

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer - Regulatory and Regeneration****Planning Committee: 28th June 2021**

DC21/115/FUL: Section 42 to vary Condition no. 1 (development phasing), Condition no. 3 (Design Codes reference) and Condition no. 27 (Bird Hazard Management Plan) of permission DC15/234 at Queens Quay, Cart Street, Clydebank by Clydeside Regeneration Limited.

1. REASON FOR REPORT

- 1.1** This application seeks to modify and vary conditions previously agreed by the Planning Committee as part of the approval of an earlier planning permission in principle application (DC15/234). 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 conditions set out in Section 9 of this report.

3. DEVELOPMENT DETAILS

- 3.1** The site comprises the Queens Quay Masterplan area consisting of 23ha. The extent of the masterplan area lies to the south of Clydebank Town Centre on the north bank of the River Clyde, which was previously John Brown & Co shipyard. Planning permission in principle was granted (DC15/234) for mixed use development including residential (including affordable/community housing), retail (Class 1), financial/service (Class 2), restaurant (Class 3), public house, office (Class 4), hotel (Class 7), care home (Class 8), health centre (Class 10), assembly and leisure (Class 11) uses, with associated car parking, access road, quay wall improvements and landscaping in March 2016. The approved Masterplan and Design Framework seeks to redevelop the area through a residential-led, mixed-use development which re-integrates the waterfront with the wider Clydebank area.

- 3.2** Significant process has been made on the re-development of the site with the spine road infrastructure and the works around the basin now complete and in place. Planning permission was granted for the erection of a new health and care centre in May 2018 (DC16/244) and permission for the erection of 146 flatted dwellings and 4 commercial units was granted in March 2019 (DC18/272). In January 2018, planning permission was granted for the erection of a water source heat pump energy centre (DC17/231). The new Clydebank Care Home and Energy Centre have recently been completed and the Health and Care Centre and 146 affordable houses are currently under construction on site at this time.
- 3.3** This current application seeks permission to modify the terms of condition 1, 3 and 27 which were attached to the approved planning permission in principle. These conditions relevant to this application are set out as follows:
- 3.4** Condition 1: For the avoidance of doubt, Phase 1 works relate to any works associated with the spine road, road improvements, quay walls, public realm, linear park and pocket parks.
- 3.5** Condition 3: As part of any application(s) for approval of matters specified in conditions, and with regard to the requirements of condition 2 above, the design and layout of development parcels shall comply with the design principles/intents set out in sections 05 and 06 of the Design & Access Statement (Rev C, March 2016), the accompanying Framework Drawing No. P(0) 003 Rev E (or any subsequent amendments thereto), unless otherwise agreed in writing by the Planning Authority.
- 3.6** Condition 27: Any development that would create a roof area greater than 500 square metres with a roof pitch of less than 15° shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of the roofs 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".
- 3.7** With regards to Condition 2, the applicant seeks to amend the timescale for the delivery of the pocket parks, linear park and basin park given these are no longer being implemented as part of phase 1 of the development. Instead the linear park will be delivered as part of each respective residential development parcel as it comes forward and the pocket parks and basin play park implemented within a timescale agreed with the Planning Authority. It is proposed that the wording of the condition is to be amended to include the following wording 'The linear park will be completed following the completion of the relevant residential phase to

which it relates with the pocket parks and basin play park to be completed within a timescale agreed with the Planning Authority, all identified on annotated masterplan.

- 3.8** With regards to Condition 3, the applicant wishes to vary this condition to simply include reference to the approved Design Codes for Queens Quay (September 2020) as part of the suite of design material and documents already cited within the wording of condition. The Queens Quay Design Codes were approved only in September 2020 and the applicant advises that they wish to vary the condition to ensure that its requirements are given due weight as a material planning consideration as part of subsequent planning applications coming forward.
- 3.9** With regards to Condition 27, the applicant seeks to reduce the threshold trigger for a Bird Hazard Management Plan from roof areas greater than 500 square metres to 250 square metres. The reason for this as outlined by the applicant is on the basis that Glasgow Airport through their own legislative framework can seek a Bird Hazard Management Plan even in circumstances where it would not be required by the wording of a condition or where there is no relevant planning condition in place. By having a more stringent condition in place which increases the circumstances for which a Bird Hazard Management Plan is required, the applicant considers that this will mitigate and safeguard further against any risk of progressing smaller building work on site without appropriate bird hazard measures being in place.
- 3.10** In support of the application, a location plan, a site plan and a planning statement have been submitted. In addition to this and given the original planning permission in principle application (DC15/234) was deemed to be an Environmental Impact Assessment (EIA) development, a separate EIA Screening Opinion was submitted alongside this application for the Planning Authority to consider. Noting the nature of the variations proposed to the conditions subject to the application, it was considered following review that these proposals would not lead to any further significant environmental consequences and as such an EIA report was not deemed to be required in support of this application.

