

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 27 January 2016 at 2.00 p.m.

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

**Attending:** Jim McAloon, Head of Regeneration and Economic Development; Pamela Clifford, Planning and Building Standards Manager; Alan Williamson, Team Leader – Forward Planning; Jack McAulay, Manager of Roads and Transport; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Hazel Sorrell.

**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 at this point in the meeting.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Planning Committee held on 16 December 2015 were submitted and approved as a correct record.

### **NOTE OF VISITATIONS**

A Note of Visitations carried out on 14 December 2015, a copy of which forms Appendix 1 hereto, was submitted and noted.

### **PLANNING APPLICATIONS**

Reports were submitted by the Head of Regeneration and Economic Development in respect of the following planning applications.

New Applications:-

**(a) DC15/245 - Extension to existing car park at Strathleven Place, Dumbarton by West Dunbartonshire Council.**

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

The Planning & Building Standards Manager was heard in further explanation of the report and advised that a late representation had been received from Canon Conroy, Parish Priest at St Patrick's Church and made the terms of the representation known.

The Chair invited Mr Ian Ellis, representing Dumbarton East & Central Community Council to address the Committee. The Committee agreed that photographs by Mr Ellis be circulated to all Members present. Mr Ellis made the views of the Community Council known and was heard in answer to Members' questions.

The Chair then invited Mrs Rose Harvie, representing Silverton & Overtoun Community Council to address the Committee. Mrs Harvie made the views of the Community Council known.

The Chair then invited Mr Raymond Walsh, representing the Applicant, West Dunbartonshire Council, to address the Committee. Mr Walsh was heard in support of the application and in answer to Members' questions.

Mr Kevin Neeson, representing the St Patrick's Church Fabric and Finance Committee and Canon Conroy from St Patrick's Church and Mr Ian Murray, representing The Parish Pastoral Council for St Patrick's Church were then invited by the Chair to address the Committee. Mr Neeson and Mr Murray made their views on the application known and were heard in answer to Members' questions.

Councillor O'Neill, seconded by Councillor Rainey moved that:-

The Committee agree to grant planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 2 hereto.

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

The Committee refuse planning permission on the grounds that the development is contrary to Policy R1, of the adopted Local Plan and Policy GN1 of the emerging Local Development Plan and there was no case to justify additional parking. The proposed parking spaces were not needed and the development would result in the unnecessary loss of open space and cause adverse environmental impact.

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

**(b) DC15/213 – Non-food retail development of 70,000 sq.ft (variation of condition 1 of permission DC12/131 to extend duration of permission) at St James Retail Park, Dumbarton by Legal & General UK Property Fund.**

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

The Planning & Building Standards Manager was heard in further explanation of the report and in answer to Members' questions.

The Chair invited Mr Fraser Littlejohn, representing the applicant to address the Committee. Mr Littlejohn was heard in support of the application.

The Committee agreed to grant planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 3 hereto.

**(c) DC15/207 – Part change of use to hot food take away (part retrospective) at 66C Dumbarton Road, Duntocher by Mr Kenneth Paul.**

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

The Manager of Roads and Transport was heard in answer to Members' questions.

The Chair invited Mr Kenneth Paul, the Applicant, to address the Committee. Mr Paul was heard in support of the application.

The Committee agreed to grant full planning permission subject to the conditions specified in section 9 of the report with the permitted hours being 0800 to 2200, details of which conditions are contained in Appendix 4 hereto.

**(d) DC15/250 – Erection of a new pavilion, reinstatement of entrance gates and extension and alterations to existing park depot at Levensgrove Park, Dumbarton by West Dunbartonshire Council.**

The Committee agreed to grant full planning permission subject to the conditions specified in section 9 of the report, details of which are contained in Appendix 5 hereto.

## **CONSULTATION ON CENTRE STRATEGY FOR BRAEHEAD, RENFREWSHIRE**

A report was submitted by the Head of Regeneration and Economic Development seeking approval for this Council's response to Renfrewshire Council's draft Centre Strategy for Braehead, detailed within Appendix 1 to the report.

The Committee agreed that Appendix 1 to the report be submitted as this Council's response to the Consultation on Centre Strategy for Braehead, Renfrewshire.

## **CONSULTATION ON THE LAND USE STRATEGY FOR SCOTLAND 2016 – 2021**

A report was submitted by the Head of Regeneration and Economic Development advising of the content of the Draft Land Use Strategy for Scotland, currently subject to public consultation, and seeking approval for this Council's response to the consultation, detailed within Appendix 1 to the report.

