

# Agenda



## Planning Committee

**Date:** Wednesday, 22 October 2014

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**Time:** 2:00 p.m.

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

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**Contact:** Nuala Quinn-Ross, Committee Officer  
Tel: 01389 737210, [n.quinn-ross@west-dunbarton.gov.uk](mailto:n.quinn-ross@west-dunbarton.gov.uk)

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 October 2014

## **PLANNING COMMITTEE**

**WEDNESDAY, 22 OCTOBER 2014**

### **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**

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 24 September 2014.

**4. PLANNING APPLICATIONS**

Submit reports by the Executive Director of Infrastructure and Regeneration in respect of the following planning applications.

**New Applications:-**

- (a) DC14/160 – Proposed extension of landfill site, recycling of previously landfilled materials and imported materials to create secondary aggregates at Rigangower Landfill Site by William Thompson & Son (Dumbarton) Ltd.
- (b) DC14/167 – Sub-division of existing retail unit and change of use to Betting Office and shopfront alterations at 18 Britannia Way, Clydebank by Betfred.
- (c) DC14/173 – Modification of Planning Agreement relating to permission CB88/152, in order to allow up to 30% of net retail floorspace to be used for the sale of food and drink, at Unit 7A, Clyde Retail Park, Clydebank by Motherwell Investment LP.
- (d) DC14/193 – Erection of Primary School with associated car park, sports pitch, landscaping and an early education and childcare centre at St Peter's Primary School, Howatshaws Road, Dumbarton by West Dunbartonshire Council.

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

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

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

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

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 24 September 2014 at 10.00 a.m.

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

\*Arrived later in the meeting.

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

**Also attending:** Chris Little, Forestry Commission Scotland.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Patrick McGlinchey and 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 the Meeting of the Planning Committee held on 27 August 2014 were submitted and approved as a correct record subject to the following amendments:-

- (1) the sederunt being amended to include an apology for absence from Councillor Finn; and
- (2) 'Chair's Remarks', first paragraph be amended to read:-

“The Chair, Councillor O'Neill advised that Scottish Ministers had allowed Renfrewshire Council to adopt their Local Development Plan, with Braehead included as a town centre, despite the recommendation from the Reporter that Braehead should not be given town centre status.”

### **KILPATRICK HILLS FOREST DESIGN PLAN 2014 - 2024**

A report was submitted by the Executive Director of Infrastructure and Regeneration:-

- (1) advising of a draft Forest Design Plan prepared by the Forestry Commission Scotland for the Kilpatrick Hills; and
- (2) seeking approval of the Council's formal response to the consultation on the Draft Forest Design Plan, as detailed within Appendix 1 to the report.

The Team Leader (Forward Planning) was heard in further explanation of the report.

The Chair invited Chris Little from the Forestry Commission Scotland to give a presentation. Mr Little provided further details on the forest design plan for the future management of existing, and creation of new, woodland for the Kilpatrick Hills. Mr Little was heard in further explanation of the Forestry Commission Scotland proposals and in answer to Members' questions.

Having heard the Team Leader (Forward Planning) in answer to Members' questions, the Committee agreed:-

- (1) to note the Forestry Commission Scotland's proposals for the Kilpatrick Hills as set out in the draft Forest Design Plan; and
- (2) that Appendix 1 to the report be submitted to the Forestry Commission Scotland as this Council's response to the Draft Forest Design Plan.

Note:- Councillor Tommy Rainey arrived during discussion of the above item of business.

### **RENFREWSHIRE LOCAL DEVELOPMENT PLAN**

A report was submitted by the Executive Director of Infrastructure and Regeneration advising of the adoption of the Renfrewshire Local Development Plan including Braehead as a town centre.

Having heard the Team Leader (Forward Planning) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) that officers seek a meeting with the Scottish Government – Chief Planner and that Elected Members seek a meeting with the Minister for Local

Government and Planning, to discuss the adoption of the Renfrewshire Local Development Plan including Braehead as a town centre; and

- (2) otherwise to note the contents of the report.

The meeting closed at 10.40 a.m.

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## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 22 October 2014

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

#### **1. REASON FOR REPORT**

- 1.1** This application is classified as a major application and under the terms of 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 & Building Standards Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of a legal agreement to ensure that a suitable restoration bond is in place to cover the cost of restoring the site.

#### **3. DEVELOPMENT DETAILS**

- 3.1** Rigangower Landfill Site occupies a rural location at the foot of the Kilpatrick Hills, approximately 2km to the east of Dumbarton, 800m north east of Milton and 1.7km north of Bowling. The site extends to 18.7 hectares and is bounded on three sides by agricultural land whilst to the east is forestry land. Sheephill Quarry is located 200m to the south of the site and in the area between the landfill site and the quarry is Greenland Farm. Both Greenland Farm and Sheephill Quarry are owned by the applicant. Access to the site is taken from the A82 and it is shared with the adjacent Sheephill Quarry, along with an internal haul route. The closest private residential properties to the site are located to the west, at a distance of more than 650m. The proposed extension area for the landfill site is located towards the northern site boundary and extends to 2 hectares of grassland which is not in agricultural use at present and is defined by fencing running along the northern boundary of the site. There is a core path which runs to the west of the site which will not be affected by the proposal. At present, Rigangower Landfill site does not accept domestic waste and only accepts commercial waste which is solid and inert such as soil, stone, or rubble.
- 3.2** Full planning permission is sought for an extension to the landfill site and the recycling of material previously deposited as landfill and the recycling of imported materials. Secondary aggregates would be recovered from the imported waste material and from material previously deposited in the landfill



site. The secondary aggregates would primarily consist of sand or stone of varying sizes which could then be sold for use in construction or other types of development. The extension of the landfill site is primarily required to allow the site to continue to operate as a landfill facility whilst at the same time, previously deposited material would be excavated from the existing landfill site and recycled in order to recover the secondary aggregates. It is anticipated that up to 200,000 tonnes of materials could be processed/recycled annually on site and this would include both imported material and material which has previously been deposited as landfill. Presently, approximately 85,000 tonnes of commercial waste material is deposited annually. The present level of vehicle movements to and from the site and quantities of material brought to the site would not increase. The 200,000 tonnes of materials which would be processed on site would consist of approximately 85,000 tonnes of imported material and up to 115,000 tonnes of excavated materials from the landfill site.

- 3.3** It is estimated that the proposal would extend the life of the landfill site by 30 years and this is supported by the plans and accompanying information submitted in relation to this application. The 30 year time period for completion of development is due in part to the extension to the landfill site and to the large quantity of waste material within the site which can be recovered and recycled. It is estimated that up to 70% of the material which has previously been deposited on site as landfill could be recycled once it has been excavated. At the same time as the extension area is to be used for landfill, the existing landfill area would be excavated and recycled materials recovered. The combination of the extension to the landfill site, the excavation and infilling of the existing landfill and the lower quantity of waste that will be deposited as landfill due to recycling, explains why the proposal will take a period of 30 years to be completed. The increased recycling on site will significantly reduce the amount of waste directed to landfill on an annual basis by up to 70%. Due to the reduction in the amount of waste material that will be available for landfill, the lifespan of the landfill site will be extended and in this instance, the lifespan is estimated to be 30 years.
- 3.4** In order to recycle both the existing material on site and newly imported waste, two level areas would be formed on the western edge of the site. One area would be used for the stockpiling of material whilst the other area would be occupied by equipment used to recycle the material. The equipment will consist of a control cabin, water tank and screening machinery which will break down the waste and separate it into differently sized aggregates which can then be re-used by the construction industry. The machinery would be 48m in length, with projecting arms that would deposit the recycled waste into separate piles. To the south of the plant area, four settlement ponds would be formed. The existing access track on the western edge of the site would be unaffected by these proposals. It is proposed to form screening bunds at the western edge of the plant and stockpile area and screen planting will be undertaken to the west of the site in order to minimise the visual impact of the development. The existing landfill site would be excavated and filled on a phased basis to minimise disruption and permit progressive restoration to be

undertaken. The development would be undertaken in eight phases, with the last phase incorporating the final restoration of the site.

- 3.5** Included as part of the submission was a Planning and Environmental Review which covered topics including landscape and visual amenity, hydrology, hydrogeology, ecology, noise, access, air quality and archaeology.

#### **4. CONSULTATIONS**

- 4.1** Transport Scotland and Glasgow Airport have no objection to the proposal.

- 4.2** West Dunbartonshire Council Roads Service has no comment to make on the application.

- 4.3** Historic Scotland stated that the views to and from Sheep Hill Fort have been considerably compromised by the existing quarry and landfill site. Consequently, they have no objection to the proposal since it is unlikely to have a significant additional adverse impact on the setting of the monument.

- 4.4** West Dunbartonshire Council Environmental Health has no objection to the proposal and recommend limiting the hours of operation of the landfill site to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no working on Sundays or public holidays.

- 4.5** The Scottish Environmental Protection Agency has no objection to the proposal and advises that they will have to update and/or vary their existing permit under The Pollution Prevention and Control (Scotland) Regulations 2012.

- 4.6** West of Scotland Archaeology Service has no objection to the proposal subject to a condition which requires a programme of archaeological works to be undertaken in accordance with a written scheme of investigation.

- 4.7** Scottish Natural Heritage has no objection to this application since it is unlikely to impact on a protected site over which they have a statutory responsibility.

#### **5. REPRESENTATIONS**

- 5.1** No representations have been received.

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

##### Glasgow and Clyde Valley Strategic Development Plan 2012 (SDP)

- 6.1** The SDP reiterates the Zero Waste Plan's vision for a zero waste society by focusing on a waste hierarchy with a targeted 70% recycling and a maximum 5% of waste going to landfill for all of Scotland's waste by 2025. Strategic Support Measure 13 of the SDP states that in order to achieve these targets, the provision of the appropriate infrastructure will be supported. It is therefore considered that this proposal is in accordance with the SDP.

## West Dunbartonshire Local Plan 2010

- 6.2** The site is located within the Regional Scenic Area where Policy RSA1 states that there is a presumption against proposals that would have an adverse impact on landscape quality and character, visual amenity, or nature conservation value. Policy PS4 relates solely to waste management and outlines the criteria against which new or extended waste management facilities, including landfill sites will be assessed. Proposals will be encouraged where they accord with and help implement the objectives of the National Waste Strategy, National Waste Plan and Area Waste Plan, are justified against the locational need, are located within or adjacent to existing waste management facilities and comply with other local plan policies. The Council will also support local opportunities for recycling and the provision in all new development of facilities for the minimisation, separation and collection of different waste streams. It is considered that the proposed development complies with the above policies since the proposed extension is located within an existing waste facility which has permission to recycle material that would otherwise go to landfill.
- 6.3** In addition, Policy GD1 require all new development to be of a high quality of design and respect the character and amenity of the area in which it is located. Policy SUS1 requires development to conserve and enhance the environmental resources and ensure any environmental impact is minimised. It states that the Council will seek to encourage provision for waste minimisation and recycling. Policy BE5 states that the Council will resist development that would have an adverse impact on, or affect the setting of a scheduled ancient monument. There is also a core path adjacent to the site and Policy R5 protects the core path network. These issues are discussed below and it is considered that the proposal complies with these policies.

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

### West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** The site is located in the countryside where Policy DS2 aims to restrict development outwith the urban area to a range of uses, including infrastructure with a specific locational need and must be suitably located, designed and landscaped so as to minimise the impact on its setting.
- 7.2** Policy SD2 specifically identifies Rigangower as suitable for the management of waste subject to:
- There being no adverse impact on the operation of other businesses or residential amenity;
  - Any adverse impacts on the green network or built heritage being suitably mitigated against;
  - No adverse impact on Glasgow Airport;
  - Ensuring that the facility would contribute to a greater proportion of waste arising in West Dunbartonshire being treated further up the waste hierarchy; and

- If it involves significant levels of waste from outwith West Dunbartonshire, there is the potential for waste to be transferred to the location by means other than road.

These issues are discussed below and it is considered that the proposal complies with these policies.

- 7.3** Policies DS1, DS4, DS6, GE5, GN3, GN4, GN6, GN8 and BH2 are also applicable and relate to development standards, air quality, Glasgow Airport, protected species and conservation sites, landscape character, core paths, scheduled monuments and archaeology. These issues are discussed below and it is considered that the proposal complies with these policies.

#### Scottish Planning Policy (SPP)

- 7.4** It is recognised that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. The SPP states that the planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

- 7.5** The SPP further states that planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

- 7.6** The SPP also requires decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities. It states that landfill consents should be subject to an appropriate financial bond unless the operator can demonstrate that their

programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient. These issues are discussed below and it is considered that the proposal complies with the guidance of Scottish Planning Policy.

#### Principle of Use

- 7.7** The landfill site originally operated as a quarry, however planning permission (Ref. DB1986) was approved in 1992 for the infilling of the former quarry for a 3 year period. A further application (Ref. DB1986/1) for an extension of the landfill facility extended the superficial area of the site and increased capacity, allowing operations to be undertaken on site until March 2006. The current planning permission (Ref. DC04/458) extends the life of the landfill site until March 2016 and requires the site to be restored to agricultural land. There is no bond in place at present relating to site restoration and instead, the restoration of the site is controlled through the use of conditions. In addition to the above applications, planning permission (DC13/248) was approved in 2014 for the formation of a recycling facility on site which would screen waste to separate material that could be recycled before being deposited as landfill. The equipment that has already been approved for use on site consists of a mobile screening machine which is approximately 17m in length. The purpose of the machine is to screen and grade waste which would otherwise be landfilled at Rigangower. The re-graded material could then be used by the construction industry. The current proposal seeks to extend the area available for landfill and extend the life of the landfill site by 30 years. This would involve the implementation of a more extensive recycling strategy for the site which would contribute towards landfill diversion targets.

