

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Director of Housing, Regeneration and  
Environmental Services**

**Planning Committee: 3 May 2006**

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## **PLANNING APPLICATION REPORT**

**APPLICATION NUMBER:** DC05-367

**PROPOSAL** Erection of residential development with  
associated car parking, landscaping &  
infrastructure (outline)

**SITE:** Kilbowie Retail Park  
Argyll Road  
Clydebank

**APPLICANT:** Edinburgh House Estate

**AGENT:** The Farningham McCreadie Partnership Ltd  
4 Chester Street  
Edinburgh  
EH3 7RA

**WARD:** 5

**DATE REGISTERED:** 13/01/06

**PUBLICITY:** FORMDROPDOWN

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
<b>Neighbour Notification</b>	<b>26/1/06</b>	<b>7/2/06</b>	<b>C'bank Post</b>
<b>Dev. Contrary to Dev. Plan</b>	<b>26/1/06</b>	<b>14/2/06</b>	<b>C'bank Post</b>

### **REPORT:**

#### **A. SITE DESCRIPTION**

The application site is located to the north of the Clydebank Shopping Centre, physically separated by the railway line. Five single storey commercial units are located on the site, four of which are vacant.

There are 247 car parking spaces on the site. A drive-through McDonald's fast-food restaurant is situated adjacent to the site entrance, off Argyll Road, at a higher level than the application site.

Land to the north of the site is at a higher level, and is predominantly residential in character with a mix of 4 storey flats and terraced bungalows. To the west allotments adjoin the site.

## B. DEVELOPMENT DETAILS

The application seeks outline planning permission for the redevelopment of the site for residential use with associated car parking, landscaping and infrastructure. The purpose of the application is to establish whether the principle of residential development and its associated works is acceptable. No details of the number of units or storey heights proposed have been submitted.

## C. DEVELOPMENT PLAN POLICIES

### Government Guidance

Government guidance on housing is contained in Scottish Planning Policy 3 "Planning for Housing". This guidance aims to provide good housing in the right locations and to bring forward land to meet requirements for new dwellings. New residential development must make efficient use of resources, reusing previously developed land wherever possible, supporting the aim of reducing energy consumption and being accessible by forms of transport other than the private car.

Scottish Planning Policy 2 relates to "Economic Development" and states that where business uses fall out of use and are in locations considered to be no longer appropriate or marketable for the original purpose, the site should be reallocated and redeveloped for other uses.

### Strategic Policy

The Metropolitan Development Strategy of the Glasgow and the Clyde Valley Structure Plan aims to strengthen existing communities by focusing new development at appropriate locations, with the emphasis on the reuse of urban brownfield land. The Structure Plan identifies Clydebank both as a town centre which is to be safeguarded and a strategic business centre, where the growth of service industries will be promoted. The requirement for additional housing in the Clydebank area for the period up to 2011 has been met, and the requirement for additional retail floorspace has also been taken up.

The 2005 Review of the Structure Plan reiterates the policy context in the existing Plan, and there is no further strategic requirement for additional housing land in Clydebank.

In relation to retailing, there is no requirement for any additional retail floorspace, but it is noted that improvements and restructuring of the retailing position in Clydebank could address qualitative shortfalls and could improve the vitality and viability of the town centre.

### Local Plan Policy

In the Clydebank Local Plan Key Policy UR1 promotes the reuse of land and buildings in the urban area that become vacant, derelict or underused, in order to stimulate urban renewal, and enhance the Plan area as a place to live and work. The application site is identified within the Town Centre (Policy CD1), reflecting the existing use of the site. Policy CD1 aims to sustain and improve the town centre by directing all significant retail developments to the area. The Plan also notes that there are opportunities for non-retail use to locate outwith the prime shopping area. Policy CD4 notes that such uses will be favourably considered where they would contribute to the vitality and viability of the town centre and do not conflict with other Local Plan policies.

The site is also included within the Clydebank Strategic Business Centre, where the relevant Policy LE5 indicates a presumption in favour of Class 4 business uses. In relation to housing development, Local Plan Policy RD1 gives preference to new residential development on brownfield sites within the urban area, subject to the provision of a satisfactory residential environment.

