

# Agenda



## Planning Committee

**Date:** 27 August 2014

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**Time:** 10:00

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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

## **PLANNING COMMITTEE**

**WEDNESDAY, 27 AUGUST 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 25 June 2014.

**4. NOTE OF VISITATION**

Submit, for information, Note of Visitation carried out on 23 June 2014.

**5. PLANNING APPLICATIONS**

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

**New Applications:-**

- (a) DC14/128 – Change of use from class 1 (retail) to class 3 (food and drink) and hot food take away at unit 3 32 High Street, Dumbarton by Lasalle Investment Management.
- (b) DC14/145 – Erection of Memorial at Titan View, Glasgow Road, Clydebank by Clydebank Asbestos Group.
- (c) DC14/149 – Change of use from shop to fitness and weight management centre at 21 College Way, Dumbarton by Ms Kay Young.

**6. DETERMINATION OF APPEAL AGAINST THE REFUSAL OF PLANNING APPLICATION DC12/235 FOR RESIDENTIAL DEVELOPMENT AT SITE OF DUNCLUTHA HOUSE, OFF PARKHALL ROAD, CLYDEBANK**

Submit report by the Executive Director of Infrastructure and Regeneration advising of the outcome of the planning appeal.

**7. REVIEW OF QUARRIES AND LANDFILL SITES**

Submit report by the Executive Director of Infrastructure and Regeneration:-

- (a) providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area; and
- (b) advising on work carried out by external consultants on restoration bonds for Auchencarroch Landfill site and Dumbuckhill Quarry site.

**8. ELECTED MEMBER INVOLVEMENT IN PRE-APPLICATION PROCEDURES**

Submit report by the Executive Director of Infrastructure and Regeneration seeking approval for the procedures and protocol for Councillor involvement at the pre-application stage.

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 25 June 2014 at 10.05 a.m.

**Present:** Provost Douglas McAllister and Councillors Denis Agnew, Jonathan McColl and Tommy Rainey.

**Attending:** Jim McAloon, Head of Regeneration and Economic Development; Keith Bathgate, Team Leader (Development Management); Alan Williamson, Team Leader (Forward Planning); John Stevenson, Section Head – Environmental Health; Raymond Walsh, Network Management Services Co-ordinator; Isabel Fellowes, Environmental Health Officer; Gavin Walsh, Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jim Finn, Lawrence O'Neill and Hazel Sorrell.

**Provost Douglas McAllister 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.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of the Meeting of the Planning Committee held on 28 May 2014 were submitted and approved as a correct record.

### **NOTE OF VISITATION**

A Note of Visitation carried out on 27 May 2014, a copy of which forms Appendix 1 hereto, was submitted and noted.

### **VARIATION IN ORDER OF BUSINESS**

Having heard Provost McAllister, Chair, the Committee agreed to vary the order of business as hereinafter minuted.

## PLANNING APPLICATIONS

Reports were submitted by the Executive Director of Infrastructure and Regeneration in respect of the following planning applications.

- (a) **DC14/118 – Amendment to condition 30 of planning permission DC10/310 (to allow school sports pitches to be used by school aged children during school holidays and at weekends between 9am and 3.30pm) at Dumbarton Academy, Crosslet Road, Dumbarton by West Dunbartonshire Council.**

The Team Leader (Forward Planning) was heard in further explanation of the application and the background relating thereto.

The Team Leader (Forward Planning) referred to 8 objections and 1 representation supporting the proposal which had been received after the publication of the report and provided Committee with a summary of the reasons for objection.

The Chair, Provost McAllister invited Mrs Anne McQuillan, local resident, to address the Committee.

Mrs McQuillan made her views on the application known and was heard in answer to Members' questions.

The Chair, Provost McAllister then invited Mr Joseph Ferry and Mrs Jean Callander, local residents, to address the Committee.

Mr Ferry and Mrs Callander made their views on the application known.

The Chair, Provost McAllister then invited Ms Karen Docherty, Senior Section Leader – Resources and Admin, Educational Services, West Dunbartonshire Council, to address the Committee.

Ms Docherty read a statement from the Executive Director of Educational Services at West Dunbartonshire Council, the applicant, presenting his case in support of the application. Ms Docherty, the Team Leader (Forward Planning) and the Team Leader (Development Management) were heard in answer to Members' questions.

The Chair, Provost McAllister then invited Ms Audrey Ferrier, Football Development Officer at West Dunbartonshire Leisure Trust to address the Committee. Ms Ferrier was heard in explanation of her role within West Dunbartonshire Leisure Trust and provided further information on how sports Development Summer Camps were operated. Ms Ferrier was also heard in answer to Members' questions.

The Chair, Provost McAllister then invited the Section Head – Environmental Health and the Environmental Health Officer to provide further information on

the Environmental Health Service response to the application. Mr Stevenson and Ms Fellowes were heard in further clarification and in answer to Members' questions.

Councillor McColl moved a motion, Councillor Rainey indicated that he was minded to second the motion subject to clarification. Having heard Councillor McColl in further clarification of his motion and having heard the Legal Officer in response to Members' questions, Councillor McColl withdrew his motion.

The Committee agreed that:-

The external sports pitches on the site shall not be used or made available for hire to groups or at times outwith those specified as follows:

- a) Use by Dumbarton Academy (including sports clubs, teams and events associated therewith) between the hours of 9am to 8pm Monday to Friday and 9am to 5pm Saturday and Sunday; and
- b) Use by West Dunbartonshire Leisure Trust for its planned programme of children's football camps between 9am and 3pm on Mondays to Fridays during the 2014 school summer holiday period only.

**(b) DC14/008 – Formation of a new footpath using concrete “ty-blocs” with a tarmacadam finish at Sandpoint Marina, Woodyard Road, Dumbarton by Mr Patrick Docherty.**

Having heard the Team Leader (Forward Planning) in further explanation of the report and in answer to Members' questions, the Committee agreed to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 2 hereto.

**(c) DC14/087 – Formation of new road junction including traffic signals and associated works relating to revised car parking and landscaping at Castle Street, Dumbarton by West Dunbartonshire Council.**

Having heard the Team Leader (Forward Planning) and the Network Management Services Co-ordinator in further explanation of the report and in answer to Members' questions, the Committee agreed to grant full planning permission subject to the conditions specified within the report, details of which are contained within Appendix 3 hereto.

## **DEVELOPMENT PLAN UPDATE**

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

- (a) providing an update on the progress of Development Plan preparation; and

- (b) seeking approval of the annual review of the Development Plan Scheme and Participation Statement, as detailed within Appendix 1 to the report.

Having heard the Team Leader (Forward Planning) in further explanation of the report and in answer to Members' questions, the Committee agreed to approve the 2014 review of the Development Plan Scheme and Participation Statement.

## **GLASGOW PROPOSED CITY DEVELOPMENT PLAN**

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

- (a) advising of the publication of the Proposed City Development Plan for Glasgow; and
- (b) seeking approval for this Council's proposed response, detailed within the report, to the Plan.

Having heard the Team Leader (Forward Planning) in further explanation of the report, the Committee agreed that a response be submitted to Glasgow City Council supporting the Plan on the following basis:-

- protection of the green belt to the west of the city;
- focus of housing development opportunities on brownfield land;
- support of the city centre and other town centres; and
- identification of the Fastlink project along the north bank of the River Clyde.

## **LOCH LOMOND & THE TROSSACHS NATIONAL PARK MAIN ISSUES REPORT**

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

- (a) advising of the publication of the Main Issues Report for Loch Lomond & The Trossachs National Park; and
- (b) seeking approval for this Council's proposed response, detailed within Appendix 1 to the report, to the Main Issues Report.

Having heard the Team Leader (Forward Planning) in further explanation of the report, the Committee agreed that Appendix 1 to the report be submitted to the National Park Authority as this Council's response to the Main Issues Report.



**WEST DUNBARTONSHIRE CORE PATHS PLAN - AMENDMENT TO CORE  
PATH 56, LANG CRAIG'S WOOD, DUMBARTON**

A report was submitted by the Executive Director of Infrastructure and Regeneration seeking approval of an amendment to Core Path 56 in the West Dunbartonshire Core Paths Plan.

The Committee agreed the approval of an amendment to Core Path 56 in the West Dunbartonshire Core Paths Plan.

The meeting closed at 11.19 a.m.