4. CONSULTATIONS

- 4.1** Glasgow Airport have no objections to the proposed changes.

5. REPRESENTATIONS

- 5.1 Two representations have been received comprising of one letter of support and one letter of objection and the content has been summarised below:

Objection

- Redevelopment of the site will lead to more traffic on Dumbarton Road.
- Redevelopment of the site will lead to increase noise from traffic using the site.
- Redevelopment of the site will change character of area and prevent people walking and cycling within the site.

Support

- Supports the progressing being made on the redevelopment of the Queens Quay site.
- Requests that small shops and retail units are delivered within the masterplan site to serve local residents.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1 As the principle of development has already been established through the earlier planning permission in principle application granted (DC15/234), the policies referenced below only relate to those which have a direct consideration on the scope of works and development associated with Conditions 1, 3 and 27 respectively.

West Dunbartonshire Adopted Local Plan 2010

- 6.2 Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area and is relevant to the consideration of this application given Condition 1 and 3 seeks to vary phasing and design requirements.
- 6.3 The proposal complies with the policies of the adopted local plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Policy DS1 sets out general expectations for the quality of new development, including that it be distinctive, adaptable, resource-efficient and easy to get to and move around, safe, pleasant and welcoming. Policy LE10 focuses on the access and design quality of industrial and business sites which includes Queens Quay. More specifically, the policy sets an expectation for Queens Quay to deliver high quality design which maximises development potential, integrates the site to the town centre whilst also ensuring that development is considerate to the amenity of the surrounding uses.
- 7.3** It is considered that the proposals will maintain the overall design quality of the development. The variation to Condition 3 to include the reference to the Design Codes directly accords with this policy given that this document will form a material planning consideration to development proposals coming forward.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** The modified LDP2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18th December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.
- 7.5** The Queens Quay Design Strategy of LDP2 seeks to continue on the delivery and implementation of the Design Framework and the consented masterplan. Beyond this, Queens Quay Policy 1 and Queens Quay Policy 2 relate to specific areas within the masterplan landholding (land to west of Garth Road and Cable Depot Road respectively) and are also relevant to these proposals noting the proposed variations to the conditions relate to the whole masterplan site.
- 7.6** Similarly to Policy GD1 of the Adopted Plan and Policy DS1 of Proposed Plan 1, Policy CP1 seeks to ensure that development is of a high quality. It indicates that all new development will be expected to contribute

towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming). The variations proposed to the conditions will not compromise the overall design quality and as previously set out the variations proposed to Condition 3 will enhance the development quality and directly meets with the spirit of the policy.

Principle of Development

- 7.7** The principle of the mixed-use development on this site has already been established through the granting of permission DC15/234 alongside a series of subsequent detailed planning permission and this is not being revisited as part of this application. Notwithstanding this, it is considered that the proposed additions and changes still complies with the policies relevant and contained in both the adopted and proposed local plans and the proposals for Conditions 1, 3 and 27 respectively do not materially change this.
- 7.8** With regards to the representations submitted, as the points raised in both of these relate to matters regarding the original, already consented, masterplan development, these are not material to this application currently being considered and cannot be afforded weight in the consideration of this application on this basis.

Linear Park and Pocket Park Phasing Timescale (Condition 1)

- 7.9** At present, Condition 1 attributes a series of design and infrastructure features, including the construction and delivery of the pocket parks within the site, to Phase 1 of the overall approved phasing programme for the masterplan consent.
- 7.10** Since the approval of DC15/234, the applicant has advised that it has not been possible to progress with the implementation of the linear park, pocket parks and the basin park with their delivery largely dependant on the residential development parcels along the waterfront coming forward and progressing. In addition to this, noting the location of the linear park on site, the applicant also raised an issue that any work done to deliver the linear park would likely be compromised when the construction activity commences on the residential parcels and as such it would be more practical if these were delivered as part of each residential phase as opposed to before any of them commencing. The timescale for the pocket parks dispersed throughout the wider development site and the basin play park would be the subject of further discussion with the Planning Authority

so they are brought forward as other parts of the development come forward and are implemented.