The West Dunbartonshire Local Plan has just been published in Consultative Draft form. Within the Plan, the application site retains its designation within the Town Centre and the Strategic Business Centre of Clydebank, with a similar policy framework.

## D. CONSULTATIONS

Clydebank Re-built	Supportive, in principle, to the development and recognition that the current retail use is possibly too divorced physically from the Clydebank Shopping Centre. The topography of the site suggests that storey heights should be limited to 4 or 5 storeys.
Scottish Water	Objection lodged which may be deemed to be withdrawn if conditions are attached to any consent issued relating to the provision of a Sustainable Urban Drainage System; confirmation that the developer provides evidence that the consent of neighbouring landowners has been achieved to install any required sewer/water mains.

British Airports Authority	No objection on condition that no building structure, crane or planting exceeds 50.25m; any landscaping complies with their Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design'; flat/shallow pitched roofs should be accessible for the clearing of roosting birds.
Network Rail	The developer should take cognisance of the contents of Network Rail's "Requirements for Constructional Work on or Near Railway Operational Land".

#### E. REPRESENTATIONS

One letter of representation has been received in relation to the application requesting that no construction works should take place outwith the hours 8.00am – 10.00pm.

#### F. ASSESSMENT

##### Land Use Policy

The application site is currently occupied by the Kilbowie Retail Park, which was completed and started trading in 2000 on the site of the former Kilbowie football stadium. Of the five units, four are currently vacant, one never having been let. The site is bounded by the railway line to the south, allotment gardens to the west, Argyll Road to the east and residential properties along Arran Place to the north. It is accessed by a roundabout off Argyll Road and the whole site lies below the level of Argyll Road and Arran Place. The McDonalds drive-thru restaurant at the northeast corner of the site is to be retained.

The redevelopment of the football stadium for retailing was acceptable because the site was adjacent to the town centre. It was subsequently incorporated into the town centre, but the site is separated from the retail core by the railway and there are no direct links to the main part of the town centre. Possibly as a result of this the site has not traded successfully, and the Local Plan would therefore support the redevelopment of the site under Policy UR1. Policy CD4 of the local plan indicates that applications for non-retail uses within the town centre will be favourably considered if the proposal would enhance the town centre and not conflict with other local plan policies. Given the land uses adjacent to the application site, it is reasonable to suggest that a well designed housing development could improve the local amenity, and additional residents in the town centre would increase the vitality of the area.

In relation to the Strategic Business Centre, the Local Plan has a presumption in favour of the development of sites for Class 4 business use. However, the Strategic Business Centre covers a large area of central Clydebank, and the opportunities for business opportunities at Clydebank Quays could well offset the loss of potential business land at Kilbowie Park.

Whilst there is no strategic requirement to provide additional housing land within Clydebank, there remains the need to replace sites which are being built in order to maintain an adequate housing land supply. The site fulfils the policy requirements for new residential development being on a brownfield site within the urban area. It is also sustainable in terms of accessibility to public transport and pedestrian access to the service and employment opportunities of the town centre. The redevelopment of the site for residential use would be compatible with the adjacent land uses, and support the Executive's contention that residential development is an important part of successful town centres.

#### Other Material Considerations – Contamination

Part of the application site covers a former refuse heap. A site investigation will require to be carried out as part of the reserved matters.

#### Other Material Considerations – Highways

Roads Services have no adverse comment to this proposal.

### G. CONCLUSION AND RECOMMENDATION

The Kilbowie Retail Park is currently part vacant, and the Local Plan favours the redevelopment of under-used sites. Town centre policy allows non-retail uses outwith the prime retail area which will reinforce the town centre and improve the amenity of the area. Whilst there is a presumption in favour of business uses in the Strategic Business Centre, this designation covers a large part of central Clydebank, and there are significant opportunities for business development elsewhere. Given the separation of the site from the main town centre, and the adjacent land uses, the principle of the redevelopment of this site for housing would be consistent with the Local Plan policy framework. Any detailed proposal for residential development should provide a range of house types and sizes and meet the requirements specified in Local Plan Policy H4, in particular with relation to design, density and open space.