DRAFT

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 27 MAY 2014**

**Present:** Councillors Gail Casey and Denis Agnew

**Attending:** Pamela Clifford, Planning & Building Standards Manager and Alan Williamson, Team Leader (Forward Planning)

**Apologies:** Councillor Jim Finn

**SITE VISIT**

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

- (a) DC13/276 – Variation of Condition 1 of DC10/246 (extension of time period) for the importation and processing of construction and demolition waste and temporary stock piling of processed material for use for future land raising on site at Queens Quay, Cart Street, Clydebank by Central Demolition Ltd.

## APPENDIX 2

### **DC14/008 – Formation of a new footpath using concrete “ty-blocs” with a tarmacadam finish at Sandpoint Marina, Woodyard Road, Dumbarton by Mr Patrick Docherty.**

1. 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.
2. The total number of heavy vehicles depositing material to this site and in conjunction with any other planning consent at Sandpoint Marina shall be limited to a maximum number of 60 vehicles per day.
3. Prior to the commencement of works, full details of the design and location of the fence to be erected on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented as approved.
4. No additional waste material shall be imported onto the site and deposited for use as part of this development.
5. The development shall be undertaken in accordance with the method of operations described in the letter submitted by Daly Planning & Design dated 21 February 2014 unless otherwise approved in writing by the Planning Authority.

**DC14/087 – Formation of new road junction including traffic signals and associated works relating to revised car parking and landscaping at Castle Street, Dumbarton by West Dunbartonshire Council.**

1. Exact details and specifications of all ground surfaces, bins, seating, external lighting, railings and walls shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented prior to the junction being operational.
2. Notwithstanding the approved plans, final landscaping details shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall thereafter be implemented the next planting season following the implementation of the new junction.
3. 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.
4. No development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
5. 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.

## APPENDIX 4

### **DC14/118 – Amendment to condition 30 of planning permission DC10/310 (to allow school sports pitches to be used by school aged children during school holidays and at weekends between 9am and 3.30pm) at Dumbarton Academy, Crosslet Road, Dumbarton by West Dunbartonshire Council.**

1. Landscaping of the site shall remain in accordance with the approved landscaping scheme agreed under planning permission DC10/310. 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 similar size or species.
2. The floodlights shall be maintained in accordance with details approved under planning permission DC10/310. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.
3. The floodlights shall be switched off and shall not be in use after 8pm Monday to Friday and 5pm on Saturdays and Sundays.
4. The actions arising from the School Travel Plan and Workplace Travel Plan approved under planning permission DC10/310 shall be maintained hereafter.
5. No development including any landraising shall be carried out in the functional floodplain which forms part of the application site (0.5% annual probability) as shown on Figure 3 Rev B (Proposed Site Plan) prepared by Jacobs dated June 2011 as a part of planning permission DC10/310.
6. The external sports pitches on the site shall not be used or made available for hire to groups or at times outwith those specified as follows:
  - (a) Use by Dumbarton Academy (including sports clubs, teams and events associated therewith) between the hours of 9am to 8pm Monday to Friday and 9am to 5pm Saturday and Sunday; and/or
  - (b) Use by other supervised groups of children of school-age or younger between the hours of 9am to 3.30pm on any day of the week (including school holiday periods and weekends)

# **PLANNING COMMITTEE**

## **NOTE OF VISITATIONS – 23 JUNE 2014**

- Present:** Councillor Tommy Rainey
- Attending:** Alan Williamson, Forward Planning Team Leader and Keith Bathgate, Development Management Team Leader
- Apologies:** Councillors Gail Casey, Jim Finn, Patrick McGlinchey and Lawrence O'Neill

### **SITE VISIT**

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

- (a) DC14/118 – Amendment to condition 30 of planning permission DC10/310 (to allow the school sports pitches to be used by school aged children during school holidays and at weekends between 9am and 3.30pm) at Dumbarton Academy, Crosslet Road, Dumbarton by West Dunbartonshire Council.
- (b) DC14/087 – Formation of new road junction including traffic signals and associated works relating to revised car parking and landscaping at Castle Street, Dumbarton by West Dunbartonshire Council.
- (c) DC14/008 – Formation of a new footpath using “ty-blocs” with a tarmac finish at Sandpoint Marina, Woodyard Road, Dumbarton by Mr Patrick Docherty.

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27 August 2014**

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**DC14/128:                    Change of use from class 1 (retail) to class 3 (food and drink) and hot food take away at Unit 3 32 High Street, Dumbarton by Lasalle Investment Management**

#### **1.        REASON FOR REPORT**

- 1.1**     This application relates to a development that is contrary to the development plan and is recommended for approval. 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 application site is a vacant retail unit on the north side of High Street in Dumbarton town centre. The unit comprises part of the ground floor of the three storey high former Dumbarton Co-operative building. The ground floor units surrounding the application site are occupied by various commercial uses, with the immediate neighbouring units being occupied by Skills Development Scotland and by the West Employability Hub, with the latter also occupying the upper floors of the building. The wider High Street area is characterised by a mix of uses including shops, service uses, offices, public houses and flats.
- 3.2**     Planning permission is sought to change the use of the unit from retail to a food and drink use and/or a hot food take-away. The application is speculative as the applicant does not currently have a prospective tenant for the unit, but rather seeks consent for these alternative uses in order to broaden the appeal of the unit to a wider range of potential occupiers. The precise nature of the end user is therefore unknown, but Class 3 encompasses use for the sale of food and drink for consumption on the premises (e.g. restaurants, cafés, coffee shops), and permission is also sought to allow use as a hot food takeaway, either in its own right or as an element of a mixed restaurant/takeaway use. Whilst the detailed internal layout would obviously be subject to the eventual occupiers' specification, the indicative plans show a customer eating and/or waiting area located at the front of the unit, and the kitchen located at the rear. There would be no changes made to the front of the building other than a ventilation louvre to be installed above the entrance. On the side elevation (facing into a rear service

yard area) a flue would be attached to an existing chimney stack and a louvred panel would be installed above the rear fire exit door.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to the specification of grease traps and extraction systems.

#### **5. REPRESENTATIONS**

- 5.1** No representations have been received.

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

##### **6.1** West Dunbartonshire Local Plan 2010

The application site is located within the defined Retail Core of Dumbarton Town Centre. Policy RET5 (Town Centre Enhancement) seeks to improve the environment of Town Centres and states that applications for non-retail uses within designated Town Centres will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other Local Plan policies. The proposal is considered to be consistent with this policy.

- 6.2** Policy RET6 (Protection of Retail Core) seeks to protect and enhance the retail and commercial function of Town Centres by supporting new retail uses. The policy presumes against any change of use from Class 1 within areas designated as Retail Cores. Applications for such changes of use will only be permitted where it can be satisfactorily demonstrated that such a change would reinforce and revitalise the centre and would not adversely affect the character or amenity of the area. These issues are discussed in Section 7 below, and it is concluded that whilst the proposal is contrary to the presumption against changes of use contained in Policy RET6, it would nonetheless have the potential to assist in the revitalisation of the centre and would not adversely affect the character and amenity of the area.

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

##### **7.1** West Dunbartonshire Local Development Plan (LDP), Proposed Plan

The proposed development site is located within the defined Dumbarton Town Centre, outwith the core retail area of Dumbarton town centre. Policy SC3 supports non-retail uses in town centres where these comply with the Retail Core policy, encourage visits to the town centre and are appropriate to the town centre's role and function. The site is outwith the modified Retail Core boundary proposed in the LDP, and therefore Policy SC2 is not applicable.



Policy DS1 states that all development will be expected to contribute towards creating successful places by having regard to a range of criteria including avoiding unacceptable impacts on adjoining uses including noise and smell. It is considered that the proposed use is supported by these policies and that the proposal is consistent with the emerging development plan.

## **7.2 Scottish Planning Policy**

Scottish Planning Policy states that town centres should be the focus for a mix of uses and that planning authorities should support a diverse range of community and commercial activities within town centres. It further states that the evening economy should be encouraged and managed in appropriate centres to ensure life and activity outwith usual retail hours and that planning authorities should consider the likely impact, including cumulative impact on the character and function of the centre, the amenity of nearby residents and anti-social behaviour and crime. The preferred location for non-retail uses such as restaurants and takeaways is the town centre; as such activities will generally enhance the town centre by improving the evening economy. The proposed use is therefore considered to be consistent with the principles of the SPP.

## **7.3 Loss of Retail Unit**

Although the unit is located within the currently defined Retail Core area, it has been vacant since 2007 when it was formed as part of the sub-division of the former Co-op department store building. The owners have marketed the property as a retail unit since 2007, however they have stated that there has been no interest from prospective occupiers. The applicant therefore wishes to obtain permission for a food/drink use in order to broaden the appeal of the unit to a wider range of potential tenants, and the granting of planning permission would not prevent the re-use of the unit for retail purposes should such an occupier emerge.

