

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 28 August 2013 at 12.21 p.m.

**Present:** Provost Douglas McAllister and Councillors Denis Agnew, Jim Finn, Tommy Rainey and Hazel Sorrell.

**Attending:** Pamela Clifford, Planning and Building Standards Manager; Keith Bathgate, Team Leader (Development Management); Raymond Walsh, Network Management Co-ordinator; Alan Douglas, Manager of Legal Services; and Craig Stewart, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Patrick McGlinchey and John Mooney.

**Provost Douglas McAllister in the Chair**

### **CHAIR'S REMARKS**

Due to an overrun in the meeting of the Licensing Committee which had commenced at 10.00 a.m. and was still in progress, the Chair, Provost McAllister, asked that the Members in attendance for Licensing Committee, who were also Members of the Planning Committee, be not recorded as absent in the circumstances. The position was noted in relation thereto.

### **DECLARATIONS OF INTEREST**

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

### **NOTE OF VISITATION**

A Note of Visitation carried out on 7 August 2013, a copy of which forms Appendix 1 hereto, was submitted and noted.

### **PLANNING APPLICATIONS**

Reports were submitted by the Executive Director of Housing, Environmental and Economic Development in respect of the following planning applications.

## **New Applications:-**

- (a) DC13/168 – Erection of a rear garden fence and access gate (retrospective), 81 Kirk Crescent, Old Kilpatrick by Ms M Irwin.**

The Planning and Building Standards Manager was heard in further explanation of the application and the background relating thereto.

The Chair invited Mrs Young, representing Old Kilpatrick Community Council and objector, to address the Committee. Mrs Young made her views on the application known. Following this, the Chair invited Councillor William Hendrie, local Member and objector, to address the Committee and he made his views on the application known. Copies of photographs showing the fence and access gate at the location were circulated for Members' information.

After discussion and having heard the Planning and Building Standards Manager in further explanation and the Manager of Legal Services in answer to Members' questions, the Committee agreed to refuse planning permission on the grounds that it would detract from the residential character and amenity of the surrounding area and could set an undesirable precedent.

- (b) DC13/161 – Replacement of a flat roof with a pitched roof at 115 & 117 Dumbue Avenue, Dumbarton by West Dunbartonshire Council.**

The Committee agreed to grant full planning permission subject to the condition specified within the report, details of which are contained within Appendix 2 hereto.

- (c) DC13/159 – Proposed part change of use from Class 1 to Class 2 (removal of condition 4 of DC13/024) at 2 Sylvania Way South, Clydebank by Clydebank Co-operative Society.**

The Committee agreed to refuse planning permission for the reason detailed in Appendix 3 hereto.

- (d) DC13/175 – Modification of a planning obligation made under section 75 of Town and Country Planning (Scotland) Act 1997 relating to off-site road works at Thompsons Yard, Leven Street, Dumbarton by Turnberry Homes Limited.**

The Committee was minded to discharge the planning obligation associated with planning permission DC03/284 subject to the applicant satisfactorily concluding a Section 69 agreement or other satisfactory legal means to enable a financial contribution of £60,000 to be used to carry out the road improvements detailed in Appendix A to the report.

- (e) **DC13/121 – Amendment of time condition for the erection of 92 flats with associated parking (DC08/072 - Condition 1) at Stanford Street, Clydebank by Dawn Homes Ltd/RHI Refractories UK Limited.**

The Committee agreed to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 4 hereto.

- (f) **DC13/167 – Installation of new shopfront at 139 Main Street, Alexandria by Greggs Plc.**

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

- (g) **DC13/171 – Installation of a New Shop frontage at 32 Sylvania Way South, Clyde Shopping Centre, Clydebank by Primero Contracts Limited.**

The Committee agreed to grant full planning permission.

