



# Agenda

## Planning Committee

**Date:** Wednesday, 22 February 2017

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**Time:** 14.00

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

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**Contact:** Craig Stewart, Committee Officer  
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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: 10 February 2017

## **PLANNING COMMITTEE**

**WEDNESDAY, 22 FEBRUARY 2017**

### **AGENDA**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

**3 MINUTES OF PREVIOUS MEETING 7 - 12**

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 25 January 2017.

**4 NOTE OF VISITATIONS 13**

Submit, for information, Note of Visitations carried out on 23 January 2017.

**5 PLANNING APPLICATIONS**

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

- (a) DC16/270 – Formation of heavy goods vehicle operating centre comprising new workshop building and parking area on land at Burroughs Way, Vale of Leven Industrial Estate, Dumbarton by McPherson Ltd. **15 - 27**
- (b) DC16/280 – Partial demolition and redevelopment of existing retail unit with ancillary uses including a new cafe, soft play area, outdoor seating area with children's play area, and associated improvements to the main access, car park, coach parking, landscaping and the provision of a coach drivers' rest area and ancillary works (renewal of permission DC12/093) at Antartex Village, Bowie Road, Alexandria Industrial Estate by Edinburgh Woollen Mill Group. **29 - 39**
- (c) DC16/273 – Change of use of from retail unit (class 1) to financial, professional and other services (class 2) at 93 High Street, Dumbarton by Mr Simon Fuller, Glasgow Southside Orthodontics. **41 - 45**

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|-----------|---|------------------|
| <b>6</b>  | <b>DUMBARTON WATERFRONT PATH PLANNING GUIDANCE</b>  | <b>47 - 68</b>   |
|           | Submit report by the Strategic Lead – Regulatory seeking approval of Planning Guidance on Dumbarton Waterfront path.  |                  |
| <b>7</b>  | <b>CLYDEBANK BUSINESS PARK PLANNING GUIDANCE</b>  | <b>69 - 91</b>   |
|           | Submit report by the Strategic Lead – Regulatory seeking approval of Planning Guidance on Clydebank Business Park.  |                  |
| <b>8</b>  | <b>PLANNING APPEAL CONCERNING MODIFICATION OF PLANNING OBLIGATION RELATING TO OCCUPANCY RESTRICTION AT FLATS 9, 10 AND 11, CHERRY TREE COURT, HILL STREET, ALEXANDRIA (DC16/160)</b>  | <b>93 - 94</b>   |
|           | Submit report by the Strategic Lead – Regulatory informing of the outcome of a planning appeal at the above location.   |                  |
| <b>9</b>  | <b>PLANNING APPEAL CONCERNING PROPOSED WORKING OF DUMBUCKHILL QUARRY OTHERWISE THAN IN COMPLIANCE WITH CONDITIONS OF PERMISSION DC02/187 (DC14/168)</b>   | <b>95 - 97</b>   |
|           | Submit report by the Strategic Lead – Regulatory informing of the outcome of a planning appeal at the above location.   |                  |
| <b>10</b> | <b>SCOTTISH GOVERNMENT CONSULTATION ON RAISING PLANNING FEES</b>  | <b>99 - 103</b>  |
|           | Submit report by the Strategic Lead – Regulatory requesting consideration of the Scottish Government consultation on proposed changes to the fee arrangements for planning applications, and to agree the Council's response. |                  |
| <b>11</b> | <b>STREET NAME FOR NEW HOUSING DEVELOPMENT SITE AT SECOND AVENUE/SINGER STREET, CLYDEBANK</b>   | <b>105 - 108</b> |
|           | Submit report by the Strategic Lead – Regulatory requesting the allocation of a new street name to the housing development site at Second Avenue and Singer Street, Clydebank.  |                  |

**12      STREET NAMES FOR NEW HOUSING DEVELOPMENT      109 - 110**  
**SITE AT CASTLEGREEN STREET/CASTLE ROAD, DUMBARTON**

Submit report by the Strategic Lead – Regulatory requesting the allocation of new street names to the new housing development site at Castlegreen Street/Castle Road, Dumbarton.

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**PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 25 January 2017 at 2.02 p.m.

**Present:** Councillors Denis Agnew\*, Gail Casey, Jim Finn, Jonathan McColl, Patrick McGlinchey, John Mooney, Lawrence O'Neill and Hazel Sorrell.

\* Attended later in the meeting.

**Attending:** Peter Hessett, Strategic Lead – Regulatory; Pamela Clifford, Planning & Building Standards Manager; Bernard Darroch, Lead Planning Officer; Raymond Walsh, Interim Manager – Roads and Transportation; Pat Hoey, Service Coordinator, Environmental Pollution Group; Nigel Ettles, Section Head - Litigation and Craig Stewart, Committee Officer.

**Apologies:** Apologies were intimated on behalf of Provost Douglas McAllister and Councillor Tommy Rainey.

**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 21 December 2016 were submitted and approved as a correct record.

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

**NOTE OF VISITATIONS**

A Note of Visitations carried out on 19 December 2016, a copy of which forms Appendix 1 hereto, was submitted and noted.

## PLANNING APPLICATIONS

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

- (a) **DC16/227 – Non-Compliance with Condition 3 of permission DC16/079 (deletion of requirement to provide pedestrian crossing), and DC16/269 - installation of two car parking spaces (retrospective) at Children’s Soft Play Area, Unit 2, Bleasdale Court, 2 South Avenue, Clydebank Business Park, Clydebank by Neil Halls.**

Having heard the Planning & Building Standards Manager in relation to signage to the overspill car park, the Committee agreed to continue consideration of the applications to the next meeting of the Committee in order to enable further discussions to take place with the applicant and with officers from Roads and Transportation.

- (b) **DC16/279 – Use of existing synthetic sports pitch for community lets without providing acoustic fence (variation of Condition 12 of permission DC14/193) at Aitkenbar/St. Peter’s Primary Schools, Dumbarton by West Dunbartonshire Council.**

After discussion and having heard the Planning & Building Standards Manager in further explanation and in answer to Members’ questions, the Committee agreed that the sports pitch on site shall be available for community use on a temporary basis until 13 August 2017 by supervised users aged 16 or under without the requirement to erect an acoustic fence. Thereafter, from 14 August 2017 the sports pitch shall only be available for community use once an acoustic fence is erected on site.

- (c) **DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) at Development Site, Dumbarton Road, Milton by William Rooney.**

The Committee agreed:-

- (1) that it was minded to grant planning permission; and
- (2) that authority be delegated 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 hereto and to the satisfactory conclusion of a planning obligation, or other appropriate mechanism, for securing a developer contribution towards Green Network enhancements.

The meeting closed at 2.33 p.m.



**PLANNING COMMITTEE**

**NOTE OF VISITATIONS – 19 DECEMBER 2016**

**Present:** Councillor Jim Finn.

**Attending:** Keith Bathgate, Development Management Team Leader and Bernard Darroch, Lead Planning Officer.

**Apologies:** Councillors Gail Casey and John Mooney.

**SITE VISITS**

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

(a) Former Napierston Farm, Napierston Road, Bonhill, Alexandria

DC16/156 – Erection of 12 houses including new access road and parking by Argyle Homes (Bonhill) Ltd.

(b) Development site at Dumbarton Road, Milton

DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) by William Rooney.

**DC16/146 – Erection of 4 Detached Dwellinghouses (Renewal of Permission DC11/268) at Development Site, Dumbarton Road, Milton by William Rooney.**

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

1. Prior to the commencement of development details of the Sustainable Urban Drainage Systems and its maintenance following installation shall be submitted for the approval of the Planning Authority. The SUDS shall be designed to ensure that those contaminants are not mobilised and that pollution pathways into the adjacent watercourse are not created. The drainage arrangements shall also ensure that there is no drainage or run off onto the A82 or its road drains. The approved drainage arrangements shall thereafter be formed prior to occupation of any house and maintained on site thereafter in accordance with the approved details.
2. 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, crops, livestock, pets, woodland and service lines and pipes
    - Groundwater 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.
3. 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 Environment Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.

4. Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works and prior to any dwelling being occupied, the developer shall submit a report to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.
5. 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.
6. 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.
7. Prior to the commencement of works, full details of the design of all lighting, walls, fences and bin stores to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.
8. Prior to the commencement of development, details of the provision of traffic calming measures comprising the provision of two "sleeping policemen" on the access road within the adjacent playing field (or of such alternative traffic calming as may be agreed), shall be submitted to and approved in writing with the Planning Authority
9. No house shall be occupied until the construction of the turning head, passing place, traffic-calming, signage and off street parking have been completed in accordance with the approved plans and to the standard specified in the adopted Roads Development Guide. The passing place and turning area shall thereafter be kept available for use at all times.
10. No development shall commence until such time as a scheme of landscaping of the site has been submitted to and approved by the planning authority. Such landscaping scheme shall include the retention of existing trees as shown on the approved plans, and replacement planting equivalent to those which are to be removed. The approved landscaping arrangements shall thereafter be implemented as approved.
11. 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 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.

DRAFT

**PLANNING COMMITTEE**

**NOTE OF VISITATIONS – 23 JANUARY 2017**

- Present:** Councillors Jim Finn and John Mooney.
- Attending:** Pamela Clifford, Planning & Building Standards Manager and Bernard Darroch, Lead Planning Officer.
- Apologies:** Councillors Jim Bollan, Jim Brown, Gail Casey, John Millar and Martin Rooney.

**SITE VISITS**

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

(a) Unit 2 Bleasdale Court, 2 South Avenue, Clydebank Business Park

DC16/227 – Non-Compliance with Condition 3 of permission DC16/079 (deletion of requirement to provide pedestrian crossing), and DC16/269 - Installation of two car parking spaces (Retrospective) at Children's Soft Play Area, Unit 2, Bleasdale Court, 2 South Avenue, Clydebank Business Park, Clydebank by Neil Halls

(b) Aitkenbar/St. Peter's Primary Schools, Dumbarton

DC16/279 – Use of existing synthetic sports pitch for community lets without providing acoustic fence (variation of Condition 12 of permission DC14/193) at Aitkenbar/St. Peter's Primary Schools, Dumbarton by WDC



**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead- Regulatory**

**Planning Committee: 22 February 2017**

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**DC16/270:            Formation of heavy goods vehicle operating centre comprising new workshop building and parking area on land at Burroughs Way, Vale of Leven Industrial Estate, Dumbarton by McPherson Ltd.**

**1.     REASON FOR REPORT**

- 1.1**    This proposal which raises issues of local significance and is considered to be a departure from the adopted development plan. Under the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2.     RECOMMENDATION**

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

**3.     DEVELOPMENT DETAILS**

- 3.1**    The application relates to undeveloped land within the Vale of Leven Industrial Estate. It is located at the western edge of the industrial estate, between the River Leven and the Council's recently constructed industrial units. The site is currently open land containing grass and trees. It is roughly rectangular in shape and extends to approximately 2 hectares. The site contains a relatively flat area adjacent to the existing industrial units, with a drop of around 1m to a lower area of the site which gently slopes down towards the River Leven. To the north and east of the site are various industrial units within the industrial estate, whilst to the west and south of the site there is a 40m wide strip of undeveloped land containing a mixture of trees and open space which separates the site from the River Leven. There is a path within this area which leads to a footbridge over the River Leven, linking the industrial estate with Renton.
- 3.2**    The applicant is a large haulage firm which provides transport for the drinks industry, and has a UK-wide contract with Chivas for distribution of spirit. The firm is based in Morayshire but its west of Scotland operations are carried out from various small lorry parking areas on Chivas property at Kilmalid, Dumbuck, Dalmuir, Paisley and sites in Ayrshire. It is proposed to consolidate these operations into a single operating centre and to bring maintenance

functions which are currently subcontracted “in house”. The company’s preference is for a site in the Dalmuir or Dumbarton areas in order to minimise empty vehicle movements, and the application site is particularly suited to the applicant’s needs due to its proximity to the Kilmalid plant.

**3.3** The application seeks to develop the site as a heavy goods vehicle operating centre, which would include the creation of a large lorry parking area and the construction of a workshop building and a vehicle wash. The majority of the land would be finished in a permeable type 1 surface or similar material to provide a maximum of 112 lorry parking spaces. It is proposed to form 80 spaces immediately, and a further 32 spaces (net) as a second phase depending upon future demand. Heavily trafficked parts of the site (around the building and the ramps where the site levels change) would be finished with a concrete surface. The workshop building would contain two HGV bays for inspection and maintenance of the applicant’s fleet. It would have a footprint of 500m<sup>2</sup> and would have a standard industrial appearance, being 8m high with a shallow pitched and finished in metal cladding panels. The building would be set well back from the road within the higher part of the site. The main vehicular access would be from the turning head at the west end of the existing road which runs along the northern edge of the site, and an emergency access would also be formed at the eastern end of that frontage. The site would be enclosed by a 2.4m high weldmesh fence. The operating centre would be in use 24 hours per day throughout the week, although levels of activity would vary according to delivery schedules. Approximately 60 existing staff (mainly drivers) would relocate to the site from their existing operating bases, and around 15-20 new jobs are expected to be created within the first year.

**3.4** The existing trees along the edge of the road would be retained except where removal is necessary to create the access points and thinning out of some unhealthy trees. However, the remainder of the trees within the site (mostly located along the sloping ground between the two levels) will require to be removed in order to facilitate the development. A Flood Risk Assessment, an Ecological Assessment, Design Statement and a Site Investigation Report have all been submitted as part of the application, in order to address the various technical issues.

## **4. CONSULTATIONS**

**4.1** Scottish Environmental Protection Agency has no objection to the proposal subject to conditions which relate to the finished floor level of the workshop building and that no land raising or earthworks take place within the functional floodplain.



- 4.2 West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to lighting and permitted hours of construction on site.
- 4.3 West Dunbartonshire Council Economic Development Service supports the proposal as efficient logistics are necessary for the food and drink industry, which is an important local employer.
- 4.4 Scottish Natural Heritage, Scottish Canals and West Dunbartonshire Council Estates and Roads Services all have no objection to the proposal.

## 5. REPRESENTATIONS

- 5.1 Two representations have been submitted, one from the Strathleven Regeneration Company and the other from Chivas Brothers (Pernod Ricard). Both support the proposal for the following reasons:
- The Vale of Leven Industrial Estate is a suitable location for this type of development;
  - With the intended relocation of bottling operations from Paisley to Kilmalid the existing lorry parking area at Kilmalid will cease to be available. It is important that the applicant finds a suitable new location which is in close proximity to the expanded Kilmalid plant.

## 6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- Glasgow and the Clyde Valley Strategic Development Plan
- 6.1 The proposed development site is located within the Strathleven Corridor where Vale of Leven/Lomondgate is identified as a Strategic Economic Investment Location. Strategic Support Measure 3 seeks to ensure that through the Local Development plan process, measures are put in place to safeguard current locations and to ensure their ability to respond to their defined role and function. Diagram 4 (Sustainable Location Assessment) sets out criteria to assess whether the development will contribute positively to the Spatial Development Strategy. Consequently, the proposal should be subject to Local Development Plan assessment. The proposed development will result in the relocation of an existing business and bring economic benefit to the area.
- West Dunbartonshire Local Plan 2010
- 6.2 A small part of the site is designated for industrial and business use, where Policy LE1 states that there shall be a presumption in favour of uses which positively extend the permanent employment potential of the site. However, the majority of the site is designated for woodland or parkland retention, where Policy E7 states a presumption in favour of the retention of areas of

existing woodland or parkland. The proposal is therefore contrary to Policy E7.

- 6.3** The Vale of Leven Industrial Estate is defined as a Strategic Industrial and Business Location (SIBL) under policy LE6. Within such areas economic development uses will be promoted. The SIBL designation corresponded with a policy in the former structure plan which has since been superseded by the current SEIL designation.
- 6.4** Policy GD1 is applicable to all new development and aims to ensure that development is of a high quality of design and respects the character and amenity of the surrounding area. The design of the proposed workshop building and associated works is discussed in Section 7 below and is considered to be appropriate and complies with Policy GD1.
- 6.5** Policy E5 indicates that new development affecting trees should be subject to a tree survey, that loss of trees should be minimised, and that suitable safeguarding measures and new planting should be employed where appropriate. Policy E9 indicates that development within green corridors should have regard to the landscape character of the area. Proposals which are detrimental to landscape character will not normally be allowed unless they are supported by other policies and are subject to suitable mitigation measures.
- 6.6** Policy F1 indicates that the Council will resist developments on the function floodplain, or which are likely to increase the risk of flooding. The site is largely within the functional floodplain and the proposal is therefore contrary to policy F1. However, following discussions with SEPA it is considered that this particular development is not particularly sensitive to flooding and there would be no risk of increasing flooding elsewhere.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### Proposed Strategic Development Plan

- 7.1** The proposed Strategic Development Plan (to replace the current Plan) was published in January 2016 and was submitted to the Scottish Ministers for Examination in May 2016. Policy 1 of the Plan requires new development to contribute to the creation of high quality places and Table 1 sets out a Placemaking Principle based on the six principles of creating successful places. The proposed development is not considered to be of a strategic scale by the proposed Strategic Development Plan because the site does not exceed 2 hectares.

### West Dunbartonshire Local Development Plan (LDP) Proposed Plan

- 7.2** 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.

- 7.3** A small part of the site is reserved for business, industrial, or storage and distribution uses under policy GE1, and the proposal is consistent with this policy. The majority of the site is identified for open space and green network enhancements, where policy GN1 states that development which would result in the loss of an open space will not be permitted unless provision of an open space of equal or enhanced quality and value is provided within the development or nearby vicinity. Although the proposal would include some enhancement of neighbouring green space the proposal would be contrary to policy GN1.
- 7.4** Within the Lomondgate and Vale of Leven Industrial Estate 'Changing Place', the strategy supports improvements to the industrial estate to enhance its role as part of the Lomondgate Strategic Economic Investment Location (SEIL). Within the SEIL economic development is encouraged, in particular in support of key economic sectors. Proposals for development should improve the quality of the estate, including its green network value. The route of the proposed Lomond Canal should be protected from incompatible development. The proposal would support the key economic sector of the food/drink industry, and would contribute to the attractiveness of the industrial estate for investment and is therefore broadly consistent with the strategy. Issues relating to the Lomond Canal are considered in paragraph 7.16 below.
- 7.5** Policy GN2 states that all development will be required to follow the Integrating Green Infrastructure approach to design by incorporating elements such as SUDS, open space or habitat enhancement proportionate to the scale of the development. The proposal includes SUDS and some open space/habitat enhancement, and the applicant has sought to minimise loss of greenspace by having as compact a site as possible and preserving the wildlife corridor along the river edge. The proposal is therefore considered to comply with GN2.
- 7.6** Policy DS1 requires all development to contribute towards creating successful places by having regard to the six qualities of a successful place. These include:

- Distinctiveness (e.g. creating quality public spaces with suitable landscaping);
- Adaptable (e.g. avoiding the creation of spaces which are likely to become neglected or obsolete);
- Easy to get to and move around (e.g. providing good pedestrian links);
- Safe and pleasant (e.g. incorporating appropriate lighting);

These issues are discussed below, and the proposal would comply with Policy DS1.

- 7.7** Policy DS6 indicates that development will not be supported on the functional floodplain. The development is largely on the functional floodplain the proposal is contrary to this policy but this issue is discussed in paragraph 7.17-7.18 below.

Scottish Planning Policy (SPP)

- 7.8** The SPP supports a catchment-scale approach to sustainable flood risk management. A precautionary approach should be taken with regard to flooding and to achieve this, the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. It is important that development is located away from functional flood plains. Although part of this site is within the flood plain, the workshop building is to be located outwith the flood plain. In order to ensure that the development within the flood plain does not increase flood risk, the surface will be permeable and there will be no land raising. These design measures will prevent flood risk being increased elsewhere. The SPP also states that the planning system should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environment.

Principle of Business/Industry Development

- 7.9** Although this land has not previously been developed, the site is within the Vale of Leven Industrial Estate and a part of the site has been allocated for industrial development in successive development plans since at least the 1980s. Development of that part of the site as an HGV operating centre would therefore be consistent with longstanding intentions for part of the site as well as current development plan policies. It would also assist in the regeneration of the Vale of Leven Industrial Estate whilst supporting new employment within the Dumbarton/Vale of Leven area. However, the majority of the site is designated for woodland/parkland retention or open space/green network in the adopted and proposed plans, and the development of this land would be contrary to the corresponding policies.
- 7.10** The food and drink industry is a strategically important industrial sector and an important local employer, and efficient freight transport is an important support industry. The applicant's current operations are less than optimal because

they are dispersed between a number of small facilities, and it would be advantageous to both the applicant and their clients for them to have a single operating centre. Furthermore, plans by Chivas to expand the Kilmalid bottling plant and to close their Paisley facility will mean that existing lorry parking facilities at these two sites will cease to be available.

