at the appropriate point during the meeting.

MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 24 September 2014 were submitted and approved as a correct record.

PLANNING APPLICATIONS

A report was submitted by the Executive Director of Infrastructure and Regeneration in respect of the following planning applications.

New Applications:-

- (a) **DC14/160 – Proposed extension of landfill site, recycling of previously landfilled materials and imported materials to create secondary aggregates at Rigangower Landfill Site by William Thompson & Son (Dumbarton) Ltd.**

The Planning & Building Standards Manager was heard in further explanation of the application and the background relating thereto.

Having heard the Planning & Building Standards Manager and the Lead Planning Officer in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) that it was minded to grant planning permission subject to the conditions specified within the report, details of which are contained within Appendix 1 hereto and to the satisfactory conclusion of a legal agreement to ensure that a suitable restoration bond is in place to cover the cost of restoring the site; and
- (2) to an additional condition requiring that the height of any stockpiling be agreed with the Planning Authority.

- (b) **DC14/167 – Sub-division of existing retail unit and change of use to Betting Office and shopfront alterations at 18 Britannia Way, Clydebank by Betfred.**

Reference was made to the site visit which had been undertaken in respect of the above application.

The Planning & Building Standards Manager was heard in further explanation of the application and the background relating thereto.

The Team Leader (Development Management) advised of a change to 3.3 of the report, that the proposal for a new shop frontage would be created in an existing portion of the front of the building which is currently facing brick and that the first glass window of the Harry Cory business would be affected.

The Chair then invited Mr Graham from McInally Associates, agents for the applicant, to address the Committee. Mr Graham presented his case in support of the application and was heard in answer to Members' questions.

Having heard the Planning & Building Standards Manager and the Team Leader (Development Management) in further explanation of the report and in answer to Members' questions, the Committee agreed to Refuse to Grant planning permission on the grounds that:-

- 1) The proposal would be contrary to policy RET6 of the adopted West Dunbartonshire Local Plan 2010 and to policy SC2 of the West Dunbartonshire Local Development Plan (proposed plan), in that it would result in the loss of ground floor retail floorspace and frontage within the Clydebank core retail area in circumstances where the resultant use would not serve to reinforce or revitalise the centre; and
- 2) The proposal would result in an undue concentration of betting shops and other non-retail uses within Clydebank Town Centre to the detriment of the character and amenity of the area and the economic wellbeing of the local community.

(c) DC14/173 – Modification of Planning Agreement relating to permission CB88/152, in order to allow up to 30% of net retail floorspace to be used for the sale of food and drink, at Unit 7A, Clyde Retail Park, Clydebank by Motherwell Investment LP.

The Planning & Building Standards Manager was heard in further explanation of the application and the background relating thereto.

Having heard the Planning & Building Standards Manager and the Team Leader (Development Management) in further explanation of the report and in answer to Members' questions Councillor Agnew, seconded by Councillor Finn moved that:-

The Committee agree to continue consideration of the application, to allow officers to seek clarification from the applicant on the proposed intended use of the retail unit.

As an amendment, Councillor McColl, seconded by Councillor Mooney moved that:-

The Committee agree:-

- (1) to indicate that it is Minded to Grant an alteration to the existing planning agreement to specify that not more than 30% of the unit's floorspace may be used for the sale of food or drink: and

- (2) that authority be delegated to the Planning & Building Standards Manager to conclude the modification of the planning agreement.

On a vote being taken, 7 Members voted for the amendment and 2 for the motion. Accordingly the amendment was declared carried.

(d) DC14/193 – Erection of Primary Schools with associated car park, sports pitch, landscaping and an early education and childcare centre at St Peter's Primary School, Howatshaws Road, Dumbarton by West Dunbartonshire Council.

The Planning & Building Standards Manager was heard in further explanation of the application and the background relating thereto. The Planning & Building Standards Manager clarified that the request for each school to have a separate entrance in order to retain their own identities was specifically requested by St Peter's Parent Council and the Archdiocese.