#### Site Operation

- 7.8** The current landfill site does not currently have any restrictions concerning the amount of material that can be deposited on site. However, the planning permission covering the site includes details of the finished levels across the site which therefore controls the amount of material that can be imported. As of July 2014, it was estimated that the remaining landfill capacity was 93,000 tonnes. At present there are no restrictions on either the quantity of material that can be imported annually or the number of vehicle trips to or from the site. However, the site is currently accepting about 85,000 tonnes per annum of waste and it is expected that it will continue to accept this quantity of material on an annual basis. The landfill site would continue to only accept commercial waste. Whilst the recycling being undertaken on site would result in the creation of secondary aggregates which would then be taken off site, the secondary aggregates would reduce the quantity of material being exported from the adjacent Sheephill Quarry. Consequently the proposal is unlikely to generate any additional vehicle movements onto the A82.
- 7.9** The operating hours of the existing landfill site are not restricted by any conditions on previous permissions although it operates from 8am to 6pm Monday to Friday and from 8am to 1pm on Saturdays. Environmental Health have confirmed that they are satisfied with these operating hours and it is recommended that the operating hours should now be controlled by condition. Vehicles entering and leaving the site would also take place within these

operating hours with the exception of emergency or essential maintenance works.

#### Visual Impact of Development

- 7.10** The extension to the landfill area will be located to the north of the site and will cover an area of 2 hectares. It will only increase the landfill area by approximately 10%. In order to allow a full assessment of the visual impact of the development, photo montages and site sections have been submitted with the application. The photomontages demonstrate that whilst the excavations and plant will be visible from distance, they will not be a prominent feature in the landscape and therefore they will not have a significant visual impact or detract from the surrounding landscape. Once restored, the site will not be readily identifiable from distance and will be consistent with the surrounding landscape. The extension area currently consists of grassland which is unused, although it has been disturbed through the provision of access routes. This area has been selected as it is sited at a lower level than the central part of the landfill site and is not as visually prominent. The excavation and infilling of the existing landfill area will have similar impacts as the existing landfill activities on site. To the west of the site, a stockpiling area will be formed and an area for plant which will be used for the recycling of material on site. Although this equipment will include a relatively large item of machinery, permission has previously been granted for smaller recycling equipment on site and the current proposal is not considered to have a significantly greater impact than what has previously been approved in terms of noise or visual impact. Bunding and screen planting are proposed along the western boundary which will help to reduce the visual impact of the recycling facilities by restricting direct views of the plant and machinery. Overall, it is considered that there will not be any significant detrimental impacts on the landscape and the more significant impacts from the recycling facilities can be minimised through appropriate screen planting and bunding

#### Impact on Residential Properties

- 7.11** A noise impact assessment has been submitted in support of the application and since the proposal will not generate additional vehicle movements, the noise assessment primarily covers operational noise levels. No additional noise mitigation measures will be required as the site will operate within day time hours and this will be controlled by condition. The closest property to the site is Greenland Farm which is owned by the applicant, whilst the nearest residential property in private ownership (Treedom) is over 650m to the west. It is not considered that the proposal will have a detrimental impact on residential amenity in terms of noise. The visual impact of the operations on residential property has been reduced by screen bunding and by tree planting

#### Site Restoration

- 7.12** At present, the landfill site has planning permission to operate until 2016 and then the land is required to be restored to agricultural use. The method of ensuring that the site is suitably restored is by way of planning conditions and restoration would commence once operations cease in March 2016. In terms of the current proposal, once the recycling facility is operational, the existing landfill would be excavated and filled on a phased basis to minimise disruption

and permit progressive restoration to be undertaken. The development would be undertaken in eight phases, with the last phase incorporating the final restoration of the site. After the infilling and recycling operations have been completed, it is expected that it will take up to one year to fully complete the final restoration of the site. The restoration proposals will help to address stability and safety in the areas that have been subject to excavation and landfill although the main purpose of the restoration is to return the land to a suitable condition for potential agricultural use which is considered an appropriate future use for this area. The site restoration will aim to restore each operational area at the earliest opportunity once no further disruption is intended for that area and will ensure that a progressive restoration strategy is implemented. Once the site restoration has been completed, it will be monitored for up to five years, with remedial works being undertaken as necessary.

- 7.13** The restoration scheme would aim to respect the character of the area and surrounding topography by creating a natural undulating area of land which would be appropriate at this location. The central area of the site would be the highest point, with the land gently sloping away to the site boundary in all directions. The screen planting along the western boundary would be retained and the site restored to grassland.
- 7.14** The applicant has agreed to provide a bond to safeguard future restoration of the site. Presently, the existing site is to be restored through condition and this has been taking place. The agreement by the applicant to provide a bond is seen as a significant improvement to the present situation as the bond will safeguard the sites future restoration.

#### Access

- 7.15** The existing access to and from the site is via the A82 and both the Council's Roads Service and Transport Scotland consider that this will be acceptable. At present there are no restrictions on the number of vehicles delivering to the landfill site on a daily basis and no restrictions are considered necessary to control or limit the number of vehicles delivering or accessing the site from the A82. The development would not result in any additional waste being brought to the site on an annual basis and would not alter the volume, nature or distribution of traffic that has already been established at this site over time and which is considered to be acceptable.
- 7.16** There is a core path which runs along the western boundary of the application and it would not be affected by the proposed development.

#### Archaeology

- 7.17** Part of the site has been identified as the location of a World War II anti aircraft gun battery and there is potential for some remnants to remain in place if the ground has not been disturbed through previous quarrying activities. In addition it has been indicated that the site may retain some prehistoric material. In light of the potential for historic material to be found on site, West of Scotland Archaeology Service has advised that a condition

should be applied which will require the implementation of a programme of archaeological works.

#### Technical Issues

- 7.18** SEPA advised that the site requires to operate under a SEPA licence and the current proposal will require the operator to vary their existing licence. It is considered that the proposal will not give rise to any unacceptable environmental impacts. In terms of air quality, operations with the potential to cause significant dust release will be managed operationally and a condition will request that a dust method statement is submitted for approval. Due to the nature of the inert material deposited at the site, it is not anticipated that there will be any odour issues.
- 7.19** The application is not located within a designated site which includes Special Protection Areas, Sites of Special Scientific Interest and Special Areas of Conservation. These designations only apply to areas of outstanding quality to protect their flora, fauna, geological or physiographical features or to protect certain species and habitat types. In terms of nature conservation and there will not be a significant habitat loss and no significant impacts on the ecology of the site. In fact, restoration of the site may have long term ecological benefits.

#### Pre-Application Consultation

- 7.20** As the application constitutes a major development, pre-application consultation was required to be carried out prior to submission of the application. A public event took place at Milton Community Hall. A statutory notice was published in the local press advertising the public event and submission of the proposal of application notice. The turnout at the public event was relatively low. There were no significant issues raised as part of the consultation process although it did result in a review of the initial proposals by the applicant in respect to improved screening for the site.

## **8. CONCLUSION**

- 8.1** The proposal would provide additional and improved waste treatment facilities within an existing landfill site. The proposal complies with the guidance provided by Scottish Planning Policy and local planning policies which seek to encourage recycling and to reduce the amount of waste which is deposited in landfill. The location of the extension and associated recycling facilities are considered appropriate and would not have a detrimental impact on the visual amenity of the surrounding area. The agreement of a restoration bond will safeguard the future restoration of the site. This is an improvement on the current situation where there is no restoration bond. There would be no significant adverse impacts upon local residents, and issues raised by technical consultees can be addressed by suitable conditions. Overall, the landfill extension and recycling facilities will offer a more sustainable long term solution to the treatment of waste.



## **9. CONDITIONS**

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

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

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

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 9 October 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G811TG.  
01389 738656  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**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.
6. Glasgow and Clyde Valley Strategic Development Plan 2012.

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

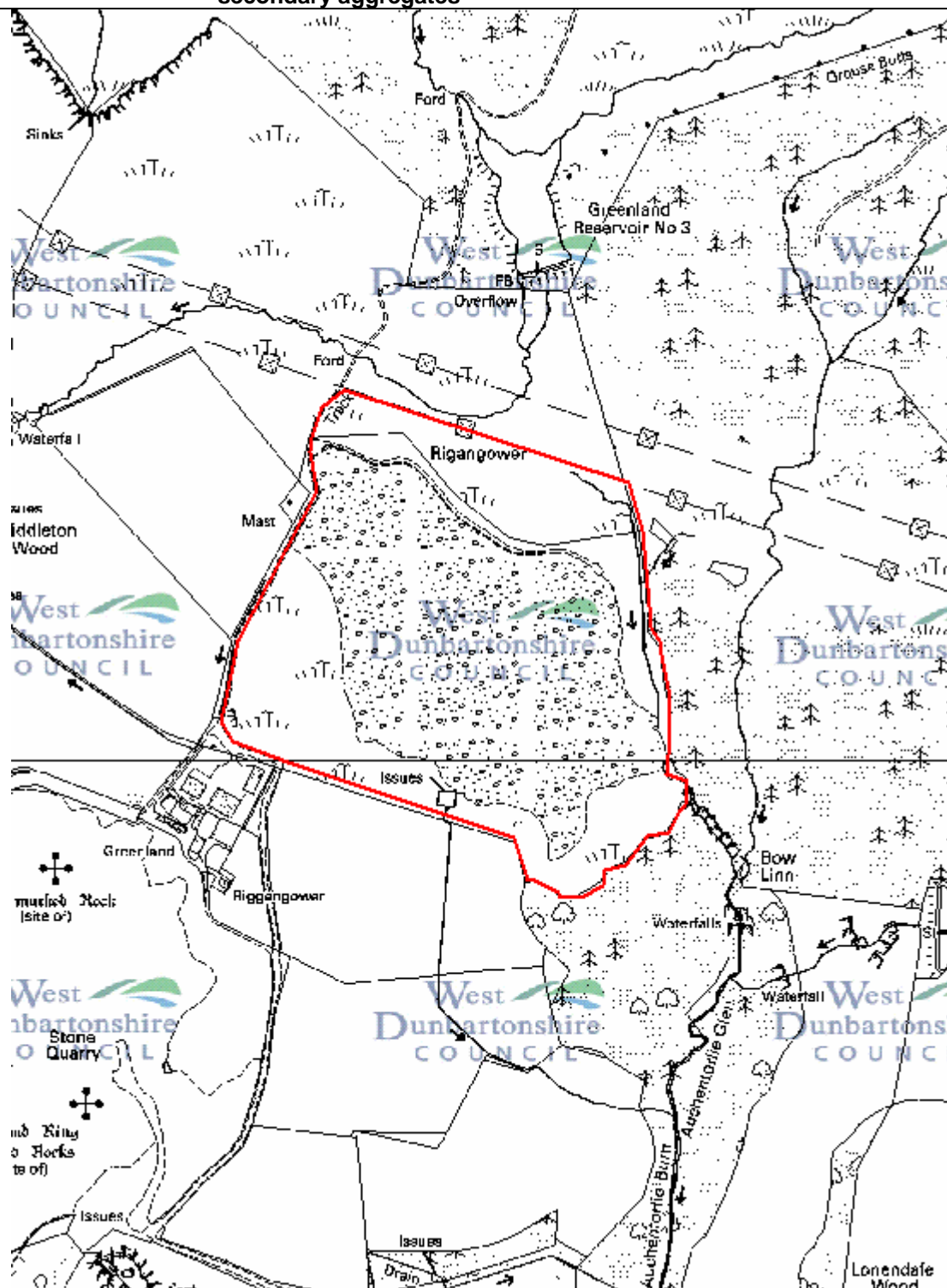
Map Register No: HQ423

Date: 6 October 2014

DC14/160

**Proposed extension of  
landfill site recycling of  
previously landfilled  
materials and imported  
materials to create  
secondary aggregates**

**Access From A82 Via Sheephill To  
Landfill Site Riggengower Quarry  
Bowling  
G60 5AB**



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 22 October 2014**

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**DC14/167: Sub-division of Existing Retail Unit, Change of Use to Betting Office and Shopfront Alterations at 18 Britannia Way, Clydebank by Betfred**

**1. REASON FOR REPORT**

- 1.1** This application has representations from two community councils, and is a departure from the Development Plan. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

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

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to part of an existing retail premises situated on the eastern side of the Clyde Shopping Centre in Clydebank Town Centre. The unit is part of a small row of shops which are not part of the enclosed shopping mall but have external frontages onto the shopping centre car park. The unit is occupied by the Harry Corry interior furnishing store, and is bordered to the north and south by a Macdonald's restaurant and a Domino's Pizza takeaway. The premises front a large car park which is surrounded by a mixture of other retail and commercial uses.
- 3.2** It is proposed to subdivide the unit, with the majority of the floorspace (730m<sup>2</sup>) remaining as a single large retail unit, but with a second small (90m<sup>2</sup>) unit created in the south-west corner of the shop. It is proposed to change the use of this new unit from retail (Use Class 1) into a betting shop (Class 2). It is understood that Harry Corry will continue to trade from the premises, with a slight reduction in their retail floorspace.
- 3.3** A new shop frontage would be created for the unit in an existing portion of the front of the building which is currently facing brick. This would consist of a doorway entrance which would have two large windows either side of this. The existing glass frontages of the Harry Corry business would be unaffected.
- 3.4** The applicant is Betfred, a large chain of bookmakers who already have an existing unit within the town centre of Clydebank at the southern end of the Clyde Shopping Centre on Chalmers Street. The applicant has indicated that the proposal is for an additional facility and that the existing betting shop on

Chalmers Street would be retained. It is anticipated that the betting shop would employ 2 full time and 4 part time staff.