Design Codes Reference (Condition 3)

- 7.11** In its current format, Condition 3 lists the documents to which the development parcels within Queens Quay need to adhere to and conform with as each development proposal within the site comes forward. As the Design Codes are a more recent document and these have only been approved in September 2020, they were never included in the earlier Planning Permission in Principle consent granted and there is no reference to them within the permission or the conditions attached to it.
- 7.12** To ensure that the Design Codes are given due weight and that the requirements within them are formally considered and adhered to as part of subsequent planning applications for development parcels going forward, the applicant proposes a direct reference to the approved Design Codes within the wording of condition 3. This approach is supported and welcomed and that there is merit in including the Design Codes within the wording of condition 3. More specifically, this is supported by the design policies of all 3 plans and the revised condition will ensure that future development reflects current design expectations for Queens Quay as the redevelopment of the site continues to progress.

Bird Hazard Management Plan Threshold (Condition 27)

- 7.13** The current threshold as set out in Condition 27 requires all buildings with a roof footprint of greater than 500 square metres to be accompanied by a Bird Hazard Management Plan.
- 7.14** The applicant has advised that Glasgow Airport through their own legislative framework and powers can seek a Bird Hazard Management Plan even in circumstances where it would otherwise not be required by the wording of the planning condition. To safeguard and mitigate against any risk of progressing smaller building work on site without the appropriate bird hazard measures being in place or to better avoid a scenario of Glasgow Airport requesting the plan outwith the specific parameters of the condition, the applicant proposes a variation to Condition 27 to allow it to be more stringent. Although this would potentially be more onerous, the applicant proposes to vary Condition 27 to reduce the threshold for which a Bird Hazard Management Plan is required for any buildings with a roof area of greater than 250 square metres.

7.15 For the reasons and justification provided by the applicant, this is considered to be acceptable variation and Glasgow have confirmed that they have no objection to the variation to Condition 27 proposed.

8. CONCLUSION

8.1 The modification of Condition 1, 3 and 27 are considered to be acceptable for the reasons set out in this report and these changes comply with the applicable local development plan policies. More specifically, it is considered that the proposals associated with all 3 conditions will maintain that the quality and very high standards of development already secured through the earlier permissions granted and being delivered on site.

8.2 As the effect of granting planning permission for Section 42 application is such that a new and separate standalone permission exists for the development, all other conditions associated with planning permission in principle application DC15/234 are re-imposed to this permission with the exception of condition 1, 3 and 27 (now Condition 25) being varied in line with the requests made through this application and conditions 5 and 21 which have already previously been formally discharged by the Planning Authority.

9. CONDITIONS

01. For the avoidance of doubt, Phase 1 works relate to any works associated with the spine road, road improvements, quay walls, and public realm. The linear park will be completed following completion of the relevant residential phase to which it relates with the pocket parks and basin play park to be completed within a timescale agreed with the Planning Authority, all identified on annotated masterplan E2604.Sk001revJ received on 22nd June 2021.

02. Prior to commencement of development on site approval of matters specified in conditions for the relevant development parcels shall be obtained from the planning authority. Applications shall include:

- a) site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences and landscaping;
- b) block and layout plans and elevations of each building, showing dimensions and palettes of external materials;

- c) landscape and streetscape plans showing the location and species of all proposed trees, shrubs, hedges, palettes of hard landscaping materials and street furniture;
- d) details of existing and proposed ground levels, and finished floor levels, relating to a clearly identified fixed datum point;
- e) a detailed report on the extent, scale and nature of any contamination of the site; and
- f) a detailed remediation scheme detailing the measures necessary to bring the site to a condition suitable for the intended use.