## **7.4**

Like many other town centres, Dumbarton has experienced a decline in the number and range of retail units over the last few years. Within the nearby Artizan Centre there are currently 12 vacant units, some of which have never been occupied since the centre was refurbished some years ago. Whilst the proportion of units on the High Street itself which are vacant is not as high, the proportion of units which are in non-retail use has increased. Of the seventeen units on the High Street east of the Artizan Centre, there are currently only five units in Class 1 use, with the application site being the only vacancy. The non-retail units in this part of the street comprise a mixture of banks, offices, a betting shop, public houses, restaurants and takeaways. There is therefore limited demand for retail floorspace within Dumbarton town centre, and the majority of retail uses are now located in the central and western parts of the street.

## **7.5**

Whilst the retention of existing and the attraction of new retailers is essential for the regeneration of the town centre, it is highly undesirable for empty units to remain vacant for long periods. This is recognised by Scottish Government policy and has been reinforced by numerous appeal decisions over the last few years, where the Ministers have overturned Council decisions to refuse

the change of use of vacant shops to non-retail uses. In recognition of these facts. The emerging Local Development Plan has amended the Retail Core boundary to exclude the eastern part of the street, and the application site is therefore outwith the new Retail Core boundary.

- 7.6** It is therefore considered that notwithstanding the fact that the site is within the existing Retail Core area, as defined by the adopted local plan, changing its use from retail to non-retail would be appropriate. The unit has been vacant for 7 years so demand from retail operators is clearly limited, and the site is within a peripheral part of the High Street which has been deleted from the Retail Core boundary in the emerging LDP. Granting permission for a wider range of uses would allow the unit to be marketed to a broader range of businesses and would thus increase the prospect of it being brought back into use. This in turn would contribute to the vitality and viability of the town centre by bringing more people and activity into the town centre.

**7.7** Food and Drink / Takeaway Use

As the application is speculative it is not known exactly what type of operator might occupy the unit. However, the applicant has advised that there has been some interest in units in the town centre from local restaurateurs and also from several national restaurant chains (e.g. Tony Macaroni, Pizza Hut, Harry Ramsdens, etc.). It is also noted that despite the weak demand for retail units in the town centre a national chain has recently opened a new public house in the High Street, demonstrating business confidence in Dumbarton Town Centre as a location for mixed commercial activities. Town centre sites are the most suitable location for restaurants and takeaways, and it is desirable to encourage such uses as part of a vibrant mix of town centre activities.

- 7.8** Many food and drink uses operate late into the evening and thus have potential to create disturbance to local residents. In this case whilst there are some flats on the upper floors of properties within the High Street, there are none immediately above or opposite the application property and the nearest flats are around 40m away. It is therefore unlikely that any residents would be affected by noise directly generated by the application site. The introduction of another evening activity would have potential to increase the level of activity within the High Street generally, but evening activity is an accepted characteristic of town centre locations. The proposal would not result in an undue concentration of Class 3 uses or hot food take-aways on this part of the High Street, as such uses are currently spread throughout the street.

- 7.9** A flue on the side of the building would be sufficient to prevent any cooking smells affecting the office space above, subject to the detailed specification being agreed with the Environmental Health Service (which can be controlled by a condition). The position of such a flue would not be visually prominent. The site is within the town centre and staff/customers would be able to use existing town centre car parking facilities. Hot-food takeaway uses can give rise to short-term parking demand as some customers may be tempted to park inconsiderately whilst waiting for their food, but this is also true of many convenience stores and parking in the High Street is managed accordingly.

Peak demand for a restaurant or takeaway is likely to be in the evening when demand for shop parking is low. Accordingly, the proposal does not raise any parking or road safety concerns and the Council's Roads service has raised no objection to the proposal.

## **8. CONCLUSION**

- 8.1** The proposed development would enable a unit that has been vacant for a significant period of time to be marketed for a wider range of uses, thereby increasing the prospect of it being brought back into use. This would contribute toward the viability and vitality of the town centre by increasing activity and footfall. Although the proposal would result in the loss of a retail unit within the current Retail Core area (and is therefore contrary to Policy RET6), the fact that the unit has already been vacant for seven years suggests that there is little prospect of it being brought back into retail use in the immediate future. Furthermore, Scottish Government policy supports showing flexibility towards a diverse range of uses within town centres, and the proposal would be in accordance with the policies of the emerging Local Development Plan, the Councils most recent policy statement. It is considered these material considerations outweigh the terms of Policy RET6, and that the proposal is therefore acceptable.

## **9. CONDITIONS**

- 1. Prior to the commencement of development on site details of an adequate sized grease trap shall be submitted to and approved by the Planning Authority in consultation with Environmental Health and thereafter it shall be installed prior to the use being operational and maintained thereafter.**
- 2. Prior to the commencement of development on site, details of the flue system/extraction system shall be submitted to and approved by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue/extraction system shall be implemented prior to the use being operational and shall be maintained thereafter.**

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 5 August 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

**Wards affected:**

Ward 3 (Dumbarton)

Map Register No: HQ407

Date: 14 August 2014

DC14/128

Change of use from Class 1 retail to Class 3 (food and drink) and hot food takeaway (Unit 3)  
32 High Street  
Dumbarton



## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27 August 2014**

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**DC14/145**

#### **Erection of Memorial at Titan View, Glasgow Road, Clydebank by Clydebank Asbestos Group**

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

- 1.1** This application is considered to raise 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 application relates to an area of public open space at Titan View, on the north side of Glasgow Road in Clydebank. This area previously contained a section of road forming part of the former one-way loop linking Alexander Street and Hume Street, but as part of a road remodelling scheme carried out several years ago it has become a pedestrianised public space containing high quality hard surfacing with ornamental tree planting, landscaping and seating. The site is bordered to the south by Glasgow Road, with the vacant Queens Quay development site beyond. Located to the east are modern 4-storey flats on the corner of Hume Street and Glasgow Road, while to the north are the side elevations of the Clydebank Co-operative undertakers' building on Hume Street, and of tenement flats with ground floor shops/offices on Alexander Street. To the west of the site is a turning head at the south end of Alexander Street with the car park for Chandler's public house beyond.
- 3.2** The application seeks planning permission for the erection of a memorial within the Titan View open space. The memorial would commemorate all of the victims of asbestos around the world, and is proposed by the Clydebank Asbestos Group which has been fundraising for the project for a number of years.
- 3.3** The memorial would consist of five upright marble blocks each measuring 2.2 metres square and 0.5 metres thick. The blocks would be arranged as a line of standing stones in the centre of the open space parallel to Glasgow Road, but with each block angled at 45° to the street. The two outer marble blocks would be engraved with the title "International Asbestos Memorial" on their outer faces, and with the words "Truth" and "Justice" on their inner faces. The three centre blocks would contain the names of local and international victims

of asbestos who have contributed (or in whose name family have contributed) towards the memorial. A descriptive plaque explaining the memorial would also be installed on the ground at the eastern end of the row of blocks. Three small trees which form part of the public realm works would require to be removed, along with some repositioning of the existing metal chairs and litter bins in order to accommodate the memorial. No illumination of the memorial is proposed.

- 3.4** The applicant has provided a statement explaining the design principles underlying the memorial, which has been designed by local sculptor Jephson Robb. The stone slabs are designed to be of human scale, appearing strong and upright but with no specific gender, to symbolise the fact that asbestos has curtailed the lives of many otherwise healthy men and women. They would be carved from Cararra marble on the basis that the white colour symbolises peace and hope, whilst also providing a reference to white asbestos (the most widely used form of asbestos). The font used would be modern in order to avoid appearing like gravestones, as the blocks are intended as a modern take on the Celtic Standish stones which celebrated life and the future. When viewed from the ends the memorial would appear as a single block, but as the viewer moves around it the full scale of the memorial is revealed, symbolising the scale of the asbestos problem being much greater than first perceived. As a person walks around the memorial the angled blocks “open” and “close” relative to where the viewer is standing, symbolising the actions of the human lungs, and each of the four spaces between the five stones is intended to represent both the need for clean fresh air and also to mark a decade (as asbestos victims often do not succumb to their illness until many years after having been exposed to asbestos)
- 3.5** From a practical perspective, the applicant explains that the memorial has been designed to require minimal maintenance, due to the use of robust materials and the avoidance of any electrical or mechanical parts, and the open nature of the memorial would ensure that there were no hiding places behind it which might encourage vandalism or anti-social behaviour. The proposal would involve the removal of several small trees, but existing street furniture which needed to be moved could be repositioned elsewhere within the public space.
- 3.6** The design of the memorial has been subject to some amendment during the course of the application, and it should be noted that a stylised bronze figure which was originally part of the application no longer forms part of the proposal.

