

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 24 April 2019 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Jim Brown, Gail Casey, Karen Conaghan, Diane Docherty, Marie McNair, John Mooney and Lawrence O'Neill.

Attending: Peter Hissett, Strategic Lead – Regulatory; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Erin Goldie, Team Leader – Development Management; John Walker, Assistant Engineering Officer (Roads); Sarah Hamill, Contaminated Land Officer; Nigel Ettles, Section Head – Litigation and Craig Stewart, Committee Officer.

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

Councillor Diane Docherty in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 20 March 2019 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A note of Visitations carried out on 19 March 2019 was submitted for information, a copy of which forms Appendix 1 hereto. It was noted that Councillor Marie McNair was also present at the visitations.

OPEN FORUM

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

PLANNING APPLICATIONS

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

- (a) **DC18/209 – Erection of a petrol filling station with jetwash and alterations to the car park at Clyde Retail Park, Livingstone Street, Clydebank by Asda Stores Limited.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report.

The Chair invited Mr John Hainey, Drumry and Linnvale Community Council, objector, to address the Committee. Mr Hainey was heard in respect of the Community Council's representations in regard to the application, and in answer to Members' questions.

The Chair then invited Mr Alan Jones, representing the applicant, and Keith McGillivray, highway consultant for the applicant, to address the Committee. Mr McGillivray was heard in answer to Members' questions.

At this point, the Chair invited Mr Iain MacBean, objector, to come forward to address the Committee and he was heard in respect of his representation.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Assistant Engineering Officer (Roads) in answer to Members' questions, the Committee agreed that the application be refused on the grounds that it would increase traffic congestion significantly in the vicinity and would have a detrimental impact on the amenity of the surrounding area.

ADJOURNMENT

After hearing Councillor Docherty, Chair, the meeting agreed to adjourn for a short time, to enable those in the public gallery in attendance for Planning Application DC18/209 to leave the meeting. The meeting resumed at 10.58 a.m. with all Members listed in the sederunt in attendance.

- (b) **DC18/245 – Remediation of the site including extraction and treatment of contaminated soils and groundwater at the former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group Properties Limited.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report.

The Chair invited Mr Ian Laidlaw, Project Manager for the Applicant, and Mr Duncan Smart, Agent, to address the Committee and both were heard in respect of the application.

The Chair then invited Mr John Miller, who had made a representation to the application, to address the Committee.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in clarification of certain matters, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

- (c) DC18/273 – Erection of a 55 unit affordable housing development, community garden, associated infrastructure and landscaping at the former Aitkenbar Primary School site, Howatshaws Road, Dumbarton by West Dunbartonshire Council.**

After discussion and having heard the Team Leader – Development Management in further explanation and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

Note: Councillor O'Neill left the meeting during consideration of the above item.

The meeting closed at 11.30 a.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 19 MARCH 2019

Present: Bailie Denis Agnew and Councillors Karen Conaghan and Diane Docherty.

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

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Erin Goldie, Team Leader – Development Management; and Lisa Miller, Planning Officer.

SITE VISITS

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

(1) Queens Quay, Clydebank

DC18/272 – Erection of 149 flatted dwellings and four commercial units, associated car parking, amenity space and landscaping at Queens Quay, Clydebank by Wheatley Group.

(2) Land north west of Gavinburn Farm, Kilpatrick Braes

DC18/207 – Construction and operation of a 250kW hydro power scheme at Land north west of Gavinburn Farm, Kilpatrick Braes by Scotia Hydro.

DC18/209 – Erection of a petrol filling station with jetwash and alterations to the car park at Clyde Retail Park, Livingstone Street, Clydebank by Asda Stores Limited.

REFUSED on the following grounds:-

That it would increase traffic congestion significantly in the vicinity and would have a detrimental impact on the amenity of the surrounding area.

(b) DC18/245 – Remediation of the site including extraction and treatment of contaminated soils and groundwater at the former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group Properties Limited.