#### **4. CONSULTATIONS**

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

#### **5. REPRESENTATIONS**

- 5.1** A total of 5 representations have been received, all objecting to the proposal. The objectors comprise Clydebank East Community Council, Parkhall, North Kilbowie and Central Community Council, two from members of the public and one from a planning consultant acting on behalf of an unspecified commercial client. Their grounds of objection are as follows:

- The proposed change of use does not comply with local plan Policy RET6 (Protection of Retail Core);
- The proposal would undermine the retail function of this part of the town centre;
- No evidence that unit has been marketed for retail purposes;
- Permission would set an undesirable precedent for further loss of a retail units;
- Adverse impact on the character of the area;
- Overprovision of betting shops, pawnbrokers and amusement arcades within Clydebank town centre; and
- Concerns about the social impacts of gambling, and in particular of high stakes gaming machines

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

##### West Dunbartonshire Local Plan 2010

- 6.1** The site lies within the defined Clydebank Town Centre, which Policy RET1 indicates to be the preferred location for retail and commercial leisure activities. This confirms that town centres are the most suitable location for activities such as betting shops, and the proposal is therefore consistent with that policy. Policy RET5 supports non-retail uses within town centres where these contribute to vitality and viability and comply with other relevant policies.
- 6.2** The site is also within the defined Clydebank Retail Core, where Policy RET6 seeks to protect and enhance retail and commercial function by encouraging new and improved retail floorspace. There is a presumption against the change of use of existing ground floor retail units to non-retail uses, and such applications will only be supported where it can be satisfactorily be demonstrated that the change would reinforce and revitalise the centre and would not adversely affect the character or amenity of the area. In this case the proposal involves a change of use of part of an existing ground floor retail unit in the retail core to a non-retail use, and it therefore conflicts with the presumption against such changes in Policy RET6 and is contrary to the Adopted Local Plan. This is discussed more fully in Section 7 below.

- 6.3** Policy DC2 Shop Front Design and Security requires that new shop fronts on existing buildings be designed in accordance with the Council's Shop Front Design Guide for commercial frontages. Proposals should be in keeping with the character of the building and be appropriate to the surrounding area. It is considered that the proposed alterations to the shopfront would comply with this policy and with the design guide.

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

- West Dunbartonshire Local Development Plan (LDP), Proposed Plan
- 7.1** The site remains within the defined Town Centre and the defined Core Retail Area in the emerging LDP. Clydebank Town Centre is also designated as a "Changing Place", and the LDP indicates that changes of use within the retail core must be assessed against policy SC2. Policy SC2 does not presume against non-retail uses, but states that proposals for change of use of ground floor Class 1 uses within core retail areas will be assessed in terms of:

- a) whether the change would significantly reduce the retail offer of the retail core or part thereof;
- b) whether it would lead to a concentration of a particular use to the detriment of the town centre's vitality and viability;
- c) the contribution of the new use towards the vibrancy of the centre by increasing footfall;
- d) the availability and suitability of other locations in the town centre for the new use to locate; and
- e) whether the unit affected by the proposal has been vacant and suitably marketed for retail use.

These issues are discussed below, and it is considered that the proposal would comply with Policy SC2.

- 7.2** Policy SC3 states that proposals for non-retail uses will be supported within town centres where these comply with Policy SC2, encourage visits to the town centre and are appropriate to the town centre's role and function. The proposal is considered to be in accordance with this policy.

- National Planning Policy
- 7.3** The Scottish Planning Policy (SPP) states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into the town centre. The planning system should encourage a mix of uses to support vibrancy, vitality and viability throughout the day and into the evening. The SPP recognises that there can be concerns about the number or clustering of some non-retail uses (including betting offices), and indicates that where a town centre strategy identifies a need for constraint of particular uses in the interests of character, amenity or well-being of communities, local development plans should include policies to prevent clustering or overprovision.

- 7.4** The Scottish Government has recently launched a consultation on potential changes to planning legislation in relation to betting shops and payday lenders, and the Committee will recall that this was the subject of a workshop held after the Planning Committee meeting on 24 September 2014. The suggested changes would, if implemented, mean that changes of use to betting shops would be more likely to require planning permission in the future, but they would not have affected this proposal as it already requires planning permission under current legislation. The purpose of the suggested changes to legislation would be to give planning authorities greater control over such uses, but it would still be necessary for any applications for changes of use to be determined in accordance with development plan policies and material planning considerations.

Distribution of Uses within Clydebank Town Centre

- 7.5** The majority of shops units within Clydebank Town Centre are within four general locations:
- The enclosed section of the Clyde Shopping Centre, north of the Forth and Clyde Canal, within which the great majority of units are in retail use;
  - Units fronting the shopping centre car park, including the application site
  - The open section of the shopping centre (Sylvania Way South), where a high proportion of units are in non-retail use; and
  - Units in the streets to the south of the shopping centre, most of which are traditional tenement properties. As these streets have lower footfall they tend to be occupied by small local shops or other businesses which do not require a central site. These are the only units in the Town Centre which are not within the Retail Core boundary.
- 7.6** The application site is one of a small number of units which are “external” to the Clyde Shopping Centre, having frontages facing onto its car park rather than into the enclosed mall. At present, these units contain the following uses:
- Retail: 4 (Argos, Asda, Glamour Hairdressing, Harry Corry)
  - Food/Drink: 4 (Dominos, Little Frankies, Mcdonalds, Singapore Buffet)
  - Assembly/Leisure: 1 (Empire Cinema)

The other business which fronts this car park is McMonagle’s fish and chip restaurant, which is detached from the shopping centre. There is therefore a cluster of food and drink uses in this part of the Town Centre, and most of the businesses here (including the 24-hour Asda supermarket and the cinema) trade well into the evening. There are no residential properties nearby, and the introduction of a small betting shop within this area would not create any significant increase in evening activity at the location.

- 7.7** Of the three existing betting shops within the Town Centre, Ladbrokes and Paddy Power operate from Sylvania Way South, and Betfred’s existing property is on Chalmers Street. In recent years there has been a clustering of



Class 2 and other non-retail uses within Sylvania Way South, including a number of betting shops and payday lenders. This has led to concerns about the decline of retail frontage in that street, but it also reflects the fact that Sylvania Way South is also suitable for businesses which trade into the evening and which therefore cannot locate within the enclosed section of the shopping centre which closes at 6pm. However, the main part of the shopping centre north of the canal remains overwhelmingly in retail use, with only a small number of units in Class 2 and Class 3 use. There are therefore no betting shops within the Town Centre north of the canal, and there is consequently no risk of an over-concentration of such uses developing as a result of the proposal.

#### Core Retail Frontage Policies

**7.8** The proposal is contrary to Policy RET6 of the adopted local plan, which presumes against the loss of retail floorspace within the defined Retail Core. However, as the Committee will be aware a number of applications for non-retail uses within Retail Core areas which have been refused on the basis of Policy RET6 / loss of retail floorspace have subsequently been allowed by the Scottish Government Reporters Unit on appeal. In the past the Scottish Government has hitherto taken the view that allowing non-retail uses are preferable to allowing units to remain vacant. In this particular case the floorspace is not currently vacant, but there are various vacant units within the Clyde Shopping Centre, which are more likely to be attractive to retail operators than the application site. The proposal would not result in any adverse impact upon the character or amenity of the area, and it is therefore considered that a departure from Policy RET6 would be appropriate in this instance.

**7.9** Furthermore, the equivalent policy in the emerging LDP (Policy SC2) does not presume against changes of use, provided that the individual proposal satisfies a number of criteria. In this case, the proposed change of use would comply with these criteria because:

- a) The proposal would not result in any significant reduction in the retail offer of the Town Centre / Retail Core, as it relates to a small part of the floorspace of an existing large retail unit, which would otherwise remain in retail use;
- b) The proposal would not result in a concentration of Class 2 uses within this part of the Town Centre, as there are few such uses north of the canal and none within the group of units fronting the shopping centre car park;
- c) The proposal would contribute towards the vitality and viability of the shopping centre as the proposed small reduction in retail floorspace is not likely to result in a significant reduction in custom for the Harry Corry unit, whilst the betting shop would itself attract new footfall;
- d) There are no suitable alternative sites outwith the Retail Core for this operator. The only commercial units within the Town Centre which are not designated as being the Retail Core are in the streets to the south of Chalmers Street, but the applicant already serves this part of the town centre from their existing betting shop on Chalmers Street and does not require a second facility in the same location. It would also be undesirable

- to have more betting shops in the southern part of the Town Centre as this would further create an undue concentration of such uses in that area;
- e) The agent has indicated that the unit has been marketed for approximately 18 months by the agents of the Shopping Centre operators. It was advertised primarily for Class 1 retail use, with the agents approaching businesses in respect of this. The unit has received no Class 1 use interest in that time period and the agents have tried to increase interest by opening up to alternative uses. The only interest prior to the current application was for a Class 3 food and drink use however this was not progressed beyond informal discussion.

Accordingly, the proposed change of use is considered to be in compliance with Policy SC2 of the emerging local development plan.

#### Elevational Alterations

- 7.10** The proposed new unit would utilise what is currently a solid section of wall fronting onto the car park. This would be demolished and a new shopfront would be installed, featuring two large windows on either side of a central double-door. The lines of the stallriser and fascia signage would follow through from those of the existing Harry Corry shopfront, which would not be altered. The proposed new shopfront is considered to be in compliance with the Council's adopted Shop Front Design Guide, and the provision of additional shop frontage would enhance the appearance of this part of the shopping centre.

### **8. CONCLUSION**

- 8.1** The proposal is contrary to Policy RET6 of the adopted local plan. However, the amount of floorspace involved is relatively insignificant as the majority of the existing retail unit would continue to operate as a shop, and the proposal would not result in any loss of active retail frontage as the section of frontage in question is currently a blank wall. The town centre is the most appropriate location for betting shops, and there are a limited number of locations within Clydebank Town Centre which are suitable for betting shops given the unsuitability of the enclosed shopping centre and the need to avoid an over-concentration around Sylvania Way South/Chalmers Street. Accordingly, the proposal is consistent with Policy SC2 of the emerging local development plan (LDP). As the LDP provides a more detailed and up-to-date consideration of this issue, it is considered that compliance with Policy SC2 is sufficient to justify the departure from RET6. The unit is within a part of the shopping centre where various evening uses take place and which is remote from any residential uses, so there would be no impact upon amenity, and the proposed alterations to the shopfront would improve the appearance of the building.

### **9. CONDITIONS**

- 1. Prior to the commencement of the development full details of the design of the roller shutters to be used shall be submitted for the**

further written approval of the Planning Authority and shall be implemented as approved.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 03 October 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
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**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. Letters of representation
3. Scottish Planning Policy
4. West Dunbartonshire Local Plan 2010
5. West Dunbartonshire LDP - Proposed Plan
6. West Dunbartonshire Shopfront Design Guide
7. Consultation responses