## **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads and Greenspace Services each have no objection to the proposal.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to a condition relating to construction operating times.

- 4.3 West Dunbartonshire Council Estates Service has no objection subject to agreement being reached with the applicant regarding final details of the maintenance regime and construction arrangements for the memorial.

## 5. REPRESENTATIONS

- 5.1 None.

## 6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

### West Dunbartonshire Local Plan 2010

- 6.1 The application site is located within the defined Clydebank Town Centre. The Local Plan seeks to improve the vitality and viability of town centres as retail and commercial destinations, and also to enhance the appearance and character of town centres in order to make them more attractive places to visit, live and work. Town centres are traditionally suitable locations for monuments, memorials and sculptures, and the provision of such features adds interest to the town centre and would thus be in accordance with the strategy.
- 6.2 Policy GD1 seeks to have development which is of a high quality and which respects the character and amenity of the area in which it is located. The design is considered in Section 7 below and it is concluded that the proposal would comply with Policy GD1 and the town centre policies of the adopted local plan.

## 7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

- 7.1 The application site is within Clydebank Town Centre and is directly opposite Queens Quay, both of which are identified as “Changing Places” in the emerging LDP. The strategy for Clydebank Town Centre as it relates to this application is similar to that of the current Local Plan. For Queens Quay, the plan seeks to encourage a predominantly residential development incorporating mixed business, commercial, public service, leisure and retail uses, amongst others. A high standard of urban design will be required. The proposal would occupy part of an area of open space directly opposite the Queens Quay site and the provision of a memorial within this space would enhance the setting of Queens Quay, and would thus be in accordance with the LDP strategy.
- 7.2 Policy DS1 is of consideration and this states that all development will be expected to contribute towards creating successful places by being, distinctive, adaptable, resource efficient, safe and pleasant, welcoming and accessible. It is considered that the proposal would comply with this policy.
- Principle of Memorial
- 7.3 Clydebank is considered to be a suitable location for an international asbestos memorial because the local community has suffered a particularly high rate of asbestos-related illness, primarily as a legacy of former local industries such



as shipbuilding which used asbestos extensively. There was also an asbestos cement factory at Dalmuir which was itself a significant employer, and in addition to people directly employed in these industries many people in the wider community were exposed to asbestos as a result of contact with family and friends whose work clothes were contaminated with asbestos fibres. Asbestos is a worldwide problem, but there are few public monuments to mark it, and it is considered appropriate that such a memorial should be erected within Clydebank. The Titan Crane is a very prominent monument to the town's proud industrial past, and the proposed asbestos memorial would complement it by serving as a reminder of the high human cost of some of that industry.

#### Siting at Titan View

- 7.4** Historically, Titan View contained a row of tenements which were demolished as part of the widening of Glasgow Road. This exposed the side elevations of adjacent buildings which are well set back from Glasgow Road, and as a result the built form in this location appears somewhat disjointed. When road remodelling provided an opportunity to redevelop the site it was recognised that the ideal architectural solution would have been a new building to restore the “missing tooth” in the Glasgow Road streetscape. However, for practical and technical reasons it was not feasible to do this, and instead the site was suitably landscaped to create an attractive, south-facing public space directly opposite the Queens Quay development site. Titan View is therefore something of a compromise as a public space – it provides an attractively landscaped area which improves the appearance of the important Glasgow Road corridor, but until such time as the Queens Quay site is developed its outlook is onto an area of undeveloped land and there is currently only a limited amount of pedestrian traffic through the space.

- 7.5** The application therefore provides an opportunity to enhance Titan View. A memorial within this space would serve not only as a monument but also as a piece of public sculpture and may encourage greater use of the public space if people are coming to visit the memorial and public sculpture. The memorial would occupy the centre of Titan View, giving the space more of a function, and assisting in the longer-term goal of making Titan View into the northern end of the future Queens Quay open space extending north from the River Clyde / fitting-out basin. Once Queens Quay is developed, Titan View will be an important crossing point of Glasgow Road and the footfall through the public space will increase substantially, making it a suitably public place for an important memorial.

#### Design and Amenity

- 7.6** The proposed memorial is of a simple and understated design, but it is considered to be visually attractive and interesting. Other than the loss of three ornamental trees, the high quality landscaping and materials used in the construction of Titan View would be retained. Precise details of the arrangements for construction of the memorial and its ongoing maintenance require to be agreed between the applicant and the Council's Estates Service, however the design of the memorial is such that it should not give rise to significant ongoing maintenance costs beyond normal cleaning.

- 7.7** Whilst there are some residential flats which overlook the ends of Titan View, the proposal would not impact upon nearby residential properties as the buildings closest to the memorial site are blank side elevations of commercial property, and the nature of the proposal is such that it is not likely to cause any impact upon residential amenity. The memorial would generate visits by people who wish to commemorate a loved one, and very occasional larger gatherings to mark specific events, but such activities would not impact on nearby homes. The construction of the memorial may however result in some short term disruption, and the Environmental Health Service has recommended a condition to minimise the risk of nuisance during this period.

## **8. CONCLUSION**

- 8.1** The provision of a memorial to the victims of asbestos is considered to be appropriate within Clydebank, and the design and location proposed are also suitable. The formation of a memorial within Titan View would also contribute to the character of what is currently an underused area of open space within the Town Centre, and the site is one which will take on increased importance in future years once the neighbouring Queens Quay area is redeveloped. The proposal is consistent with all relevant policies and is acceptable.

## **9. CONDITIONS**

- 1. No development shall take place on site until such time as the intended arrangements for the relocation of existing tree planting and long term management and maintenance of the memorial have been submitted to and approved in writing by the Planning Authority. Such arrangements, including any contracts or legal agreements, shall also be put in place before the development commences on site.**
- 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 by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.**

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 6 August 2014**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G81 1TG.  
01389 738656  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** None

**Background Papers:**

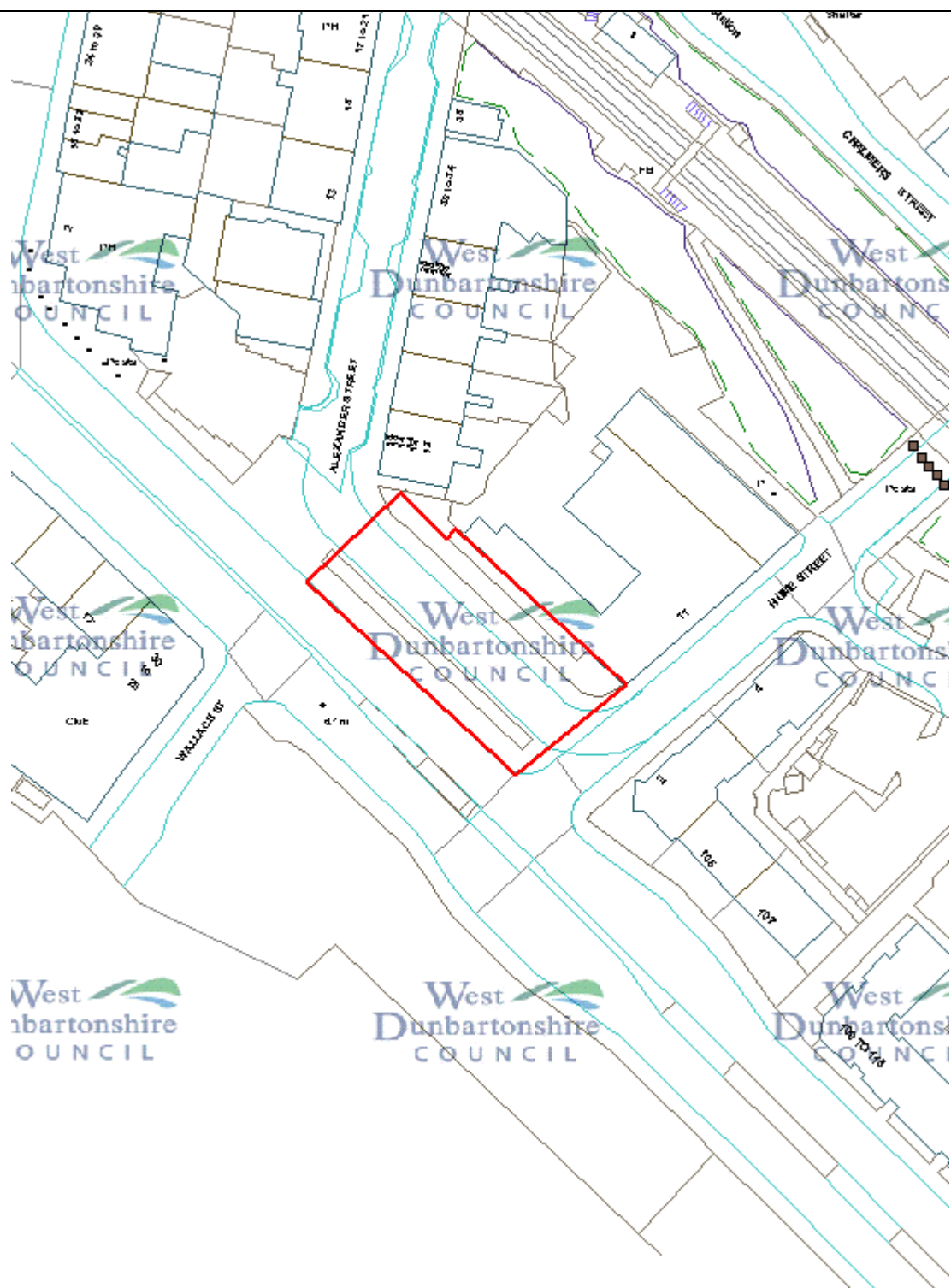
1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. Consultation responses