- 7.11** Before identifying the application site as their preferred location, the applicant considered a number of sites within West Dunbartonshire, Renfrewshire and Glasgow. Their operational requirement is for a relatively level site of a sufficient size somewhere west of the Kingston Bridge, with the applicant's preference being for a site close to the Chivas facilities in Dalmuir or Dumbarton, in order to minimise dead mileage. The facility also cannot be adjacent to housing as it operates 24 hours a day. The applicant was unable to identify any alternative sites which met these requirements. The available brownfield sites in the Vale of Leven Industrial Estate were unsuitable due to their gradients or proximity to housing. The application site is the only potential site which the applicant was able to identify as being suitable for their business needs.

#### Open Space and Ecology

- 7.12** The proposal would result in the loss of around 2ha of existing open space, which comprises rough grassland with some trees, and which forms part of a much larger area of open space wrapping around the industrial estate along the east bank of the River Leven. The area appears to have been planted as parkland in the past but it has since reverted to a semi-natural state with some self-seeded scrub growth. The site forms part of the attractive parkland setting for the industrial estate but it is not of particular landscape value in its own right. A broad strip of similar (but slightly more wooded) open space would remain along the riverside and this would maintain both the landscape setting of the estate and the wildlife corridor along the river. There are no footpaths within the application site, and the nearby footpath along the riverside is not affected by the proposal.
- 7.13** An ecological survey has been carried out and has found no plant species of particular conservation note or rarity. The corridor along the River Leven is used by otters but the site itself is well set back from the river and its development should not impact on otters. The trees on the site are not suitable for bat roosts or hibernation. It is possible that the site may be used for foraging or as temporary roosts, and therefore tree felling should follow a bat method statement. Other than this, there is no evidence of use of the site by protected animal or bird species. The ecologist recommends the retention of grassland and trees around the site edges and various mitigation measures during construction to minimise impacts on wildlife, for example avoiding tree felling during bird breeding season. These matters can be addressed by conditions.

- 7.14** In addition to the application site, the applicant controls around 3.6ha of similar open space to the south and east of the site, including the footpath which runs along the river edge. In order to offset the loss of open space it is proposed to require a scheme of habitat, landscape and/or public access improvements within this land. Such improvements might include additional native planting around the edge of the application site to reduce its visibility from the riverside path. A condition requiring the agreement and implementation of such a scheme is recommended.
- 7.15** On balance, whilst the loss of existing open space is to be regretted, it is considered that in this instance it is outweighed by the economic benefits of the proposal. The open space itself is of limited environmental and landscape value, and subject to suitable mitigation measures and to open space improvements within the surrounding land it is considered that the development may enhance surrounding open space.

#### Lomond Canal

- 7.16** The indicative route of the Lomond Canal crosses the application site. Whilst the Council and Scottish Canals remain supportive of the principle of the canal, it cannot be delivered without very substantial third party funding and it is very unlikely to be delivered in the short to medium term. In view of this fact it is not considered reasonable to prevent development on its indicative alignment, especially as other routeing options would be possible. Furthermore, Scottish Canals have no objection to the proposal.

#### Flooding and Drainage

- 7.17** Much of the site is located within the functional floodplain of the River Leven. Within such areas there is usually a presumption against development, but the proposal has been subject to extensive discussions with SEPA and the Council's own Roads Service, and a flood risk assessment has been undertaken. SEPA are satisfied with the content of the flood risk assessment and have no objection to the proposed development subject to two requirements. The new workshop building is to be located on the higher part of the site (which is outwith the floodplain) in order to ensure that this building is not at significant risk of flooding. Whilst the formation of lorry parking within the functional floodplain is accepted, there must be no landraising within this area which would reduce the flood storage capacity of the site. The proposal has been designed in accordance with these requirements, and this can be reinforced by conditions. Implicit in the proposal is an acceptance by all parties that parts of the lorry parking area would be subject to relatively shallow flooding during a 1 in 200 year flood event, but that even supposing that all vehicles could not be moved in time shallow flooding would be unlikely to cause significant damage to them.

- 7.18** The site would be drained by way of SUDS. Porous surfacing materials will be used on most of the site, while concrete surfaced areas and the workshop building would drain to attenuation tanks. Surface water from parking and roadway areas and from the vehicle wash would be subject to two-stage attenuation in order to prevent the discharge of oil or other chemicals into the river.

#### Impact on Industrial Estate

- 7.19** When the Vale of Leven Industrial Estate was first developed from the 1940s onwards most of the original factories benefited from attractive landscaping along road frontages, although this has been eroded by some developments elsewhere in the estate where landscaping strips have been converted to yard space. In order to maintain and improve both the environment and the infrastructure of the estate, the businesses within the estate have set up a Business Improvement District. It is therefore important that the development of this site is of a suitably high standard of design and incorporates appropriate landscaping to benefit the Business Improvement District.

- 7.20** At present, there are semi-mature deciduous trees along the road frontage at the northern edge of the site. These trees form part of the long term landscaping of the estate. It is therefore desirable to retain as many of the existing trees on the northern boundary as possible. The proposal would retain a landscape strip along the road edge retaining most of the existing trees, but it is not possible to retain all of the trees as some are required to be removed to form the access and some further thinning is needed as the trees have not been maintained over the years. These works are considered to be acceptable and would ensure that the appearance of the site within the industrial estate was appropriate. The retention of trees can be controlled by a condition.

- 7.21** The proposed workshop building would be of a contemporary industrial design similar to various other buildings in the area, and it would be set well back from the road. Overall, the proposed building is considered to be of an appropriate design and appearance for this location. The remainder of the site would comprise a large lorry park enclosed by 2.4m high weldmesh fencing, but this would be partly screened from view by existing buildings and further planting around the periphery of the site would help to reduce its visual impact. Overall, it is considered that the proposal would not detract from the appearance of the estate.

#### Roads and Parking

- 7.22** The proposal would obviously give rise to an increased number of lorry movements, however the roads within the industrial estate have been designed to accommodate such traffic and there are no road safety concerns. However, impact on the wider road network would be significantly reduced by

the fact that many of the vehicles using the site are already serving the nearby Kilmalid plant, and the proximity of the two locations would greatly reduce the need for empty lorry movements on the public road. The location has ready access to the A813 and A82 and local roads, all of which are designed and suitable for use by heavy good vehicles. The proposed access/egress arrangements would comply with the Council's design standards, and the Council's Roads Service has no objection to the proposal. Staff car parking spaces are not shown on the plan but it is understood that staff parking will be adjacent to the workshop building, and this can be controlled by a condition requiring approval of this detail.

## **8. CONCLUSION**

- 8.1** The majority of the application site is allocated as open space, and its development would be contrary to policies E7 and GN1 of the adopted local plan and the proposed local development plan respectively. However, the proposal would provide an improved transport facility serving a strategically important local industry in accordance with the relevant economic development policies. The proposal is located within the Vale of Leven industrial estate where this type of economic activity should be directed. The applicant has demonstrated a locational need for the development to take place on this site. The open space to be developed is not of any particular ecological value, and it is considered that with suitable mitigation measures and enhancement of the adjacent open space within the applicant's control would be acceptable. It is therefore considered that the economic benefits of the proposal would justify a departure from the open space policies in this instance.
- 8.2** The majority of the site is also within the functional floodplain, where development will not normally be supported. Following extensive discussions with SEPA it is considered that this particular development can be supported because the development itself has a low sensitivity to flooding and it would not give rise to any increased risk of flooding elsewhere. The layout and design of the development has taken into account the topography of the site and all technical issues have been addressed through the application process and through conditions. Overall, it is considered that the proposal will have positive economic benefits on the area and allow the relocation of a significant local business.

## **9. CONDITIONS**

- 1. 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 building. The drainage system shall incorporate the principles of**



**Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.**

- 2. No development (other than tree felling) shall commence until such time as a scheme of landscape, ecological and public access enhancements for the open space within the “blue line” on plan AL(0)05 have been submitted to and approved in writing by the Planning Authority. The information submitted for approval shall include details of a timescale for the implementation of these works. Such enhancements shall include:**

- Planting of appropriate native species around the edge of the development to minimise its visual impact upon the adjacent open space;**
- Proposals for management of the open space to maximise its ecological value and to improve public access over the riverside footpath; and**
- Provide a maintenance schedule for the area.**

**The approved scheme shall thereafter be implemented in accordance with the agreed timescale**

- 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Scotland Order and the Town and Country Planning (General Permitted Development) (Scotland) Order, the site shall be used exclusively as an operating centre for heavy goods vehicles and shall not be used for any other purpose (including any other purpose within Use Class 6 – Storage and Distribution) without a specific grant of planning permission.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, no buildings, structures or hardstanding (other than those approved as part of this permission) shall be erected on any part of the site lying within the functional floodplain without a specific grant of planning permission.**
- 5. 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.**
- 6. No development shall commence on site until details of the layout of staff car parking spaces shall be submitted to and approved in writing by the Planning Authority. Such spaces shall thereafter be delineated and made available for such use at all times.**

- 7. Prior to the commencement of works on site full details of all ground surfaces, including roads, ramps, parking bays and pathways shall be submitted for the further written approval of the Planning Authority and implemented prior to the occupation of the new building.**
- 8. Prior to the commencement of works, full details of the design and location of all bin stores, walls and fences (including retaining walls), 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 prior to the occupation of the new building.**
- 9. 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 building.**
- 10. Prior to the commencement of development on site, a plan shall be submitted which identifies the trees located around the perimeter of the site which are to be removed. No trees other than those specifically marked for removal on the approved plan shall be lopped, topped, felled, lifted, removed or otherwise disturbed without prior written approval of the Planning Authority. No development shall commence until the trees marked for retention have been protected by suitable fencing around the extremities of their crowns. Details of the fencing shall be submitted for the further written approval of the Planning Authority prior to the commencement of development and shall be implemented as approved.**
- 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 building. 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. Prior to the undertaking of any tree works a bat roost survey shall be undertaken, and in the event of tree works being carried out**

between February and August (inclusive) a breeding bird survey shall also be undertaken. Tree work shall thereafter be arranged to avoid any impact upon roosting bats or breeding birds.

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 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. A minimum freeboard allowance of 500mm shall be incorporated into the finished floor level of the workshop building.
15. No land raising or earthworks shall take place within the part of the site shown as being within the functional floodplain as shown on Drawing No. AL(0)10 Rev. C unless otherwise approved in writing by the Planning Authority.

**Peter Hessett**  
**Strategic Lead- Regulatory**  
**Date: 9 February 2017**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
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**Appendix:** None

**Background Papers:**

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

**Wards affected:** Ward 2 (Leven)



WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 22 February 2017

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**DC16/280:** Partial demolition and redevelopment of existing retail unit with ancillary uses including a new cafe, soft play area, outdoor seating area with childrens play area, and associated improvements to the main access, car park, coach parking, landscaping and the provision of a coach drivers rest area and ancillary works (renewal of permission DC12/093) at Antartex Village, Bowie Road, Alexandria Industrial Estate by Edinburgh Woollen Mill Group.

**1. REASON FOR REPORT**

- 1.1** This application relates to a proposal which raises issues of local significance and which is considered to be a departure from the adopted development plan. Under the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1** That the Committee indicate that it is **Minded to Grant** full planning permission, and delegate authority to the Planning and Building Standards Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of the outstanding consultation with the Health and Safety Executive.

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to “Antartex Village”, an existing retail outlet covering an area of approximately 1.09 hectares within the Loch Lomond Industrial Estate, and surrounded by the Loch Lomond Distillery. The premises consist of a former clothing factory which has been progressively converted to an entirely retail use over time, selling a selection of goods aimed primarily at the tourist market including knitwear and clothing, household goods, golfing/outdoor and leisure goods, books, gifts and whisky. There is also a café/restaurant within the building. The existing buildings form a ‘U’-shape around the central parking area, but at present only the southern half of the buildings is occupied, and most of the northern buildings are vacant and unfit for use or partially demolished. Access to the car park is from Bowie Road at the north eastern corner of

the site, whilst coach parking spaces are accessed directly from Bowie Road along the eastern edge of the site.

- 3.2** This application seeks to renew a previous planning permission for this site which has not been implemented (decision DC12/093). The proposal is to substantially reconfigure the development in order to improve its attractiveness as a retail outlet and visitor destination. The main elements of the proposal include the demolition of the unused parts of the building, and construction of replacement retail floorspace. The current buildings which form the Antartex Village extend to 5,235m<sup>2</sup>, of which it is proposed to retain 2,700m<sup>2</sup> and demolish 2,535m<sup>2</sup>. In its place, 2,700m<sup>2</sup> of replacement floorspace would be constructed, thereby increasing the overall floorspace by only 165m<sup>2</sup> to a total of 5,400m<sup>2</sup>. Included within the reconfigured and extended building would be a café, children's soft play area and coach drivers' facilities, whilst externally, outdoor seating and a children's play area would be formed. The coach and car parking areas are to be remodelled, with the car park capacity being increased from 82 spaces to 112 spaces, with 8 coach spaces. The applicant has indicated that the redevelopment of the site has potential to create an additional 50 full and part time employment opportunities.
- 3.3** No changes are proposed to the layout and elevations of the development to that which was approved in 2012. The main retail floorspace within the southern half of the existing building would be retained, with the new floorspace wrapping around the front of the building to the north and west, thereby creating a new frontage onto the car park, which would itself shift towards the north-eastern corner of the site. The extension would incorporate a significant amount of glazing and would have a modern retail character, in contrast with the existing industrial type buildings. The size and massing of the proposed buildings would be similar to the surrounding industrial buildings and they would be finished primarily in metal cladding and glazing. The new layout would have the retail frontage facing onto the revised car park in order to make the main entrance more obvious to visitors. Improved boundary treatments and landscaping are also proposed.

#### **4. CONSULTATIONS**

- 4.1** The Health and Safety Executive did not advise against the original proposal (DC12/093) and have been consulted regarding the proposal to renew the application. At the time of writing the report a response had not been received.
- 4.2** The Scottish Environmental Protection Agency has no objection to the proposal on flood risk grounds.

- 4.3** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to contaminated land, SUDS, hours of work on site, deliveries, dust control measures and the provision of a grease trap.
- 4.4** West Dunbartonshire Council Roads Service has not responded at the time of writing this report.

## **5. REPRESENTATIONS**

- 5.1** None.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

- Glasgow and the Clyde Valley Strategic Development Plan
- 6.1** Diagram 3 of the SDP sets out the Spatial Development Strategy, which identifies sustainable development locations and which forms of development would be in line with the strategy. The proposed development site does not sit within any of the sustainable development locations identified. Diagram 4 sets out a sustainable location assessment. As the proposal is for a location outwith the network of centres and does not contribute in any other way to sustainability, the proposal is not considered to be in a sustainable location, nor is there a known need/or demand for it. The proposal is not supported by the Spatial Development Strategy or sustainable location assessment of the Strategic Development Plan and therefore requires to be assessed against the local plan.

- West Dunbartonshire Local Plan 2010
- 6.2** The development site is located within an existing industrial and business location, covered by Policy LE1 which favours uses that positively extend the permanent employment of the site. Whilst redevelopment of the site is likely to create employment, it would not be related to either industrial or business uses and the proposal is therefore contrary to Policy LE1.
- 6.3** Policy RET1 requires a sequential approach be applied to the selection of sites for new retail development, including proposals to expand existing developments where this would change the role and function of the development. Antartex is in an out-of-centre location as defined by the adopted Local Plan and there are sequentially preferable locations in the vicinity e.g. Alexandria town centre and Lomond Galleries commercial centre. However, as the proposal would not fundamentally change the role and function of Antartex, it is not considered that the sequential approach requires to be applied in this instance.
- 6.4** Policy RET3 sets out the criteria for assessing proposals in out of centre locations. These include that the application is subject to the sequential

approach and that there are no adverse impacts on the vitality and viability of existing centres. Whilst the type of goods to be sold mean that the proposal is unlikely to impact on Alexandria town centre; the redevelopment would compete for trade with Lomond Galleries and Lomond Shores as they are also tourist related retail attractions. The policy further requires that the proposal is assessed against a set list of criteria. Since the proposal will not enhance the choice in retail provision in the Plan area and is likely to have an impact upon trade at Lomond Galleries and Lomond Shores, it does not accord with all of the listed criteria and is therefore considered contrary to policy RET3.

- 6.5** Policy LE8 indicates that the Council will support tourist industry development subject to certain considerations. The proposal is for the redevelopment of an existing tourist location and will increase its attractiveness and turnover. As there will be no adverse environmental, landscape, infrastructure or transport implications, the proposal is considered to be supported by policy LE8.
- 6.6** Policy F1 relates to flood prevention and policy F2 requires the development proposals to satisfy the principles of SUDS and seeks agreement on maintenance to be reached. A flood risk assessment has been undertaken and it is considered that suitable drainage measures can be implemented without increasing the risk of flooding locally or elsewhere in the catchment area. SEPA have not raised any concerns.
- 6.7** The proposal is considered to be contrary to policy LE1 and RET3 of the adopted Local Plan for the reasons discussed in paragraphs 6.2 and 6.4 above.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### Proposed Strategic Development Plan

- 7.1** The proposed Strategic Development Plan (to replace the current Plan) was published in January 2016 and has been submitted to the Scottish Ministers for Examination. The proposed development is not considered to be of a strategic scale as the actual increase in footprint of the development is less than 200sq.m. In addition, there are parts of the development which are not retail related, such as, a children's soft play facility which brings the retail aspect of the development below the 2,500 sq.m threshold.

### West Dunbartonshire Local Development Plan (LDP) Proposed Plan

- 7.2** 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 Duntiglenan 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.

- 7.3** Antartex Village is identified in Table 5: Network of Centres Retail Strategy as a "Destination Commercial Centre", the preferred role of which is to offer visitor type goods and attractions. Table 5 confirms that Alexandria Town Centre and Lomond Galleries remain sequentially preferred locations to Antartex Village, but also indicates that refurbishment of Antartex Village will be supported subject to only limited additional floorspace being provided and the impact on town centres being acceptable. The proposal is a successful tourism-related retail facility and has been designated as a Commercial Centre in the Proposed Plan and as the proposed increase in floorspace over the existing consented floorspace is relatively modest it is therefore considered that the proposal would be consistent with the proposed LDP. Due to the type and branding of goods to be sold the proposal is unlikely to have an adverse impact on Alexandria town centre, and Lomond Galleries.
- 7.4** Policy SC1 indicates that proposals for retail development within the network of centres will be supported where they accord with the strategy and the role and functions set out in Table 5 or with Schedule 7 of the Plan. In this case, it is considered that the proposed development would be in accordance with Table 5, and thus would comply with Policy SC1.
- 7.5** Policy DS1 expects any development to contribute towards creating successful places by having regard to the relevant criteria of the six qualities of a successful place. Matters relevant to access, design and appearance are discussed in paragraphs 7.13 – 7.14.
- 7.6** Policy DS6 requires SUDS to be included in new developments where appropriate and for arrangements to be made for long term maintenance. It also states that development will not be supported where it would have a significant probability of being affected by flooding or increase the probability of flooding elsewhere. This matter is addressed in paragraph 7.15.
- 7.7** Overall, the proposal is considered to accord with the Proposed Plan.

#### Scottish Planning Policy (SPP)

- 7.8** The SPP supports development that will contribute to sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. The aim is to achieve the right development in the right place and it is important that due weight is given to the net economic benefit of a proposal. This proposal would result in improvements to a successful tourism related retail facility which would bring benefits to the West Dunbartonshire area. The sequential approach is not required to be applied in this instance due to the existing and proposed role and function of Antartex and this has been addressed above.

#### Principle of Development

- 7.9** Antartex Village originated as a sheepskin goods factory with a small factory outlet selling products made on the site. However successive permissions increased the proportion of retailing allowed, and in 1992 permission VL4061/1 allowed the use of the entire site for retail purposes, subject to a condition which required that:

*“a minimum of 50% of the retail floor area now approved shall be solely reserved for the display/retail of goods manufactured by Antartex/The Edinburgh Woollen Mill Ltd, under their associated brand names”.*

This allowed all of the existing buildings on site to be used for retail use, although some parts of the old factory were never converted.