**Wards affected:** Ward 6 (Clydebank Waterfront)

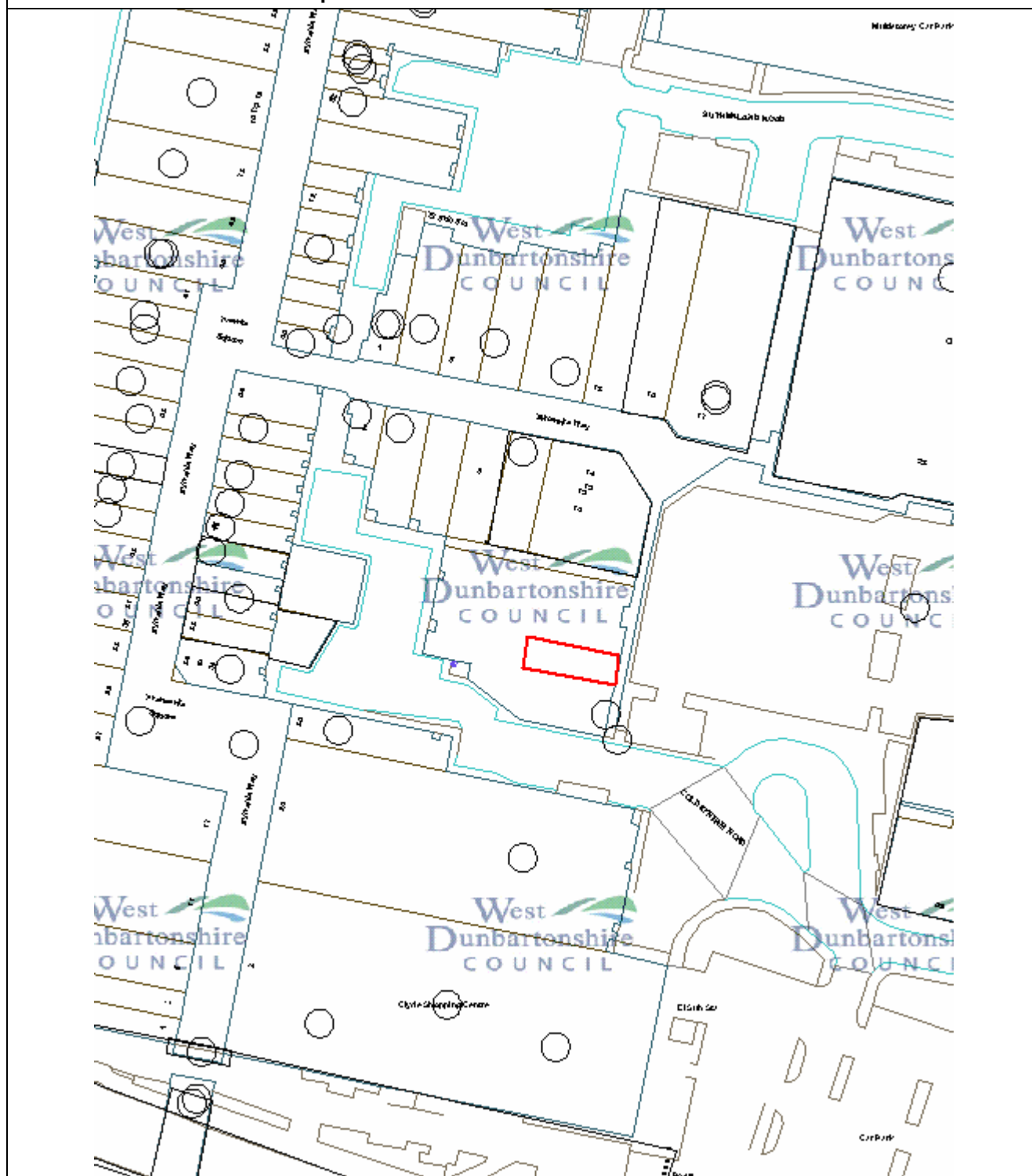
Map Register No: HQ424

Date: 6 October 2014

DC14/167

Sub-division of existing  
retail unit change of use to  
betting office and  
shopfront

18 Britannia Way  
Clydebank  
G81 2RZ



## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 22 October 2014

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

#### 1. REASON FOR REPORT

- 1.1 This application relates to the modification of a planning agreement, the terms of which were originally agreed by the Planning Committee. Under the terms of the approved scheme of delegation the application therefore requires to be determined by the Planning Committee.

#### 2. RECOMMENDATION

- 2.1 That the Committee indicate that it is **Minded to Grant** an alteration to the existing Planning Agreement to specify that not more than 30% of the unit's floorspace may be used for the sale of food or drink and it delegates authority to the Planning and Building Standards Manager to conclude the modification of the planning agreement.

#### 3. DEVELOPMENT DETAILS

- 3.1 This application relates to a retail unit within the Clyde Retail Park, on the north side of Livingstone Street, Clydebank. The unit had been operated by B&M until the last few weeks and it has now closed. B&M were a retailer who sold a mixed range of products including household goods and pet supplies amongst other products. These stores also sell a limited range of food products, primarily long-shelf-life products such as dry foods, canned food, condiments, confectionary and beverages. It has been indicated that a similar operator is due to take up the lease of the site in the next few weeks. They wish to expand upon the range of such products which it would sell in the store and use up to 30% of the floorspace of the unit for the sale of food and drink. No details have been provided of the operators name at this stage.
- 3.2 The original outline planning permission for the Clyde Retail Park was granted in December 1988 (CB88/152), which allowed retail warehousing subject to conditions which included the following:
5. *The following classes of retailing will not be permitted as the principal use of any unit within the development: food, drink, cars, petrol, clothes and footwear. However, it will be permitted, within each individual unit, to sell food and drink as a service to customers of the principal use and*

*it will also be permissible to sell clothing and footwear as an ancillary part of any retail operation.*

Additionally, the outline permission was subject to a Planning Agreement made under Section 50 of the Town and Country Planning (Scotland) Act 1972. S.50 Agreements were the predecessors of Planning Obligations, which are now made under Section 75 of the 1997 Act. Amongst various other clauses, the Planning Agreement included the following:

**THIRD**      *The parties hereto hereby agree that none of the units within the proposed development will be used primarily for the retailing of food items, drink, cars, petrol, footwear and clothing. Notwithstanding the foregoing however it is understood that (1) within any unit the retailing of food and drink (whether hot or cold) will be permissible where said retailing is only engaged in as a minor function ancillary to another type of use and (2) the sale of footwear and clothing will be permitted within any unit only if it is ancillary to the principal retail use of that particular unit.*

- 3.3**      The reason for these restrictions appears to have been that the retail park was originally intended for large “retail warehouse” stores selling bulky goods such as furniture, electrical items, DIY supplies and carpets, and to only allow the sale of certain goods if they were ancillary to the sale of more bulky goods. At the time of the grant of the permission it was not considered desirable to allow the units to sell convenience or fashion goods which would compete directly with the Clyde Shopping Centre.
- 3.4**      Subsequently there have been various applications to vary these restrictions. Permission PE97/93 (September 1997) removed the restrictions on the sale of clothing and footwear throughout the retail park subject to a restriction on unit sizes for such uses, and permission PE97/154 (March 1998) amended the the unit size condition in relation to certain individual units. The Section 50 Agreement was also amended in line with these two permissions at the time of decision PE97/154. The restriction on clothing and footwear sales was subsequently removed altogether by permission PE00/188 (April 2001), with the Section 50 Agreement again being amended accordingly. However, the restrictions on the sale of food, drink, cars and petrol remained. In practice the restrictions on the sale of cars and petrol are academic as such uses are outwith Use Class 1 (Retail) and would require planning permission as changes of use.
- 3.5**      Earlier this year the applicant applied for a Certificate of Lawfulness for Proposed Development, for the use of up to 30% of the floorspace of Unit 7A for the sale of food and drink (DC14/121). Such applications are determined on a legal basis without any subjective assessment of the merits of what is proposed. In this case it was considered that the wording of the original condition was somewhat ambiguous, but that as what was proposed would not result in food sales becoming the principal use of the unit the proposal would be within the terms of the existing planning permission. Accordingly, a

Certificate of Lawfulness was granted in July 2014. The wording of the Section 50 Agreement is similar to that of the condition.

#### **4. CONSULTATIONS**

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

#### **5. REPRESENTATIONS**

- 5.1** This type of application is not subject to neighbour notification or publicity, and no representations have been received.

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

##### West Dunbartonshire Local Plan 2010

- 6.1** The Clyde Retail Park is defined as a Commercial Centre. Policy RET2A indicates that proposals for retail development in Commercial Centres will be supported where their function complements that of other centres within the network of centres, and in particular does not undermine Town Centres. The Clyde Retail Park is also noted to be an “edge of centre” location in terms of the sequential approach to retail site selection. In this case it is considered that the part use of the unit for food and drink up to 30% of floorspace would not have any significant impact on the town centre and that the proposal would accord with this policy.

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

##### West Dunbartonshire Local Development Plan, Proposed Plan

- 7.1** The Clyde Retail Park is defined as a Commercial Centre. Under Policy SC1 proposals for retail development within the network of centres should accord with the retail strategy and with the role and function of the centre. The amendment to the legal agreement does not conflict with Policy SC1 as discussed in paragraph 6.1 above.

##### Background to the Planning Agreement

- 7.2** When the Clyde Retail Park was first approved in 1988, it was allowed on the basis that it would be a “bulky goods” type retail park, with restrictions on food and fashion retailing as well as unit size being applied in order to protect the adjacent Clydebank Town Centre. Subsequently, in 1997-2001 the restrictions on clothing and shoe sales were removed. At that time, the extant development plan (the Clydebank District Local Plan 1994) included the Clyde Retail Park within the Town Centre boundary, which negated much of the policy justification for restricting the types of retail allowed in the retail park units. Partly as a result of the relaxation of the restriction on clothing sales, but also because of competition from Great Western Retail Park, the number of bulky-goods retailers within Clydebank Retail Park has declined and the retail park now contains a mixture of various retailers.

**7.3** Under the current and emerging development plans, the Clyde Retail Park has reverted to being a Commercial Centre, and it therefore remains appropriate to continue this designation to ensure that development within the retail park does not detract from the vitality or viability of the Town Centre. It is therefore appropriate for some restriction on food and drink sales to remain.

**7.4** In view of the ambiguity of the current wording, it would therefore be desirable to vary the Section 50 Agreement in order to provide greater clarity. It is therefore considered that it would be acceptable to amend the Agreement to specify that not more than to 30% of the floorspace of the unit concerned may be used for food retail purposes.

## **8. CONCLUSION**

**8.1** The wording of the legal agreement is ambiguous, and it is considered that it would be advantageous to both the applicant and the Council to make the wording clearer. Additionally, it is considered that food and drink sales of the level proposed would be ancillary to the other goods being sold from this unit. The Clyde Retail Park has developed into a relatively mixed retail area, and that this level of food and drink sales would not detract from the vitality or viability of the nearby Clydebank Town Centre or the principal role of the Retail Park.

## **9. CONDITIONS**

Not applicable.

**Richard Cairns**

**Executive Director of Infrastructure and Regeneration**

**Date: 3 October 2014**

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

**Background Papers:**

1. Application documents and plans
2. Planning application no CB88/152
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire Local Development Plan - (Proposed Plan)

**Wards affected:** Ward 6 (Clydebank Waterfront)



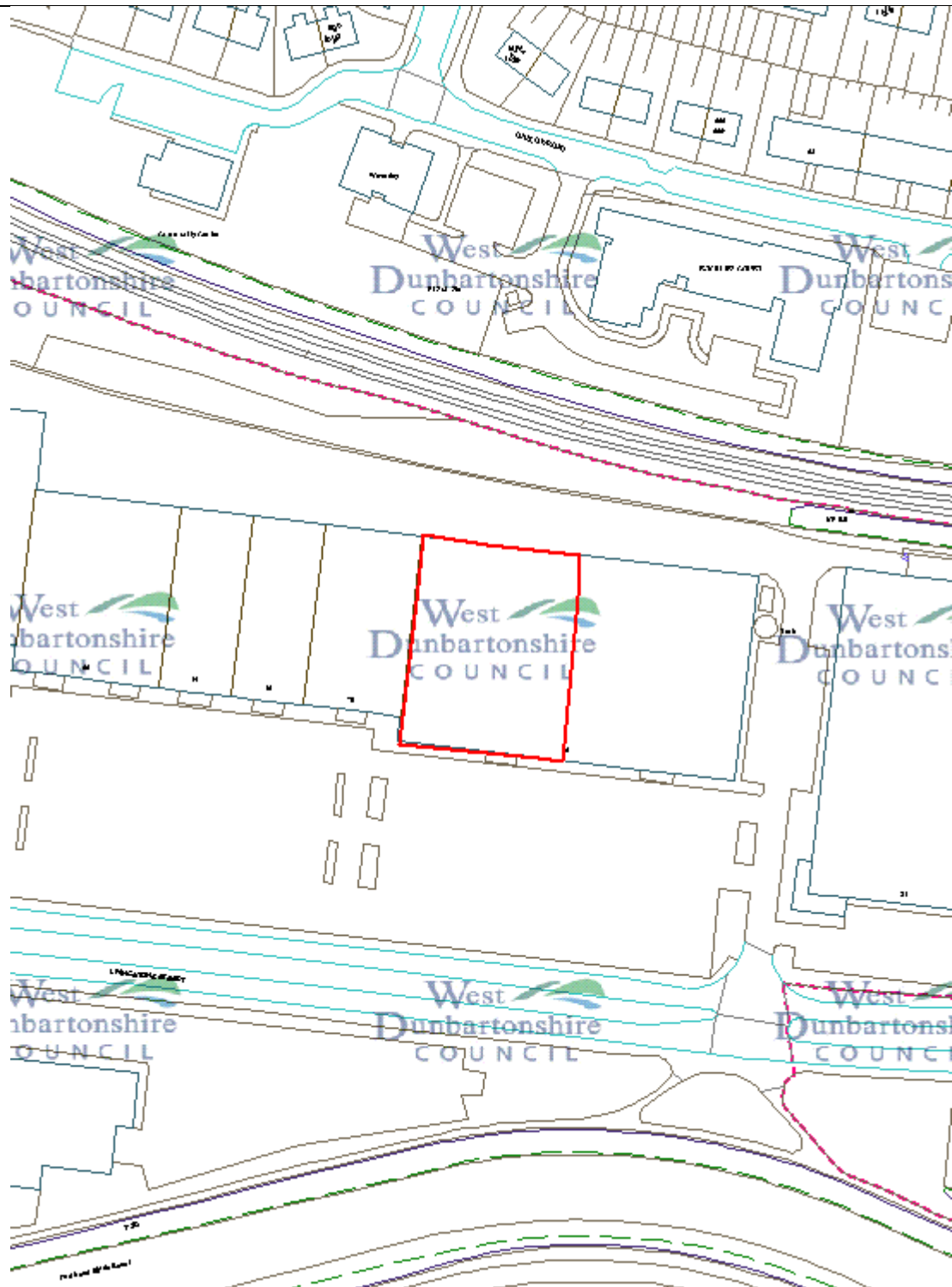
Map Register No: HQ425

Date: 6 October 2014

DC14/173

**Modification of Planning  
Agreement relating to  
permission CB88/152, in  
order to allow up to 30% of  
net retail floorspace to be  
used for the sale of food  
and drink**

**Unit 7A  
Clyde Retail Park  
79 Livingstone Street  
Clydebank  
G81 2XA**



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 22 October 2014**

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

#### **1.     REASON FOR REPORT**

- 1.1**   This report relates to an application which raises issues of local significance, and 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.