03. As part of any application(s) for approval of matters specified in conditions, and with regard to the requirements of condition 2 above, the design and layout of development parcels shall comply with the design principles/intents set out in sections 05 and 06 of the Design & Access Statement (Rev C, March 2016), the accompanying Framework Drawing No. P(0) 003 Rev E (or any subsequent amendments thereto), and the approved Design Codes for Queens Quay (approved September 2020) unless otherwise agreed in writing by the Planning Authority.
04. At the same time as the submission of the first commercial use application (excluding any district heating system) a mini-masterplan shall be submitted for the mixed used area coloured yellow on Drawing No. P(0) 003 rev E (including building plots, design principles and a parking strategy) for the further approval of the Planning Authority.
05. As part of any application(s) for the approval of matters specified in conditions for Phase 1 works, and notwithstanding the requirements of condition 2c) above, details of the landscaping strategy for the spine road, linear park and pocket parks shall include:
- a) location and species of all proposed trees, shrubs, hedges;
 - b) palettes of hard landscaping materials, street furniture and play equipment;
 - c) identify potential locations for public art; and
 - d) the means of management and maintenance of the landscaping and public open space.
06. No development (other than the spine road works, road improvement works, quay wall works, public realm works, health and care site works and investigative works, but

excluding the linear and pocket parks) shall commence on site until such time as a site-wide water environment investigation and assessment has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and as a minimum shall include the following:

- a) Suitable and sufficient monitoring from across the site in order to identify the extent, scale and nature of contamination with regards to the water environment.
- b) An appropriate level of assessment that identifies the key receptors and the significance of any pollutant linkages found to be present.
- c) Should a significant pollutant linkage be identified on the site then a site wide preliminary remedial options appraisal is to be provided that demonstrates whereabouts on the site remediation is considered likely.

Any measures identified in the report shall be implemented as approved within a timescale agreed with the Planning Authority.

07. No development (other than the spine road works, road improvement works, quay wall works, public realm works, health and care site works and investigative works, but excluding the linear and pocket parks) shall commence on site until such time as a site wide assessment of the underlying ground gas regime has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and as a minimum shall include the following:

- a) Suitable and sufficient monitoring from across the site in order to assess the ground gas conditions that currently exist under the site.
- b) A strategy confirming that and detailing how the monitoring of ground gas boreholes will continue throughout the various development phases. It should also refer to the future method of reporting to the Planning Authority as the development progresses.
- c) A preliminary assessment of the implications of the existing ground gas conditions on the proposed mixed-use development.

Any measures identified in the report shall be implemented as approved within a timescale agreed with the Planning Authority.

- 08. As part of any application(s) for the approval of matters specified in conditions, Noise Impact Assessments for each development parcel shall be carried out to assess the potential impacts of noise from sources including road traffic, air traffic, plant equipment and entertainment noise and submitted for the further approval of the Planning Authority.**
- 09. Prior to the reuse of material from the onsite spoil mounds and/or the importation of any material onto the site, details of the source of the material and associated test results to demonstrate its suitability for use shall be submitted to the Planning Authority for approval. In addition to this and in accordance with BS3882:2015, the material shall also be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils.**
- 10. No development shall commence until the developer submits an archaeological mitigation strategy for the further approval of the Planning Authority. Thereafter the developer shall ensure that the approved strategy is fully implemented in accordance with the recommendations set out in sections 8.339 – 8.353 of the Environmental Statement and that all recording and recovery of archaeological resources within the development site is undertaken in agreement with the Planning Authority and West of Scotland Archaeology Service.**
- 11. All applications for the approval of matters specified in conditions shall comply with the recommendations of the Flood Risk Assessment (October 2015), that is, land raising of low-lying areas of the site to above the 1 in 200 year plus climate change flood level (set at 5.1m AOD), and finished floor levels of all buildings are to be set to at least 0.6m above the 1 in 200 year plus climate change flood level at 5.7m AOD. All development shall be implemented in accordance with these details.**
- 12. As part of the approval of matters specified in conditions, each development parcel shall comply with the recommendations of the Drainage Impact Assessment (Rev B, October 2015) with details of the means of disposal of surface water, foul sewage and a Sustainable Urban Drainage Scheme to be submitted for the further approval of the Planning Authority.**

- 13. The number of dwelling units consented for the site is 1,056 units. If this number is exceeded the further agreement of the Planning Authority will be required.**
- 14. Prior to the commencement of development, a strategy detailing the implementation of community/affordable housing provision within the site shall be submitted for the further approval of the Planning Authority.**
- 15. As part of the Phase 1 application for the approval of matters specified in conditions, a Construction and Environmental Management Plan shall be submitted for the further approval of the Planning Authority in consultation with SNH. It shall:**