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

DC14/145

Erection of memorial  
sculpture and walls

Titan View  
Glasgow Road  
Clydebank



## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27 August 2014**

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**DC14/149                      Change of use from shop to fitness and weight management centre at 21 College Way, Dumbarton by Ms Kay Young**

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

- 1.1** This application relates to a development which is contrary to the development plan and is recommended for approval. 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 application relates to a vacant 2-storey retail unit within College Way in Dumbarton town centre. The unit is part of a larger modern building on the eastern side of the pedestrianised Artizan Centre, which runs northwards from the High Street. On either side of the unit there are retail units, to the front there is College Way with vacant shop units opposite, and to the rear there is a vehicular service yard area which is largely enclosed by buildings. The unit has lain vacant for at least 3 years. It is understood to have last been occupied by a clothes shop.
- 3.2** Permission is sought for a fitness and weight management centre. The business would be specifically for women and would cater for all ages and fitness levels. Its services would include exercise programmes, group classes such as boxercise and chair aerobics, and lifestyle, nutritional and fitness coaching. Opening hours would be Monday to Friday 8am to 8pm, Saturday 9am to 2pm and closed on Sundays. The business would employ 1 full time and 3 part-time staff, although the applicant hopes to increase this number as the business grows.
- 3.3** There would be no physical changes to the exterior of the unit apart from a frosted film and some vinyl graphic signs to be applied to the inside of the front window. On the ground floor there would be a reception area at the front of the unit and exercise equipment such as treadmills and exercise bikes would be arranged in groups. The space towards the rear of the ground floor would be used for group exercise such as chair aerobics. The first floor would also be used for exercise classes.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council's Roads, Environmental Health and Estates Services all have no objection to the proposal.

#### **5. REPRESENTATIONS**

- 5.1** No representations have been received.

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

**6.1** West Dunbartonshire Local Plan 2010

The application site is located within the defined Retail Core of Dumbarton Town Centre. Policy RET5 (Town Centre Enhancement) seeks to improve the environment of Town Centres and states that applications for non-retail uses within designated Town Centres will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other Local Plan policies. The proposal is considered to be consistent with this policy.

- 6.2** Policy RET6 (Protection of Retail Core) seeks to protect and enhance the retail and commercial function of Town Centres by supporting new retail uses. The policy presumes against any change of use from Class 1 within areas designated as Retail Cores. Applications for such changes of use will only be permitted where it can be satisfactorily demonstrated that such a change would reinforce and revitalise the centre and would not adversely affect the character or amenity of the area. These issues are discussed in Section 7 below, and it is concluded that whilst the proposal is contrary to the loss of retail floor space contained in Policy RET6, it would nonetheless have the potential to assist in the revitalisation of the centre and would not adversely affect the character and amenity of the area.

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

**7.1** West Dunbartonshire Local Development Plan (LDP), Proposed Plan

The proposed development site is located within the core retail area of Dumbarton town centre. Policy SC2 states that proposals for the change of use of ground floor Class 1 uses will be assessed in terms of:

- Whether the proposal would significantly reduce the retail offer of the core retail area, or parts of it, or lead to the concentration of a particular use to the detriment of the town centre's vitality and viability;
- Whether the proposed use would contribute to the vibrancy of the town centre by increasing footfall;
- The availability and suitability of other locations in the town centre for the proposed use to locate; and

- Whether the unit affected has been vacant and suitably marketed for retail use.

These issues are considered below, and it is concluded that whilst the proposal would be contrary to policy SC2 in that it would result in the loss of a retail unit within the defined Retail Core, the proposed use can be justified in terms of the unit has been vacant for a number of years and that it will contribute to the vibrancy of the town centre.

## **7.2 Scottish Planning Policy**

Scottish Planning Policy 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 in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. It is considered that the re-use of a vacant shop unit as a fitness and weight management centre within an area where there are a number of vacant units would contribute positively to the town centre and would therefore be consistent with the principles of SPP.

## **7.3 Loss of Retail Unit**

Like many other town centres, Dumbarton town centre has suffered a decline in the quantity and variety of shops in recent years, due primarily to the loss of retail expenditure to out of centre locations. One of the effects of this is a relatively high number of vacant units, notably within the Artizan Centre. In this case the application premises have been vacant for at least 3 years, throughout which time the vacant units within the Artizan Centre have been marketed and available for let. As the unit has been empty for some time and there is a high rate of vacancies within the Artizan Centre it is considered appropriate to consider suitable alternative uses which would contribute to the vitality of the town centre. There is a tea room in the Artisan Centre and the proposal would introduce a further non-retail use. The loss of this particular unit would not prevent any new retailer from obtaining premises within the Artizan Centre, given the number of vacant units which are available.

- 7.4** There are no similar uses within the town centre therefore the development would not lead to a concentration of this type of use, and the proposal would generate increased footfall which would contribute towards the town centre's vitality and viability. Although there are other vacant units within the town centre which are outwith the Retail Core, it is considered that reducing the number of vacancies within the Artizan Centre back into use is particularly important for the regeneration of the town centre. The loss of the retail unit would therefore be outweighed by the benefits of bringing the unit back unto productive use.

## **7.5 Other Considerations**

There would be no physical alterations made to the external appearance of the building, the application of the frosted film and vinyl graphics to the inside of the window is considered acceptable. There are no residential properties in the immediate vicinity of the site and it is not considered that

any residential properties within the wider High Street area would be adversely affected by the proposal. The Roads Service has no objections to the proposal as there are existing parking facilities nearby and the property is also centrally located for public transport.

## **8. CONCLUSION**

- 8.1** Although the proposed development would result in the loss of retail floor space within the core retail area, and would therefore be contrary to policy RET5 of the adopted local plan, it would bring a property that has been vacant for some years back into use and would contribute to the vitality and viability of this part of the town centre. It is considered that these benefits outweigh the loss of a retail unit.

## **9. CONDITIONS**

- 1. Prior to the commencement of the development full details of any graphics, film or other material to be applied to the inside of the window on the front elevation of the unit shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.**

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 6 August 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

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



Map Register No: HQ409

Date: 14 August 2014

DC14/149

Change of use from shop  
to fitness and weight  
management centre

21 College Way  
Dumbarton  
G82 1LQ



## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27 August 2014**

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**Subject: Determination of appeal against the refusal of planning application DC12/235 for residential development at site of Dunclutha House, off Parkhall Road, Clydebank.**

#### **1. Purpose**

- 1.1** To advise the Committee of the outcome of a planning appeal.

#### **2. Recommendations**

- 2.1** That the Committee notes the outcome of the appeal.

#### **3. Background**

- 3.1** A planning application for the erection of residential development comprising of 4 houses and 6 flats with associated landscaping, access road and boundary treatments was refused by the Planning Committee on 29 January 2014. The application was refused on the grounds that it would constitute overdevelopment of the site in terms of its layout and density, would not reflect the prevailing pattern of development in the surrounding area, would cause a loss of privacy for neighbouring houses, and would have an undue impact upon existing trees.