The Committee agreed that Appendix 1 to the report be submitted as the Council's response to the Consultation on the Land use Strategy for Scotland 2016 - 2021.

## **FUTURE MEETINGS**

Following the Council decision to alternate meetings between Clydebank Town Hall and Garshake Road, Dumbarton from 1 January 2016, the Committee agreed to note the following locations for future meetings of the Planning Committee.

27 January 2016, 2.00 pm in Garshake Road, Dumbarton  
24 February 2016, 2.00 pm in Garshake Road, Dumbarton  
23 March 2016, 2.00 pm in Clydebank Town Hall  
27 April 2016, 10.00 am in Clydebank Town Hall  
25 May 2016, 2.00 pm in Garshake Road, Dumbarton  
22 June 2016, 2.00 pm in Clydebank Town Hall  
3 August 2016, 10.00 am in Garshake Road, Dumbarton  
31 August 2016, 10.00 am in Clydebank Town Hall  
21 September 2016, 2.00 pm in Garshake Road, Dumbarton  
26 October 2016, 10.00 am in Garshake Road, Dumbarton  
23 November 2016, 2.00 pm in Clydebank Town Hall  
21 December 2016, 10.00 am in Clydebank Town Hall  
25 January 2017, 2.00 pm in Garshake Road, Dumbarton  
22 February 2017, 2.00 pm in Clydebank Town Hall  
29 March 2017, 2.00 pm in Garshake Road, Dumbarton  
26 April 2017, 10.00 am in Clydebank Town Hall

## **CHAIR'S REMARKS**

The Chair, Councillor O'Neill provided a verbal update on the following recent developments:-

## **Scottish Government**

- Amusement/gaming centre within units 57-61, 36 Sylvania Way, Clydebank (DC15/041). Councillor O'Neill advised that the appeal had been 'called in' by the Scottish Ministers for determination as it involves the potential for detrimental impact from the perceived proliferation of gambling facilities within the area.
- Councillor O'Neill advised that additional information on the ongoing Local Development Plan/Duntiglennan Fields issue had been submitted to the Scottish Government and consideration was being given on how to progress this matter towards conclusion.

## **Annual Planning Convenors Conference, Glasgow 13 January 2016**

- Discussions regarding necessity for 5-year cycle of Main Issue Reports (MIRs) – general agreement from Convenors that this should be changed;
- Cabinet Secretary gave an indication that following the ongoing Planning Review that he would be intending to create a new Planning Act (if his party forms the Scottish Government);
- Discussions and general agreement from Convenors regarding the High Hedges Act and the implications for those complainants that could not afford the application (fees vary widely across all Local Authority areas) – DPEA officials will feed the above to the Planning Review team.

The meeting closed at 3.35 p.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 14 DECEMBER 2015**

**Present:** Bernard Darroch, Lead Planning Officer

**Attending:** Councillor Jim Finn

**Apologies:** Councillor John Mooney

**SITE VISIT**

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

(a) 157 High Street, Dumbarton

DC15/241 - Sub-division and change of use of a shop to form a hot food takeaway and a separate office unit with associated external alterations at 157 High Street, Dumbarton by Sky Pizza Ltd.

## APPENDIX 2

### **DC15/245 - Extension to existing car park at Strathleven Place, Dumbarton by West Dunbartonshire Council.**

#### **Permission was GRANTED subject to the following conditions:-**

1. No development shall commence until the trees marked for retention on the approved plans 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 the development and shall be implemented as approved.
2. Prior to the commencement of development, full details of the landscaping scheme for the site, including replacement planting for the three trees to be removed as shown on drawing number 14232-SK-01, shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved not later than the next appropriate planting season after the car park is brought into use.
3. Prior to the commencement of development full details of the hardstanding and pedestrian areas shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved prior to the new car park being brought into use.
4. Prior to the commencement of development, full details of any fences, walls, railings or gates to be erected shall be submitted for the further written approval of the planning authority and implemented as approved.
5. Prior to the commencement of the development, details of the cycle racks and the bollards and barrier to be installed at either end of the church car park shall be submitted for the further written approval of the planning authority and implemented as approved prior to the car park being brought into use.
6. Prior to the commencement of the development full details of the surface water drainage system shall be submitted for the further written approval of the planning authority and implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.
7. 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 by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.