#### **3.     DEVELOPMENT DETAILS**

- 3.1**   The site is currently occupied by the vacant St Peter's Primary School and its grounds, which include a grass playing field to the rear. The site is on a hillside which rises to the north-east and it is terraced into two level areas, with the existing school building and access fronting Howatshaws Road at the south-west side of the site, and the playing field at the rear at a significantly higher level accessed via a steep flight of stairs. The existing school building is broadly L-shaped, with the main three storey element positioned at an angle to Howatshaws Road and a projecting single storey wing with significant underbuilding at the south end of the site. The site is located within a residential area although there is open land on the hillside to the rear (which has planning permission to be developed as a mountain bike trail). To the south and east of the site are a mixture of residential properties and St Peter's RC Church. To the north west of the site are four blocks of high-rise flats which are currently in the course of demolition. The Council has indicated that this site is the preferred location for the new Our Lady and St Patrick's High School and at present a Proposal of Application Notice has been submitted.
- 3.2**   It is proposed to clear all of the existing buildings and playing fields on site and replace these with a new shared educational campus containing replacements for the existing St Peter's Primary School, Aitkenbar Primary School and St Peter's Early Education and Childcare Centre (EECC). At present children and staff from all these facilities are temporarily accommodated within the grounds of Aitkenbar Primary School, further down Howatshaws Road.

- 3.3** The new school building would be positioned on the lower part of the site where the existing school building is located, although the new building would be orientated to run parallel to Howatshaws Road. The main part of the building containing the classrooms would be two storeys in height, with a broad central pedestrian access leading to the main doors of the two schools on either side of a shared administrative area in the middle of the building. The two primary schools would each occupy a wing on either side of this, with the shared gym/assembly and dining halls in a projecting block to the rear. The EECC would occupy a single storey wing which would project forward of the main building at the north end of the frontage, with its own separate pedestrian entrance onto Howatshaws Road. The building would be of a contemporary design with the use of a limited palette of materials, including a mixture of dark and buff facing brick, metal cladding panels, glazing and an aluminium standing seam roof. It would feature very shallow (almost flat) roof pitches with a maximum height of approximately 8m, although there would also be some underbuilding at the south end of the site. The front elevation would have extensive glazing which would be broken up at regular intervals with projecting single storey cloak rooms, the roofs of which would be accessible from the first floor classrooms as external terraces. Other than the EECC wing wrapping around the northern side of the building, the front elevation would be almost symmetrical in appearance.
- 3.4** Whilst all pedestrian access would be onto Howatshaws Road, the car park and vehicular entrance would be off Allan Crescent, in order to maximise the separation of pedestrians and vehicles. A total of 48 car parking spaces would be provided on site, along with a dedicated drop off area within the car park. A pedestrian footpath would link the car park to Howatshaws Road. In addition, two disabled parking spaces would be provided in a layby off Howatshaws Roads itself, and a service access for deliveries and refuse collection would be created at the south end of the site.
- 3.5** To the rear of the building, in addition to the playground area on the low level ground immediately behind the building, a new all-weather synthetic sports pitch would be created on part of the upper part of the site, which is currently occupied by a grass pitch. This would be accessed by way of the existing external stairs, which would be upgraded and a stair lift for disabled pupils would be provided. The new pitch would be floodlit and enclosed by 5m high ball stop fencing, and in addition to use by the schools it is intended that the sports pitch will be available for use by the wider community. The remainder of the upper terrace, together with various sloping parts of the site and a grass area at the north end of the Howatshaws Road frontage, would all be landscaped.
- 3.6** A Flood Risk Assessment, Transport Statement/Travel Plan, Design and Access Statement, an Ecological Appraisal, a Site Investigation Report and an Acoustic Strategy Report have all been submitted as part of the application, in order to address the various technical issues.

## **4. CONSULTATIONS**

- 4.1** Sportscotland has no objection to the proposal and considers the proposed synthetic pitch to be appropriate for a 2-stream primary school of this size. They also welcome community use of the facilities. Whilst they are not a statutory consultee in respect of indoor sports facilities, they have commented that the indoor sports facilities are smaller than what their guidance recommends and therefore does not meet their recommended standards.
- 4.2** West Dunbartonshire Council Roads Service has no objection to the proposal subject to suitable traffic calming of adjacent roads. They have indicated that the number of car parking spaces is sufficient with 40 spaces provided which equates to 1 space per 1 staff member. The Roads Service has also indicated that they intend to extend the 20mph zone along Howatshaws Road.
- 4.3** West Dunbartonshire Council Environmental Health has no objection to the proposal subject to conditions relating to contaminated land, dust, floodlighting, noise and provision of a grease trap.
- 4.4** West of Scotland Archaeology Service has no objection to the proposal subject to a condition which requires the implementation of a programme of archaeological works.
- 4.5** Glasgow Airport has no objection to the proposal subject to a condition which requires the submission and implementation Bird Hazard Management Plan.
- 4.6** West Dunbartonshire Council Estates Section and the Scottish Environment Protection Agency have no objection to the proposal.

## **5. REPRESENTATIONS**

- 5.1** No representations have been received.

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

### West Dunbartonshire Local Plan 2010

- 6.1** The school site is identified as a Public Service Opportunity, where Policy PS3 states that the Council will encourage improved or new public services. When considering a development proposal, consideration will be given to locating developments in areas of social and economic need, areas in close proximity to new housing and locations that may facilitate future development opportunities. The proposal is therefore considered to be in accordance with Policy PS3.
- 6.2** Policy GD1 is a general policy which applies to all development, and which states that all new development is expected to be of a high standard of design and respect the character and amenity of the area in which it is to be located. Policy T4 is also applicable and states that sites should be well integrated into walking, cycling and public transport routes. The proposal is considered to be in accordance with these policies.

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

- 7.1** West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan  
The site is identified as a Community Facility Opportunity site, where Policy BC4 identifies the site as suitable for a shared early and primary education campus. Policy DS1 requires all development to contribute towards creating successful places and refers to the six qualities of a successful place which are: distinctive, adaptable, resource-efficient, easy to get to /move around, safe and pleasant, and welcoming. Policy DS3 requires significant travel generating uses to be located within 400m of the public transport network and where relevant, measures to ensure accessibility by active travel or sustainable means should be employed. The proposal is considered to be in accordance with all of these policies for the reasons discussed below.
- 7.2** Scottish Planning Policy (SPP) – Playing Fields  
The SPP indicates that playing fields are an important resource for sport and should be provided in sufficient quantity, quality and accessibility to satisfy current and likely future community demand. Local authorities are expected to develop a playing fields strategy in consultation with Sportscotland, as part of their wider open space strategies. For many sports and recreation developments, locations within or close to residential areas will be the most appropriate location and advice will be available from Sportscotland in this regard. In this case, Sportscotland have confirmed that they are satisfied with the dimensions and type of pitch that is proposed as part of the development. In addition, they are pleased to note that the pitch is intended to be available for community lets which will benefit the surrounding area.
- 7.3** Principle of Educational Use  
The site has been used as a primary school for many years, and it also previously contained an early education and childcare centre. The proposal would result in the continuation of these uses and would replace the existing buildings, which are no longer of an appropriate standard, with modern facilities. The proposal involves the co-location of a second primary school onto the site. The existing school building on the site was designed for a larger school roll (317) than St Peter's currently has, and the site is therefore large enough to comfortably accommodate both schools. The combined capacity of the two proposed schools is 434 pupils. The site has been allocated for educational purposes, specifically a new primary school/EECC campus, in both the adopted local plan and the emerging local development plan, and the proposal is consistent with these designations. It is therefore considered that the principle of redeveloping the site as a new educational campus is acceptable, and that the provision of significantly improved school facilities for children in the Bellsmyre area is to be welcomed.
- 7.4** Design, Layout and Materials  
The proposed building would be of contemporary design, comprising a linear 2 storey building with single storey wings to the north and rear (east). The

building would be set back sufficiently from Howatshaws Road to ensure that its height and size will not unduly dominate the street, and the new building would in any event be lower in height than the existing (3 storey) school building. The main entrances of the primary schools will be positioned centrally on the Howatshaws Road frontage in order to create a readily identifiable feature entrance. Each school would have a separate entrance in order to retain their own identities and this was specifically requested by both the Parent Council and Archdiocese. The fact that the building would be positioned to directly face Howatshaws Road is considered to be an improvement over the layout of the existing buildings

- 7.5** Most of the elevations of the main two storey block would be finished in dark facing brick, although the front elevation in particular also has an extensive amount of glazing. The cornice would be clad in aluminium panels, which would wrap around the first floor on the end elevations, whilst the small projecting W.C./cloakroom blocks and the large rear hall/dining wing would use a contrasting buff facing brick. The use of this palette of materials will help to enhance architectural features and create a visually interesting building. Glazing has been used in the design to make the most of natural light and ventilation whilst the glass type will reduce solar transmissions and assist with temperature control. Overall, the proposed building is considered to be of an attractive modern design which would enhance the appearance of the street.

#### Vehicular Access

- 7.6** The vehicular access into the current school is direct from Howatshaws Road, with the car park being located at the front of the site. The proposal is to re-site the access and car park onto Allan Crescent, in order to better separate vehicles from the pedestrian access being taken from Howatshaws Road and a separate vehicular access from Allan Crescent. These linkages will allow easy access into and throughout the school campus. Sufficient staff parking will be available in the car park whilst the provision of a dedicated drop off point within the car park would assist traffic circulation. A separate service access and yard will be provided to the south of the school building which will be accessed directly from Howatshaws Road.

#### Impact on Residential Property

- 7.7** Although the building will be two storey and closer to the road than the existing school that is on the site, it will not raise any overlooking issues or cast any shadow over nearby properties. At present there are no occupied properties on Allan Crescent, where the new access will be, as the high flats on that street are currently being demolished. Schools are by their nature busy locations which generate a lot of activity at either end of the school day, and noise from children playing outdoors at intervals/lunchtime, but the site has until recently been used as a school for many years and it is not likely that its redevelopment will increase the impacts on nearby residents. In addition, there have been no representations received from local residents who have been neighbour notified and the proposal has also been advertised in the local press.

- 7.8** The proposal would add a floodlit all-weather pitch at the rear of the site, and it is intended that this would be available for use by the wider community outwith school hours. In this case the pitch would back onto open land and the former high flats site, with the only residential properties close to the pitch being the janitor's house which is owned by the Council and 5-storey flats at Murroch Avenue some distance to the south east, all of which are built at lower ground levels than the pitch. An acoustic strategy report has been provided in support of the application, which assesses the potential of noise from the floodlit synthetic pitch. The report recommends that in order to prevent any unacceptable noise impacts on nearby residential properties during evenings, weekends and holiday periods, a 2m high acoustic fence would be required. Subject to this acoustic fence being constructed then it should be possible to permit community use of the facility outwith school hours.

#### Technical Issues

- 7.9** Prior to the submission of the planning application, two surveys were undertaken which included a building inspection and a bat survey. The surveys did not find evidence of bats and the report concluded that the building had no features of high or moderate potential to be used by bats for roosting. Therefore the building was considered to have negligible potential for use by bats as a roost and this issue does not require to be addressed by condition.
- 7.10** A site investigation was undertaken and a report submitted which identified that there was a small area of ground within the site which contained some contamination. In order to ensure that this contamination is addressed, suitable conditions will be attached to ensure that the site is suitable for its intended use.

### **8. CONCLUSION**

- 8.1** The proposal would provide high quality primary/early education and childcare facilities for the Bellsmyre area, on a site which has a long history of use for educational purposes. The site has been allocated for this purpose in both the adopted local plan and the emerging LDP, and the proposal is consistent with all relevant planning policies. The proposed new building has been designed and positioned to provide an enhanced civic presence within the local community, and the design is considered to be of a quality modern design. The impact upon nearby residents is considered to be acceptable subject to noise mitigation works relating to community use of the synthetic sports pitch, and access/parking arrangements are also considered to be appropriate.

### **9. CONDITIONS**

- 1. During the period of construction no delivery or removal of material from the site shall take place outwith the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays, and not at**

**all on Sundays or Public Holidays unless otherwise approved in writing by the Planning Authority.**

- 2. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 3. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved prior to the occupation of the new school. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and shall thereafter be implemented as approved.**
- 4. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented as approved.**
- 5. Prior to the commencement of works on site full details of all ground surfaces including play surfaces, social space, roads and pathways shall be submitted for the further written approval of the Planning Authority and implemented as approved prior to the occupation of the new school.**
- 6. Prior to the commencement of works, full details of the design and location of all bin stores, walls and fences (including retaining walls), acoustic fencing and ball stop fencing to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented within a timescale to be agreed by the Planning Authority.**
- 7. Details of the design and height of any sprinkler tanks shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented thereafter as approved, prior to the school being brought into use.**
- 8. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of the new school.**
- 9. Notwithstanding the approved plans, details of the design and location of all external furniture, including cycle shelters shall be submitted to and approved by the Planning Authority prior to the**



commencement of development on site and shall be implemented prior to the occupation of the new school.