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

- 4.1** The applicant submitted an appeal against the refusal of planning permission, and this has been determined by a Reporter following a site visit and written submissions.
- 4.2** The Reporter agreed with the Council's concerns that the single detached house in the south-western corner of the plot would cause a significant loss of privacy for adjacent homes by reason of its significantly elevated position, and he felt that this would result in that particular unit appearing overbearing and incongruous when viewed from Overtoun Road. The Reporter also agreed with concerns about the potential tree loss within the site (which is covered by a Tree Preservation Order). He acknowledged that most of the "category B" quality trees would have been retained and noted that it may not be realistic to expect every tree to be retained, but he considered that the landraising required to provide the unit at the south-west corner would result in the loss of several important trees, and also expressed concern about the proximity of properties to flats along and adjacent to the northern boundary, which might be weakened or subject to future complaints by residents.

**4.3** Overall, the Reporter concluded that the proposed design of the site failed to respect the character and amenity of the locality and neighbouring residential properties, and that it therefore did not comply with the relevant provisions of the development plan. He did not consider that there were any material considerations which would justify granting planning permission. The appeal was therefore dismissed and planning permission was refused.

## **5. People Implications**

**5.1** None.

## **6. Financial Implications**

**6.1** There are no financial implications for the Council.

## **7. Risk Analysis**

**7.1** No risks have been identified.

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

**8.1** An equalities impact assessment is not required.

## **9. Consultation**

**9.1** Not required.

## **10. Strategic Assessment**

**10.1** There are no strategic issues.

### **Richard Cairns**

Executive Director of Infrastructure and Regeneration

Date: 4 August 2014

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**Person to Contact:** Pamela Clifford, Planning and Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Clydebank G81 1TG  
Tel: 01389 738656  
Email: [pamela.clifford@west-dunbarton.gov.uk](mailto:pamela.clifford@west-dunbarton.gov.uk)

**Appendices:** None

**Background Papers:**

1. Report to 30 April 2014 Planning Committee
2. Appeal decision letter dated 23 July 2014

**Wards Affected:** Ward 5 (Clydebank Central)

# **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27 August 2014**

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**Subject: Review of Quarries and Landfill Sites**

### **1. Purpose**

- 1.1** To update the Committee on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area and to advise on work carried out by external consultants on restoration bonds for Auchencarroch Landfill site and Dumbuckhill Quarry site.

### **2. Recommendations**

- 2.1** To note the outcomes of the site visits outlined in Appendix 1 and to agree that an updated report will be presented to a future Planning Committee once discussions have taken place with the operators with regard to the findings of the external consultants.

### **3. Background**

- 3.1** A report was considered by the Planning Committee in April 2014 which informed the Committee of the current situations of the two quarries and two landfill sites in the Council area with regard to progress of operations and restoration. It was agreed that an annual report be presented to the Committee in August following the formal monitoring of the sites in May. This report is to provide details of the progress of the quarry and landfill sites, updates on the compliance monitoring and the assessment of bonds.

### **4. Main Issues**

#### **4.1 Annual Monitoring of Sites**

One of the procedures agreed by the Committee in April was the instigation of a more formal monitoring arrangement for such sites, including an annual site visit to monitor progress and compliance. The first such annual monitoring visits to the sites began in May with all site operators contacted to discuss the new monitoring procedures which have been put in place. Each site was inspected by planning officers and notes were made of the progress of each site, compliance with conditions and any restoration works carried out on site. A summary of the progress of each site is provided in Appendix 1.

- 4.2** In general, all four sites are progressing well operationally but as they vary in the restoration requirements set out by the planning consents, the extent of restoration that has been carried out on sites also varies.

- 4.3** It has been identified that at Auchencarroch landfill site work is behind on implementing the dry heathland habitat on the capped and seeded cells (currently acidic grassland) is currently behind the approved schedule and the operator is aware of the work required. There is also a need to re-establish the Technical Working Group whose members (planning officers, site operator, SNH and RSPB) are involved in monitoring the habitat management of land outwith the operation landfill area.
- 4.4** The main restoration works at Dumbuckhill Quarry are proposed to be carried out on cessation of use of the quarry, but the upper benches were to be restored once the agreed levels were reached and this work has not yet been carried out. However, a recent planning application has been received to amend the bench levels which would have implications for the tree planting thereon, and a revised landscaping scheme will therefore be required as part of any consent.
- 4.5** Rigangower landfill site is currently being operated in compliance with the conditions but regular monitoring is needed to ensure the site is fully restored on completion of the landfill operations. However, a planning application has been submitted to excavate previously land filled materials for recycling as secondary aggregates and this proposal will require an updated restoration plan to be put in place.
- 4.6** Sheephill Quarry has a historic planning permission with very few conditions controlling operations on the site or restoration requirements. The site is therefore operating in compliance with its current permission. However, as the Committee is aware the site is subject to a long-running ongoing application for a Review of Minerals Permission (ROMP) which would result in appropriate new conditions. At the site visit issues such as hours of operation, blasting and future restoration were discussed and the ROMP application, which is still to be agreed, will cover these matters.
- 4.7** Restoration Bonds  
The purpose of the restoration bonds is to ensure that there is funding available to implement site restoration as a guarantee against the failure of an operator or contractor to comply with the conditions of a planning consent. Specialist environmental consultants (Parsons Brinckerhoff) have been engaged to carry out a review of the value of restoration bonds currently in place for Auchencarroch Landfill and Dumbuckhill Quarry (Rigangower and Sheephill Quarry do not currently have bonds in place). The consultant's work included an assessment of:
- the suitability of the approved restoration masterplan and any habitat management plans for each site;
  - the works required to complete the restoration process;
  - the suitability of the restoration phasing proposed;
  - the estimated costs of carrying out the work; and
  - the adequacy of the overall value of the restoration bonds.

In addition to undertaking a desk-top study each site has been visited and a meeting held with planning officers to discuss issues particular to each site.

- 4.8** A report for each site has now been prepared by Parsons Brinckerhoff, which reviews the implementation of restoration proposals and provides updated costing breakdowns for the restoration plans which determine the levels of the bonds. However as the reports cover commercially sensitive issues it was considered appropriate to discuss the content of the reports with each of the site operators prior to publication, and it has not been possible to undertake this prior to this meeting of the Planning Committee.

- 4.9** Both site operators have now received a copy of the reports and the next steps will be to meet with them to discuss their contents. Once the content of these reports have been discussed with the respective operators an update report will be presented to a future Planning Committee meeting.

## **5. People Implications**

- 5.1** Staff time will be required to take forward any issues which arise from the monitoring exercise and consultant's work. It is anticipated that this additional workload can be accommodated within existing staff resources.

## **6. Financial Implications**

- 6.1** The costs of a specialist consultant to provide advice on the adequacy of the restoration bonds and the restoration schemes have been met from the Planning and Building Standards budget. Financial implications could arise in the future in the event of the failure of one of the site operators without a restoration bond, or the bond was not sufficient to cover the required restoration of the site and it is therefore considered necessary to invest in expert consultancy as a safeguard against this.

## **7. Risk Analysis**

- 7.1** There is a risk to the Council if the quarry and landfill sites fail however it is not of the same magnitude experienced by some Council's recently with the open cast coal industry. There are financial and reputational risks to the Council if the sites are not formally monitored or the bonds are not adequate to cover the full cost of implementing the agreed restoration proposals. There is a higher risk to the Council if no bonds are in place and the operator fails.

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

- 8.1** It is not considered that the report or recommendations raise any equality issues.

## **9. Consultation**

- 9.1** No consultation was necessary for the preparation of this report.

## **10. Strategic Assessment**

**10.1** The report supports the Council priorities.

**Richard Cairns**

Executive Director of Infrastructure and Regeneration

Date: 6 August 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
<b>Appendices:</b>	Appendix 1: Monitoring of Quarry and Landfill Sites
<b>Background Papers:</b>	None.
<b>Wards Affected:</b>	All

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## **Monitoring of Quarry and Landfill Sites**

Auchencarroch Landfill Site, Jamestown  
Dumbuckhill Quarry, Milton  
Rigangower Landfill, Milton  
Sheephill Quarry, Milton



## **Auchencarroch Landfill, Jamestown**

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**Date of Site Visit:** 20 June 2014

**Attended by:** Keith Bathgate  
Bernard Darroch  
Lorna Ramsey

### **Site Notes:**

Officers were shown around the site by Colin Wallace (Barr Environmental - Project Manager) and Gavin Ramsey (Barr Environmental - Director). The site visit included the restored areas, active areas and the new recycling plant which has recently been constructed and is now operational. In general, work is ongoing at the landfill site with a steady stream of vehicles entering and leaving the site, with regular deposits of landfill being made before being compacted. The permission allows a maximum of 116 vehicles to deposit waste at the site on a daily basis, with the total amount of waste material being imported set at a limit of 225,000 tonnes per annum.