- 7.10** Permission to redevelop the underused parts of the building was granted by decision DC12/293, and the principle of this development was therefore established to be acceptable at that time. The current application seeks to renew that permission. In such circumstances, the main issue for consideration is whether there have been any changes in planning policy or other material considerations which would have a bearing on the development. In this case the relevant policies of the adopted local plan and emergent local development plan have not changed significantly since the previous application was approved in 2013. Whilst a new proposed strategic development plan has emerged, the proposal is still consistent with it. No other significant changes in circumstance have been identified which would have a bearing on the proposal.
- 7.11** Although Antartex Village is not in an ideal location for retail use, it is a successful visitor destination which attracts over 250,000 visitors per year. Whilst the manufacturing use ceased over 20 years ago and the property has since been used solely for retail purposes aimed at a tourist/destination market, the buildings themselves remain of an industrial character and the site is located within an industrial estate. Given the origins of the site, the buildings were not originally designed for retail and

no longer meet the needs of a modern visitor attraction. In order to preserve the Visit Scotland accreditation and remain an attractive destination, the Edinburgh Woollen Mill still wishes to invest in the premises to improve the visitor experience and the appearance of the buildings.

#### Design and Appearance

- 7.12** This application seeks to renew the previously approved planning permission for this site. There are no revisions to the design, location or appearance of the development which was previously granted planning permission. The proposals would transform the appearance of the development from a dilapidated collection of buildings into a single modern structure. The appearance of the proposed new buildings would represent a significant improvement over the existing buildings, enhancing the appearance of the development and of the surrounding industrial estate. The redevelopment of Antartex Village would be more likely to attract additional visitors which in turn will bring economic benefits to the surrounding area.

#### Transport and Access

- 7.13** The existing public road layout around the site will not be affected by the proposal. However, the vehicular entrance to the site would be relocated to a more central position to improve visibility for visitors arriving by foot, car or coach. Part of the existing coach parking area would be retained and an additional coach parking area would be provided at the rear of the building, next to the driver's rest area. There are currently 8 coach parking spaces and this level of provision would be retained. The number of car parking spaces would increase by 30. Existing servicing arrangements at the rear of the property would remain. It is considered that the alterations to the access and parking will improve the accessibility of the premises by vehicles, and the modifications to the access would enhance road safety.

#### Flood Risk and Contaminated Land

- 7.14** Since planning permission was previously granted for the redevelopment of this site, there has been no change to the flood risk or contaminated land status of the site. Due to the former industrial nature of the site, it would be necessary for a contaminated land survey to be undertaken, and this can be addressed by way of a condition. There is a history of flooding at this location and the flood risk assessment was undertaken for the previous application indicated that the main cause of this flooding stems from the nearby Mill Lade which can be affected by the River Leven. Based on the flood risk assessment, SEPA have not objected to the proposal or required to have it updated on this occasion. The drainage at the site will require to incorporate the principles of sustainable urban

drainage systems, particularly with regard to the car park and landscaped areas.

## **8. CONCLUSION**

- 8.1** The application seeks to renew a previous permission for redevelopment of the retail outlets. There have been no significant changes in the relevant policies or other material considerations since the earlier permission. The proposal remains contrary to the adopted local plan as the site is designated for industry and business use and the proposal cannot be justified against all the criteria of policy RET3. However, Antartex Village has developed over the years into a successful tourism-related retail facility. In recognition of the fact that it already functions as such, the Local Development Plan Proposed Plan designates the site as a Commercial Centre and supports refurbishment with limited additional floorspace. As the proposed increase in floorspace over the existing consented floorspace is relatively modest it is therefore considered that the proposal would be consistent with the proposed LDP.
- 8.2** The benefits which the development would have for tourism and employment, and the fact that the proposal is consistent with the proposed LDP are sufficient to outweigh the departure from the adopted local plan. It would however be undesirable for Antartex Village to develop into a more general (i.e. non-tourist) type of retail facility in the future, and it is therefore considered appropriate to impose conditions reiterating the existing limitations on the types of goods which may be sold from the site, which were imposed on the previous consent.

## **9. CONDITIONS**

- 1. Exact details and specifications of all proposed external materials, including cladding panels, the roof, render and roller shutters shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented prior to the occupation of the approved development.**
- 2. Exact details and specifications of all ground surfaces, bins, seating, outdoor furniture, external lighting, external CCTV cameras, play equipment and boundary treatments shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented within a timescale agreed by the Planning Authority.**

- 3. Notwithstanding the approved plans, final landscaping details to include the number, siting and type of trees and shrubs to be planted shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented prior to the occupation of the approved development.**
- 4. 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 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.**
- 5. 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 approved development. The proposed drainage details are required to include a suitable overland flow path through the site to mitigate the risk of flooding.**
- 6. 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.**
- 7. Prior to the commencement of development a comprehensive contaminated land investigation shall be carried out and its findings submitted to and approved in writing by the Planning Authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites- Code of Practice" (BS 10175:2001). The report shall include a site-specific risk assessment of all relevant pollutant linkages as required in Scottish Government Planning Advice Note 33.**
- 8. Where the risk assessment identifies any unacceptable risk or risks as defined under Part 11a of the Environmental**

**Protection Act 1990, a detailed remediation strategy shall be submitted to the Planning Authority for the written approval. No works other than investigation works shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority.**

- 9. Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works and prior to the occupation of the approved development, the developer shall submit a report to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.**
- 10. 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.**
- 11. Prior to the commencement of development, full details of an adequately sized grease trap shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.**
- 12. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the demolition of any building or structure on site.**
- 13. Not more than 5% of the overall floor area (275m<sup>2</sup>) of the building shall be used for the sale of food or drink.**
- 14. A minimum of 40% of the overall floor area (2,160m<sup>2</sup>) of the building shall be solely reserved for the display/retail of goods manufactured by Antartex/The Edinburgh Woollen Mill Ltd, under their associated brand names.**

15. Prior to the commencement of development, full details of the proposed new vehicular access, including sightlines, shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.
16. Prior to the commencement of development, full details of the proposed coach parking shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the occupation of the approved development.

**Peter Hesse**  
**Strategic Lead- Regulatory**  
**Date: 3 February 2017**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans;
2. Consultation responses;
3. Scottish Planning Policy;
4. West Dunbartonshire Local Development Plan Proposed Plan;
5. West Dunbartonshire Local Plan 2010;
6. Glasgow and Clyde Valley Strategic Development Plan and the Proposed SDP;
7. Planning Permission(s): VL.3722, VL.4061, VL.4061/1 & DC12/093.

**Wards affected:** Ward 1 (Lomond)





**WEST DUNBARTONSHIRE COUNCIL****Report by Strategic Lead - Regulatory****Planning Committee: 22 February 2017**

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**DC16/273**                      **Change of use of from retail unit (class 1) to financial, professional and other services (class 2) at 93 High Street, Dumbarton by Mr Simon Fuller, Glasgow Southside Orthodontics.**

**1. REASON FOR REPORT**

- 1.1**     The proposal is a departure from the Development Plan, but it is recommended for approval. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

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

**3. DEVELOPMENT DETAILS**

- 3.1**     The application relates to a small retail unit on the south side of Dumbarton High Street opposite the Artizan Centre, adjacent to Quay Pend. The property comprises part of the ground floor of a two storey art deco style building which is also occupied by two other retail units with office premises above. The unit is currently occupied by a charity shop. Within the surrounding town centre there is a mix of business uses including shops, banks, offices, bookmakers, public houses and hot food takeaways, with some flats on upper floors. To the rear of the site there is a service yard and a public car park.
- 3.2**     Planning permission is sought to change the use of the unit from a shop to an orthodontic clinic. This would be a new practice, and is intended to serve patients from West Dunbartonshire and Argyll and Bute who currently have to travel into Glasgow for orthodontic services. It is anticipated that there will be five staff (an orthodontist, a therapist, two nurses and a receptionist). Patients would be referred by their dentists for specialist treatment, and it is anticipated that there would be around 500 patients a year, each of whom would have around 20 appointments. The unit would be refitted internally to provide a consulting room, a waiting room, X-ray room, a small laboratory, staff/administrative facilities and lavatories. Externally the existing shopfront would be refurbished, and new signage added (which is not part of this application).

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal.

#### **5. REPRESENTATIONS**

- 5.1** None.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

- 6.1** The site lies within Dumbarton town centre, where Policy RET5 states that applications for non-retail uses will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. The site is also within the defined core retail frontage, where Policy RET6 seeks to protect and enhance the retail and commercial function by encouraging new and improved retail floorspace. In the case of ground floor units within the core frontage there is a presumption against change of use of existing retail (Class 1) uses to non-retail uses. Applications for any change of use from a shop to a non-retail use will only be permitted where it can be satisfactorily demonstrated that such a change would reinforce and revitalise the centre and would not adversely affect the character and amenity of the area.
- 6.2** The proposal is therefore in principle a departure from the development plan, however, it is considered that the proposed use would contribute positively to the vitality and viability of the town centre and would not have a detrimental impact on the character and amenity of the area. This is discussed further in Section 6 below.

#### **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

##### West Dunbartonshire Local Development Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan will remain unadopted. All other recommended modifications of the Examination Report have been incorporated into West Dunbartonshire Local Development Plan, which will retain Proposed Plan status. The Council has received legal opinion that the Proposed Plan including the accepted modifications and the Examination Report continue to be a material consideration in the determination of planning applications.

- 7.2** The Dumbarton Town Centre and Waterfront “Changing Place” section of the LDP supports a strong retail core and recognises that non-retail uses also make a town centre. The site is included within the core retail area and policy SC2 outlines that proposals for change of use of ground floor Class 1 uses within the core retail areas will be assessed in terms of:
- a) whether the change would significantly reduce the retail offer of the core retail area or parts of it;
  - b) whether the change would lead to the concentration of a particular use to the detriment of the town centre’s vitality and viability;
  - c) the contribution the proposed use would make to the vibrancy of the town centre by increasing footfall;
  - d) the availability and suitability of other locations in the town centre for the proposed use to locate; and
  - e) whether the unit affected by the proposal has been vacant and suitably marketed for retail use.

The proposal is not consistent with parts (d) and (e) of Policy SC2, because there are vacant units available outwith the Retail Core and because the unit itself is not currently vacant. However, these issues are discussed below and it is considered that other considerations are sufficient to overcome the departure from this policy.

#### Scottish Planning Policy (SPP)

- 7.3** The SPP indicates that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into the town centre. A mix of uses to support vibrancy, vitality and viability throughout the day and into the evening should be encouraged. Within Dumbarton High Street, there is already a mix of uses including class 1 uses and banks, building societies, estate agencies, solicitors, betting shops and other services. It is considered that the proposed use is in keeping with SPP.

#### Loss of Retail Unit

- 7.4** The unit is currently occupied by a charity shop, but the applicant has indicated that this is only on a month by month lease and at a discounted rate until a suitable long-term occupier can be found. Prior to the current tenant, the premises had been occupied on an intermittent basis by several short-term tenants since the last long term tenancy (a hairdressing and beauty parlour) ended 7 years ago. The applicant has indicated that they will lease the premises on a long-term basis and that they intend to invest in the unit to improve its appearance and condition.
- 7.5** Within the Dumbarton High Street area, including the Artizan Centre, there is a relatively high proportion of vacant units, including vacant units of various sizes within the core retail area. The shop is currently in retail use and the application does not satisfy the vacancy criteria specified by the policy, however the lease is of a short-term/discounted nature. The unit has been marketed for an extended period and it has not been possible to secure a long-term retail tenant. The loss of this unit is therefore unlikely to prevent a new retail operator from finding suitable accommodation in the town centre.

#### Availability of Alternative Sites

- 7.6** The applicant has indicated that a ground floor premise is needed so that the facility is accessible to disabled patients. The facility also needs to be located in a place which is readily accessible by public transport and which is safe for younger patients to attend on their own. Dumbarton is ideally placed in terms of public transport and road access, and although the applicant looked at several other locations (including some in business / industrial locations) none of these was as accessible or otherwise as suitable as the town centre. The town centre was also preferred because it would enable patients and their relatives to visit nearby shops. The majority of the various vacant shop units within Dumbarton town centre are also within the designated retail core and therefore equivalent to the application site in policy terms. It is therefore considered that the use does reasonably require a town centre site, and that under the circumstances the use of a unit within the retail core is acceptable.

#### Vitality and Viability

- 7.7** There are a number of class 2 uses within the High Street, but such uses are reasonably distributed throughout the street and it is not considered that there is any undue concentration of non-retail uses. The applicant has stated that patients in the area currently have to travel to Glasgow for orthodontic treatment and that the provision of such a facility in Dumbarton town centre would improve local access to medical services. The proposed use will bring members of public to the unit on a daily basis, and the increased footfall would benefit other nearby businesses and shops and help to improve the vitality and viability of this part of the town centre.

### **8. CONCLUSION**

- 8.1** The proposal would provide a long term tenant that would complement the existing uses within a mixed use area of the town centre. It is considered that the proposal would therefore contribute positively towards the vitality and viability of the town centre and can therefore be justified in terms of the policies of the adopted local plan and proposed local development plan.

### **9. CONDITIONS**

1. Details of any alterations to shopfront should be submitted for the further approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.

**Peter Hessett**  
**Strategic Lead- Regulatory**  
**Date: 22 February 2017**

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**Person to Contact:** Pamela Clifford  
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**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. Consultation responses
5. Scottish Planning Policy

**Wards affected:** Ward 3 (Dumbarton)



**WEST DUNBARTONSHIRE COUNCIL****Report by the Strategic Lead - Regulatory****Planning Committee: 22 February 2017**

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**Subject: Dumbarton Waterfront Path Planning Guidance****1. Purpose**

- 1.1** To seek approval of Planning Guidance on Dumbarton Waterfront path.

**2. Recommendation**

- 2.1** It is recommended that the Committee approves Appendix 1 as Planning Guidance on Dumbarton Waterfront path subject to the following amendments:

- The associated plan updated to reflect the application boundary of the waterfront path(Appendix A);
- Option A is confirmed as the specification subject to a few minor amendments. This includes changing the type of asphalt from resin bonded gravel/coloured to standard hot rolled asphalt. Option B is removed from the guidance(Section 3 and Appendix B);
- Table 1 (Section 3 )on path costs per site to include a note that estimated costs will be updated in line with any rises in inflation.

**3. Background**

- 3.1** The Scottish Government Circular on Development Planning advises that local authorities may issue non-statutory planning guidance. This may be used to provide detail on a range of subject areas, and is particularly useful when an issue arises during the lifecycle of a Development Plan, and there is not the appropriate hook in the Plan to allow statutory Supplementary Guidance to be prepared. Non-statutory planning guidance does not form part of the Development Plan, but may be a material consideration in terms of considering a development proposal.

**4. Main Issues**

- 4.1** Draft Planning Guidance on Dumbarton Waterfront path was approved by Planning Committee on 21<sup>st</sup> December 2016. The guidance was published for consultation on 22<sup>nd</sup> December 2016 for a 6 week period, with comments sought by 2<sup>nd</sup> February 2017. The guidance was made available on the Council's website and was sent directly to relevant landowners/developers and Community Councils.
- 4.2** In response to the consultation, four responses were received. Three from landowners/developers in the immediate area –Cullross, Lidl UK and Brabco

Ltd and one from Scottish Natural Heritage. Their full comments are contained in Appendix 2. A summary of the comments are as follows:

#### Cullross

- 4.3 They are supportive of the concept of the waterfront path and they have confirmed their commitment to the delivery of the path. They have indicated that they would want to be able to construct the path themselves based on the Council's specification and the path being regularly inspected during construction and signed off on completion to the required standard. They have indicated that although it may be appropriate for the Council to build the path on other sites it is not appropriate in their case. This is due to technical issues with repairs to the quay walls, the potential of indemnity issues, the sequencing of work and their legal obligations to their client Dunbritton Housing Association. They have also raised the following issues:
- Cost of delivering the path should be updated to reflect market prices before construction;
  - Route of the path does not follow the route that Cullross proposes the path to take.

#### Council's response

- 4.4 The preference is for the Council to deliver the path however it is acknowledged due to the technical and legal implications for this developer further discussion will take place with Cullross to the best way of delivering the waterfront path. Cullross have committed to the delivery of the path on their site at the earliest time and preferably as one phase. They have also agreed to adopt the Council's specification and allow regular inspection.. Who delivers the path does not affect the content of the guidance and it only affects the mechanism for delivery. The guidance covers both options ie. if the Council delivers the path or the landowner/developer and requires the path to be delivered as soon as possible but no later than December 2019.

#### Lidl UK GmbH

- 4.5 They have indicated that they support the principle and are keen to see the waterfront path being developed in the context of place making and delivery of infrastructure. They have raised the following issues:
- Clarification of the alignment/route of the path;
  - Clarification on which specification is to be considered acceptable and a breakdown of costs between the two options;
  - Additional public sector contributions should be sought from other third parties such as Sustrans, Lottery funding;
  - No explanation of 70:30 ratio of developer/council financial contributions;
  - No cost/benefit analysis to demonstrate that the Council delivering the path is the most cost effective and best value for money option.

#### Council's Response

- 4.6 The Council will update the plan to reflect the red line boundary of the route of the waterfront path within the planning guidance. The actual route of the path may be subject to change as the project is developed, due to negotiations with landowners, but the route will be within the red line boundary detailed in the planning guidance. The Council intend to seek external funding for the



project and all landowners/developers will be kept updated of this. The intention of the Council is to deliver Option A (the higher specification) subject to a few minor amendments. This includes changing the type of asphalt from resin bonded gravel/coloured to standard hot rolled asphalt. The Council will therefore remove Option B from the planning guidance to avoid any confusion that this may cause for users of the guidance. The Council's tendering process for the path will be rigorous and aimed at delivering best value for the Council. The planning guidance does not require to demonstrate cost effectiveness and best value and, as a result, no changes to the planning guidance are proposed in this regard. The 70:30 ratio for contributions has been determined by the difference in the costs between Option A and Option B in order to deliver the higher specification path. The ratio has varied between the four sites and for this reason, an average plus a small uplift has been applied across all four sites and a 30% contribution is considered appropriate.

#### Brabco 736 Ltd

**4.7** They are the majority shareholders of Dumbarton Football Club and the Football Club are currently progressing a proposal to relocate from its existing site to Young's Farm, to the west of Dumbarton, to develop a Community Sports Hub facility, which will incorporate a larger stadium development together with additional playing pitches for both Dumbarton Football Club and the local community. As a key land owner along the proposed route of the waterfront path, Brabco welcome the publication of the draft planning guidance in order to provide certainty to the various developers along its route in order to ensure its early delivery. They do, however, have some concerns about the draft planning guidance as it is currently worded, relating to issues of detail about the walkway costs and suggested delivery mechanism. They have raised the following issues:

- A detailed breakdown of costs and 70:30 split between developers and the Council is required for review;
- The estimated developer contribution of £174,000 will further diminish the development prospects of the existing site;
- A legal agreement will burden the site when there is no existing planning application for redevelopment of the site or there may be very limited redevelopment of the site in the future.

#### Council's Response

**4.8** There is a requirement for any future development of the associated land to provide a waterfront path in terms of the local development plan. The Council's tendering process for the path will be rigorous and aimed at delivering best value for the Council. As there are no current development proposals for the Castle Road Site the Council intend to fund and construct the path at this location and the path would be delivered as soon as possible but no later than the end of December 2019. The Council would recoup their costs through any future application on the site. There is no obligation to pay any contribution to the Council before that occurs. Any future development proposals at Young's Farm are not relevant to this guidance.

#### Scottish Natural Heritage (SNH)

- 4.9** SNH welcome the guidance and consider that given the waterfront location it is appropriate to seek contributions based on the higher specification path. SNH have no detailed comments to make on the developer contributions set out within the draft planning guidance. SNH have however highlighted that the proposed path is in proximity to the Inner Clyde Special Protection Area(SPA).

#### Council's Response

- 4.10** This would be addressed in terms of the planning application for the waterfront path and is not of direct relevance to the planning guidance.
- 4.11** It is recommended that the guidance as set out in Appendix 1 is approved as the finalised Planning Guidance subject to the changes detailed in Section 2.1 above. The approved guidance will ensure that the path is delivered in a comprehensive manner, to the agreed specification and as soon as possible but no later than December 2019.

### **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.

### **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 (EIA)**

- 8.1** A screening has been undertaken and no equalities issues have been identified.

### **9 Strategic Environmental Assessment**

- 9.1** A pre-screening notification was been sent to the SEA Gateway. However, the guidance is not considered to have any significant environmental impacts and an SEA is therefore not required.

### **10. Consultation**

- 10.1** Details of the consultation are set out in Section 4.1 above and the response to the consultation is set out in Appendix 2. The Council's Regeneration team have been involved in the preparation of the guidance, as well as, developers/landowners subject to the path.