GRANT planning permission subject to the following conditions:-

1. Notwithstanding the approved Remedial Strategy (dated Nov 2018) no works (other than investigative works/remedial trials) shall commence on site until such time as an updated, finalised Remedial Strategy for the site (informed by the findings of the investigative works/remedial trials) is submitted to and approved in writing by, the Planning Authority. The revised strategy shall include details of the findings of the investigative works/remedial trials as well as an overview of the remedial approach, including details of the remedial target(s) and also verification requirements that the remediation is to achieve.
2. A Remediation Scheme, in accordance with the approved Remedial Strategy that details the different phases of the remediation, shall be 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 deal with the Part IIA linkages identified at the site. The scheme shall include method statements for works to be undertaken, a timetable of works and/or details of the phasing of works and all other site management procedures relating to the remediation.
3. The Planning Authority shall be notified in writing (by submission of the Notice of Commencement of Development) of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of each phase of remediation, a verification report, which demonstrates the effectiveness of the completed remediation works, shall be submitted to, and approved in writing by, the Planning Authority.
4. A monitoring and maintenance scheme (including the monitoring of the longterm effectiveness of the proposed remediation) shall be submitted to, and approved in writing by, the Planning Authority, unless otherwise agreed in writing. Any actions/measures ongoing shall be implemented within an agreed timescale 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.

5. The presence of any previously un-encountered contamination that is not covered by the Remedial Strategy which becomes evident during the remediation of the site shall be reported to the Planning Authority in writing within one week. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to, and approved in writing by, the Planning Authority prior to the recommencement of works in the affected area. The approved amended remediation scheme shall be implemented as approved.
6. The applicant shall coordinate a meeting that shall be held on site every 2 months (or more regularly if the need arises) to appraise the Planning Authority of the progress of the works hereby approved.
7. No works shall commence on site until such time as a noise/vibration impact assessment has been submitted to, and approved in writing by, the Planning Authority. This assessment shall include an assessment of the potential for the proposed works to cause noise/vibration nuisance affecting residential, industrial, commercial properties in the vicinity. Where potential disturbance is identified, proposals for the attenuation of that noise/vibration shall be submitted to, and approved in writing by, the Planning Authority. Any such approved attenuation scheme shall be implemented prior to the works commencing and shall thereafter be retained in accordance with the approved scheme. Should the approved attenuation scheme impose restrictions upon the way in which operations on site are carried out, the site shall be operated in this manner unless otherwise agreed and approved in writing by the Planning Authority. The assessment and any recommendations in respect of attenuation measures shall be prepared by suitably qualified person.
8. During the period that the remediation works and any ancillary operations are carried out which are audible at the site boundary (or at such other place(s) as may first be agreed in writing by the Planning Authority), shall be carried out between the following hours unless otherwise agreed and approved in writing by the Planning Authority:

Mondays to Fridays: 08.00 – 18.00
Saturdays: 08.00 - 13 00
Sundays and public holidays: No working
9. No works shall commence on site until such time as details (including specific luminaire and lamp type; beam control; wattage; use of reflectors, baffles, louvers, cowling; lux contours/distribution diagrams and columns types/colours) of the lights/floodlights have been submitted to, and approved in writing by, the Planning Authority. The lights/floodlights shall then be implemented in accordance with the approved details and shall be maintained. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority. For the avoidance of doubt, bright lighting shall be avoided during the months of September to March inclusive where this would illuminate areas of the inter-tidal habitat of the Inner Clyde Special Protection Area.

10. No works, unless otherwise approved in writing by the Planning Authority, shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to, and approved in writing by, the Planning Authority. The scheme shall identify likely sources of dust arising from the approved remediation works, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved in writing by the Planning Authority.
11. No works shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of:
 - Management of earthworks
 - Monitoring of any standing water within the site temporary or permanent
 - Reinstatement of grass areas and soft landscaping (including details of species and spacing of trees and shrubs)

The Bird Hazard Management Plan shall be implemented as approved. No subsequent alterations to the plan shall take place unless firstly approved in writing by the Planning Authority in consultation with Glasgow Airport.

12. No works shall commence until an Ecological Clerk of Works has been appointed to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Natura site.
13. No works, between the months of September to March inclusive, shall commence until a screening barrier has been installed along the southern boundary of the remediation works area, to provide screening against visual and noise disturbance. Details of the screening shall be submitted to, and approved in writing by, the Planning Authority and implemented as approved. No activities shall take place below Mean High Water Springs (i.e. within that part of the application site boundary that overlaps with the Inner Clyde Special Protection Area.
14. Any clearance of ground vegetation, prior to the main remediation works being undertaken, shall be carried out by hand during the winter months. The vegetation clearance shall be overseen by the Ecological Clerk of Works with a view to retaining as much vegetation on site as possible while still facilitating the remediation works – particularly where such retained vegetation can retain and enhance the screening of the remediation works from the Inner Clyde Special Protection Area.
15. No remediation works shall commence until wheel washing facilities and/or other appropriate measures for traffic connected with the remediation works have been installed in accordance with details agreed by the Planning Authority. Once installed such facilities shall be used to prevent mud and other debris being deposited from the site onto the public highway during the period of the remediation works and shall be maintained thereafter.