The biggest difference from previous visits is that the recycling building has been erected and is now operational. As a result of the recycling that is being undertaken, there has been a reduction in the amount of waste that is being deposited as landfill since the waste treatment facility is capable of accepting and processing up to 25,000 tonnes per annum of waste which would otherwise go straight into the landfill.

### **Compliance with Conditions:**

There are two separate planning permissions which have been reviewed; the first permission (DC07/233) covers the whole of the land fill site whilst the second planning permission (DC13/216) is for a waste treatment facility.

#### DC07/233

The site is operating as an active landfill site and it is evident that the site is being restored as the landfill is deposited across the site and the landfill cells are filled up. At present, restoration work has commenced on approximately 50% of the available landfill cells, with 8 of the cells either having very little landfill activity to date or none whatsoever. Due to the reduction in landfill materials as a result of increased recycling, the speed at which the site is being filled has slowed. However, in order for our records to be as up to date as possible, copies of the most recent site surveys which demonstrate progress have been requested.

The majority of conditions attached to this planning permission require ongoing compliance. In particular, the site operator is required to provide annual reports in relation to progress on the habitat management proposals approved. A Technical Working Group made up of planning officers, the site operator, SNH and RSPB, is required to meet annually to monitor the habitat management of land outwith the operation landfill area and this has not happened in the last few years.

### DC13/216

There are a number of conditions which require ongoing compliance in relation to the waste treatment facility. The building has only recently been erected and became operational earlier this year. The conditions attached to this planning permission have generally been complied with and certain conditions will require the site to be restored in accordance with the restoration plan for the whole of the landfill site (DC07/233) in due course. There is a requirement for landscaping to be undertaken to help screen the building and this has already been agreed. However, due to the relatively recent completion of the building, the landscaping of the site has not yet been completed although it does require to be completed by the end of the next appropriate planting season. It is therefore anticipated that the landscaping should be completed and in place by spring 2015.

### **Any Breaches/Issues:**

There is a bond in place which relates to site restoration and work is currently being undertaken by external consultants to assess if the sum of the bond is adequate. The site operators need to confirm the phasing for the habitat management proposals for the completed cells and the Technical Working Group needs to re-convene to discuss progress across the site.

### **Conclusions:**

The operation of the site is generally in accordance with the planning permissions and the conditions granted. However ongoing monitoring will be required to ensure that the habitat formation of completed cells to dry heathland is progressed as per the approved plans and that the site continues to operate in accordance with the relevant planning permissions. The restoration bond also needs updated to ensure that there is adequate funding to ensure the site is fully restored on completion of the landfill activities. The findings of the external consultants will be discussed with the operator shortly and the bond and restoration proposals may require review. A technical working group is required to be set up in relation to the habitat management proposals and discussions have previously been undertaken regarding this matter. It is intended that a technical working group will be re-established and a meeting held before November.



Auchencarroch Landfill Site – Aerial View Summer 2013



Auchencarroch Landfill, summer 2014



Auchencarroch Landfill, summer 2014

## **Dumbuckhill Quarry, Milton**

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**Date of Site Visit:**

28 May, 2014

**Attended by:**

Karen McChesney, Keith Bathgate, Kemp Lindsay

**Site Notes:**

Both officers were shown around the entire site by Kemp Lindsay, Estates Director of Paterson's Quarries Ltd. The site visit included the perimeter edge of the quarry, viewpoint, TPO area and the operational floor. Activity on the site consisted of approximately five vehicles entering and leaving the site during a two-hour period, a digger moving materials that had been blasted and two mobile sorter/crusher plants steadily grading materials into piles. The number of vehicles visiting the site is approximately 260 per week (Equating to an average of 52 vehicles per day Monday to Friday).

The biggest difference from the previous site visit in September 2013 was that the large platform has now been blasted and is in the process of being removed. Paterson's bought the site last summer and their work practices and standards are now being established on-site. When Paterson's purchased the quarry in May 2013 there were reported to be 3.7 million tonnes of reserves. They have taken out 100,000 tonnes of rock and the current reserve figure is some 3.6 million tonnes. The site has planning consent until 2024 and there are enough reserves to last until this date. They anticipate an extraction rate of approximately 250,000 tonnes per annum. The production rate depends on market demand so the output could be higher than this.

**Compliance with Conditions:**

Some conditions on the consent DC02/187 require ongoing compliance and these were discussed so that the operator Paterson's is aware of these, e.g. noise limits, blasting notification to EH.

Condition 29 requires soils stripped from the site to be stored. The Estates Manager confirmed that there were no topsoil deposits on the site when Paterson's purchased the site in 2013. He also indicated it unlikely that there would have been much topsoil depth to strip given the geology of site. This raises an issue when the site is ready to be restored on completion of extraction activities.

Condition 39 requires levels drawings to monitor progress across site. A survey of the bench levels has been carried out by Johnson Poole and Bloomer recently. This has since been submitted to Council and is acceptable.

The majority of restoration on the site is required to be carried out on cessation of the quarry operations. The exception to this is the upper benches, as discussed below. Therefore the main issue at this stage is ensuring that the restoration bond in place will cover the restoration proposed to be carried out.

**Any Breaches/Issues:**

Condition 47 – tree planting above the upper benches has not been carried out by previous owner. Paterson's are reviewing the physical limitations of the benches and further action should be held off pending this review.

Condition 29 - no soil storage on site when site was bought over. It is likely that given geology of site and long historical use of the site there was not much overlying soil. This does mean that soils will need to be imported during restoration phase and the costs of this should be included in any revised restoration bond and plans.

**Conclusions:**

The operation of the site is in accordance with the planning permission and the conditions granted with the exception of the two issues: soils and tree planting. The absence of soil stockpiles on the site means that these will have to be imported and is likely to increase the overall restoration costs unless alternative, more sustainable restoration methods e.g. natural regeneration can be agreed. The external consultants are providing input to this. The tree-planting on the upper benches will be assessed as part of the planning application. Discussion of these issues and the bond value will take place shortly with the operator.





Dumbuckhill Quarry, September 2013



Dumbuckhill Quarry, May 2014



Dumbuckhill Quarry, September 2013



Dumbuckhill Quarry, May 2014

## **Rigangower Landfill, Milton**

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**Date of Site Visit:** 19 May 2014

**Attended by:** Keith Bathgate  
Bernard Darroch

### **Site Notes:**

Both officers were shown around the entire site which is located in close proximity to Sheephill Quarry by Andrew Thompson. During the site visit, operations were ongoing with vehicles depositing inert waste materials on the site before being spread and compacted. There are no restrictions on the number of vehicles that can deposit material on a daily or annual basis and there is no restriction on the quantity of waste which can be deposited. The only restrictions relate to the finished ground levels which have to be completed in accordance with the approved plans. At present, it is estimated that the site has a remaining capacity of 93,000 tonnes. It is evident from marker posts on site that the landfill site is nearing the end of its life and will require full restoration when the planning permission expires on 25 March 2016.

The site operator was asked to provide up to date survey plans of the site in order that the Council have an up to date record of the current levels on site and it is understood that these are being prepared.

The landfill site is quite remote and there were no issues raised with the work that was being undertaken on site at the time of the site visit.

### **Compliance with Conditions:**

There are a number of conditions attached to the planning permission (DC04-458) which require ongoing compliance. The most significant conditions which require to be complied with relate to the restoration of the site. In order to restore the site, there are stockpiles of subsoil and topsoil being stored. The restoration that is to be undertaken involves a 300mm layer of subsoil being spread on top of the overburden and then finished with a layer of topsoil in order to complete the development in accordance with the approved levels. The restoration only requires to be implemented on completion of the infilling works which have permission to continue until 25 March 2016.

In addition to the restoration, for a period of 15 years after the date of completion of the infilling, the applicant shall be responsible for the monitoring of the site for the generation and migration of landfill gases, with the monitoring tests to be undertaken four times per year unless alternative intervals are agreed with the Planning Authority. Details of the proposed gas monitoring are to be submitted within 6 months of the proposed completion of the infilling.