### **11. Strategic Assessment**

**11.1** The guidance is considered to support the Council's strategic priority of improving economic growth and employability.

**Peter Hessem**  
**Strategic Lead - Regulatory**  
**Date: 8<sup>th</sup> February 2017**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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0141 951 7938

**Appendices:** Appendix 1 –Planning Guidance on Dumbarton Waterfront path  
  
Appendix A – Red line Boundary of Waterfront path  
  
Appendix B- Specification of path  
  
Appendix 2 – Response to consultation on draft Planning Guidance on Dumbarton Waterfront path .

**Background Papers:** Committee report: Draft Planning Guidance Dumbarton Waterfront Path - 21<sup>st</sup> December 2016

**Wards Affected:** Ward 3





# Dumbarton Waterfront Path

Draft Planning Guidance

December 2016

# Dumbarton Waterfront Path Planning Guidance

## 1.0 Introduction

The purpose of this guidance is to enable the delivery of a waterfront path along Dumbarton Waterfront from Dumbarton Town Centre to Dumbarton Castle.

The delivery of the waterfront path is a requirement associated with the development of various sites along Dumbarton waterfront. To support this, West Dunbartonshire Council has allocated resources to support the early delivery of the path. This guidance sets out the arrangements and mechanisms through which the Council will work with site owners to achieve this.

## 2.0 Background

The Council has a longstanding ambition for the creation of a waterfront path from Dumbarton town centre to Dumbarton Rock and Castle. This has been expressed most recently in the following documents:

### **West Dunbartonshire Local Development Plan (Proposed Plan 2015)**

Within the Local Development Plan, a key component of the Dumbarton Town Centre and Waterfront Changing Place strategy is the provision of a continual waterfront path and improvement of harbour walls in all waterfront development sites. The Plan identifies Castle Street (south), Castle Road and Dumbarton Football Club as sites on which there is a requirement for a waterfront path to be provided as part of the development of the respective sites.

### **Dumbarton Rock & Castle Charrette Report (2015)**

The Dumbarton Rock and Castle Charrette Report was approved by the Council's Infrastructure Regeneration Economic Development (IRED) Committee in September 2015. The creation of a new waterfront path is identified as a priority project in the report. The partners identified are the Council, landowners, Historic Environment Scotland, Sustrans, Scottish Natural Heritage and the Dumbarton Castle Society.

### **Dumbarton Town Centre & Waterfront – Revised Urban Strategy (2014)**

The Dumbarton Town Centre and Waterfront – Revised Urban Strategy was approved by the Council's IRED Committee in November 2014. A waterfront park/walkway is identified as one of the Strategy's 'Large Projects' providing the following benefits: access to the river; recreational facilities, reuse of vacant and derelict land, public safety, opportunities for community involvement, major positive image change. Delivery is assigned to the Council, other public sector and the private sector.

### 3.0 Engineering Consultants Study

The Council commissioned engineering consultants (Aecom) to design and cost the Dumbarton Waterfront Path. The study sets out the Council's requirements for the route of the path and the materials to be used in the path's construction and the surrounding public realm. The path runs from Dumbarton Castle and follows the River Leven north and north-west to the town centre, passing through land currently understood to be in the ownership of Dumbarton Football Club and Turnberry Homes. It then turns west through land currently understood to be owned by Lidl and Cullross to connect with Riverside Lane. The path includes a spur that could link into the Morrison's superstore car park. The route of the path is contained in Appendix A.

The study estimates the total cost of the path (at September 2016) for delivery to Council adoption standards at approximately £943,980, and the cost if delivered to the higher specification set out in the Study at approximately £1,226,980. The higher specification path involves a wider walk and cycle way and higher specification of materials than the path constructed to adoption standards. The path would also include guard rails and wave walls where required, lighting columns and allowances for earthworks, site investigations and drainage works. It should be noted that these costs exclude any repairs to quay wall, remedial works to the river's edge, and suitable street furniture.

The study recommends the following estimated costs per site and an estimated cost per site based upon a 70% cost for the developer and a 30% contribution from the Council. This ratio is being recommended as an appropriate share of the costs between developers and the Council in relation to what will be required from the developer and what the community aspire to as part of the Charrette process for a higher specification pathway. The total cost of the path and the estimated developer costs per site is based on the cost per linear metre as per the specification detailed in Appendix B.

*Table 1: Total path cost per site and approximate Developer and WDC contributions*

Landowner	Total Path Cost	Estimated Developer Costs	Estimated WDC Contribution
Dumbarton FC	£248,620	£174,034	£74,586
Turnberry Homes Ltd	£469,810	£328,867	£140,943
LIDL	£256,500	£179,550	£76,950
Cullross Homes Ltd	£252,050	£176,435	£75,615
<b>Total</b>	<b>£1,226,980</b>	<b>£858,886</b>	<b>£368,094</b>

## 4.0 Delivery & Developer Contributions

The Council is keen to have the waterfront path delivered as soon as possible to the specification set out in the study report. The Council's preference is to deliver the path itself to ensure early delivery and consistence of specification and quality. The Council will enter a legal agreement with site owners to obtain access to the required land. The Council will pay for the delivery of the path with a legal agreement setting out the contribution towards the cost required from the developer. These costs will be in line with the estimated costs in Table 1. The developer/landowner will make their contribution in full following any subsequent planning application being granted for the site. A standard security clawback registered against the title will be put in place to cover off any potential uplift and to burden any future owners.

However, as discussions with site owners have progressed over the past 6 months regarding development proposals for the sites, some site owners have indicated a preference to deliver the path as part of their development proposals due to the sequence of their works and contractual arrangements for their site development. Whilst this is not the preference of the Council this may be appropriate for certain sites. The developer will require to demonstrate that this is the best way of delivering the path overall.

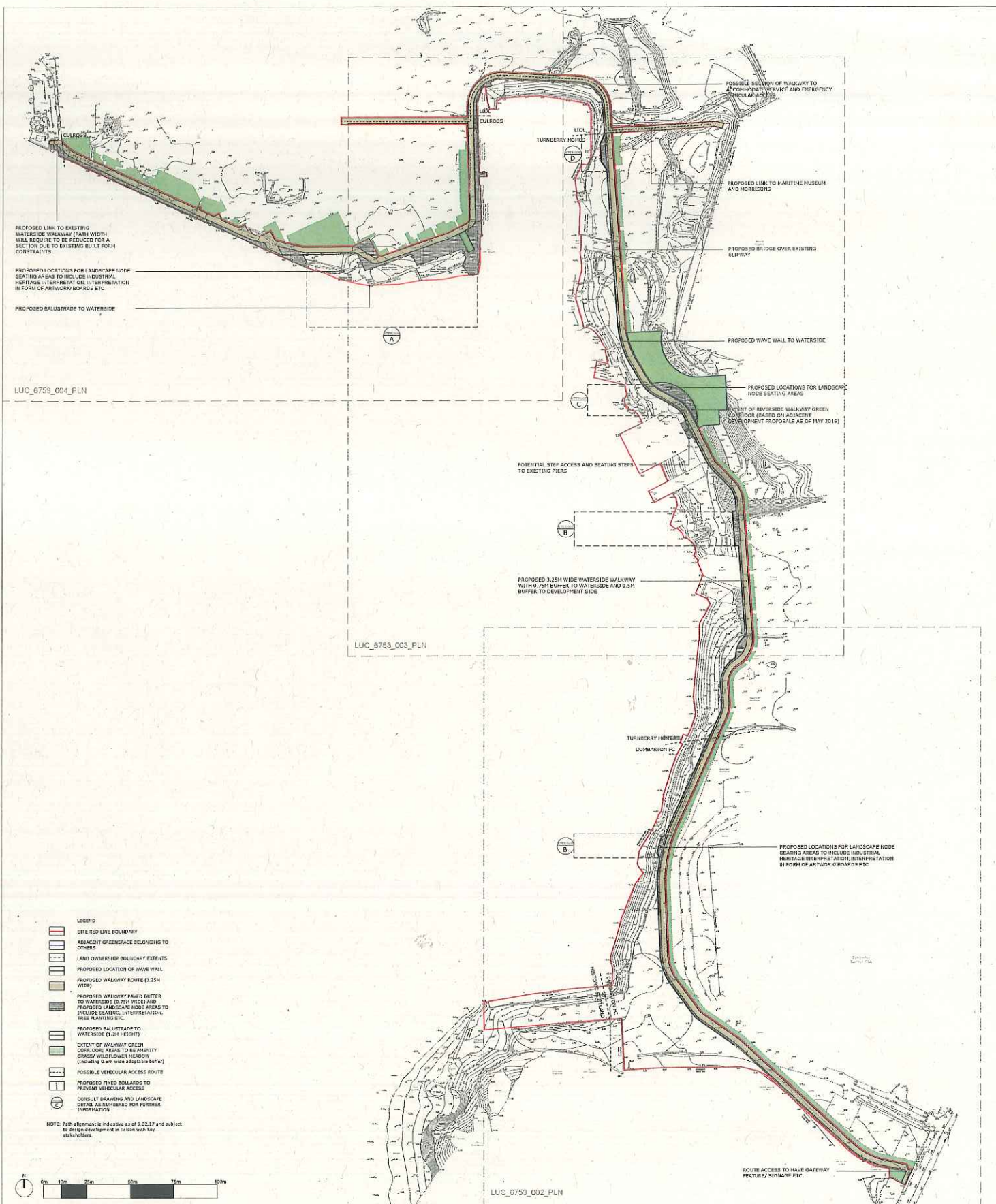
In these circumstances, the path will be to the specification set out in the study, and delivered no later than the end of December 2019. This will be a requirement of any planning permission granted. Details of the specification of the path are contained within Appendix A of this document. The Council will monitor the works to ensure that the specification, finish, levels and the transition points to adjacent sites are the same as sections of the path delivered by the Council. The Council will make a contribution to the section of path based on the estimated costs set out in Table 1. This contribution will be made at certain stages within the process subject to the Council being satisfied with the works. The phasing of payments will be included within the legal agreement entered into between the Council and landowner/developer, up to the maximum agreed percentage amount.

The Council will seek to ensure that necessary bonds are in place as part of any legal agreement to facilitate the completion of any section of path along the waterfront should its delivery be unduly delayed or threatened by unforeseen circumstances. The Council will also meet the costs of any necessary river edge enhancements which would improve the overall experience of the pathway.

## 5.0 Adoption & Maintenance

The Council will seek to adopt the pathway. The path will be developed to adoptable standard and thereafter maintained by the Council along with immediately adjoining public realm areas, determined by the Council in consultation with the respective landowners/developers.





#### Notes:

1. Do not scale from this drawing.
2. All dimensions must be checked on site and any discrepancies verified with landscape architect.
3. All dimensions are drawn in mm.
4. Landscape drawing only.
5. All materials/items used to be as specified or alternatives to be approved by landscape architect.

2	01/01/17	Issued to Town and Country Planning Dept	2	01/01/17
A	01/01/17	For review	3	01/01/17
1	01/01/17	Initial Review	4	01/01/17

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Project Dumbarton Riverside Walkway		Client West Dumbartonshire Council	
Title Proposal of Application Notice Red Line Boundary		Scale 1:1000 @ A1 DRAFT	
Job No. 6753	Drawing No. LUC_6753_001_PLN	Sheet B	



1. Do not scale from this drawing.
2. All dimensions must be checked on site and any discrepancies verified with landscape architect.
3. All dimensions are shown in mm.
4. Landscape drawing only.
5. All materials/items used to be as specified or alternative to be approved by landscape architect.
6. All specification is indicative and intended for costing purposes only. All specification is subject to design development.

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## OPTION A: NATURAL STONE

## HARD SURFACING

## KERBS/ EDGINGS/ CHANNELS/ PAVING

- ACCESSORIES**
- 150mm WIDE, 200mm DEEP, RANDOM LENGTH BETWEEN 400 - 800mm; FLAT TOP WHITE GRANITE KERB  
EDGING, FINE PICKED, FLUSH WITH ADJACENT SURFACES. SET ON CLASS ONE MORTAR BED WITH CONCRETE FOUNDATION AND HAUNCHING

## PAVING MATERIALS

- 3.25M WIDE WALKWAY SHALL BE LIGHT GREY ASPHALT, BASE CONSTRUCTION AS PER ENGINEERS DESIGN AND SPECIFICATION
- 3.150 x 150 x 100mm GRANITE CLUES IN SILVER GREY / GREY TONAL MIX, STACK BOND PATTERN, BASE CONSTRUCTION AS PER ENGINEERS DESIGN AND SPECIFICATION
- 3.200mm WIDE, 50mm THICK, RANDOM LENGTHS BETWEEN 300-600mm GRANITE LINEAR SLAB PAVING, PLATE TEXTURED GREY AND SILVER GREY TONAL MIX, BASE CONSTRUCTION AS PER ENGINEERS DESIGN AND SPECIFICATION

- WALLING**  
500 x 500mm WIDE REINFORCED  
PRECAST CONCRETE WALL WITH  
800mm HIGH RAILINGS; WALL TO  
ENGINEER'S SPECIFICATION

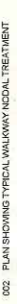
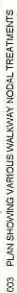
- GRASS/ WILDFLOWER AND PLANTING  
SOFT LANDSCAPE

## MDX

- 2 WILDFLOWER MEADOW SEEDING TO BE  
SALT TOLERANT MIX, SCOTIA SEEDS  
COASTAL MIX OR SIMILAR APPROVED
- 3 TREE PLANTING TO LANDSCAPE NODES  
TO BE EXTRA HEAVY STANDARD, NATIVE  
SALT TOLERANT SPECIES OF LOCAL  
PROVINCE

- STREET FURNITURE**
- 1 VOSS CS20 CYCLE STANDS OR STREETLIFE COR-TEN BICYCLE RACK
  - 2 ESCOFET TRAMET BENCHES IN FSC TIMBER AND STEEL OR SIMILAR APPROVED
  - 3 BESPOKE COR-TEN ARTWORK AND INTERPRETATION BOARDS TO LANDSCAPE NOCE AREA

- |   |  |
|---|--|
| 1 | COLUMN<br>AS PER LIGHTING ENGINEER'S DESIGN<br>AND SPECIFICATION |
| 2 | GROUND<br>AS PER LIGHTING ENGINEER'S DESIGN<br>AND SPECIFICATION |



B	(10, 22, 17)	strongly non-robust to $\alpha, \beta$ bias	3.1	58	1.07
A	(2, 12, 15)	well-tuned	2.0	58	1.07
mean	1.414	1.414 on 100 bias	mean	58	mean

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**Project**  
**Dumbarton Riverside Walkway**

**Client:**  
**West Dunbartonshire Council**

## **Total Landscape Details**

Scale	Station
1:50 @ A1	DRAFT

Job No. 6753	Drawing No. LUC_6753_005_DET	Issue B
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Appendix 2 – Response to Consultation on draft Planning Guidance on Dumbarton Waterfront Path.

<u>Name of Respondent</u>	<u>Comments of Respondent</u>	<u>Council's Response</u>
Lidl UK GmbH	<p>Lidl indicate that they have spent significant time liaising with the Council to ensure that the design and alignment of the finished waterfront path can be delivered to the satisfaction of the Council and Lidl. In terms of the design and delivery of the path, LIDL are disconcerted with the desired alignment and proposed specification contained within the guidance, as it will become a significant material consideration in the determination of the planning application.</p> <p>In relation to funding, Lidl state that there is no mention within the draft planning guidance of 'other public sector' contributions being made and ask if it is the 'intention of the Council to secure funding from other vehicles or only the landowners/developers involved?'. </p> <p>With regard to the specification of the path, Lidl refer to Appendix B of the planning guidance, which shows two options of possible 'Landscape Outline Specifications' of which one is a high quality option (Option A) and one of a lesser quality (Option B). Section 3 of the guidance then states that the preferred path should be delivered to the high specification. Lidl is of the view that by illustrating both specifications, the guidance gives uncertainty of what specification should be used or if either would be considered acceptable. Lidl therefore seek clarification on this matter.</p> <p>Lidl state that the planning guidance falls to demonstrate the cost/benefit analysis of undertaking the Council's preferred approach of delivering the path itself. Nor, in the opinion of</p>	<p>The Council will update the plan to reflect the red line boundary of the route of the waterfront path within the planning guidance. The actual route of the path may be subject to change as the project is developed, due to negotiations with landowners, but the route will be within the red line boundary detailed in the planning guidance.</p> <p>The Council intend to seek external funding for the project and all landowners/developers will be kept updated of this.</p> <p>The intention of the Council is to deliver Option A, which is the higher specification. The Council will therefore remove Option B from the planning guidance to avoid any confusion that this may cause for users of the guidance. Standard hot rolled asphalt will be used instead of resin bonded gravel/coloured asphalt and the specification therefore will be updated.</p> <p>The Council's tendering process for the path will be rigorous and aimed at delivering best value for the Council. Therefore, the planning guidance does not require to</p>

	<p>Lidl, does the planning guidance demonstrate if the preferred approach would provide the most cost effective and best value for the money option. They are also of the view that the figures indicated in table 1 of the guidance for the 'higher spec' has no justification behind the costings involved in relation to this option. Whilst Lidl state they are not adverse to the 'higher specification' path, the guidance "gives no explanation of breakdown of costs between option A and B, not does it explain the 70:30 ratio of developer/council financial contribution expected". Lidl therefore seek to find out what the reasoning behind the ratio was and how it has been determined.</p> <p>As the proposed route of the walkway as still to be finalised, they are keen to maintain discussions with the Council in terms of the preferred delivery contribution approach. Lidl however state that prior to any formal agreement being entered into, they would require the finished alignment and design of the walkway, as shown in Appendix A and B respectively, to be clarified and agreed to a reasonable standard.</p> <p>Lidl support "early delivery" of the waterfront path and are keen to "work with" the Council to ensure the vision becomes a reality. They agree in principle with the delivery date of December 2019 for completion of the path. Should planning permission be granted for the proposed Lidl mixed retail development at Castle Street (DC16/252), Lidl "would be satisfied to negotiate a suitable agreement to facilitate the delivery of the waterfront path as per the proposed guidance subject to clarifications" sought above.</p>	<p>demonstrate achieving cost effectiveness and best value and, as a result, no changes to the planning guidance are proposed in this regard.</p> <p>The 70:30 ratio for contributions has been determined by the difference in the costs between Option A and Option B in order to deliver the higher specification path with an average and then a small uplift applied across all four sites. A 30% contribution is considered appropriate.</p> <p>The Council's response to the route of the walkway is discussed above. The Council are willing to continue discussions with all landowners/developers.</p> <p>Noted.</p>
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	<p>In relation to adoption and maintenance of the path, Lidl are content with the Council adopting the path after it has been delivered. Lidl state that they intend to deliver an area of green space outside the proposed storefront and soft landscaping along the car park boundary. Lidl therefore seek to “agree a maintenance agreement for these sections adjoining the walkway with the Council should the developments be granted and formal agreement be entered into”.</p> <p>Clarification is sought on how the Council envisage the draft planning guidance will be finalised for adoption in relation to timescale and implementation. In relation to the planning application, Lidl are keen to ensure that the outcome of the draft planning guidance consultation “does not differ significantly from discussions already previously agreed” with the Council.</p>	<p>The intention to deliver green space and soft landscaping within the Lidl site is welcomed; however, for the Council to adopt the greenspace, it would need to add to the public realm and provide a public setting for the path within the Castle Street area. The adoption of the proposed greenspace will be subject to further discussion and is not directly relevant to this guidance.</p> <p>The Council’s ambition is to deliver the waterfront path as soon is practically possible as the funding is in place to construct the path. The path should be delivered no later than December 2019.</p>
Cullross Limited	<p>Cullross state that they are supportive of the concept of the waterfront path and confirm that they are committed to its delivery. Cullross state that they would wish to build the path themselves, based on a specification set by the Council and agreement that the Council will inspect and sign off on the paths completion to the required standard.</p> <p>In relation to the cost of delivering the path, Cullross request that the costs for developing the path are updated to reflect market prices before the path is built, as there are many factors that could influence the cost of the construction of the path</p>	<p>Whilst it is the preference of the Council to deliver the path, Culross have highlighted technical, procedural and legal issues why it would be more appropriate for Culross to deliver the path. They have committed to delivering the path at the earliest time as they require to do works to the quay walls before they start construction on site. They have agreed to deliver it preferably as one phase and to the specification of the Council.</p> <p>It is agreed that the Council would provide updated costs in line with any rises in inflation.</p>