The Planning & Building Standards Manager read out the terms of the representation received from Aitkenbar Parent Council, copies of which were circulated to those Members present.

The Chair then invited Ms Hamill, a representative for Aitkenbar Parent Council to address the Committee. Ms Hamill made the views of the Parent Council known.

Having heard the Planning & Building Standards Manager in further explanation of the report and the Manager of Legal Services in answer to Members' questions, Councillor Rainey, seconded by Councillor Sorrell moved that:

The Committee agree to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 2 hereto.

As an amendment Councillor Mooney, seconded by Councillor Agnew moved that:

The Committee agree to continue consideration of the application, to seek further clarification on potential planning adjustments and to allow further discussions between the Parent Council and the applicant on the issues raised by the Parent Council.

On a vote being taken, 3 Members voted for the amendment and 5 for the Motion which was accordingly declared carried.

Note:- Councillor McColl left the meeting during consideration of this item.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn for a period of 5 minutes.

The meeting reconvened at 3.24 p.m. with all those Members shown on the sederunt in attendance.

DIVERSION OF PUBLIC PATH AT/NEAR WESTER COCHNO FARM, COCHNO ROAD, HARDGATE BY MR RICHARD SPRATT

A report was submitted by the Executive Director of Infrastructure and Regeneration seeking agreement not to proceed with the public path diversion order.

Reference was made to the site visit which had been undertaken in respect of the above.

The Planning & Building Standards Manager and the Team Leader (Development Management) were heard in further explanation of the report and the background relating thereto.

The Chair invited Mr Thomson, Mrs McGeachy and Mr Cameron, local residents to address the Committee. Mr Thomson, Mrs McGeachy and Mr Cameron made their views on the proposed public path diversion order known. Mr McNair, representing Parkhall, North Kilbowie and Central Community Council also made the views of the Community Council known.

Following discussion, the Committee agreed that officers should not proceed with the public diversion order.

SCOTTISH GOVERNMENT CONSULTATION ON PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES

A report was submitted by the Executive Director of Infrastructure and Regeneration seeking approval of the Council's response to the consultation on Planning Controls, Pay Day Lending and Betting Offices, as detailed within Appendix 1 to the report.

The Committee agreed that Appendix 1 to the report be submitted to the Scottish Government as this Council's response to the consultation on Planning Controls, Pay Day Lending and Betting Offices.

The meeting closed at 3.55 p.m.

DC14/160 – Proposed extension of landfill site, recycling of previously landfilled materials and imported materials to create secondary aggregates at Rigangower Landfill Site by William Thompson & Son (Dumbarton) Ltd.

MINDED TO GRANT subject to the following conditions:-

1. This permission shall endure until 22 October 2044.
2. Only solid, inert, non-toxic, non-ferrous materials shall be deposited on site and excludes any liquids, sludge, oil, domestic refuse or plasterboard.
3. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels to prevent mud and deleterious materials being deposited on the public road.
4. Access to and egress from the site for all vehicles shall be taken from the Dunglass roundabout with no vehicular access or egress to be taken from Miltonhill.
5. Prior to the commencement of works, full details of the design, location and height of the screen bunds to be formed on site shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the installation of any plant on site.
6. Prior to the commencement of works, full details of the location, species and size of the tree planting that is to be undertaken along the western boundary of the site shall be submitted for the further written approval of the Planning Authority and shall be planted prior to the formation of the settlement ponds, stockpile area or the installation of any plant on site.
7. Prior to the commencement of works, full details of the height and location of any stockpiles of materials to be stored on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be stored in accordance with these details.
8. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West Of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
9. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the written approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the

development and identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.