DC18/273 – Erection of a 55 unit affordable housing development, community garden, associated infrastructure and landscaping at the former Aitkenbar Primary School site, Howatshaws Road, Dumbarton by West Dunbartonshire Council.

GRANT planning permission subject to the following conditions:-

1. The development shall be completed in accordance with the following external finishing materials:
 - Ibstock Ivanhoe Cream clay bricks;
 - Ibstock Grey stock clay bricks;
 - Grey Marley Eternit Ltd modern roof tiles (single lap interlocking tiles) in smooth grey
 - Aluminium Clad timber windows by NorDan UK Ltd in RAL 1020
2. Prior to the commencement of development on site, a sample panel of brickwork shall be constructed for all brick types to be used in order to determine the appropriate colour of mortar that should be used which shall be approved by the Planning Authority. Thereafter the development shall be completed in accordance with the approved mortar.
3. Prior to the commencement of works on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of any unit within the development.
4. Prior to the commencement of development on site, details of the design and location of cycle storage provision for the flatted blocks, street furniture and lighting shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details prior to the occupation of any of the approved properties, unless otherwise agreed in writing with the Planning Authority.
5. No house/flatted unit shall be occupied until the vehicle parking spaces associated with that house/flatted unit have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
6. Twelve months after completion of the development, a parking review shall be undertaken within the development to ascertain levels of car ownership and whether there are any parking related problems within the development. The findings and recommendations of the review shall be submitted for the written approval of the Planning Authority. Thereafter the additional parking spaces illustrated on drawing no. AL(--)-205D shall be formed if required, in accordance with the agreed recommendations and the approved details.

7. Unless as may otherwise be agreed in writing by the Planning Authority, the landscaping scheme for the site shall be implemented not later than the next appropriate planting season after occupation of the first residential unit. The landscaping shall thereafter be maintained in accordance with these details.
8. Prior to the commencement of development on site, full details of the design of the community garden shall be submitted for the approval of the Planning Authority and shall include details of hard and soft landscaping locations and specifications, public art, lighting and furniture. Thereafter, the community garden shall be implemented and approved in accordance with the approved details prior to the occupation of any residential unit.
9. Prior to the commencement of development on site, details of measures to protect trees located within and adjacent to the site shall be submitted for the written approval of the Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.
10. Unless as may otherwise be agreed in writing by the Planning Authority, no trees other than the five cherry trees at the southwest corner of the development site, shall be removed either within or adjacent to the site without the prior written approval of the Planning Authority.
11. Prior to the commencement of development on site, details of the location and form of any site compound or storage area shall be submitted for the written approval of the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
12. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
13. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. Prior to placement of any of the material, the developer shall submit a validation report for the approval in writing of the Planning Authority and it shall contain details of the source of the material and associated test results to demonstrate its suitability for use. Thereafter the development shall be undertaken in accordance with the approved details.

14. No development shall commence on site until such time as a revised ground gas assessment is undertaken and submitted to the Planning Authority for approval.
15. No development (other than investigative works) shall commence on site until such time as a detailed remediation strategy/plan is submitted to and approved in writing by the Planning Authority. The strategy shall be prepared by a suitable qualified person and shall summarise all the measures required to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The strategy shall ensure that upon completion of the remediation works the site will no qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after development.
16. Remediation of the site shall be carried out in accordance with the approved remediation strategy/plan prior to the proposed development being brought into use. Any amendments to the approved remediation strategy/plan shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works and prior to occupation of any of the units, the developer shall submit a completion report for the approval in writing of the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation strategy/plan and that the works have successfully reduced the risks to acceptable levels.
17. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that any contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to development.
18. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

Mondays to Fridays: 0800-1800

Saturdays: 0800-1300

Sundays and public holidays: No working