**DC15/213 – Non-food retail development of 70,000 sq.ft (variation of condition 1 of permission DC12/131 to extend duration of permission) at St James Retail Park, Dumbarton by Legal & General UK Property Fund.**

**Permission was GRANTED subject to the following conditions:-**

1. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall include:
  - (a) site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping
  - (b) plans of each building showing its elevations and floor plans
  - (c) details of existing and proposed ground levels and finished floor levels
  - (d) details of external finishing materials
  - (e) details of the means of drainage and sewage disposal
2. Full details of the foul and surface water drainage system, shall be submitted at the same time as any application for the approval of matters specified in conditions referred to above for the approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design.
3. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - (a) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Planning Authority.
  - (b) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer.
  - (c) any trees or shrubs removed, or which in the opinion of Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. At the same time as the first application for approval of the matters specified in conditions referred to above full details of the design and location of all



fences and walls to be erected on the site shall be submitted for the consideration and written approval of the Planning Authority.

5. At the same time as the first application for approval of the matters specified in conditions referred to above full details of all hard surfacing to be provided on the site shall be submitted for the consideration and written approval of the Planning Authority.
6. At the same time as the first application for approval of the matters specified in conditions referred to above, a comprehensive contaminated land investigation report shall be submitted together with a remediation strategy to treat, make safe and/or remove any existing contamination on the site.
7. Construction works shall be limited to between 08.00am to 6.00pm Monday to Saturday only with no site preparation or construction works on a Sunday.
8. At the same time as the first application for approval of the matters specified in conditions referred to above, a method statement for the prevention of nuisance from dust during dry weather conditions shall be submitted for the written approval of the Planning Authority.
9. No unit hereby approved shall be brought into use until the vehicular access to the site and the necessary mitigation measures to the road network, agreed as a result of final consideration of the Transportation Impact Assessment, have been implemented to the satisfaction of the Planning Authority. These mitigation measures should show that the proposal brings no net detriment to the road capacity on the A.814.
10. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the hours of operation to prevent mud being deposited on the public road.
11. The development hereby permitted shall be used solely for uses within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other purpose. The use shall further be restricted to non-food retailing only.
12. The total floorspace allowed by this consent is 6503m<sup>2</sup> (70,000 sq.ft) divided between three units, which shall comprise one unit of approximately 3252m<sup>2</sup> (35,000 sq.ft) and two further units with a minimum size of 1394m<sup>2</sup> (15,000 sq.ft). No further subdivision of these three units may take place without the benefit of a separate planning consent.

## APPENDIX 4

**DC15/207 – Part change of use to hot food take away (part retrospective) at 66C Dumbarton Road, Duntocher by Mr Kenneth Paul.**

**Permission was GRANTED subject to the following conditions:-**

1. Permission is granted for the sale of hot food for consumption off the premises subject to the following limitations:  
  
That such sales shall be limited to sale of hot snacks (e.g. soup, hot filled rolls, pies, small portion meals) and shall be ancillary to the operation of the premises as a delicatessen shop/café and not the primary use of the premises; and  
  
That such sales shall take place only between the hours of 0800 and 2200 on any day
2. That within 1 month of the date of this permission, details of an adequately sized grease trap to be installed at the premises shall be submitted for the written approval of the Planning Authority, and the approved grease trap shall thereafter be installed and maintained in operational condition.

**DC15/250 – Erection of a new pavilion, reinstatement of entrance gates and extension and alterations to existing park depot at Levensgrove Park, Dumbarton by West Dunbartonshire Council.**

**Permission was GRANTED subject to the following conditions:-**

1. During the period of construction, all works and ancillary operations (including deliveries) which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays unless otherwise agreed with the Planning Authority.
2. No development (other than such preliminary works as may first be agreed in writing with the Planning Authority) shall commence until such time as details of an adequate sized grease trap have been submitted to and approved in writing by the Planning Authority. These shall be implemented prior to the new pavilion being brought into use and maintained as approved.
3. Prior to the undertaking of any demolition works, the buildings shall be checked for the presence of bat roosts and breeding birds. Work shall thereafter be undertaken to avoid any impact upon roosting bats or breeding birds.
4. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed with the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
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. Prior to the commencement of works on site, full details of all new hardstanding shall be submitted for the further written approval of the Planning Authority and implemented prior to the buildings hereby approved being brought into use.
7. Prior to the commencement of works on site, details of the design and siting of all external lighting shall be submitted for the further written approval of the Planning Authority and implemented prior to the buildings hereby approved being brought into use.