	<p>Cullross state that they are concerned that the proposal to apply for “standard security” to cover “uplift costs” during the delivery period. They argue that this could “scupper” other deals on parts of sites that are often linked to a ‘clean title’.</p> <p>Part of the “Cullross” site is owned by Dunbritton Housing Association. Due to their constitution they are unable to grant standard securities except in very exceptional circumstances.</p> <p>In relation to the route of the path, Cullross state that the route, contained within the draft guidance, does not follow the route that Cullross proposes the path to take. Culross point out that their proposals have been shared with the Council; therefore they don’t understand why they haven’t been replicated within the draft guidance. Culross state that they would prefer to have seen the draft guidance show the “actual” proposed route of the Path within the Cullross site.</p> <p>With regard to the bond requirement, Cullross state that it appears to be an “unnecessarily expensive process” and ask who would meet the cost of it. They state that they would welcome a discussion with the Council at an appropriate time in relation to the bond requirement.</p> <p>Cullross provide various reasons (summarised below) why it is only appropriate for Cullross to build it on their land.</p> <ul style="list-style-type: none"> <li>• Sequence of work. The window in which to build the path is “very tight” and will be built after works to the Quay Walls have been completed but before the main contractor starts the building works. Therefore, introducing third parties which Cullross would have no</li> </ul>	<p>Noted</p> <p>Noted</p> <p>The planning guidance will be altered to include a red line boundary plan, which will detail the route of the path. The exact alignment of the plan is subject to change in relation to negotiations with landowners and developments that are planned for their site; but the path will be delivered within that red line boundary.</p> <p>Noted, the Council will discuss further the delivery of the path with Cullross and whether a bond is required.</p> <p>Noted, the Council acknowledge the technical, phasing and legal implications for the developer and further discussion will take place to determine the best way to deliver the path on this site.</p>
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	<p>control over wouldn't work for them and could result in delays and ultimately claims for extensions of time, potentially leading to significant additional costs. As a result, they cannot take a commercial risk like this and must have control over their own programme.</p> <ul style="list-style-type: none"> <li>• Legal obligations to client. Cullross state that they have a legal requirement to only handover completed homes to their client Dunbritton Housing Association after the walkway is completed and, as a result, they must have full control over the path development to ensure that legal obligation is met. If the Council were responsible for delivering the path and there was an unforeseen delay, it is conceivable that homes could sit empty. Should this happen, then they would face paying damages to their client and the subsequent impact that this could have on working relationships with their client.</li> <li>• Co-ordination of work. Cullross indicate that they will be active on site from the moment the tower is demolished and until the last unit is completed. They are also responsible for upgrading the Quay wall as well as building new homes on the site. Therefore, to hand over land which sits in between 2 ongoing projects to a 3<sup>rd</sup> party would be "disastrous" in terms of co-ordinating work in terms of who is allowed on site; managing health and safety; and the impact on costs of having a site split in two. This would add premiums onto quotes from contractors associated with managing the additional risk and having insurance policies in place. This is a risk Cullross state is commercially unacceptable.</li> </ul>	
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Brabco 736 Ltd	<p>Brabco 736 Ltd are the majority shareholders of Dumbarton Football Club and the Football Club are currently progressing a proposal to relocate from its existing site to Young's Farm, to the west of Dumbarton, to develop a Community Sports Hub facility, which will incorporate a larger stadium development together with additional playing pitches for both Dumbarton Football Club and the local community.</p> <p>As a key land owner along the proposed route of the waterfront path, Brabco welcome the publication of the draft planning guidance in order to provide certainty to the various developers along its route in order to ensure its early delivery. They do, however, have some concerns about the draft planning guidance as it is currently worded, relating to issues of detail about the walkway costs and suggested delivery mechanism.</p> <p>Brabco also harbour concerns that the draft planning guidance oversimplifies the delivery of the walkway and could potentially make any redevelopment of the football club site at Castle Road unviable. They therefore request more detail to be provided about these elements, and would also welcome the opportunity to meet the Council to discuss their points further before the planning guidance is adopted.</p> <p>In relation to costs associated with the higher specification path, Brabco appreciate that these costs may be a fair representation of those that would be incurred in the delivery of the walkway, however, they would be grateful for the</p>	<p>Noted.</p> <p>Noted.</p> <p>The preferred route of the path is on land, which in the view of the Council is not developable for any other uses apart from the path. There is a requirement on any developer of the associated land to provide a waterfront path in terms of the local development plan.</p> <p>The Council's tendering process for the path will be rigorous and aimed at delivering best value for the Council. An estimated Bill of Quantities will be made available to developers/landowners. This may be subject to change as</p>



	<p>provision of a detailed breakdown of the costs for review by their project team.</p> <p>In relation to the 70:30 split between developers and the Council, Brabco are concerned that the simple allocation of costs on this basis and requirement for a legal agreement to provide for the delivery of the walkway may not meet the terms of Circular 3/2012, which includes a provision requiring developer contributions to be proportionate to the scale and kind of the proposed development.</p> <p>The relocation of the Football Club is extremely financially sensitive and this was accepted by the Council as part of the last LDP review, where additional commercial enabling developments at the new football club site at Young's Farm were considered appropriate in order to help subsidise the stadium development.</p> <p>As a result of recent financial viability analysis, Brabco state that it has become apparent that there is no opportunity for any significant cross subsidy to be derived from commercial uses at Young's Farm and, as they are now aware, the values associated with the existing Castle Road site are significantly below that which were initially expected. At the same time the abnormal costs associated with the development of the site are far greater than that originally anticipated (i.e. site remediation/decontamination, ground works and foundation treatment). The value associated with the Castle Road site is also further diminished when consideration is given to the additional design charrette requirements that will have to be delivered as part of any redevelopment, including the provision of:</p>	<p>the project costs develop and will be subject to market testing through the tender procurement process for the works.</p> <p>As there are no current development proposals for the Castle Road Site the Council intend to fund and construct the path. The Council would recoup their costs once a development is going to be implemented on site. There is no obligation to pay any contribution to the Council before that occurs. The path requires to be delivered before December 2019.</p> <p>Noted but the Council consider that this is not relevant to the consideration of the planning guidance.</p> <p>The obligation to provide the path has been discussed above. The Council would reiterate that there is no burden on the Football Club as the burden would transfer to any future development of the site.</p>
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	<ul style="list-style-type: none"> <li>• A parkland buffer at the foot of the Rock and Castle;</li> <li>• Land for coach and car parking;</li> <li>• Land for a visitor centre, and</li> <li>• A gateway entrance to the Rock and Castle at the end of Castle Road.</li> </ul> <p>As a result of this, Brabco are concerned that the estimated developer contribution of £174,000 towards the waterfront path associated with the redevelopment of the Castle Road site will further diminish the development prospects of this site. They are of the view that this will jeopardise the relocation proposals further. On this basis, they do not consider it appropriate that the Dumbarton Football Club site should be burdened with the estimated developer cost indicated in the draft planning guidance. Instead, they consider the Council should adopt a more proportionate approach, which takes into account the scale of development promoted together with wider development viability criteria. Brabco would welcome further discussion on these points and to discuss the alternative opportunity to derive the requisite walkway contribution from the proceeds of the enabling development at Young's Farm.</p> <p>In relation to the delivery of the Path and the Council's preferred option to deliver the path itself and the resultant legal agreement which would be required with the landowners to enable the delivery of the path to happen; Brabco state that the planning guidance contains no detail on how this would be achieved and seeks further information on the mechanics of how the legal agreement would work. They would also have to be satisfied that the proposed operations to develop the Waterfront Walkway will not adversely affect</p>	<p>Noted, the Council is also of the view that there needs to be a distinct separation between the waterfront path and the Young's Farm site which is not directly relevant to this guidance.</p> <p>A legal agreement will be required to give the Council access to the land to undertake the construction of the path and for its subsequent maintenance, and where appropriate to recoup costs. The path requires to be delivered before December 2019. However, the Council is of the view that the planning guidance is not the correct place to provide details of how any legal agreement will work as this is down to individual negotiations with landowners.</p>
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	<p>the existing football club operation on the site</p> <ul style="list-style-type: none"> <li>• Further detail on how the Council propose to enter into legal agreements with the site owners, especially given Dumbarton Football Club's current position whereby there is no existing planning application for the redevelopment of the site.</li> <li>• Consideration should be given to scenarios where Dumbarton Football Club does not relocate, and where only a small redevelopment of the site takes place.</li> <li>• Burdening the title in perpetuity to recapture of costs from developers is unreasonable, and should be time limited.</li> <li>• The contribution required for any developer should be tied to delivery and not the grant of planning permission, and similarly the payment of contributions</li> </ul> <p>Brabco also consider that the timetable for delivery of the waterfront path to be optimistic but that support the adoption of the path by the Council and that the Council will maintain the path and adjoining areas of public realm that immediately adjoin the path.</p>	<p>As discussed above, the Council will build the path and the costs will be reimbursed by the developer of the site.</p> <p>See above</p> <p>The Council would look to reclaim the costs of the path within a reasonable time period and this would be subject to further discussion between the landowner and the Council.</p> <p>See above.</p> <p>The Council is confident that the waterfront path can be delivered in the timeframe that has been set as funding for the path is in place ie by no later than December 2019.</p> <p>In terms of maintenance of the path and adjoining areas, the Council confirms that it will maintain the path and associated areas of public realm as long as it provides a contiguous link with the waterfront path.</p>
Scottish Natural Heritage(SNH)	<p>SNH welcome the guidance and consider that given the waterfront location it is appropriate to seek contributions based on the higher specification path. SNH have no detailed comments to make on the developer contributions set out</p>	<p>Noted.</p>

	<p>within the draft planning guidance.</p> <p>SNH highlight that the proposed path is in proximity to the Inner Clyde Special Protection Area (SPA) for which Redshank are the qualifying interest and the Endrick Water SAC, which is designated for its Atlantic salmon, Brook lamprey and River lamprey qualifying interests. The SPA and the SAC should therefore be considered within the context of the development proposals.</p>	<p>This is not relevant to the planning guidance and will be addressed in terms of the planning application for the waterfront path.</p>
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**WEST DUNBARTONSHIRE COUNCIL****Report by the Strategic Lead - Regulatory****Planning Committee: 22 February 2017**

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**Subject: Clydebank Business Park Planning Guidance****1. Purpose**

- 1.1** To seek approval of Planning Guidance on Clydebank Business Park.

**2. Recommendation**

- 2.1** It is recommended that the Committee approves Appendix 1 as Planning Guidance on Clydebank Business Park.

**3. Background**

- 3.1** The Scottish Government Circular on Development Planning advises that local authorities may issue non-statutory planning guidance. This may be used to provide detail on a range of subject areas, and is particularly useful when an issue arises during the lifecycle of a Development Plan, and there is not the appropriate hook in the Plan to allow statutory Supplementary Guidance to be prepared. Non-statutory planning guidance does not form part of the Development Plan, but may be a material consideration in terms of considering a development proposal.

**4. Main Issues**

- 4.1** Draft Planning Guidance on Clydebank Business Park was approved by Planning Committee on 23 November 2016. The guidance was published for consultation on 1 December 2016 for a 6 week period, with comments sought by 13 January 2017. The guidance was made available on the Council's website and was sent directly to relevant organisations, business park owners/occupiers and Community Councils.
- 4.2** In response to the consultation, one response was received from Griffin Air Systems Ltd who operates in the business park and this is contained in Appendix 2. Their comments are positive about the guidance indicating it was very comprehensive and well presented. Additional comments were made in relation to access/parking, the maintenance/condition of vacant properties and the condition of signage within the business park. These comments are not directly relevant to the Planning Guidance; however, they have been passed onto the Councils Roads Service and the Regeneration and Business Support Service.
- 4.3** It is understood that a Business Improvement District (BID) is being considered for the Clydebank Business Park and the additional comments

raised by the respondent in relation to parking, signage and condition of properties would be addressed within a Business Improvement District. Although this is at an early stage, consultations have been on-going between the working group (established by the Dunbartonshire Chamber of Commerce) and key businesses within the Business Park over the last 12 months with a further round of consultation scheduled for early 2017. It is anticipated that a final decision on whether to take forward an application for a BID will be made in the coming months.

- 4.4** It is recommended that the guidance as set out in Appendix 1 is approved as finalised Planning Guidance. The guidance will indicate the Council's position in terms of leisure uses, restaurants/cafes and non-residential institutions such as nursery, training/education centre in Clydebank Business Park.

## **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.

## **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 (EIA)**

- 8.1** A screening has been undertaken and no equalities issues have been identified.

## **9 Strategic Environmental Assessment**

- 9.1** A pre-screening notification was sent to the SEA Gateway. However, the guidance is not considered to have any significant environmental impacts and an SEA is therefore not required.

## **10. Consultation**

- 10.1** Details of the consultation are set out in paragraph 4.1 above and the response to the consultation is set out in Appendix 2. During preparation of the guidance, views were also sought from the Council's Regeneration and Business Support Service, as well as, businesses within Clydebank Business Park.

## **11. Strategic Assessment**

- 11.1** The guidance is considered to support the Council's strategic priority of improving economic growth and employability.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 1<sup>st</sup> February 2017**

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**Appendices:** Appendix 1 –Planning Guidance on Clydebank Business Park

Appendix 2 – Response to consultation on draft Planning Guidance on Clydebank Business Park.

**Background Papers:** None.

**Wards Affected:** Ward 6 – Clydebank Waterfront







DECEMBER  
**2016**

## CLYDEBANK BUSINESS PARK: DRAFT PLANNING GUIDANCE

# Planning Guidance for alternative uses in Clydebank Business Park

## 1. Introduction

Over recent years the Council has received increased interest from non-industrial/business uses to locate within Clydebank Business Park. Planning applications and enquiries have been received for the change of use of existing premises to uses such as nurseries, soft play and gymnasiums. This has raised issues about whether these are suitable uses to locate within a business/industrial area in terms of their impact on existing uses and the impact on the availability of property for industrial and business uses.

This document offers additional guidance on how the Council's Local Development Plan should be applied when considering proposals for such uses. It will assist the Council in determining applications and will also provide greater certainty to potential applicants.

## 2. Alternative Uses: Defining the Issue

This Guidance uses the term 'industrial/business uses' to refer to the following uses from the Town and Country Planning (Use Classes) (Scotland) Order 1997:

Use Class 4 – Business  
Use Class 5 – General Industry  
Use Class 6 – Storage and Distribution

In this guidance, the terms 'non-industrial/business uses' and 'alternative uses' is used only to refer to:

Use Class 3 – Restaurants and cafes – where its primary trade will be drawn from the Business Park  
Use Class 10 – Non-residential institutions e.g. nursery, training/education centre  
Use Class 11 – Assembly and leisure e.g. gymnasium, sport arena

### 3. Clydebank Business Park

Clydebank Business Park was built on part of the site of the former Singer Sewing Machine factory which closed in 1980. The site was identified as an Enterprise Zone in 1981 and the business park developed to provide industrial and business accommodation for such uses.

It is located centrally within Clydebank, adjacent to the town centre and Clyde Shopping Centre. It is easily accessible by public transport with Singer rail station sitting immediately adjacent to the north, and Clydebank rail station within walking distance to the south. A frequent bus service runs along Kilbowie Road at the eastern entrance to the Business Park, with more services available within walking distance from locations within the town centre.

Road access is also good with Kilbowie Road linking to the A82 and A814 which provide access to the rest of Clydebank and the West Dunbartonshire area, Glasgow City Centre and via the Erskine Bridge and Clyde Tunnel to the wider trunk road network.

*Map1: Clydebank Business Park location and transport links*



The Business Park is now predominantly occupied by Business (Use Class 4), General Industry (Use Class 5) and Storage and Distribution (Use Class 6) uses. Business types range from small local businesses to national and international organisations such as the Clydesdale Bank and Northern Marine. Business units range in size from under 100sq.m up to 8,000 sq.m.

The Business Park is in multiple ownership, with business units and common areas in different private ownerships. The Council does not own or manage property within the Business Park.

## 4. Policy context

**Scottish Planning Policy** states that planning should address the development requirements of businesses and enable key opportunities for investment to be realised. Planning can support sustainable economic growth by providing a positive policy context for development that delivers economic benefit.

It also states that where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

Scottish Planning Policy also identifies town centres as the preferred location for uses attracting significant number of people including retail and commercial leisure, offices, and community and cultural facilities.

The **West Dunbartonshire Local Development Plan (Proposed Plan)** applies Policy GE2 to existing industrial and business locations in the Council area, including Clydebank Business Park. The purpose of Policy GE2 is to protect these locations for economic activity and growth, particularly for Use Class 4, 5 and 6 uses, and to manage the level of alternative uses within business and industrial areas. Policy GE2 states that development of Use Class 4, 5 and 6 uses will be supported within the existing business and industrial areas identified on the Proposals Map. Proposals for alternative uses will be assessed with regard to:

- a) the impact on the operations of existing uses in the area;
- b) the impact on the suitability of the area for future industrial and business investment;
- c) the impact on the availability of land and buildings for business, industry or storage and distribution uses;
- d) the cumulative impact of non-Use Class 4, 5 & 6 uses with regard to the above considerations;
- e) the availability of other locations for the proposed use;
- f) the positive contribution the proposed use can make to the area

Policy SC3 states that town centres are the preferred location for new leisure uses. The Plan's strategy for Clydebank town centre includes support for improving the evening economy and leisure offer.

The Council's **Economic Development Strategy 2015-2020** establishes key strategic priorities including stimulating economic investment and growing the business base, and creating an inclusive and prosperous place where people choose to live, work and invest. For Clydebank Business Park, the strategy indicates that the possibility of a Business Improvement District will be investigated.



## 5. Current situation

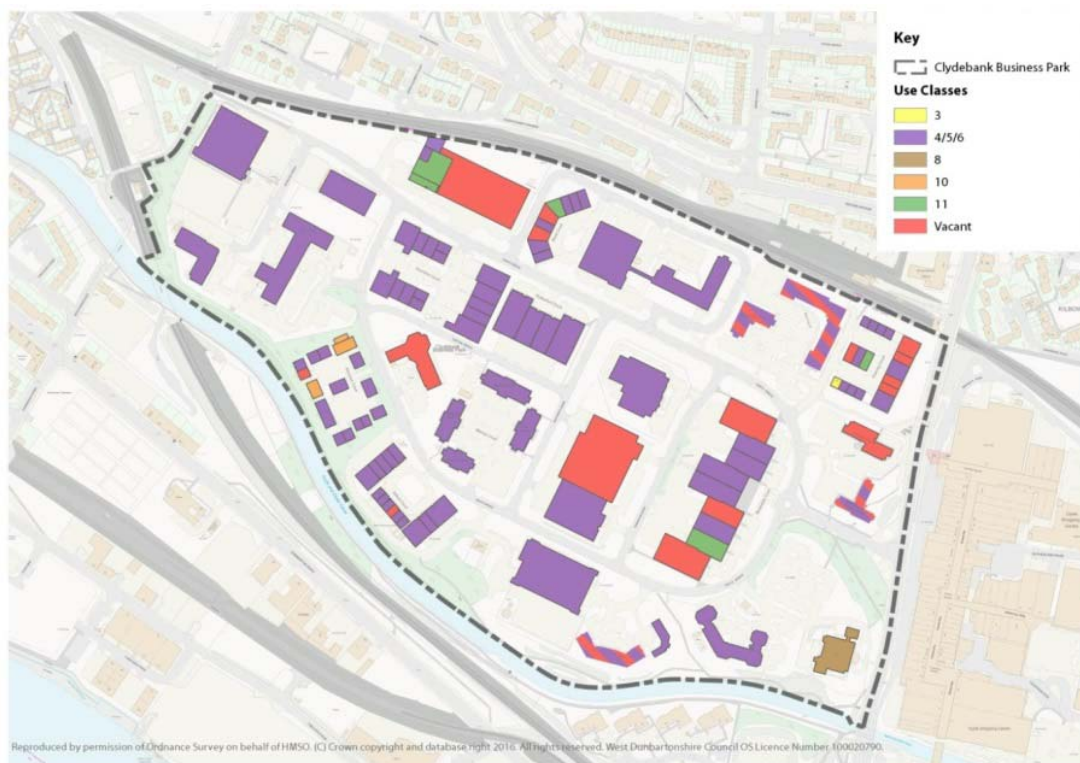
### Alternative uses

The predominant existing uses within the Business Park are industrial and business (Use Classes 4/5/6). However a number of non-industrial/business uses have been established including a café, dog care/training service, sport/fitness uses, children's nursery and a soft play centre. Table 1 and Map 2 show the number and spread of these non-industrial uses.