**It is therefore recommended that the Committee grants outline planning permission subject to the following conditions.**

## **H. CONDITIONS**

- 1. In the case of any Reserved Matters, application for approval must be made before:-**
  - (i) the expiration of 3 years from the date of the grant of outline planning permission;**
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or;**
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;**  
**(whichever is the latest).**
- 2. That the development to which this permission relates must be begun not later than:-**
  - (i) the expiration of 5 years from the date of the grant of outline planning permission, or;**
  - (ii) if later, the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such to be approved.**
- 3. That any application for approval of Reserved Matters submitted under the terms of condition 1 above, shall include:-**
  - (i) site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping;**
  - (ii) plans and elevations of each building, showing dimensions and the type and colour of external materials;**
  - (iii) landscaping plans showing the location and species of all proposed trees, shrubs, hedges, hard landscaping and street furniture;**
  - (iv) details of existing and proposed ground levels, and finished floor levels, relating to a clearly identified fixed datum point.**
- 4. Before development commences, the written approval of the Director of Housing, Regeneration and Environmental Services shall be obtained for:-**
  - (i) the means of management and maintenance of all landscaping and public open space;**
  - (ii) the means of disposal of surface water and foul sewage,**
- 5. With regard to the requirements of condition 3 above, a design brief shall be submitted for the approval of the Director of Housing, Regeneration and Environmental Services along with the first such application for approval of Reserved Matters. The design brief shall specify layout and general design principles, and all subsequent Reserved Matters applications shall be in accordance with the approved design brief.**

6. That with regard to the requirements of condition 3 (iii) above, all landscaping schemes shall indicate the siting, numbers and species of all trees, shrubs and hedges to be planted and the extent of any ground profiling, and shall ensure:-
- (i) completion of the scheme during the planting season next following the completion of the buildings, or such other date as may be agreed with the Director of Housing, Regeneration and Environmental Services, and;
  - (ii) the maintenance of the landscaping area for a period of five years, or such longer period as may be required by the Director of Housing, Regeneration and Environmental Services to allow the landscaping to become well established. Any trees or shrubs which, within 3 years of planting, are removed, or which in the opinion of the Director of Housing, Regeneration and Environmental Services are dying, have been severely damaged or have become seriously diseased, shall be replaced to the specification of those originally required.
  - (iii) the appropriate long term management and maintenance of all landscaped areas to the satisfaction of the Director of Housing, Regeneration and Environmental Services.
7. That notwithstanding condition 6 above, any landscaping scheme shall comply with the Civil Aviation Authority's 'Safeguarding of Aerodromes Advice Note 3 – Potential Bird Hazards from Amenity Landscaping and Building Design', and no element of the proposed planting shall be permitted to grow above a maximum height of 50.25m Above Ordnance Datum.
8. No building shall be occupied until such times as the roads and footpaths serving the relevant phase of development have been completed to base course level.
9. That the development roads, footpaths and lighting for each phase of the development shall be constructed in accordance with the Council's Guidelines for Development Roads, and shall be completed to the satisfaction of the Director of Housing, Regeneration and Environmental Services within a timescale to be agreed in writing prior to the commencement of any works on site.
10. Parking spaces shall be provided in accordance with the Council's adopted parking standards, and no building shall be occupied until its parking facilities have been completed to the satisfaction of the Director of Housing, Regeneration and Environmental Services.

11. That drainage details submitted in accordance with condition 4 (ii) above shall include full details of the intended means of foul drainage and surface water disposal, and shall incorporate a suitable Sustainable Urban Drainage Scheme, to the satisfaction of Director of Housing, Regeneration and Environmental Services.
12. No construction works audible at the site boundary or such other such places as may be agreed in writing with the Director of Housing, Regeneration and Environmental Services, shall be carried out outwith the hours of 0800 to 1800 Monday to Saturday, and not at all outwith these hours or on Sundays or public holidays.
13. Prior to any piling works taking place, an assessment of the intended works, taking account of the guidance contained in BS6472: 1984 'Evaluation of Human Response to Vibration in Buildings', must be carried out by a suitably qualified person, and must be submitted to and approved in writing by the Director of Housing, Regeneration and Environmental Services.
14. To minimise nuisance in the surrounding area from noise and vibrations, during all construction works the plant and machinery used shall be in accordance with the relevant Code of Practice specified in the Control of Noise (Codes of Practice for Construction and Open Sites) Order 2002.
15. Details of noise mitigation measures and details of steps proposed to minimise the creation of noise and dust shall be submitted to and agreed with the Director of Housing, Regeneration and Environmental Services before any work commences on site.
16. No cranes or any other structure of any kind shall be erected to a height exceeding 50.25m Above Ordnance Datum at any time during the development of the site.
17. Prior to any development commencing on the site, a site investigation shall be undertaken to establish any contamination issues that may arise. Thereafter the results shall be submitted to the Director of Housing, Regeneration and Environmental Services for his written approval.