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

- 16. Prior to the commencement of development on site a School Travel Plan and Workplace Travel Plan shall be submitted for the further approval of the Planning Authority and any actions arising from it shall be implemented prior to the occupation of the new school and shall be maintained thereafter.**
- 17. Prior to the occupation of the school traffic calming measures shall be provided on the adjacent roads. Details of these measures shall be submitted to and agreed with the Planning Authority prior to the commencement of development on site.**
- 18. Prior to the commencement of development on site, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and thereafter it shall be implemented prior to the school being brought into use and maintained as approved.**
- 19. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the written approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction and identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.**
- 20. The ground investigation report (Dated June 2014 by Waterman Energy, Environmental & Design Limited) identifies an area of ground at the south of the site which is contaminated with hydrocarbons (TPH and PAHs) and requires to be removed. No development shall take place until further information has been submitted to and approved in writing by the Planning Authority which demonstrates the effect of reusing this contaminated land on the groundwater regime.**
- 21. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.**

- 22. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority**
- 23. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remediation works carried out within a timescale to be agreed by the Planning Authority.**
- 24. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.**
- 25. Development shall not commence on site until a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’. The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan shall take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.**

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 7 October 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G811TG.  
01389 738656  
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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; and
5. Scottish Planning Policy.

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

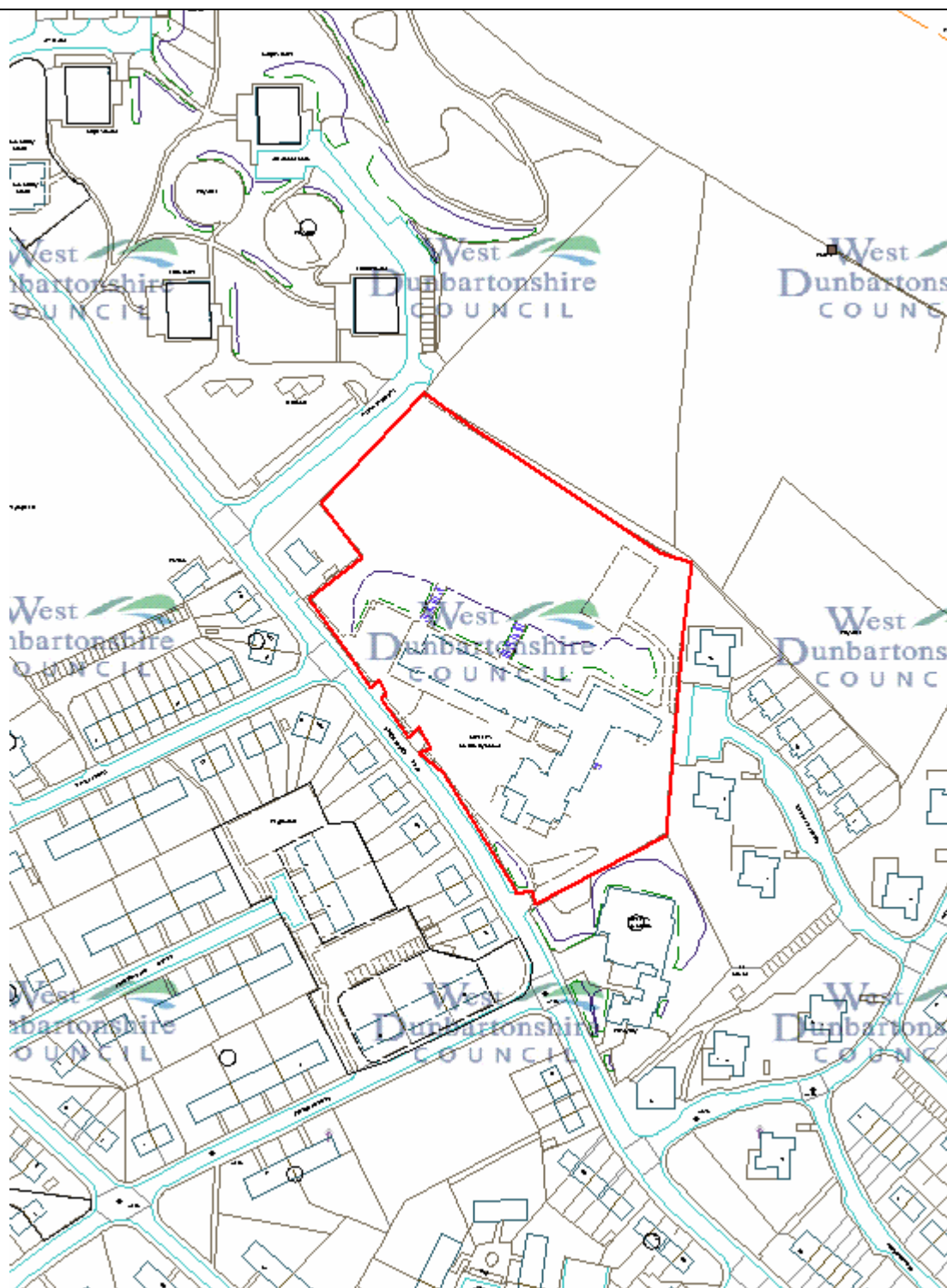
Map Register No: HQ426

Date: 6 October 2014

**DC14/193**

**Erection of primary school  
with associated car park  
sports pitch landscaping  
and an early education and  
childcare centre**

**Primary School  
Howatshaws Road  
Dumbarton  
G82 3DR**



## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 22 October 2014

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**Subject: Diversion of public path at/near Wester Cochno Farm, Cochno Road, Hardgate by Mr Richard Spratt**

#### **1. Purpose**

- 1.1** To enable the Committee to consider the representations which have been received following publication of a draft public path diversion order, and to agree whether or not to proceed with the order by referring it to the Scottish Ministers.

#### **2. Recommendations**

- 2.1** That the Committee decides **not to proceed** with the public path diversion order.

#### **3. Background**

- 3.1** The application relates to a 1.1km section of rural track which forms a continuation of the western arm of Cochno Road. The track provides access to Wester Cochno and Cochnohill Farms, and continues into the Kilpatrick Hills to Greenside Reservoir. The track is privately owned by a local farmer and the Forestry Commission, but its use as a public path is well established. The track is recorded as a claimed right of way by the Scottish Rights of Way and Access Society (SCOTWAYS), although this status has never been vindicated by any legal proceedings.
- 3.2** Whilst the track has been used by local people and visitors as a walking and cycling route into the Kilpatrick Hills for many years, it is also used to access locations around Greenside Reservoir for anti-social activities. This has resulted in anti-social behaviour being experienced by the residents of the properties alongside the track, including vandalism and late night noise. The Police are understood to have been called to the location, and have met with residents to try to address the anti-social behaviour problems in the hills around Greenside Reservoir. However, the location is difficult to police due to its remoteness and the many small areas of woodland and hidden areas.
- 3.3** As a result, the affected residents have sought to move a section of the route to Greenside Reservoir away from their homes, in order to reduce the opportunity for and likelihood of anti-social behaviour by persons travelling to or from the hills. Forestry Commission Scotland, which owns a substantial area of land north of Cochno Road, has recently planted woodland and installed a new path network in the vicinity of the site in order to encourage

responsible public access. One of these new forestry paths forms a “bypass” which avoids the houses at West Cochno and Cochnohill, and whilst slightly longer than the original route (by approximately 150m and not 75m as stated in the previous report), it is of a high standard of construction and offers improved views across the Clyde and Glasgow. On 5 June 2013 the Planning Committee agreed to amend the Council’s Core Path 98 to follow this new route.

- 3.4** The effect of amending the core path route was that signs and maps now show the Forestry Commission track as the core path, and no longer show the original route past Wester Cochno and Cochnohill. This encourages many of the walkers/cyclists to use the new path, but the persons who are responsible for the anti-social behaviour problems are less likely to abide by signs or maps and the problems have therefore continued. The residents would therefore like to install gates blocking off the original route, in order to make access by such people more difficult. However, the original route past their homes remains a right of way, whilst the new forestry track has not yet had time to become established as a right of way itself. This application therefore seeks a public path diversion order under Section 35 of the Countryside (Scotland) Act 1967, to change the route of the right of way to use the new forestry track. This would allow the residents to install gates closing off the original route.
- 3.5** A report on this issue was considered at the Planning Committee on 28 May 2014 and the Committee agreed to the issuing of a draft notice. Under the legislation covering such applications, public consultation does not take place until after a draft public path diversion notice has been issued. Details of the representations which have been received are set out in Section 4 below. As there are objections to the draft order, it would require to be confirmed by the Scottish Ministers before it could take effect. This would involve referring the matter to the Ministers, who would hold a public local inquiry in order to consider the matter. The Committee is therefore invited to consider these representations and to decide whether it wishes to proceed with the order in the light of the comments received.

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

##### Representations

- 4.1** The draft order has been advertised by way of a site notice and local newspaper notice, and letters/emails were sent to a variety of groups and organisations to advise them of the proposal, although not all of these parties have responded. A total of 22 representations have been received, of which 21 object to the proposal (eighteen individuals, Clydebelt, the Parkhall, North Kilbowie and Central Community Council, and ScotWays). Reasons for objection given were as follows:

#### Effectiveness at Reducing Anti-Social Behaviour

- Whilst most objectors expressed sympathy for the residents affected by anti-social behaviour, they doubted whether the path diversion would alleviate these problems;
- Proposal would only move anti-social behaviour problem a short distance;
- Anti-social individuals would ignore path diversion and continue to use current route;
- Anti-social behaviour is a matter for Police Scotland and not a valid reason to divert a Right of Way (ROW);
- Police Scotland's position on the application requires to be confirmed;

#### Principle of Proposal

- Would set an undesirable precedent for closing ROWs because of anti-social behaviour;
- Would penalise responsible path users for the behaviour of a small minority;
- Additional signage could be used to encourage use of the new path without having to close the existing route;

#### Advantages of Current Route

- Route is a well used access into the Kilpatrick Hills which people have enjoyed using for many years;
- Current route has attractive view of Loch Humphrey Burn which the new path lacks;
- Local historical significance of the original route as a means of accessing the hills from Clydebank. During the Great Depression many unemployed people took to hillwalking to keep fit/occupied, and people from Clydebank were involved in the establishment of early rambling and mountaineering clubs.
- It has been suggested that the path served as a route from Clydebank to the Carbeth huts and to what is now the West Highland Way, and was used as an escape route during the Clydebank Blitz.

#### Disadvantages of New Path

- New path is steeper and narrower than original route, and less suitable for people with mobility or other health problems;
- New path is longer than original route;
- New path has not been designed for use by horses or mountain bikes, which will damage the path. (Note: the path has in fact been constructed to Lowland Path Construction standards which is intended to allow use by horses and bicycles);
- If the diversion is allowed there must be a commitment to maintain the new path to an appropriate standard.



#### Other Issues

- Complaints about one of the landowners having allegedly sought to discourage legitimate use of the ROW, and about the condition of buildings adjacent to the ROW;
- Suggestion that closing old route might conflict with terms of Land Reform (Scotland) Act 2003

- 4.2** The other representation is from the British Horse Society, which has no objection to the proposed path diversion subject to the new path being suitably maintained and made available for use by horse riders on an ongoing basis.

#### Acceptability of the New Path

- 4.3** The new path is well constructed and offers certain advantages over the original route, and it is understood that since the changes to the core path signs many walkers have started using the new route in preference to the original path. It is acknowledged that the new path is narrower and more steeply graded in places and it is also approximately 150m longer. Although some objectors have referred to the new path being less suitable for people with mobility problems, the section of path is part of a much longer path of varying quality, and it is not likely that people who could not manage the modest increase in length/gradient of the proposed diversion would set out to use the existing route either. Nonetheless, it must be recognised that the existing route is long established and, being both familiar and slightly easier, some walkers would prefer it to the new path.

#### Comments of Police Scotland

- 4.4** Police Scotland has been consulted on the application and they have looked at the plans and the representations received. They have checked through Police Incidents to the area since 1st January 2014 and noted that there are 16 calls of an Anti Social Behaviour nature. These range from youths drinking to a "mini rave", and to youths blocking access to property with tyres. The locus for most of these incidents appears to be the derelict water tower/works further down Cochno Rd, albeit there are 2 calls to the "Greenie" which is the field at the reservoir.
- 4.5** In their experience when dealing with a local issue like this, local persons have relevant knowledge of the area and will usually follow the easiest route to where they want to go, ie path of least resistance. Albeit moving the public right of way would make law abiding users move away from the properties in question, they very much doubt this would have the same effect to local youths who are under the influence of alcohol. I understand that the residents are looking to displace the youths/ASB away from their properties; however their experience tells them that this is extremely difficult to achieve. The anti-social behaviour is a matter for the Police to deal with and should be reported as it has been. They are aware of the issues at the water works and have directed officers to pay extra attention to it where possible.