*Table 1: Breakdown of alternative uses*

Type	No. of units
Use class 3 - Food & drink	1
Use class 8 - Residential institution	1
Use class 10 - Non-residential institutions	2
Use class 11 - Leisure	4
<b>Total</b>	<b>8</b>

*Map 2: Use Classes in Clydebank Business Park*



## Unit sizes and vacancies

There are a range of different unit types and sizes in the Business Park. Table 2 identifies the number of units available within different size bands. Vacancies exist in greatest number and at the highest rate in the 100-500 sq.m size band. Vacancies exist in all the other size bands but in less number and not as high a rate. The majority of vacancies sit to the front (east) of the Business Park.

*Table 2: Breakdown of unit sizes (September 2016)*

Size band (sq.m)	No. of Units	Vacant units	Vacancy rate
<100	20	3	15%
100-500	82	26	32%
500-1000	14	2	14%
>1000	26	6	23%
<b>Total</b>	<b>142</b>	<b>37</b>	<b>26%</b>

## 6. Research

### Survey of Business Park businesses

The Council undertook a survey of Clydebank Business Park businesses in September 2016. The survey results provide information on the attitude of existing Clydebank Business Park businesses towards alternative uses and vacancies within the Business Park. Full details of the survey and the results are set out in Appendix 1. Some headline findings are included below.

#### Alternative uses

- The majority of respondents agree that alternative uses can provide convenient services for the Business Park and that they also contribute to an active and lively business park.
- The majority of respondents do not think that alternative uses detract from the character of the Business Park or introduce conflict with the operations (non-traffic) of existing businesses.
- Some concern is expressed that certain alternative uses introduce conflict with traffic related operations of existing businesses.
- The majority of respondents are unconcerned about the existing level of non-industrial/business uses in the Business Park.

#### Vacancies

- The majority of respondents agreed or strongly agreed that vacant units detract from the character of the business park, attract anti-social behaviour and vandalism and present a negative image to customers and clients.

#### Other Issues

- On street parking is causing difficulty for other road traffic.

#### Quotes

‘Anything that will help the local economy. Times are changing and the market needs to adapt to change’

‘Anything involving children beside industrial business is always going to provide a possible conflict’

‘Welcome the forward thinking in this exercise in trying to attract a broad spectrum of users to the business park...’

‘Where else would you want businesses to go that don’t fit a certain criteria’

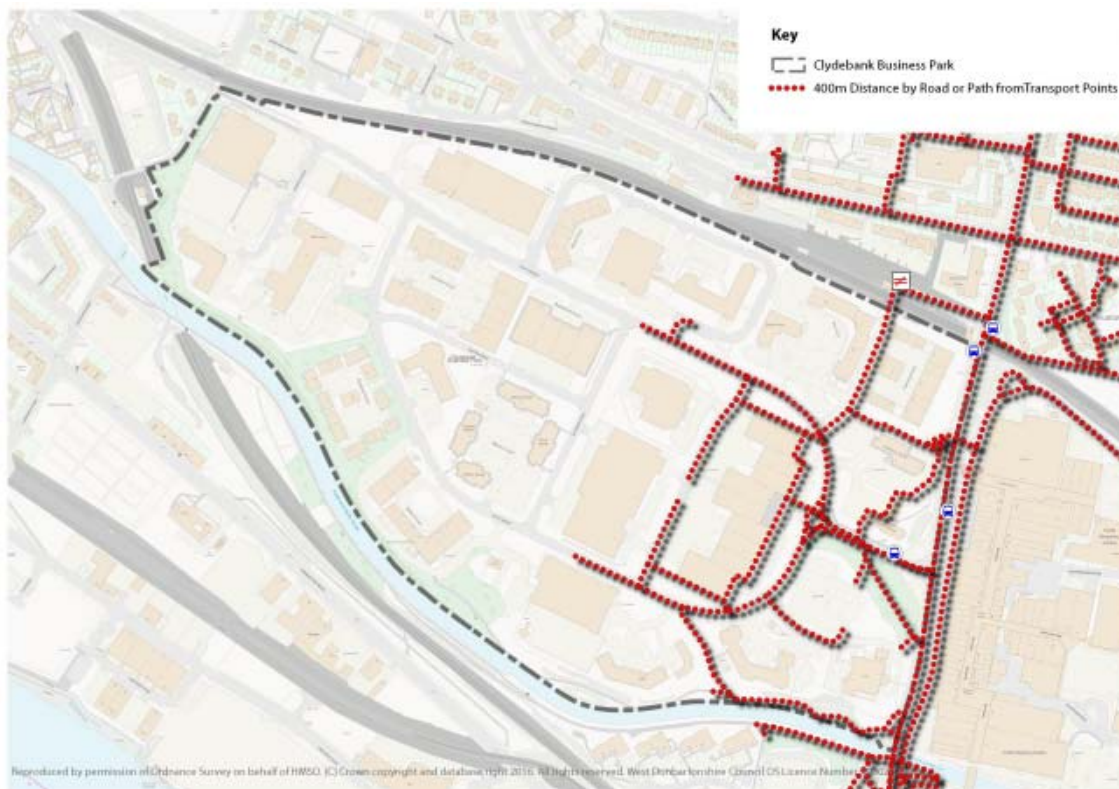
#### Conclusions from survey

The survey indicates a majority opinion within existing businesses in favour of alternative uses within the business park and support for the level of vacancy to be addressed. There are concerns around on-road parking within the Business Park, although this is not specifically connected to alternative uses.

## Accessibility

The Local Development Plan policy encourages all development to be easily accessible by active travel or sustainable means of transport, thereby reducing the need to travel by private car. Policy SD3 outlines that significant travel generating uses should locate within 400 metres of the public transport network. Map 3 identifies those areas of the Business Park within 400 metres of Singer Station and the nearest bus stops on Kilbowie Road. All of the units to the front to the east of Symington Drive, and some units to the east of Whitworth Drive fall within 400 metres of public transport facilities.

*Map 3: Accessibility to public transport*





## Approach in other Local Authority areas

Other local authorities within the Glasgow and Clyde Valley city-region were approached to ascertain whether they had received similar pressure for alternative uses in business and industrial locations and how they had addressed it. Responses were received from South and North Lanarkshire Councils and Renfrewshire Council.

**South Lanarkshire Council** have adopted a hierarchy of industrial and business areas which includes 'other employment land use areas' where they are taking a more relaxed approach to non-use class 4/5/6. These are areas where there is a pressure for other uses and high levels of vacancy and where there has been a subsequent change in character from predominantly industrial and business to areas with a wider range of uses. In allowing more flexibility the Council expect this will in turn help to stimulate the local economy. Proposals still require to be assessed against a criteria led policy. Residential and retail uses (where retail will undermine existing towns/villages) are not considered acceptable, and that the proposed uses would not prejudice the operation of adjoining businesses.

**North Lanarkshire Council** has also experienced pressure for alternative uses in business and industrial areas including for gyms, trampoline centres and dance studios. Following a charrette process to develop a new policy framework for industry and business, the Council has identified areas where it can classify what facilities would be acceptable through guidance. This includes areas which could be re-designated as mixed-use neighbourhoods (including housing) and informal/unplanned commercial areas outwith town centres which could be re-conceived as appropriate for most non-residential uses. They have also encompassed some older industrial areas into their town centres which could accommodate these uses and therefore allow more flexibility.

**Renfrewshire Council** has introduced a Simplified Planning Zone for the Hillington area which has relaxed planning restrictions within an industrial/business location. The focus of the Simplified Planning Zone scheme is on core business and employment uses, the Scheme also recognises the opportunity to introduce further complementary and non-conforming uses such as small scale retail and leisure uses and motor vehicle sales operations (with the retail/leisure uses to serve the existing organisations and make the park more sustainable and attractive for investment).

The information from other local authorities highlights that there is a trend towards a more flexible approach for alternative uses in certain industrial and business areas, whilst it is appropriate that other areas remain solely for business/industrial use. This approach is supported by Scottish Planning Policy which a wider range of viable business or alternative uses where existing business sites are underused.

## 7. Application of Local Development Plan Policy GE2 criteria

Policy GE2 of the Local Development Plan supports the development of Use Class 4, 5 and 6 uses within the existing business and industrial areas and sets out the criteria for assessing proposals for alternative uses in these areas. Based on the survey and research information included in this guidance, a more flexible approach towards the location of certain non-industrial/business uses within Clydebank Business Park will be adopted. However, having regard to the location of vacancies and the accessibility information, the Council will only support proposals for non-industrial/business uses to be located to the east of Symington Drive as identified on Map 4.

*Map 4: Area identified for the location of non-industrial/business uses*



### a) Would the use have an impact on the operations of existing uses in the area?

The Council shares the view of the majority of respondents from across a range of business size and types that non-industrial/business uses have limited impact on the operations of existing businesses. Therefore, only in exceptional circumstances where there is clear evidence that there would be an adverse impact on an existing industrial/business use, would an alternative use be refused on these grounds.

However, the Council does have concerns about the safety of users of alternative uses within industrial/business areas, particularly of child-focused uses, and survey evidence suggests that there is a general concern with regards to parking in the Business Park, particularly on-road parking. Therefore the Council will require proposals for alternative uses to provide dedicated parking in close proximity to the unit proposed for the alternative use, and which avoids conflict with traffic associated with

other uses in the Business Park. Where parking areas are shared with other uses, different hours of operation will be a consideration. The Council will also require for a suitable walking route to the unit from public transport nodes to be demonstrated. Any traffic impacts and parking requirements should be discussed and agreed with the Council.

**b) Would the use have an impact on the suitability of the area for future industrial and business investment?**

There is no research or evidence to support that the introduction of alternative uses has a detrimental impact on the suitability of an area's future for industrial/business development. However, a consideration will be the impact of any particular alternative use, or cluster of alternative uses on the quality and character of the Business Park.

**c) Would the use have an impact on the availability of land and buildings for business, industry or storage and distribution uses?**

The primary purpose of Clydebank Business Park remains business and industry. The Council will seek to retain a supply of units for these uses in preference to other uses. Therefore, the Council will not support an alternative use in any unit that would result in there being no vacant units remaining in any of the size bands identified in Table 2.

**d) Would there be a cumulative impact of non-use Class 4, 5 & 6 uses with regard to the above considerations.**

Consideration will be given to whether the overall level of non-industrial/business uses is having an impact on operations, status and suitability of existing and proposed industrial/business use. The primary purpose of this business park for industrial/business use will remain.

**e) Is there availability of other locations for the proposed use?**

The Council's preferred location for new leisure and public service uses will remain Clydebank town centre. Clydebank's edge of centre commercial centres (Clyde Retail Park and Kilbowie Retail Park) will be sequentially preferable for these uses. Applicants for non-business and industrial uses within Clydebank Business Park should always demonstrate that they have considered available premises within the town centre and retail parks, and justify why they are not suitable. There will be no requirement to consider premises in other locations.

In some circumstances it is accepted that premises within Clydebank town centre and its commercial centres may not be suitable for alternative uses. When considering the suitability of alternative premises cognisance will be given to the operational requirements of the proposed use with regard to physical requirements and hours of operation.

**f) What positive contribution would the proposed use make to the area?**

There is a strong preference for vacant units to be occupied as they detract from the character of the Business Park, present a negative image to customers and clients and attract anti-social behaviour and vandalism. Therefore the occupation of a vacant unit by a non-industrial/business use will be viewed positively except under the circumstances set out under criterion c.

Alternative uses can also be complementary to existing Business Park businesses and employees providing convenient services.

## 8. Conclusion

This guidance offers the following key points in respect of non-industrial and business uses within Clydebank Business Park:

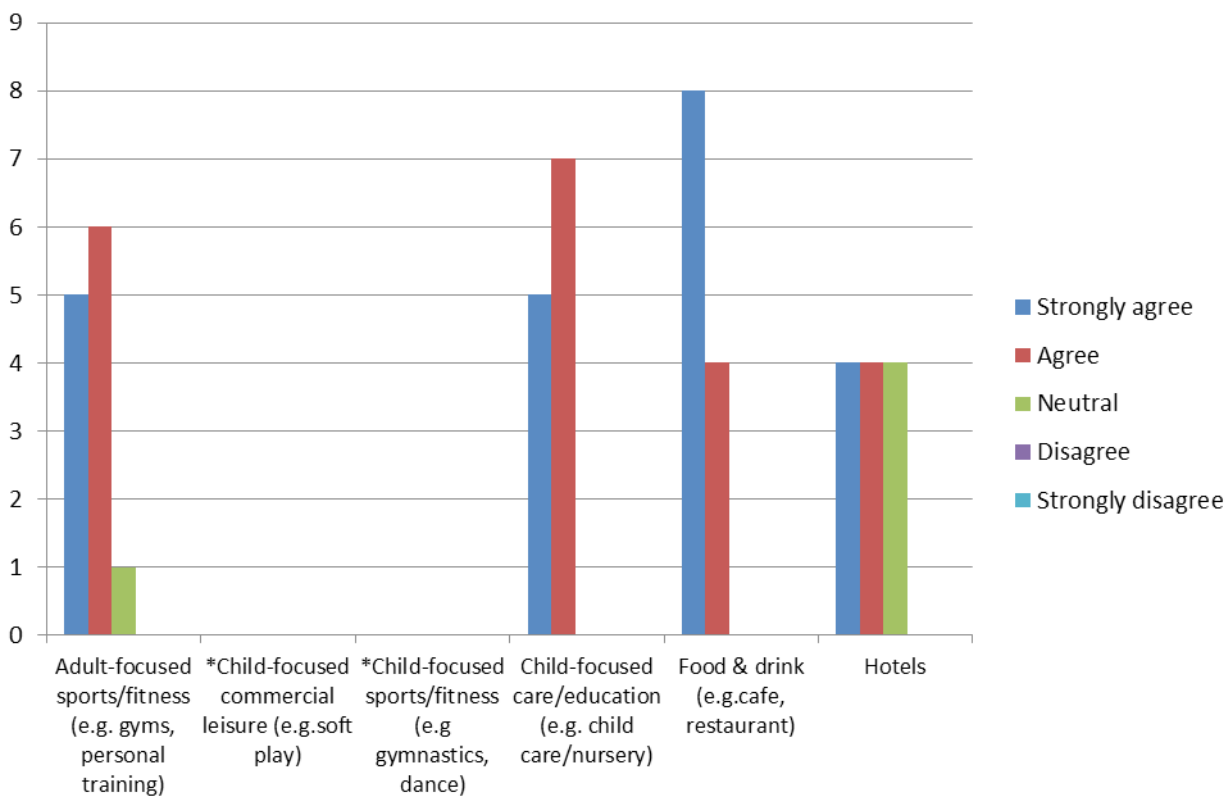
- Scottish Planning Policy supports a wider range of alternative uses where existing business sites have become underused
- The majority of Business Park businesses that responded to the survey are not concerned about non-industrial/business uses locating there, and certain uses are seen as complementary to the Business Park.
- There are vacant units available to accommodate non-industrial/business uses without impacting on the supply of units for industrial/business uses, and a strong preference within the businesses surveyed for vacant units to be occupied.
- The Council will direct non-industrial/business uses to the east of Symington Drive and require dedicated parking for non-industrial/business uses, and particularly for child-focused uses.

## Appendix 1 – Online Questionnaire for Clydebank Business Park

In preparing the planning guidance for non-industrial/business uses in Clydebank Business Park, existing businesses were invited to complete an online questionnaire via Survey Monkey. The purpose of the survey was to ascertain the opinions of existing businesses towards non-industrial/business uses and vacant units within the Business Park. Letters were hand delivered to all occupied units within the Business Park providing the link to the survey and inviting businesses to complete it. 18% of the businesses who were invited to take the survey responded. Responses came from a range of different business types (business/industrial and alternative uses) and sizes (independents and multi-nationals).

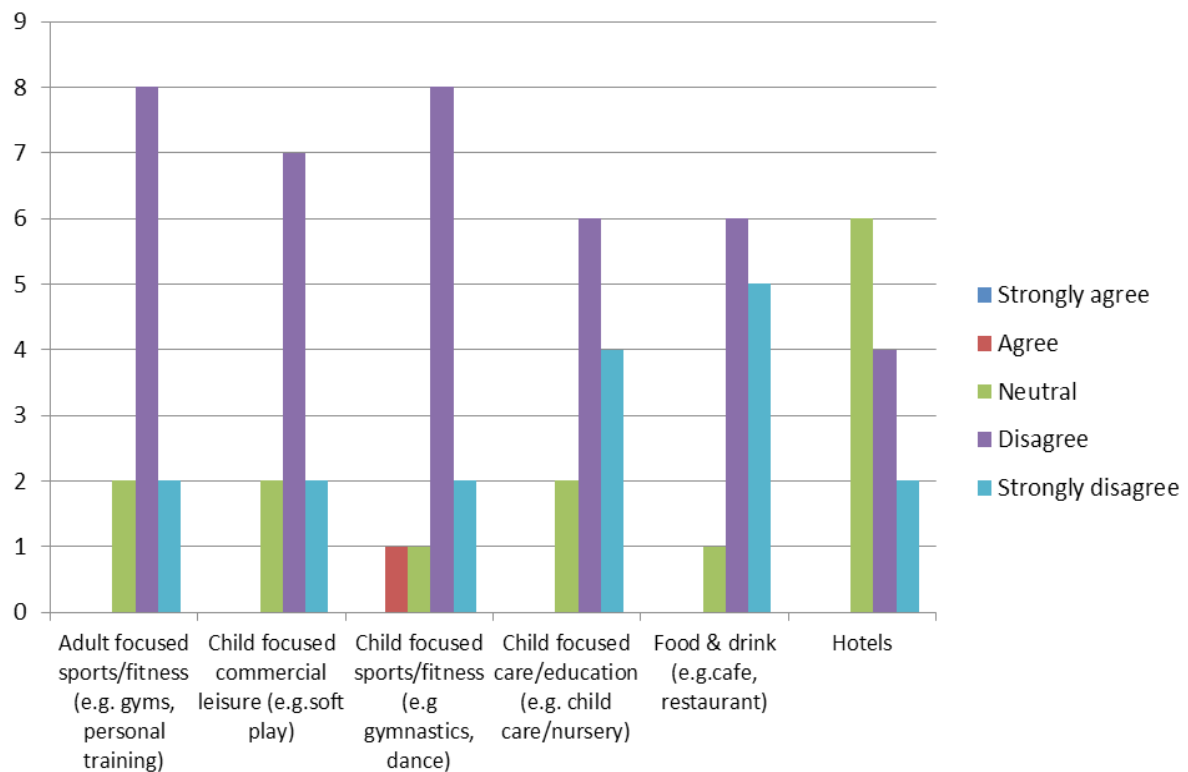
Businesses were asked to agree/disagree with a number of statements relating to different alternative uses and vacant units. The results of survey are set out below.

### 1. *They provide convenient services for business park businesses/employees.*

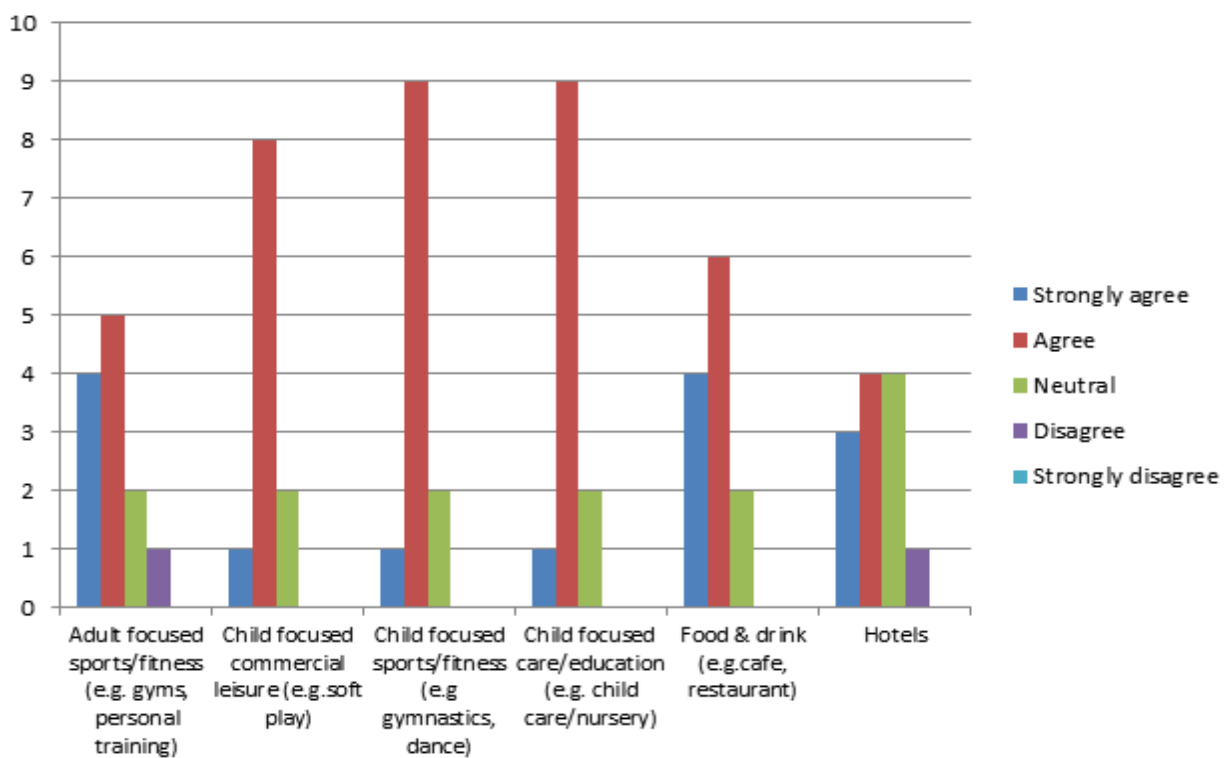


\*Statement not applicable to child-focused commercial leisure and child-focused sports/fitness uses.