 - a) detail measures to screen the development in terms of noise and visual disturbance from the Inner Clyde SPA, Ramsar site and SSSI;**
 - b) detail measures to limit pollution to the Inner Clyde SPA, Ramsar site and SSSI;**
 - c) identify those works that are likely to have significant potential for visual and noise disturbance, such as piling.**

No works which are identified as likely to have a significant potential for visual and/or noise disturbance shall be carried during the main wintering period (September to early April). The Construction and Environmental Management Plan shall be implemented within a timescale agreed with the Planning Authority.
- 16. As part of the Phase 1 application for the approval of matters specified in conditions, a detailed Recreation and Access Management Plan which details measures to limit potential disturbance to the north shore of the Inner Clyde SPA, Ramsar site and SSSI from increased access to the river shall be submitted for the further approval of the Planning Authority and implemented within a timescale agreed with the Planning Authority.**
- 17. As part of the Phase 1 application for the approval of matters specified in conditions, the applicant shall submit a Sustainable Transport Strategy which shall include details of:**

 - a) bus integration into the site;**
 - b) walking routes to/from the site;**
 - c) location of bus stops;**

- d) green travel plans; and**
- e) initiatives towards encouraging bus services into the site.**

The recommendations of the Sustainable Transport Strategy shall require to be implemented in accordance with an agreed phasing plan within a timescale agreed with the Planning Authority.

- 18. As part of any application for approval of matters specified in conditions, a Travel Plan shall be submitted to and approved by the Planning Authority detailing the opportunities for sustainable travel to and from that development parcel.**
- 19. As part of the Phase 1 application for the approval of matters specified in conditions, the following shall be included:
 - a) details of parking provision for visitors to the Titan Crane and the riverside walkway; and**
 - b) details of the new signal controlled junction and realignment of Cable Depot Road (section 9.14 of the Transport Assessment (October 2015)).**
 - c) These works shall be implemented as approved as part of the Phase 1 works to the site.****
- 20. Prior to any residential, commercial or health centre uses being brought into use the works recommended in the Transport Assessment (October 2015) to realign Ailsa Road (section 9.12) and carry out layout improvements to Cart Street/Glasgow Road junction (section 9.23) shall be implemented as approved.**
- 21. As part of any application(s) for the approval of matters specified in conditions, 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.**
- 22. As part of any application(s) for the approval of matters specified in conditions, each residential unit shall be provided with a secure covered bicycle storage facility at ground floor level. Each non-residential development shall have adequate secure covered cycle storage for staff in addition to adequate securable covered cycle facilities for visitors/customers.**

23. The amount of retail floor space permitted is 3,000m² (gross). Any unit trading primarily in convenience goods shall not exceed 1,000m². Any unit trading in comparison goods shall not exceed 250m². Proposals to exceed these floor space thresholds shall be the subject of a separate planning application and retail statement for the further approval of the Planning Authority.
24. As part of any application(s) for the approval of matters specified in conditions details of soft and water landscaping works shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. Details must comply with Advice Note 3 “Potential Bird Hazards from Amenity Landscaping & Building Design”. These details shall include:
- The species, number and spacing of trees and shrubs
 - Details of any water features
 - Drainage details including SUDS – such schemes must comply with Advice Note 6 “Potential Bird Hazards from Sustainable Urban Drainage Schemes”
- The scheme shall be implemented as approved.
25. Any development that would create a roof area greater than 250 square metres with a roof pitch of less than 15° shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of the roofs 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”.

Peter Hessett
Chief Officer - Regulatory and Regeneration
Date: 28th June 2021

Person to Contact: Pamela Clifford, Planning & Building Standards
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Appendix: Location Plan

- Background Papers:**
1. Application forms and plans;
 2. DC15/234 (Planning Permission in Principle)
 3. Queens Quay Design Codes (Approved September 2020)
 4. Consultation responses;
 5. West Dunbartonshire Local Plan 2010;
 6. West Dunbartonshire Local Development Plan Proposed Plan 1.
 7. West Dunbartonshire Local Development Plan 2 Proposed Plan.
 8. Residential Development Design Guidance

Wards affected: Ward 6 – Clydebank Waterfront