#### Impact on Anti-Social Behaviour

- 4.6** The rationale for diverting the right of way is that it would help to address problems which residents have experience with antisocial behaviour of some individuals using the path, and if these people could be made to use the new path then the impact on residents would be reduced. However, it is less clear whether diverting the public path and installing gates and signs would be likely to actually achieve this. Whereas most ordinary walkers would doubtless respect the change in the route, the anti-social individuals may continue to use the existing route. Rowdy and intoxicated groups returning home would be likely to take the shortest and most convenient route and would be unlikely to be dissuaded from using the current path and this has been supported by the comments of Police Scotland.
- 4.7** The applicant has confirmed that they plan to install high gates at the north end of the original route, where it forms a junction with the new path. It is envisaged that people returning by this route late at night would be unlikely to climb or circumvent the gates in the darkness and would therefore follow the new path. At the south end of the diverted path a lower gate is intended as there is not such a problem with people travelling up the hill. The details of these gates are not available at this time, but depending upon their height the installation of gates may not require an application for planning permission.

#### Conclusions

- 4.8** There is an acknowledged problem with anti-social behaviour in the vicinity, and the problems which this has caused for the applicant are acknowledged. The new path has been constructed to a high standard and forms a valuable addition to the local path network, and it is desirable that the public should be encouraged to use it. However, the existing route is long established, and is wider, slightly shorter and more easily graded than the new path. Closure of the existing route would penalise the majority of path users who use it for responsible access to the countryside, because of the actions of a small minority of anti-social persons, and would set an extremely unfortunate precedent. Police Scotland has commented that they do not feel that these measures would remove the problem of anti-social behaviour on the properties. Under the circumstances it is considered that the case for diverting the public path is not strong enough to merit pursuing this course of action.

### **5. People Implications**

- 5.1** None.

### **6. Financial Implications**

- 6.1** There are no direct financial implications.

### **7. Risk Analysis**

- 7.1** No risks have been identified.

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

**8.1** An EQIA is not required.

**9. Consultation**

**9.1** Publicity and consultation have been carried out, and the representations received are summarised in Section 4 above.

**10. Strategic Assessment**

**10.1** The proposal does not raise any issues in terms of the strategic priorities of the Council.

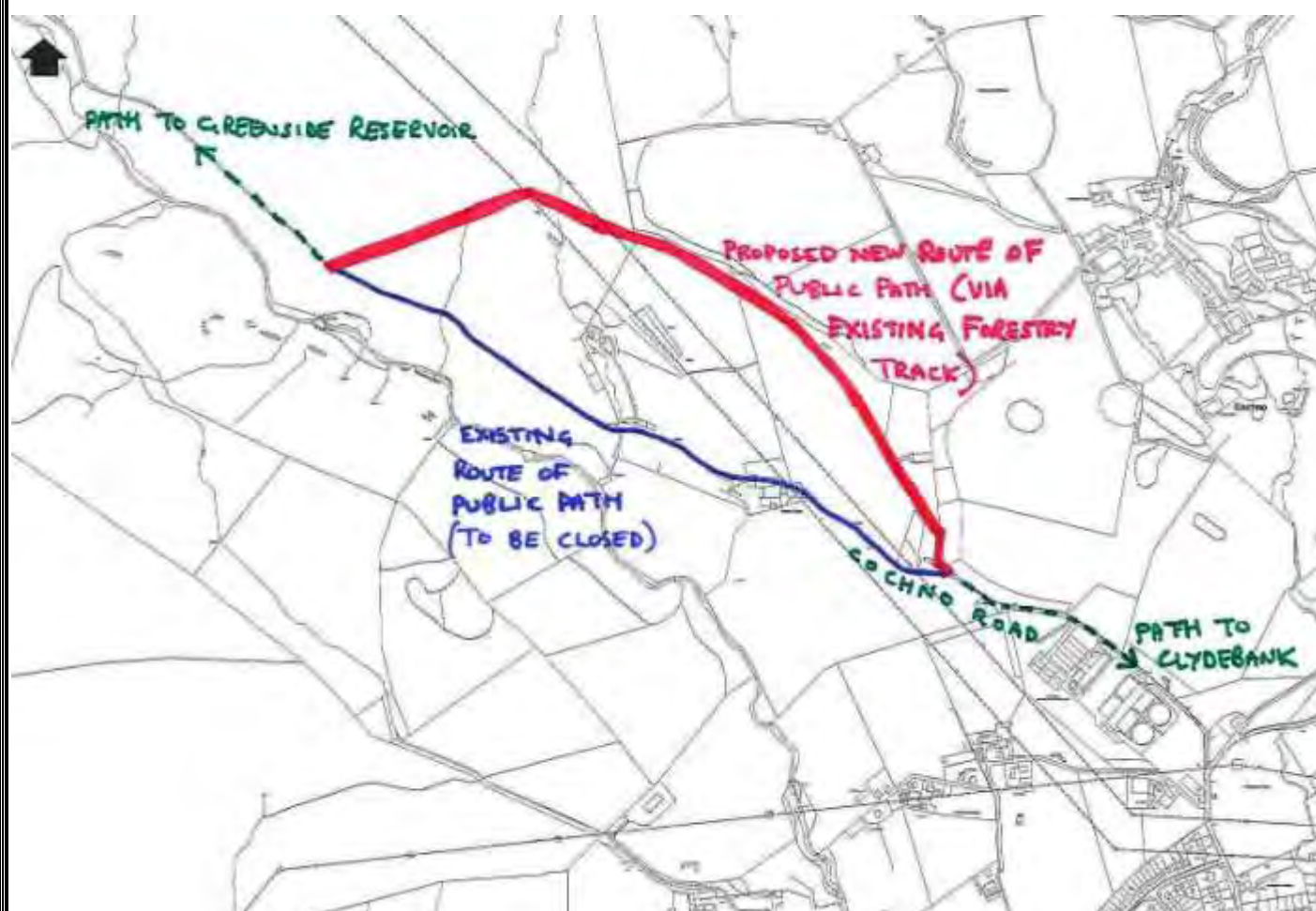
**Richard Cairns**

Executive Director of Infrastructure and Regeneration

Date: 9 October 2014

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<b>Person to Contact:</b>	Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Clydebank. G81 1TG. 01389 738656 email: <a href="mailto:Pamela.Clifford@west-dunbarton.gov.uk">Pamela.Clifford@west-dunbarton.gov.uk</a>
<b>Appendix:</b>	1. Report to 28 May 2014 Planning Committee concerning diversion of core path.
<b>Background Papers:</b>	1. Application documents and plans 2. Representations received 3. Comments of Police Scotland
<b>Wards affected:</b>	Ward 4 (Kilpatrick)



## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 28 May 2014**

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**ROW14/01                      Diversion of public path at/near Wester Cochno Farm,  
Cochno Road, Hardgate by Mr Richard Spratt**

#### **1. REASON FOR REPORT**

- 1.1** This report relates to an application to divert part of a public path, which is a type of application that is not covered by the Council's approved Scheme of Delegation. The application therefore requires to be considered by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** That the Committee (a) authorise the Planning and Building Standards Manager to issue a draft public path diversion order and undertake the associated statutory notification, and (b), in the event of there being no objections to the draft order authorise the Planning and Building Standards Manager to confirm the public path diversion order upon expiry of the statutory notification period. In the event of unresolved objections being received, the application would be reported back to the Committee for further consideration at that time.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a section of rural track which forms a continuation of the western arm of Cochno Road. The track provides access to Wester Cochno and Cochnohill Farms, and continues into the Kilpatrick Hills to Greenside Reservoir. The track is understood to be privately owned by a local farmer and the Forestry Commission, but its use as a public path is well established. The track is recorded as a claimed right of way by the Scottish Rights of Way and Access Society (SCOTWAYS), although this status has never been vindicated by any legal proceedings.
- 3.2** Whilst the track has been used by local people and visitors as a walking and cycling route into the Kilpatrick Hills for many years, it is also used to access locations around Greenside Reservoir for the consumption of alcohol. This has resulted in anti-social behaviour being experienced by the residents of the properties alongside the track, including vandalism and late night noise. The Police have been called to the location on numerous occasions, and have met with residents to try to address the anti-social behaviour problems in the hills around Greenside Reservoir. However, the location is difficult to police due to its remoteness and the many small areas of woodland and hidden areas.

**3.3** As a result, the affected residents have sought to move the a section of the route to Greenside Reservoir away from their homes, in order to reduce the opportunity for and likelihood of anti-social behaviour by persons travelling to or from the hills. Forestry Commission Scotland, which owns a substantial area of land north of Cochno Road, has recently planted woodland and installed a new path network in the vicinity of the site in order to encourage responsible public access. One of these new forestry paths forms a “bypass” which avoids the houses at West Cochno and Cochnohill, and whilst slightly longer than the original route (75m), it is of a higher standard of construction and offers improved views across the Clyde and Glasgow. On 5 June 2013 the Planning Committee agreed to amend the Council’s Core Path 98 to follow this new route.

**3.4** The effect of amending the core path route is that signs and maps now show the Forestry Commission track as the core path, and no longer show the original route past Wester Cochno and Cochnohill. This encourages many of the walkers/cyclists to use the new path, but the persons who are responsible for the anti-social behaviour problems are less likely to abide by signs or maps and the problems have therefore continued. The residents would therefore like to install gates blocking off the original route, in order to make access by such people more difficult. However, the original route past their homes remains a right of way, whilst the new forestry track has not yet had time to become established as a right of way itself. This application therefore seeks a public path diversion order under Section 35 of the Countryside (Scotland) Act 1967, to change the route of the right of way to use the new forestry track. This would allow the residents to install gates closing off the original route.

#### **4. CONSULTATIONS**

**4.1** The statutory procedure for applications under this legislation is that if the Council is minded to support the diversion of the public path a draft public path diversion order is prepared, and statutory notification is carried out after the draft order is available for inspection. Therefore, there has not yet been any consultation or notification carried out in respect of the current application. However, at the time of the diversion of the Core path, a full consultation was carried out by the Council’s Access Officer, involving the following stakeholders:

- Bearsden and Milngavie Ramblers;
- British Horse Society Scotland;
- Clydebelt;
- Faifley Community Council;
- Forestry Commission Scotland;
- Glasgow Mountain Bike Club;
- Helensburgh and West Dunbartonshire Ramblers;
- Police Scotland;
- Ramblers Scotland;
- Scottish Cycling;

- Scottish Rights of Way and Access Society (SCOTWAYS);
- West Dunbartonshire Access Forum

All of these organisations were in favour of the diversion of the Core path at that time, although SCOTWAYS did comment that the existing track is a claimed right of way which should be preserved.

- 4.2** If the Committee is minded to authorise a draft public path diversion order, it will be necessary to carry out further notification, including notification of the Forestry Commission, other owners/neighbours, a site notice and a press notice. It would also be intended to re-notify the stakeholder groups listed above. If no objections were received within the statutory 28-day period, the draft order could then be confirmed. On the other hand, if objections were received, the draft order would require to be referred to the Scottish Ministers for confirmation. In such circumstances the nature of the objections would be reported to a future Committee meeting in order to allow these issues to be properly considered. The Committee would then be able to decide whether or not to seek confirmation of the order from the Scottish Ministers.

## **5. REPRESENTATIONS**

- 5.1** None at this time, as no notification has taken place apart from publication of the application on the weekly list of applications received. See explanation of notification procedures under Section 4 above.

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

### West Dunbartonshire Local Plan 2010

- 6.1** The majority of both path routes are within the Green Belt, although the north-western end lies within the Regional Scenic Area. Policy GB1 contains a presumption against development within the Green Belt, other than specified types of countryside uses and other limited circumstances. One of the uses so specified is outdoor recreation of a type which is appropriate for the countryside. Policy RS1 seeks to preserve the landscape of the Kilpatrick Hills and presumes against any development which might impact adversely upon the appearance or nature conservation value of the area. The proposal would involve no new physical development, other than the probable placement of farm gates over the existing route. There would be no impact upon the appearance or character of the Green Belt or the Regional Scenic Area, and the proposal is consistent with Policies GB1 and RS1.
- 6.2** The original route of the path is designated in the Local Plan as a Core Path, whilst the western part of both routes is within a Local Nature Conservation Site. Policy R5 indicates that the Council will protect core paths and rights of way with a special emphasis on access to the countryside. Although the proposal would result in the removal of a section of the core path/right of way which is delineated on the local plan map, it would be replaced by an appropriate alternative route, and the Council has already agreed to divert the core path to this new route. The route shown in the local plan has therefore been superseded. Policy E3A seeks to maintain and enhance the

environmental resources of the area by protecting local nature conservation sites (LNCS) from harmful development. The proposal would not involve any new development within the LNCS. It is therefore considered that the proposal would be consistent with Policies R5 and E3A.

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

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

- 7.1** The routes of the paths are partly within the Green Belt and partly within the Outer Countryside. The north-western end of the paths is within a Local Landscape Area and a Local Nature Conservation Site. The corresponding policies DS2, DS3, GN3 and GN4 are broadly equivalent to the current local plan policies, and the proposal is considered to be consistent with all of these new policies.

- 7.2** The proposed new route of the public path is already designated as the Core Path route in the LDP, in accordance with the decision made by the Committee in June 2013. The proposal to divert the right of way is therefore consistent with this designation and the corresponding Policy GN8.