The meeting closed at 12.50 p.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 7 AUGUST 2013**

- Present:** Councillor Jim Finn
- Attending:** Pamela Clifford, Planning and Building Standards Manager
- Apologies:** Councillors Lawrence O'Neill and Tommy Rainey

**SITE VISIT**

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

**(a) 16 Castlehill Road, Dumbarton**

Planning application DC13/115 – Change of use from vacant public house to a shop at 16 Castlehill Road, Dumbarton by Mr Zia.

**(b) Yard, Milton Brae, Milton**

Planning application DC13/062 – Erection of commercial storage yard at the Yard, Milton Brae, Milton by Logspan Ltd.

## **APPENDIX 2**

**DC13/161 – Replacement of a flat roof with a pitched roof at 115 & 117  
Dumbuie Avenue, Dumbarton by West Dunbartonshire Council.**

**Permission GRANTED subject to the following condition:-**

1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.

## **APPENDIX 3**

**DC13/159 – Proposed part change of use from Class 1 to Class 2 (removal of condition 4 of DC13/024) at 2 Sylvania Way South, Clydebank by Clydebank Co-operative Society.**

**Permission REFUSED for the following reasons:-**

1. The removal of the condition, to allow the change of use of these units from class 1 (retail) to class 2 (financial, professional and other service) uses, would be contrary to the purpose of Policy RET6 of the West Dunbartonshire Local Plan as it would result in the loss of ground floor Class 1 units within the core retail frontage of Clydebank town centre.
2. The removal of the condition, to allow the change of use of these units from class 1 (retail) to class 2 (financial, professional and other service) uses, would be contrary to Policy SC2 of the Proposed West Dunbartonshire Local Development Plan as it would contribute to a significant reduction in the retail offer of Sylvania Way South and a concentration of Class 2 uses which would be to the detriment of the vitality and viability of that part of the town centre.

**DC13/121 – Amendment of time condition for the erection of 92 flats with associated parking (DC08/072 - Condition 1) at Stanford Street, Clydebank by Dawn Homes Ltd/RHI Refractories UK Limited.**

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

1. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.
2. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.
3. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and implemented as approved.
4. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The SUDS shall thereafter be formed and maintained on site in accordance with the approved details.
5. A landscaping scheme for the amenity open space and boundaries of the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.
6. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) a detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) an assessment of the potential risks (where applicable) to:
    - ground waters and surface waters;
    - human health;
    - ecological systems;

- archaeological sites and ancient monuments, property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
- c) an appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
7. 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 historic 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.
8. 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 said 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.
9. 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, and work on the site shall cease. At this stage, if requested, a comprehensive contaminated land investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The scheme shall be implemented as approved.
10. A monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme, shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed with the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.



11. No development shall take place on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. It shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from nearby commercial/industrial areas, using BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas". Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. The noise impact assessment and any recommendations shall be prepared by a suitably qualified person.
12. No development shall take place on site until such times as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
13. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement should include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 Evaluation of Human Response to Vibration in Buildings. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties.

This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
14. Prior to work commencing on site a scheme for the control and mitigation of dust shall be submitted for the further approval of the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and measures to prevent or limit the occurrence and impact of such dust. The scheme shall be implemented as approved prior to any dust-generating activities commencing on site.
15. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.

16. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of: - Management of any flat/shallow pitched 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 Approved Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall be adhered to at all times.
17. No residential unit shall be occupied until the vehicle parking spaces have been provided within the site in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times.
18. Notwithstanding the submitted details and prior to the commencement of development on site, details of the design and location of the proposed communal bin stores shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of any residential unit.
19. Notwithstanding the submitted details and prior to the commencement of development on site, details of the treatment of the boundary adjacent to the canal shall be submitted to and approved by the Planning Authority. The boundary treatment shall include the use of reconstituted stone, railings and a gate, and shall be implemented prior to the occupation of any flats.

## **APPENDIX 5**

- (f) DC13/167 – Installation of new shopfront at 139 Main Street, Alexandria by Greggs Plc.**

**Permission GRANTED subject to the following condition:-**

1. Prior to the commencement of the development details of the tiles to be used on the stallriser shall be submitted for the further written approval of the planning authority and thereafter implemented as approved.