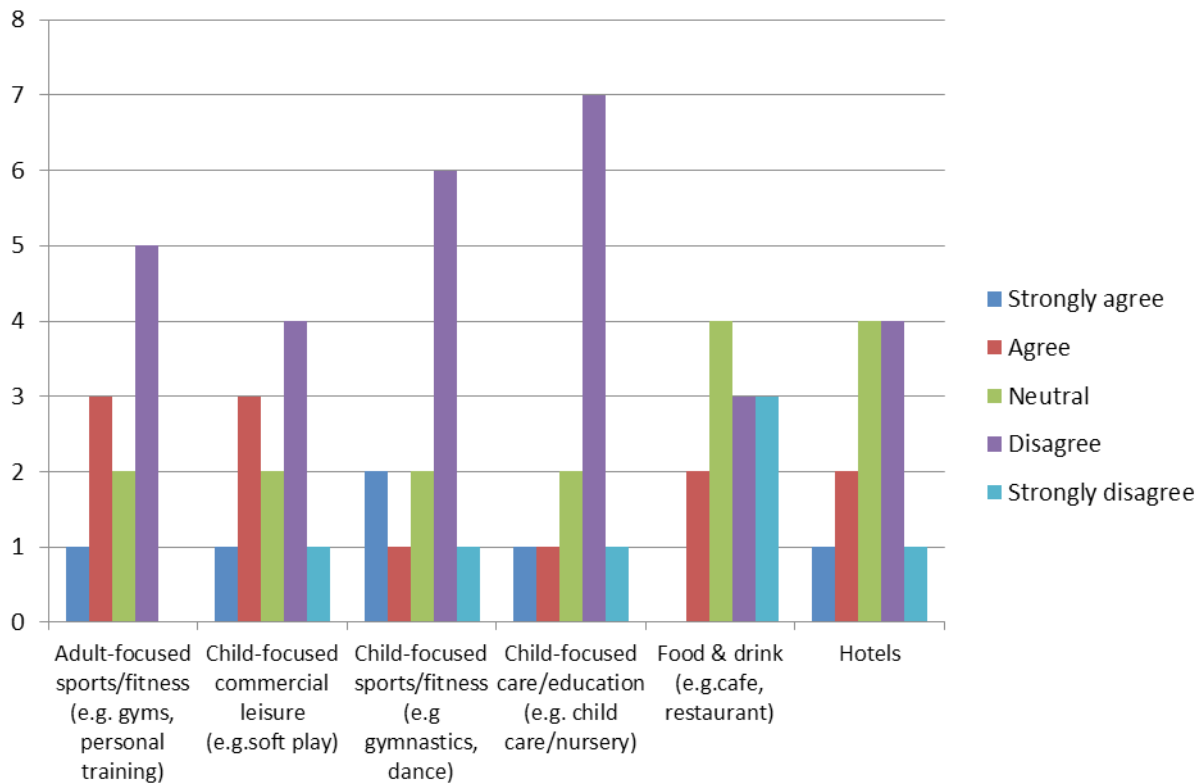
## 2. *They detract from the character of the business park*



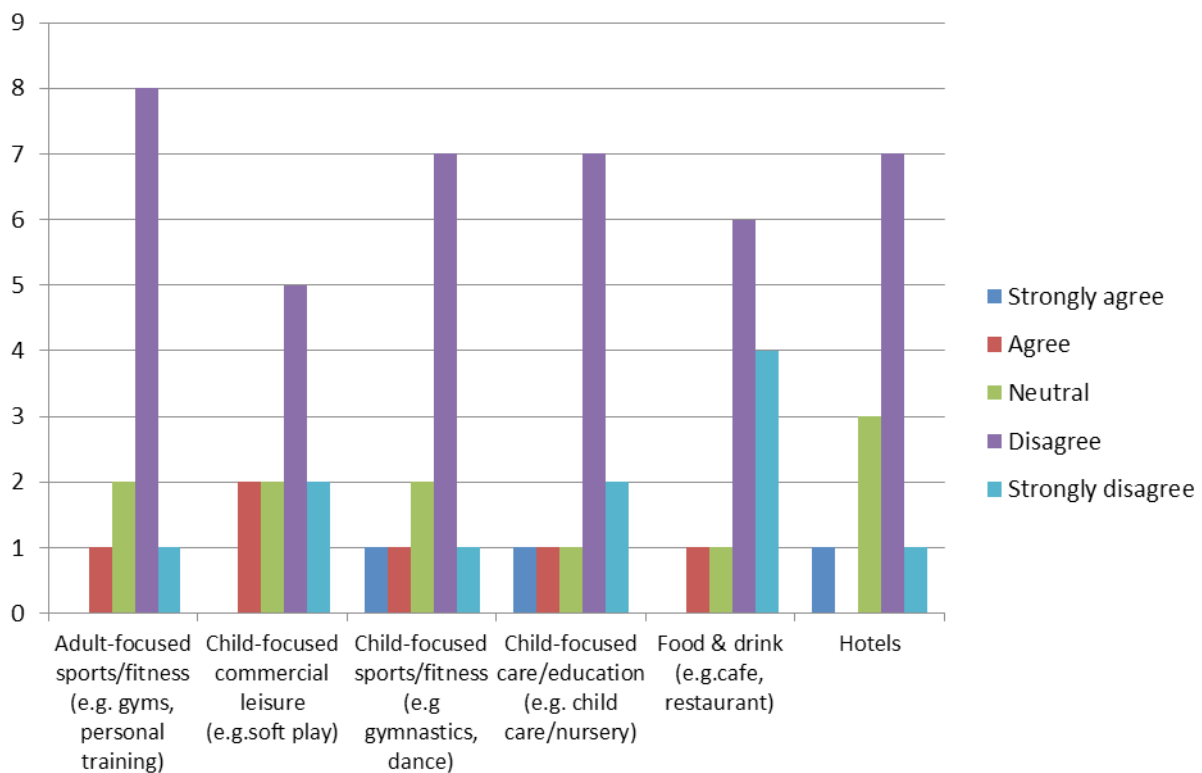
## 3. *They help to fill vacancies.*



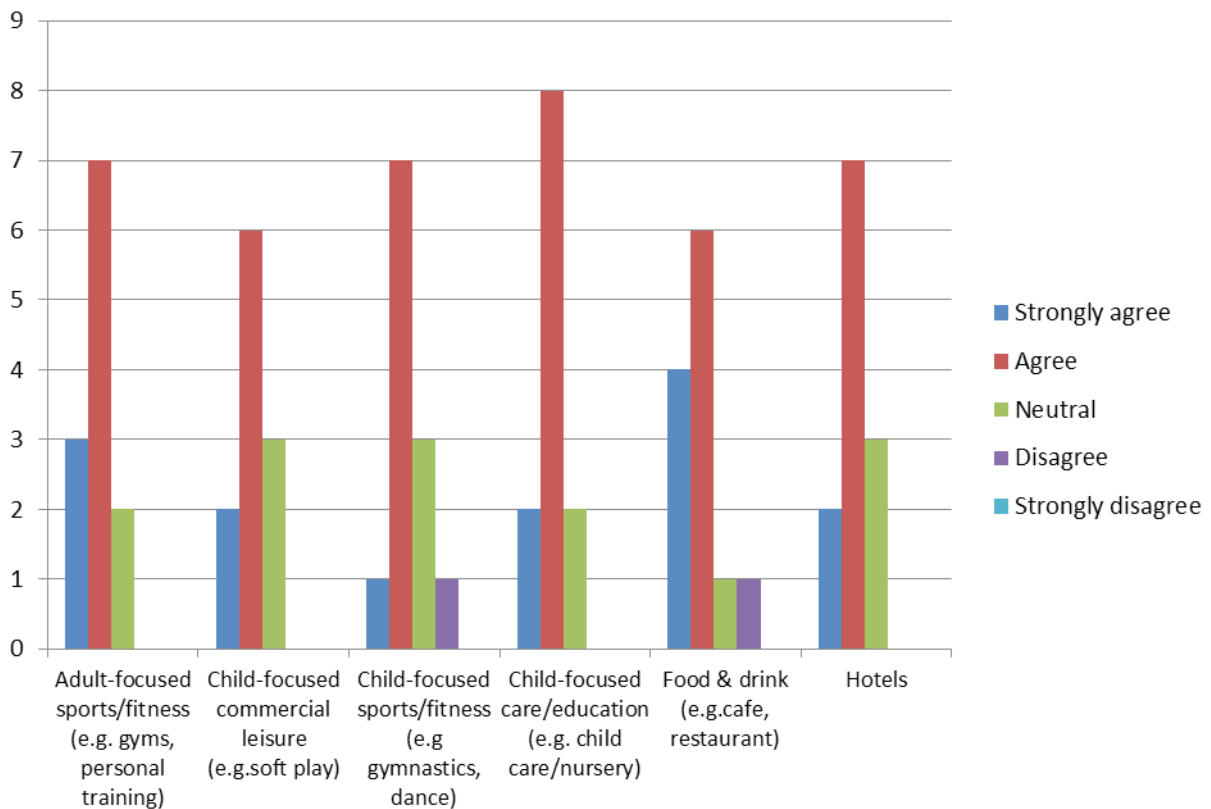
4. *They introduce conflict with the operations of existing businesses – traffic related.*



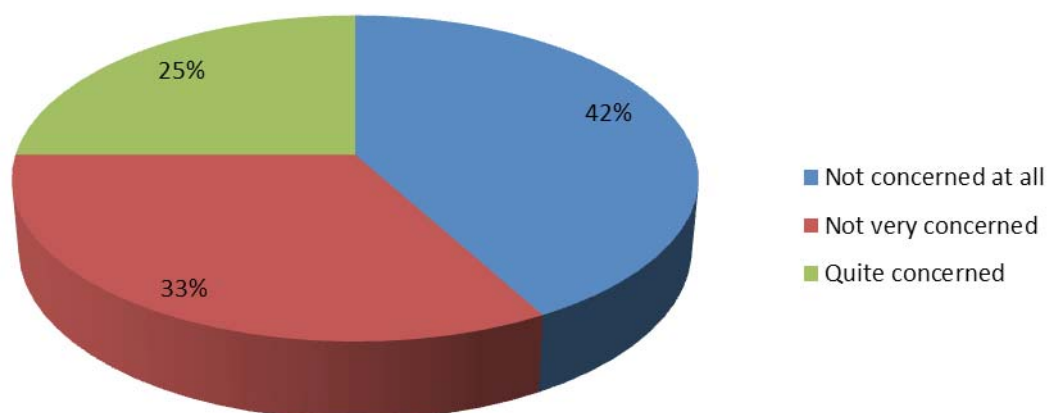
5. *They introduce conflict with the operations of existing businesses – other*



6. *They contribute to an active and lively business park.*

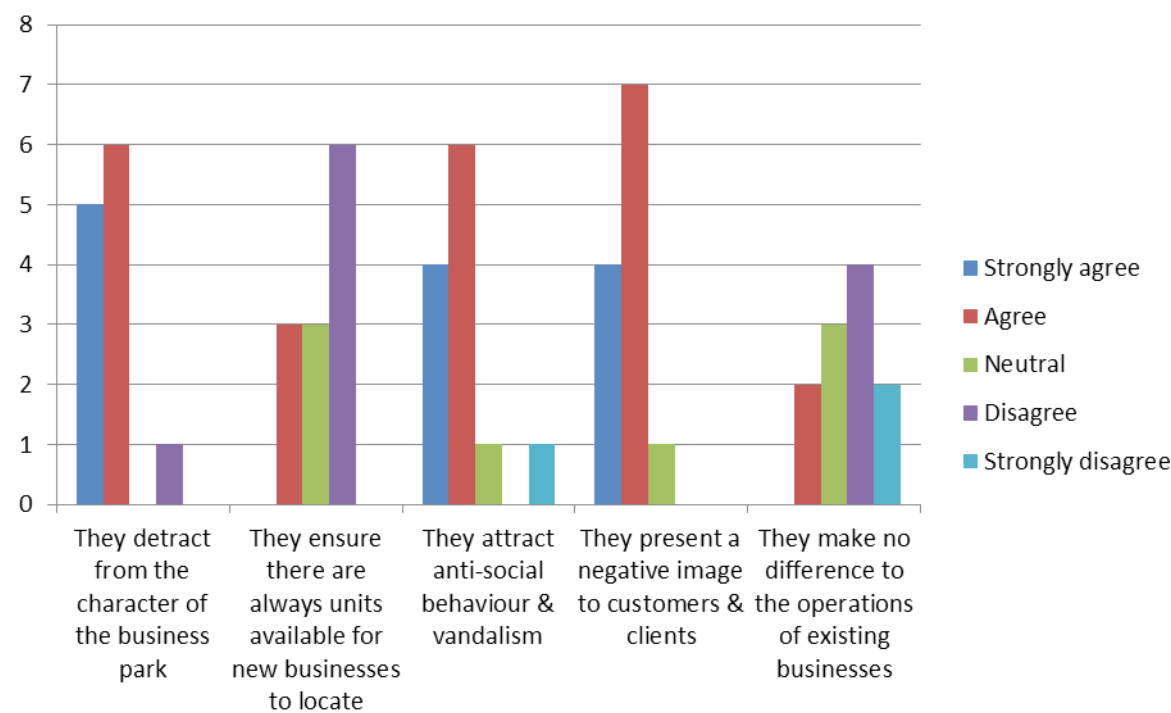


7. *To what extent are you concerned about the existing level of non-industrial business uses in Clydebank Business Park?*





8. Do you agree or disagree with the following statements about vacant units within Clydebank Business Park?



9. *Are there any other uses you would welcome/like to see in Clydebank Business Park?*

- Dry cleaning/ car wash/dedicated community police wardens
- Soft Play areas, Rock Climbing, Child minding, Florist
- Have public transport service the whole of the estate rather than buses having a terminus at the entrance - they could go round North / South Avenue
- Snack van or more eating places. Small convenience store would be handy. Beautician/ hairdressers where workers might use in their lunch break.
- Improved access and exit to park
- Anything that will help the local economy. Times are changing and the market place needs to adapt to change.

10. *Do you have any further comments to make in relation to non-industrial/business uses within Clydebank Business Park?*

- Additional entry/exit route
- Potential for overprovision of certain alternative uses.
- Sort out the parking. Many parked cars on North and South Avenues with spaces available in adjacent car parks. Stop buses parking in front of business park directory board and post boxes.
- Anything involving children beside industrial business is always going to provide a possible conflict. Not against per say, just an observation. Car parking facilities are inadequate. The parking on the road on North Avenue is a real problem and seems crazy given there is an ambulance response unit based just off of it, accidents waiting to happen.
- Inconsiderate Parking is becoming a real issue for our operations from the business park
- Welcome the forward thinking in this exercise in trying to attract a broad spectrum of users to the business park and avoid the boom or bust scenario that I have witnessed over the past 5 years
- Parking is the main concern - when heavy goods vehicles are having to navigate past parked cars especially at call centre in South Avenue
- Lighting could be made better and more CCTV cameras should be in place
- Where else would you want businesses to go that don't fit into a certain criteria. As a new business in the park we have been made very welcome by our neighbours. There is very good infrastructure in place to allow safe access and egress from the estate on foot and by car so there should be no reason not to allow businesses to move here.

Appendix 2 – Response to Consultation on draft Planning Guidance on Clydebank Business Park.

<u>Name of Respondent</u>	<u>Comments of Respondent</u>	<u>Council's Response</u>
Griffin Air Systems Ltd	<p>This survey seemed very comprehensive and was well presented.</p> <p>The access to and egress from the park must be improved.</p> <p>The bus stop should be moved and the road widened.</p> <p>Parking on North and South Avenue should be confined to only one side of the road.</p> <p>Owners of vacant properties should be required to keep them wind and water tight and not have large sections of roof missing.</p> <p>In order to avoid paying rates and the areas surrounding their property should be kept tidy. 11 North Avenue is a case in point.</p> <p>This unit has been left with only a partial roof and is an invitation to vandals and fly tippers.</p> <p>Signs on the railings at the entrance to the park should be removed, they make the area look downmarket.</p> <p>Someone should be responsible for cleaning the signage.</p>	<p>In relation to the specific issues raised by the respondent in relation to the Business Park, these are not considered to be directly relevant to the Planning Guidance and would be addressed within a Business Improvement District. However, the comments have been forwarded to the Councils Roads Service and the Regeneration and Business Support Service to determine if there is anything that can be done to address the respondents concerns through existing service provisions.</p>



**WEST DUNBARTONSHIRE COUNCIL****Report by the Strategic Lead – Regulatory****Planning Committee: 22<sup>nd</sup> February 2017**

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**Subject: Planning Appeal concerning modification of Planning Obligation relating to occupancy restriction at Flats 9, 10, and 11, Cherry Tree Court, Hill Street, Alexandria (DC16/160)**

**1. Purpose**

- 1.1** To inform the Committee of the outcome of a planning appeal.

**2. Recommendations**

- 2.1** That the Committee notes the outcome of this appeal.

**3. Background**

- 3.1** Cherry Tree Court is a small development of 12 retirement flats which was developed in accordance with a 1989 planning permission which included both a condition and a planning obligation limiting occupancy of the flats to persons aged 60 or over. In 1995 an appeal decision altered the age limit condition to 50 years or older, but the owners of the flats never applied to change the planning obligation to bring it into line with the new condition. In 2016 the owner of 3 of the flats applied to delete the planning obligation for these 3 properties, and that application (DC16/160) was refused on 31 August 2016 by the Planning Committee. The reason for refusal was that an occupancy restriction continued to be necessary due to the lack of parking and amenity space making the flats unsuitable for general-market occupation. The owner of the 3 flats appealed against that decision and the appeal was determined by way of written submissions.

**4. Main Issues**

- 4.1** The Reporter who determined the appeal accepted the need to perpetuate an occupancy restriction at the flats. However whilst he did not dispute the Council's position that the condition was less effective than the planning obligation at controlling the occupancy restriction, he did not consider this fact to outweigh Scottish Government policy which discourages the use of planning obligations for matters which conditions can address. The fact that in this case the planning obligation imposed a more onerous restriction than the condition also made it unreasonable. Accordingly, the appeal was allowed and that the planning obligation is discharged from these three flats. The condition limiting occupancy to persons aged 50 years or over is unaffected by this decision and will continue to apply.

- 4.2** National guidance does not prevent the use of planning obligations for occupancy restrictions in exceptional circumstances and the Council had taken the view that this was one such case. However, this decision reiterates the Scottish Government's position that in the limited number of situations where an occupancy restriction is necessary this should be controlled by a condition.

## **5. People Implications**

- 5.1** There are no personnel issues associated with this report.

## **6. Financial Implications**

- 6.1** The appellant's application for an award of costs was allowed by the Reporter, on the basis that the Council had acted unreasonably by refusing to remove a planning obligation which was more restrictive than the planning condition imposed by a previous reporter. The appellant has submitted a claim for £600 to cover their appeal costs which will be taken from the Planning and Building Standards budget.

## **7. Risk Analysis**

- 7.1** There are no risk issues.

## **8. Equalities Impact Assessment (EqIA)**

- 8.1** There are no equalities issues.

## **9. Consultation**

- 9.1** No consultation was necessary for the preparation of this report.