10. The operating hours of the landfill site including the dispatch of aggregates shall be between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays, Only emergency works, water pumping, servicing or maintenance of plant are permitted to take place outside the permitted hours of operation.
11. Within twelve months from the date of this planning permission, and thereafter at twelve monthly intervals, the applicant shall submit plans at an appropriate scale indicating the progress of operations. The plan will indicate the current position of the extraction area, the extent of landfilling (including level details) and any landscaping or restoration works that have been implemented.
12. Notwithstanding the submitted details, the final restoration details for the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the approved operations on site. These details shall include a restoration masterplan which demonstrates how the site will be restored on a phased basis unless otherwise agreed in writing with the Planning Authority.

DC14/193 – Erection of Primary School with associated car park, sports pitch, landscaping and an early education and childcare centre at St Peter's Primary School, Howatshaws Road, Dumbarton by West Dunbartonshire Council.

Permission GRANTED subject to the following conditions:-

1. During the period of construction no delivery or removal of material from the site shall take place outwith the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays unless otherwise approved in writing by the Planning Authority.
2. 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.
3. 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 and shall be implemented as approved prior to the occupation of the new school. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.
4. 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 thereafter be implemented as approved.
5. Prior to the commencement of works on site full details of all ground surfaces including play surfaces, social space, roads and pathways shall be submitted for the further written approval of the Planning Authority and implemented as approved prior to the occupation of the new school.
6. Prior to the commencement of works, full details of the design and location of all bin stores, walls and fences (including retaining walls), acoustic fencing and ball stop fencing to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented within a timescale to be agreed by the Planning Authority.
7. Details of the design and height of any sprinkler tanks shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved, prior to the school being brought into use.
8. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new school.

9. Notwithstanding the approved plans, details of the design and location of all external furniture, including cycle shelters shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new school.
10. Notwithstanding the approved plans, details of all external signage shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new school.
11. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees, shrubs and plant species shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. Planting shall be undertaken within a timescale to be agreed by the Planning Authority and no later than the next planting season after occupation of the school. Any trees or shrubs removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees or shrubs of a similar size or species.
12. The sports pitch on site shall only be available for community use once an acoustic fence is erected on site and the pitch shall thereafter only be available for community use in the evenings, at weekends and during school holidays during the following hours:
 - 9am to 9pm Mondays to Fridays;
 - 9am to 5pm on Saturdays; and
 - 10am to 5pm on Sundays.
13. No development shall take place on site until such time as details of the floodlights, including their exact location, design and lighting specification has been submitted to and approved in writing by the Planning Authority. The floodlights 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.
14. The floodlights shall be switched off and shall not be in use after 9pm Monday to Friday and 5pm on Saturdays and Sundays.
15. Notwithstanding the approved plans, details of the specification and surface of the synthetic grass pitch shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. These details shall include appropriate safety margins around the outside of the playing surfaces of the pitch and appropriate drainage. The synthetic grass pitch shall be operational within a timescale to be agreed by the Planning Authority prior to the commencement of development.
16. Prior to the commencement of development on site a School Travel Plan and Workplace Travel Plan shall be submitted for the further approval of the

Planning Authority and any actions arising from it shall be implemented prior to the occupation of the new school and shall be maintained thereafter.

17. Prior to the occupation of the school traffic calming measures shall be provided on the adjacent roads. Details of these measures shall be submitted to and agreed with the Planning Authority prior to the commencement of development on site.
18. Prior to the commencement of development on site, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and thereafter it shall be implemented prior to the school being brought into use and maintained as approved.
19. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the written approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction and identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.
20. The ground investigation report (Dated June 2014 by Waterman Energy, Environmental & Design Limited) identifies an area of ground at the south of the site which is contaminated with hydrocarbons (TPH and PAHs) and requires to be removed. No development shall take place until further information has been submitted to and approved in writing by the Planning Authority which demonstrates the effect of reusing this contaminated land on the groundwater regime.
21. 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.
22. 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

23. 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 remediation works carried out within a timescale to be agreed by the Planning Authority.
24. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
25. Development shall not commence on site until a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the 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 shall take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.