### Principle of Diversion of Public Path

- 7.3** Section 35 of the Countryside (Scotland) Act 1967 indicates that:

*“Where an owner, tenant or occupier of land crossed by a public path satisfies the...planning authority that for securing the efficient use of the land...or providing a shorter or more convenient path across his land, it is expedient that the line of the path...should be diverted...the authority may by order...:*

- (a) create...any such new public path as appears to the authority requisite for effecting the diversion, and*
- (b) extinguish...the right of way over so much of the path as appears to the authority requisite as aforesaid”*

- 7.4** In this case, the motivation behind the proposed diversion of the path is to allow closure of a stretch of existing path where residents have experienced significant problems arising from anti-social behaviour. Whilst these problems arise from a small minority of path users, they are understood to be persistent and significant, and it is noted that the previous diversion of the core path was supported by the Police. It is therefore considered reasonable to allow diversion of the path provided that the new route is of an equivalent or superior quality.

- 7.5** The path forms part of an important route which provides public access into the countryside to the north of Clydebank, and which is well used for recreational walking and cycling. Whilst the new path is slightly longer than the original route, the difference (75m) is not significant for a route of this type, and the new path is considered to be superior to the original route in terms of the standard of its construction, its links to the wider path network, and its views across the surrounding area. The new path is therefore of a suitable



standard to replace the existing path, a fact which has previously been recognised by the changing of the core path route.

- 7.6** At present the Forestry Commission track has no status as a right of way, because it is of recent construction and has not been used by the public for long enough to become a right of way. A route does not normally become a right of way until the public has been able to pass unhindered for at least 20 years. However, by diverting the public path onto this new route it would become a vindicated right of way, ensuring that this route remains available to the public in perpetuity.

## **8. CONCLUSION**

- 8.1** The diversion of the public path to coincide with the core path would help to alleviate problems experienced by local residents, whilst providing an improved route for walkers, cyclists and horse riders. It would also secure right of way status for the new route, which has already been designated as a core path but is not yet a right of way. It is therefore recommended that the Committee authorise the Planning and Building Standards Manager to prepare a draft public path diversion order, and to confirm that order in the event of there being no objections to it.

## **9. CONDITIONS**

- 9.1** Not applicable.

**Richard Cairns**

**Executive Director of Infrastructure and Regeneration**

**Date: 13<sup>th</sup> May 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G81 1TG.  
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email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** 1. Report to 5 June 2013 Planning Committee  
concerning diversion of core path.

**Background Papers:** 1. Application documents and plans  
2. West Dunbartonshire Local Plan 2010  
3. West Dunbartonshire LDP - Proposed Plan

**Wards affected:** Ward 4 (Kilpatrick)

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 22 October 2014**

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**Subject: Scottish Government consultation on planning controls, pay day lending and betting offices**

#### **1. Purpose**

- 1.1** To advise the Committee of the above consultation and seek approval of the Council's response.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee approve the consultation response set out in Appendix 1.

#### **3. Background**

- 3.1** Concerns have been expressed in recent years about the levels of problem gambling and personal indebtedness and the prevalence of betting shops and premises selling high interest short term loans – often referred to as pay day lending. The regulation of gambling and financial services is currently a reserved matter for the UK Government and Parliament. The Scottish Government and Parliament cannot at present legislate to regulate these matters directly to restrict the numbers of betting shops or premises selling payday loans, or regulate how these activities are conducted to address concerns about, for example, gambling addiction or excessive indebtedness.
- 3.2** Following the Summit on Gambling and Pay Day Lending in Scotland's Town Centres and Neighbourhoods the Scottish Government is taking steps within the powers available to it to address these concerns where it can. Scottish Planning Policy, published in June 2014, recognises the concerns surrounding these uses in town and local centres and states that development plans should include policies to prevent over-provision and clustering where a town centre strategy indicates that further provision would undermine the character and amenity of centres or the well-being of communities. Officers are involved in the Town Centre Pilots Project run by the Scottish Government. This Council together with Glasgow City Council is in the pay day loans/betting shops working group.

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

- 4.1** The consultation paper (<http://scotland.gov.uk/Resource/0045/00458193.pdf>) is concerned with the requirement for planning permission for pay day loan and betting offices.

**4.2** The Use Class Order (Scotland) 1997 separates uses into different classes: Class 1 - shops, Class 2 -financial, professional and other services and Class 3 - food and drink etc. There are 11 classes in total and a number of uses do not fall within any of the classes and are known as sui generis uses e.g. public house. Planning permission is required to change between most uses, but some changes of use do not need planning permission e.g. a restaurant (class 3) does not require planning permission to change to a shop (Class 1) or a financial, professional or other service (Class 2).

**4.3** Betting and pay day loan shops are both Class 2 uses. This means that whilst a shop would need planning permission to change its use to a betting office or pay day loan shop, if a bank was to change to a betting office or pay day loan facility this would not require planning permission. Nor would Class 3 uses (food and drink) need permission to become a betting office or pay day loan shop as this is a permitted change of use. The consultation is investigating the possibility of changing what changes of use are permitted through the Use Class Order.

#### Betting Shops

**4.4** It is proposed that betting shops are removed from Class 2 and not listed under any of the classes and would be a sui generis use similar to amusement arcades, public houses and hot food takeaways. This would remove the right for certain uses to change to a betting shop without requiring planning permission.

**4.5** The consultation asks if this approach is agreed with or if there is a more effective approach. The response set out in Appendix 1 agrees with this approach, but highlights that it would make little difference to the changes of use to betting shops most commonly received in the West Dunbartonshire area as the majority involve a change from a shop to a betting office which require planning permission in any case. Of greater significance is the recognition of clustering and over-provision issue addressed by Scottish Planning Policy which this Council is experiencing.

#### Pay Day Lending

**4.6** The consultation highlights the difficulty in defining pay day lending differently from other financial services. A Financial Conduct Authority definition of pay day lending is included within the consultation. This is:

- APR is equal to or higher than 100%
- Credit is provided for any period up to 12 months
- Credit is not secured by a mortgage, charge or pledge.

- 4.7** The consultation then sets out two options for excluding pay day loan lending operations from Class 2 of the Use Class Order. Option 1 is to define types of pay day lending operations that should be excluded from Class 2, for example:
- money service business (as defined by Money Laundering Regulations 2007)
  - pawn broking
  - premises for buying goods from visiting members of the public
  - financial lending other than by deposit takers
- 4.8** Option 2 is to specify what type of financial services should be included within Class 2, for example:
- Accountancy services
  - Insurance services
  - Deposit takers (bank, building society, credit union, friendly society)
- 4.9** The response states a preference for Option 2 as it is considered a 'cleaner' way of defining what aspects of financial services should remain as part of Class 2. The activities listed under Option 2 are clearly identifiable and/or established by legislation (e.g. Building Societies Act, Credit Unions Act, Friendly Societies Act). Also it gives a more consistent approach of dealing with pay-day loans the same way as betting offices. Option 1 (listing the types of uses that offer pay day loans) is unlikely to be exhaustive and could lead to issues in the future. The Financial Conduct Authority definition is not useful in planning terms as it is not about the actual activities of a use, but the terms and conditions by which it conducts those activities. Also a pay day loan facility may try to avoid the need for planning permission by providing credit at 99% and over 24 months. Also it is unclear if pay day lenders have to meet all three terms or only one.
- 4.10** The consultation asks if shops that offer pay day loans should be excluded from restrictions on pay day lending. The retailing of goods from premises that also offers pay day loans does not mean that the retailing of goods is the primary business of that unit. If the concern is community wellbeing and the level of indebtedness, then the fact that a pay day loan operator also sells goods does not reduce the impact of pay day loans being available. If an operator offers pay day loans then it should be excluded from Class 1 shops.

## **5. People Implications**

- 5.1** None.

## **6. Financial Implications**

- 6.1** None.

## **7. Risk Analysis**

- 7.1** None.

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

- 8.1** The Scottish Government has undertaken an Equality Impact Assessment of the consultation proposals.

## **9. Consultation**

- 9.1** A workshop with Elected Members was held prior to the preparation of this report.

## **10. Strategic Assessment**

- 10.1** The proposed response supports the Council's strategic priority of improving the wellbeing of communities and protecting the welfare of vulnerable people.

### **Richard Cairns**

Executive Director of Infrastructure and Regeneration

Date: 3 October 2014

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<b>Person to Contact:</b>	Pamela Clifford, Planning & Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Rosebery Place, Clydebank, G81 1TG  Alan Williamson, Team Leader – Forward Planning, Housing, Environmental and Economic Development, Council Offices, Rosebery Place, Clydebank, G81 1TG
<b>Appendices:</b>	None
<b>Background Papers:</b>	Planning Controls, Pay Day Lending and Betting Offices: Consultation paper on Changes to Planning Legislation
<b>Wards Affected:</b>	All

# PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on : <http://www.scotland.gov.uk/Consultations/Current>

## 1. Name/Organisation

Organisation Name

West Dunbartonshire Council

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Forename

## 2. Postal Address

Council Offices

Rosebery Place

Clydebank

Postcode G81 1TG

Phone 01389 738656

Email Pamela.clifford@west-

## 3. Permissions - I am responding as...

Individual

☐

/ Group/Organisation

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

## CONSULTATION QUESTIONS

**Q1. Do you agree with this approach to dealing with betting offices? If not, please specify why not.**

Agree ☒ Disagree ☐

Whilst agreeing with this proposed change, which should be simple to implement, it is noted that it would not make any difference with regard to the change of use applications West Dunbartonshire Council most frequently receive re betting shops i.e. change of use from Class 1 to a betting shop. Of greater significance is the recognition of the clustering and over-provision issue by Scottish Planning Policy which this Council area are presently experiencing.

**Q2. Do you consider there to be a more effective approach to changes around betting offices? If so, please describe the approach.**

Yes ☐ No ☒

No, I do not think that there is anything else that could be done in terms of requiring planning permission.

**Q3. Do you believe that a specific definition of PDL, similar to the FCA's definition in paragraph 23 above, should form part at least of the exclusion of uses from the UCO? If so what should the definition be?**

Yes ☒ No ☐

Yes, it is important for PDL shops to be defined if changes to the UCO are to be effective. The FCA definition is useful, however, these are not planning-related criteria as they are not concerned with the activities of the unit which would be easier to assess and monitor in planning terms. It may also result in some PDL operators changing their terms and conditions to avoid being defined as such. Also, it is not clear if all three criteria have to be met to be defined as a PDL or just one. This requires clarification.

**Q4. Do you agree that Class 1: Shops should be excluded from any changes regarding PDL? If not, why not?**

Agree ☐ Disagree ☒

Not necessarily. The retailing of goods from a premises that also offers PDLs does not mean that the retailing of goods is the primary business of that unit. If the concern is community wellbeing and the level of indebtedness, then the fact that a PDL operator also retails goods does not reduce the impact of PDL being available. If an operator offers PDL then it should be excluded from Class 1 shops.

**Q5. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of pay day lenders? If not, why not?**

Yes ☐ No ☒

It assists by removing some permitted changes of use i.e. from other Class 2 uses and from Class 3 uses. Change of use from Class 1 would still be required as is currently the case. There have been few, if any, instances in West Dunbartonshire of a PDL use emerging from another Class 2 or a Class 3 use, so whilst supportive of the proposed change, the change to SPP is of greater assistance.

**Q6. What other activities which might be involved in PDL should be added to the exclusions? Please explain why and provide any examples.**

The Council is not aware of other activities that should be excluded.

**Q7. What other exceptions to the exclusion of financial lending should be included (i.e. alongside “deposit takers”)? Please explain why and provide examples.**

The Council has no suggestions as to what other exceptions should apply.

**Q8. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of PDL? If not, why not?**

Yes ☐ No ☒

See answer 5.

**Q9. Should the exclusions from the UCO be extended beyond those described in this option? If so please explain and provide examples.**

Yes ☐ No ☐

The question does not seem pertinent to this Option, which includes rather than excludes what uses should be included in the UCO.

**Q10. What other exceptions to the exclusion of financial services should be included (i.e. alongside “deposit takers” etc.)? Please explain and provide examples.**

The question does not seem pertinent to this Option, which includes rather than excludes what uses should be included in the UCO.

**Q11. Which approach would you prefer, Option 1 or Option 2? Please explain your answer.**

Option 1 ☐ Option 2 ☒

Option 2 is preferred. This clearly sets out the recognisable uses that would remain part of financial services category of Class 2 i.e. a bank, building society, credit union and friendly society, most of which are usefully defined by other pieces of legislation. It clearly differentiates these uses as ‘deposit-takers’ which is also useful. Further, a risk of Option 1 is that other types of PDL activities emerge that are not covered by the exclusion.

**Q12. Do you have any other comments or suggestions? Please elaborate.**

Yes ☒ No ☐

The Council is supportive of the Scottish Government taking action on this matter. Through the policies of the adopted and emerging Local Development Plan, the Council has sought to control the growth of betting and PDL shops within West Dunbartonshire’s town and local centres. However, almost all refusals, despite being based on Development Plan policy, have been overturned at appeal (most recently PPA-160-2017). The recognition of the issue in Scottish Planning Policy and through the proposed changes to the Use Class Order is most welcomed.

**Q13. BRIA – Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?**



No comment.

**Q14. EqlA – Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.**

No comment.