## **10. Strategic Assessment**

- 10.1** There are no strategic issues.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 1<sup>st</sup> February 2017**

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**Appendices:** None

**Background Papers:**

1. Report to August 2016 Committee
2. Appeal Documents and Decision Notice

**Wards Affected:** Ward 2 (Leven)

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead – Regulatory

Planning Committee: 22<sup>nd</sup> February 2017

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**Subject: Planning Appeal concerning proposed working of Dumbuckhill Quarry otherwise than in compliance with conditions of permission DC02/187 (DC14/168)**

**1. Purpose**

- 1.1 To inform the Committee of the outcome of a planning appeal

**2. Recommendations**

- 2.1 That the Committee notes the outcome of this appeal.

**3. Background**

- 3.1 Dumbuckhill Quarry is currently operating in accordance with a planning permission granted in 2004 (DC02/087) which consolidated and extended various earlier consents. The conditions attached to that permission control the extent of the quarrying allowed and the method in which these areas can be worked. In 2014 the quarry operator applied to change some of the conditions in order to allow the quarry to be worked in accordance with a different overall plan, which would essentially enable the same amount of rock to be extracted from a slightly broader but shallower void. That application (DC14/168) was refused by the Planning Committee in May 2015 for the following reasons:

1. *The proposal would result in a significant alteration to the appearance of a hill which forms an important part of Dumbarton's landscape heritage, as it would involve the lowering of the ridge of the hill, the alteration of its profile, and the loss of protected trees, all to the detriment of the appearance and character of the landscape.*
2. *The proposal would result in increased noise and disturbance to local residents, as it would involve an expansion of the working area closer to nearby homes and a resumption of quarrying activities at the top of the quarry. This would result in increased potential for noise and rockfalls.*

- 3.2 The applicant submitted an appeal against that decision and a claim for an award of costs against the Council. The Reporter considered that an environmental impact assessment (EIA) was required, and the appeal could not be determined until this was addressed. The appeal was determined in January 2017 following written submissions.

#### **4. Main Issues**

- 4.1** In relation to the landscape impact of the proposal, the appellant had argued that the current permission allowed the quarrying of part of the prominent southern bluff of the quarry, and that the proposed alterations to the extent of working would be of benefit to the landscape because the proposed retention of this area would offset the other changes to the hillside. However, the Reporter concluded that the current permission did not allow working of the southern bluff and therefore he discounted this argument. Looking at the actual changes to the shape of the hillside, he considered that the proposal would have significant adverse effects upon the visual setting of Milton and upon the wider local landscape.
- 4.2** Although the Reporter considered that the impacts of the development in relation to noise, vibration, air quality, trees and public safety were all acceptable, the landscape impacts meant that the proposal was contrary to policies DC8, E9 and GB1 of the adopted local plan and to policies SD4, GN4 and DS1 of the West Dunbartonshire Local Plan Proposed Plan. Accordingly, he dismissed the appeal and refused planning permission.
- 4.3** The appellant had also sought an award of costs against the Council, on the basis that they felt that the Council had acted unreasonably by refusing the application for imprecise and unjustified reasons and taking an undue length of time to reach a decision. The Reporter considered that the reasons for decision were sufficiently precise, and although he did not agree with the Council's second reason for refusal (in relation to noise and rockfalls) he found that the information available to the Council at the time of the decision was limited and that the concerns were therefore reasonable. The time taken to determine the planning application is not normally grounds for an award of expenses and the appellant could have submitted a non-determination appeal to address this. The Reporter therefore rejected the claim for expenses.

#### **5. People Implications**

- 5.1** There are no personnel issues associated with this report.

#### **6. Financial Implications**

- 6.1** None.

#### **7. Risk Analysis**

- 7.1** There are no risk issues.

#### **8. Equalities Impact Assessment (EqIA)**

- 8.1** There are no equalities issues.



## **9. Consultation**

**9.1** No consultation was necessary for the preparation of this report.

## **10. Strategic Assessment**

**10.1** There are no strategic issues.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 2<sup>nd</sup> February 2017**

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**Appendices:** None

**Background Papers:**

1. Report to May 2015 Committee
2. Appeal Documents and Decision Notice

**Wards Affected:** Ward 3 (Dumbarton)



**WEST DUNBARTONSHIRE COUNCIL****Report by Strategic Lead - Regulatory****Planning Committee: 22<sup>nd</sup> February 2017**

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**Subject: Scottish Government Consultation on Raising Planning Fees****1. Purpose**

- 1.1** The Committee is requested to consider the Scottish Government consultation on proposed changes to the fee arrangements for planning applications, and to agree the Council's response.

**2. Recommendation**

- 2.1** It is recommended that the Committee agree that this report forms the basis of this Council's response to the consultation.
- 2.2** It supports the proposals to increase the maximum cap in relation to certain categories of planning applications.

**3. Background**

- 3.1** The Scottish Government have launched a consultation seeking views on increasing the planning fees to make the planning service move towards full cost recovery. In launching this consultation, the Scottish Government indicated that it recognises the importance of planning in supporting economic growth, in the delivery of quality homes and in community empowerment. The consultation period ends 27 February 2017.
- 3.2** Over the last few years the Scottish Government has embarked upon a series of consultations regarding reviewing the fee regime for planning applications. Reports on these consultations were submitted to the Planning Committee in 2010, 2011 and 2012. Audit Scotland Report 'Modernising the Planning System' (reported to the Planning Committee on 4 October 2011) concluded that the current funding model for processing planning applications was becoming unsustainable. Since 2010 planning fees have increased by 20% twice and by 5% on a third occasion. One of the recommendations of the recent independent review of planning was that fees for major applications should be increased substantially so that the planning service moves towards full cost recovery.
- 3.3** Presently the overall resourcing of the planning service is the responsibility of local authorities. The planning service is financed through the local authority's budget and fees from planning applications. The

Scottish Ministers agree with the views expressed in the independent review that any increase in fees must be linked to sustained improvements in performance, therefore the consultation indicates that any fee increase will provide increased resources to planning authorities to help support performance improvements. The consultation indicates a 2 stage approach to reviewing planning fees with the initial increase to the fee maximum for certain categories of development implemented first. Thereafter, the Scottish government will undertake a wider review of the fee structure once the current planning reform programme has identified changes to the planning system. “Places, people and planning” a consultation on the future of the Scottish planning system was issued in January and the Council response to this consultation will be reported to the March Planning Committee. Therefore, as a first stage the consultation seeks the views of the Council on the proposed maximum fee level.

#### **4. Main Issues**

- 4.1** The maximum planning fees in Scotland have been consistently levied at a significantly lower rate than in England and Wales. For example the maximum for residential development or commercial development in Scotland is currently limited to £20,050, whilst in England it is set at £250,000 and in Wales £287,500. The consultation paper proposes to raise the current planning fees maxima for most categories of development to a revised cap of £125,000 to better reflect the level of resources these types of applications demand.
- 4.2** The current proposals do not change the current fee structure. The fees per house, per floorspace or site area are not being raised; it is only the maximum cap. There would be no change on any development less than 50 houses or on sites less than 2.5 hectares. For the maximum cap of £125, 000 to be reached the proposals would require to relate to development involving 575 houses or more or for Planning Permission in Principle on a site of 55 hectares or greater. In terms of West Dunbartonshire no applications in recent years would have reach the proposed maximum, not even the Planning in Principle application for the Queens Quay development which involves a site area of 23 hectares and up to 1056 houses which would have had a planning fee of £62,500.

Examples of how the new fees would work in practice:

##### **Housing Development**

Small development 25 houses	Medium development 100 houses	Large development 500 houses
Current- £10,025	£20,050	£20,050
Proposed - £10,025	£30,050	£110,050

##### **Erection of buildings other than residential and agricultural**

Small development	Medium development	Large development
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1,500m2	5,000m2	10,000m2
Current- £8,020	£20,050	£20,050
Proposed - £8,020	£23,450	£36,850

### **Plant and machinery**

Small development 1 hectare	Medium development 5 hectare	Large development 10 hectare
Current- £4010	£20,050	£20,050
Proposed - £4010	£20,050	£30,050

- 4.3** The proposals to increase planning application fee income is to be welcomed and is well overdue. Pressure has been brought on the Scottish Government by COSLA, Heads of Planning (Scotland) and individual Councils over a number of years to increase the fees of planning applications especially for major applications. Larger scale applications are generally more complex, demand a higher standard of design, require greater scrutiny of the development plan and often require a number of complex issues to be resolved such as flooding, traffic, natural heritage issues, etc. In an area like West Dunbartonshire where regeneration and economic growth is a top priority it is essential that a balance is struck that the increase in planning fees is not so great that it does not discourage economic growth and allows West Dunbartonshire and Scotland as a whole to be competitive in a UK environment.
- 4.4** Overall, the proposed changes are likely to result in an increase in fee income for planning authorities. In a 21 month period (April 2015-December 2016) it would have resulted in a 28.4% increase in planning fee income for West Dunbartonshire with fee income increasing by £144,119. Although the consultation paper makes it clear that the increased resources should be used to help support performance improvements, it does not indicate if there will be any restrictions on how the Council should reinvest this additional income or whether it will be the responsibility of each local authority of how they reinvest the additional income. It is acknowledged that if developers for larger developments are paying higher fees to the local authorities there will be an expectation that these applications be dealt with efficiently. Whilst application performance in West Dunbartonshire is above the national average, any additional resources will help to increase and maintain performance levels which are to be supported. In the recent Scottish Government consultation regarding increasing the building standard fees it indicated that the additional income should be used towards the provision of 1 trainee Building Standards surveyor. No such restriction has been suggested within this consultation, although there is an expectation by the government that that the additional income generated will be used for additional service and performance based improvements. No details of how the government will audit how the additional income has been reinvested have been provided. However it is expected that local

authorities will require in the future to demonstrate how they have reinvested the additional income in planning improvements.

- 4.5** Further changes to resourcing the planning system will be considered following consultation on the review of other planning recommendations. As a second stage, the Scottish Ministers have indicated that they will reflect on how the link between fees and performance can be maintained and strengthened for example if an application is not processed in a reasonable time then either part or the full planning fee is returned to the applicant.

## **5. People Implications**

- 5.1** Should the increased planning application fees be agreed, the Scottish Government expect that amongst other improvements, the Council will utilise some of the additional income to employ additional staff to meet performance improvements.

## **6. Financial Implications**

- 6.1** A review of all applications received by this Council from April 2015 to December 2016 suggested that the proposed changes would have resulted in a 28.4% increase in fee income over that period. Of the 480 applications validated in this period only 12 would have increased fees. Actual application fee income for applications validated in this period was £507,496. Had the proposed fee structure been in place it would have been £651,615. For 2015/16 financial year it would have resulted in an increase of £75,749 in fee income.
- 6.2** The proposed fee increases have the potential to generate additional income which would result in a better match between the costs involved in processing larger and more complex applications and their fees. However, it seems certain that if the proposed changes are implemented there will be a significant increase in the Council's income from application fees, and this would reduce the requirement for funding from the general revenue account subject to any additional expenditure.

## **7. Risk Analysis**

- 7.1** There are no known risks associated with this report.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** There is no equalities impact associated with this report.

## **9. Consultation**

- 9.1** The views of the Council's Finance and Legal teams have been sought during the preparation of this report.

## **10. Strategic Assessment**

- 10.1** The proposed consultation response is in keeping with the strategic priorities of the Council.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 7 February 2017**

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**Appendices:** None

**Background Papers:** 1.Scottish Government Consultation on Raising Planning Fees

**Wards Affected:** All





**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Strategic Lead - Regulatory**

**Planning Committee: 22 February 2017**

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**Subject: Street name for new housing development site at Second Avenue/Singer Street, Clydebank**

**1. Purpose**

- 1.1** To allocate a new street name to the housing development site at Second Avenue and Singer Street, Clydebank

**2. Recommendations**

- 2.1** It is recommended that Singer Gardens to be approved as the street name.

**3. Background**

- 3.1** A request has been received for a new street name for a new housing development within Clydebank. The new housing is located between Singer Street and Second Avenue and comprises 39 units of a mix of flats, terraced houses, townhouses and a bungalow which are to be for rent. A new road will be created off Singer Street with a section of Singer Street accessing the new development. Two existing houses will remain as Singer Street. The new road will take the form of a cul-de-sac. To the north of the site there are two existing houses which have a street name of Singer Street ( 8 and 10 Singer Street) and Graham Avenue. To the south of the site is Second Avenue with Kilbowie Road to the east.

**4. Main Issues**

- 4.1** The street name proposed for consideration is Singer Gardens which is in keeping with the existing street name which is used to access this new street. The name proposed meets the requirement of the Councils Street Naming Policy.
- 4.2** In line with the street naming policy the elected members for Ward 5 Clydebank Central, Central Radnor Park Tenants and Residents Association and Parkhall, North Kilbowie and Central Community Council were all consulted on the above street name.
- 4.3** Central Radnor Park Tenants and Residents Association have suggested the following street names for the new street.

- Caronia Place -named after 2 ships being built at John Browns, launched 1947 as a passenger ship for Cunard;
- Orion Place - bright and most beautiful winter constellation;
- Bankies Terrace -a former Clydebank football ground.

Parkhall, North Kilbowie and Central Community Council have suggested the following street names for the new street.

- McAlpine Place -after the original Builder and developer of the "Holy City" area;
- Skypes Gardens - after the original hamlet which existed in this area before the development of Clydebank.

- 4.4** Whilst the names suggested by the Residents Association and the Community Council are acceptable in the context of the street naming policy. Any of the suggested names would introduce a further street name theme into the area. It has not been possible to use the existing street name of Singer Street as there are not enough available numbers for the numbering of the new properties.

After careful consideration the street name of Singer Gardens best fits the location and is consistent with the general theme of an existing street name in the area. It also fully meets the requirements of the Street Naming and Numbering Policy.

## **5. People Implications**

- 5.1** There are no people implications.

## **6. Financial Implications**

- 6.1** There are no financial implications.

## **7. Risk Analysis**

- 7.1** There are no known risks to the Council.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** None.

## **9. Consultation**

- 9.1** As part of the Councils Street Naming Policy elected members for Ward 5, Clydebank Central, Parkhall, North Kilbowie and Central Community Council and Central Radnor Park Tenants and Residents Association have been consulted.

## **10. Strategic Assessment**

- 10.1** This proposal does not impact on any of the Council's strategic priorities.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 22 February 2017**

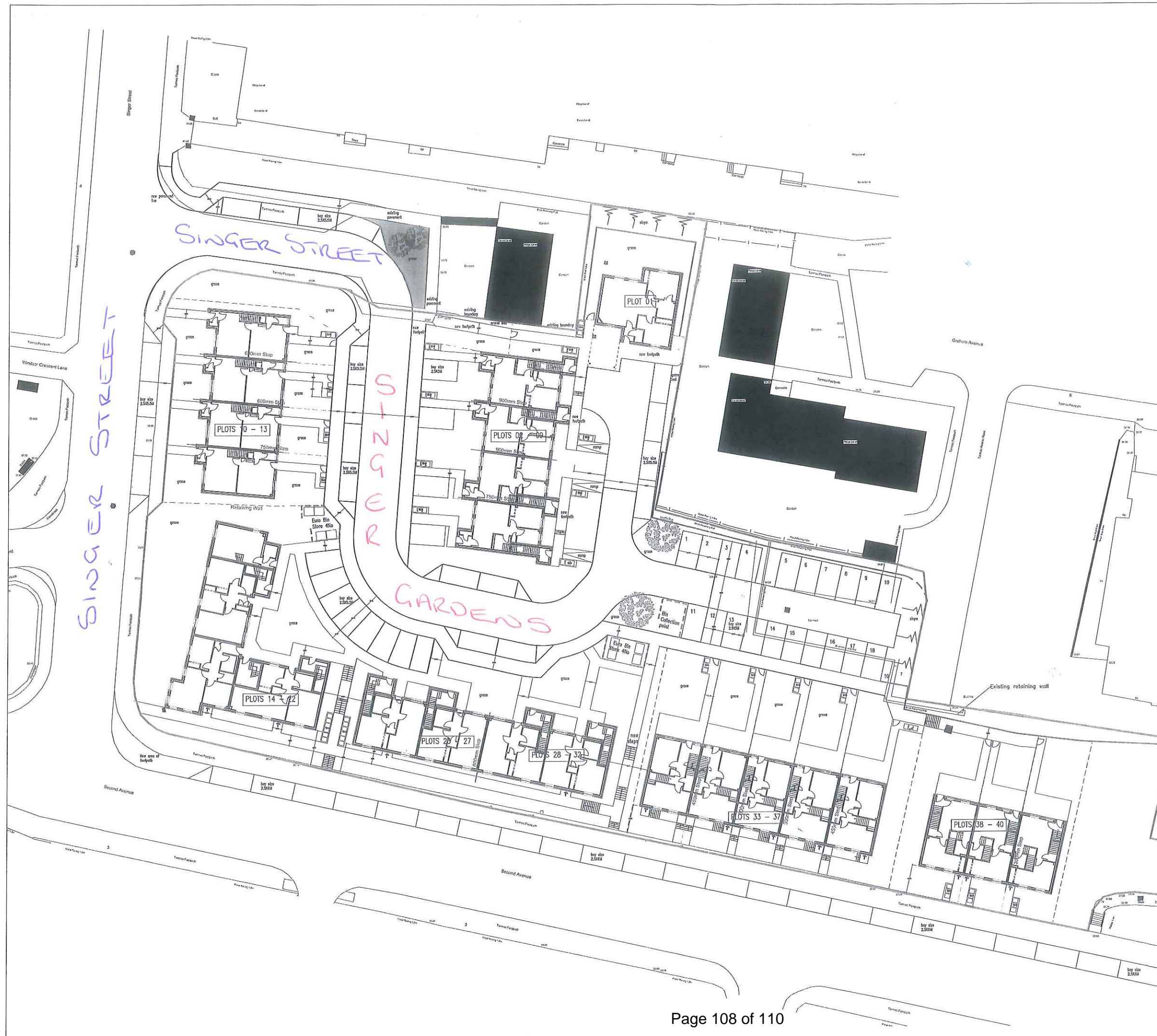
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**Appendix:** Map

**Background Papers:** Street Naming and Numbering policy

**Wards Affected:** Ward 5 Clydebank Central



EXISTING STREET  
SINGER STREET

NEW STREET  
SINGER GARDENS

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Strategic Lead - Regulatory**

**Planning Committee: 22 February 2017**

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**Subject: Street names for new housing development site at Castlegreen Street/Castle Road, Dumbarton**

**1. Purpose**

- 1.1** To allocate new street names to the new housing development site at Castlegreen Street/Castle Road, Dumbarton.

**2. Recommendations**

- 2.1** It is recommended that Rock View, Rock Place, Scots Terrace, Wallace Tower Way, Castlegate Avenue, Castlegate Lane and Castlegate Gardens to be approved as the street names.

**3. Background**

- 3.1** The site is an area of ground bounded by Castlegreen Street to the north, the Inner Clyde to the south, Gruggies Burn to the east and Castle Road to the west. Dumbarton Football Club stadium, Dumbarton Castle and Rock are to the south-west of the site.

The new housing development is located between Castlegreen Street and Castle Road, Dumbarton and comprises of 139 units of a mix of flats, detached and semi-detached and terraced houses. A request has been received to name the new streets within the development.

**4. Main Issues**

- 4.1** The street names proposed for consideration are Rock View, Rock Place, Scots Terrace, Wallace Tower Way, Castlegate Avenue, Castlegate Lane and Castlegate Gardens providing seven new street names in total. The suggested streets are derived from the architectural features of Dumbarton Castle and its medieval history. The names proposed meet the requirements of the Council's Street Naming Policy.
- 4.2** In line with the street naming policy the elected members for Ward 3 Dumbarton and the Community Council for Dumbarton East and Central were all consulted on the above street names.

One response has been received from an elected member of Ward 3 and the street names have been revised to take into account their comments. No comments have been received from the Community Council to date.

- 4.3** It is recommended that the above street names best fits the location and is consistent with the general theme of existing street name in the area. It also fully meets the requirements of the Street Naming and Numbering Policy.

**5. People Implications**

- 5.1** There are no people implications.

**6. Financial Implications**

- 6.1** There are no financial implications.

**7. Risk Analysis**

- 7.1** There are no known risks to the Council.

**8. Equalities Impact Assessment (EIA)**

- 8.1** None.

**9. Consultation**

- 9.1** As part of the Councils Street Naming Policy elected members for Ward 3 Dumbarton, and Community Council Dumbarton East and Central have been consulted.

**10. Strategic Assessment**

- 10.1** This proposal does not impact on any of the Council's strategic priorities.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 9<sup>th</sup> February 2017**

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**Appendices:** None

**Background Papers:** Street Naming and Numbering policy

**Wards Affected:** Ward 3 Dumbarton