18. Where the risk assessment identifies any unacceptable risk or risks as defined under Part 11A of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to the Director of Housing, Regeneration and Environmental Services for approval. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Director of Housing, Regeneration and Environmental Services.
19. Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Director of Housing Regeneration and Environmental Services.
20. On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the Director of Housing, Regeneration and Environmental Services for his written approval confirming that the works have been carried out in accordance with the remediation plan.
21. 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 Director of Housing, Regeneration and Environmental Services within one week. At this stage, if requested by the Director of Housing, Regeneration and Environmental Services a comprehensive contaminated land investigation shall be carried out.
22. The applicant shall adhere to the following recommendations as detailed in the Noise Impact Assessment dated 3 January 2006 carried out by Charlton Smith Partnership as part of the development:-
- (i) to achieve noise levels of less than 30dB, window insulation should be 26dB, Rw
  - (ii) typical, 4-12-4, 5-6-5 and 6-12-6 double glazing will provide 31 to 33dB Rw and would therefore be more than sufficient to meet the established requirements with windows closed and for trickle vents for ventilation
  - (iii) standards of performance can be achieved utilising heavy framed, double glazed sealed glazing units with all opening lights fully weather stripped
  - (iv) ventilation requirements can be met by inclusion of GQ trickle vents
  - (v) check predictions to be carried out when detailed proposals for the site are submitted to ensure that window specifications, positions and orientation provide adequate protection against rail traffic noise.

23. Prior to any development commencing on site, a Noise Impact Assessment shall be carried out in relation to the hot-food takeaway located to the north-east of the site and its effects on the proposed development and shall be submitted to the Director of Housing, Regeneration and Environmental Services for his written approval.
24. The any roof element of the development site that is flat shall be constructed to allow access to all areas by foot using permanent access hatches details of which shall be submitted to the Director of Housing, Regeneration and Environmental Services, prior to the buildings being occupied and the owner/occupier of the buildings shall ensure that at no time will any flat roof element be allowed to support breeding or roosting birds.
- Note 1 The applicant is advised to contact Scottish Water in relation to their programme for sewers/water mains for the development.
- Note 2 The applicant is advised to contact Network Rail for confirmation of compliance with "Requirements for Constructional Work Near Railway Operational Land" document.



**David McMillan**  
**Director of Housing, Regeneration and Environmental Services**  
**Date: 26 April 2006**

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**Ward affected:** 5

**Background Papers:**

1. Planning application forms 23/12/05.
2. Planning application plans 23/12/05.
3. Ownership Certificate 23/12/05.
4. Neighbour Notification forms 23/12/05.
5. Consultation responses from:
  - (i) Clydebank Re-built 2/2/06.
  - (ii) British Airports Authority 27/1/06.
  - (iii) Network Rail 5/1/06.
  - (iv) Scottish Water 18/1/06.
6. Letter of representation from Margaret A Irving, 9 Bannerman Place, Clydebank 29/12/05.
7. Clydebank Local Plan, 2004.
8. Glasgow and the Clyde Valley Joint Structure Plan 2000.

**Person to Contact:**

Jameson Bridgwater, Section Head, Development Management, Housing, Regeneration & Environmental Services, Council Offices, Clydebank G81 1TG.

Tel: 01389 738656

email: [jamie.bridgwater@west-dunbarton.gov.uk](mailto:jamie.bridgwater@west-dunbarton.gov.uk)