### **Any Breaches/Issues:**

There were no issues apparent during the site visit which would require any further action to be taken at the present time. However ongoing monitoring



will be required to ensure that the site is fully restored in accordance with the aforementioned planning permission once the infilling is completed or the permission has expired.

**Conclusions:**

The landfill site is being operated in a satisfactory manner at the present time. However, a planning application (DC14/160) has now been submitted which seeks permission to extend the area of landfill and to excavate previously landfilled materials and imported materials, to create secondary aggregates. In effect, this would extend the period of time that the site could be used for landfill purposes and also represents an opportunity for the restoration of the site to be fully reconsidered.



Rigangower Landfill Site, 2014



Rigangower Landfill Site, 2014



Rigangower Landfill Site, 2014

## **Sheephil Quarry, Milton**

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**Date of Site Visit:** 30<sup>th</sup> July 2014

**Attended by:** Pamela Clifford, Keith Bathgate, Stewart MacCallum

### **Site Notes:**

Officers were shown around the quarry by Andrew Thompson and Willie Booth of Dalgliesh Associates. A new phasing plan is in the process of being submitted which indicates that the quarry works are now concentrated around the eastern boundary. Work has ceased at present along the north-west boundary face until the outcome of the extension application is finalised (DC02-447). The applicant has indicated that it was their intention to commence quarrying operations to the east and potentially south of Sheephil Fort in the next year.

### **Current Status of Operations:**

#### Current reserve

As of 2011- 25-82million

New phasing plans will be submitted shortly which will show that operations are moving towards Sheephil and the east and south of the quarry boundary. The upper southern face will be reduced as indicated in the EIA which would make the quarry more visible especially from the opposite side of the Clyde.

The tonnage of material taken out last year was 415,512 tonnes and it was indicated that this was the best year since the start of the recession. They believe that there is enough rock to 2042 as per the planning permission.

### **Compliance with Conditions:**

The planning consent to be monitored was the 1949 consent which contains only seven conditions. The Review of Minerals Permission (ROMP) has not been agreed and therefore the conditions of the ROMP cannot be monitored until they have been agreed. However the site visit was based around the matters covered by the ROMP.

### **Operating Hours:**

The standard working hours are 07:00-17:30 Monday to Friday and 07:00-13:00 on a Saturday and the quarry also does maintenance over the weekend. Out with these hours working operations tend to be only to meet particular contracts such as road contracts.

### **Blasting:**

Usually once a week during the hours of 1000-1600 Monday to Friday with no blasting at weekends as per the ROMP condition. They indicated that they are now using digital dynamite and they feel that the last six blasts have made the blasting less adverse. They indicated that if we receive a complaint regarding blasting that the Council contact them immediately. However they have indicated that all their blasts are below the velocity of 10mm as required by the ROMP condition. They indicated that weather conditions can affect the impact of the blasts and they try not to blast when the weather is overcast.

### **Sheephill Fort – Scheduled Ancient Monument**

The applicant has been in correspondence with Historic Scotland regarding the Scheduled Ancient Monument. They have indicated that it is their intention to commence quarry operations to the east and south of the scheduled monument. To ensure that there is no potential to encroach within the scheduled area a 10m stand off will be set out from scheduled monument boundary prior to the commencement of operations. They will renew the Scheduled Ancient Monuments Consent when the ROMP is issued.

### **Restoration**

No restoration has commenced on site, however they indicated that in the next few years they may carry out progressive restoration whereby the upper faces would be soiled to encourage plant growth. A condition of the ROMP requires a restoration masterplan to be submitted. There is no restoration bond on this site due to the age of the permission.

### **Any Breaches/Issues**

There were no issues identified during the site visit. It is important to get the ROMP agreed to allow the quarry work under modern conditions especially restoration works, blasting operating hours, etc.

### **Conclusions**

The ROMP is likely to be referred back to the Planning Committee in the next few months as the outstanding matters have been addressed. The extension area cannot be returned to Planning Committee as the legal agreement for the restoration bond cannot be concluded at present.



Sheephill Quarry, 2014



Sheephill Quarry, 2011

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 27<sup>th</sup> August 2014**

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**Subject: Elected Member Involvement in Pre-Application Procedures**

#### **1. Purpose**

- 1.1** To agree the procedures and the protocol for Councillor involvement at the pre-application stage.

#### **2. Recommendations & Conclusions**

- 2.1** It is recommended that the Committee agrees the procedures and protocol of Councillor involvement at the pre-application stage and the planning procedure notes contained in Appendix 2 and 3 of the report.

#### **3. Background**

- 3.1** The Scottish Governments Planning Modernisation reforms introduced over the last few years have encouraged early engagement in the planning process so significant issues can be identified at the earliest stage rather than emerge in the course of a planning application. This includes the early engagement of Councillors in pre-application discussions as part of the wider reform of the planning system.
- 3.2** The Committee will recall that a report was presented to the Planning Committee in November 2012 identifying 4 options for elected member's involvement at the pre-application stage. (Appendix 1) Option 4 was agreed whereby a briefing note would be prepared by officers detailing the main issues of the proposal together with relevant development plan policies. It was also agreed that a protocol would be drafted for developers who wished to engage in the pre-application stage.
- 3.3** Recently the Scottish Government in conjunction with COSLA and the Commissioner for Ethical Standards in Public Life in Scotland has issued guidance on the role of Councillors in pre-application procedures dated February 2014. It indicates that local authorities should consider their own procedures in implementing this guidance.

## **4. Main Issues**

**4.1** The Scottish Government is keen that Councillors are confident in engaging at the pre-application stage on substantial development proposals, adding value to the process while continuing to act within the terms of the Councillors Code of Conduct. Involvement at this early stage in the planning process is not a substitute for formal consideration and decision making on development proposals. This early engagement is intended to better inform members of proposals that may later come before them. It gives a degree of certainty to developers by enabling an early exchange of views and discussion of key issues that Councillors want addressed. This will assist officers in negotiating on these issues.

**4.2** The guidance indicates that the following considerations should be applied by local authorities in drawing up procedures for Councillors to engage in pre-application discussions:

- Emphasis should be given to providing a meaningful guidance and a helpful service that adds value to the preparation of applications
- It is appropriate and acceptable for Councillors to engage and provide a provisional view at the pre-application stage.
- Councillors should be able to air points of view at the pre-application stage on the understanding that the issues discussed are taking place in a public forum.
- Any opinions or views expressed by Councillors at this stage must be mindful of the overarching requirements of fairness and partiality and of keeping an open mind.
- Any procedures must be compliant with the requests of the Councillors Code of Conduct and should be conducted in a consistent and transparent manner to avoid suspicions that Councillors may have prejudiced their positions.

**4.3** Following the consideration of the above recent guidance it is still intended that the involvement of Councillors in the pre-application stage should be by way of a briefing note prepared by officers detailing the main issues of the proposal together with relevant development plan policies. This would be a public document but would not be as formal as a Committee report. The developer would also have the opportunity to make a short presentation of draft proposals. The meeting would be open to the public and all elected members would also be invited to attend. This allows Councillors to hear directly from the developer and an open discussion of the key issues. The briefing paper and a summary of issues discussed would be made available publicly. It is intended that this procedure would occur following the close of the Planning Committee however if this was not possible a special meeting would be set up to which all members would receive an invitation. The written briefing would be circulated in advance of the meeting. A detailed procedure note is contained in Appendix 2 which provided guidance for Councillors



taking part in pre-application discussions. A protocol for developers who may want to engage elected members at the pre-application stage is contained in Appendix 3. This follows the same format as the protocols for pre-application advice, liaison meetings and processing agreements and is publicised through the Councils web site.

## **5. People Implications**

**5.1** There are no people implications.

## **6. Financial Implications**

**6.1** There are no financial implications

## **7. Risk Analysis**

**7.1** The opportunity for early pre-application discussions supported by formal procedures reduces the risk of issues arising during the determination of the application.

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

**8.1** The report has been screened and there are no equalities issues.

## **9. Consultation**

**9.1** Legal Services have been consulted on this report

## **10. Strategic Assessment**

**10.1** It accords with the main strategic priorities of the Council as good, pre-application advice will allow developers to progress their development proposals with some certainty and help to facilitate early development on the ground.

**Richard Cairns**

**Executive Director of Infrastructure and Regeneration**

**Date: 6 August 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. Guidance on the Role of Councillors in Pre-Application Procedures Scottish Government, COSLA and Commissioner for Ethical Standards in Public Life in Scotland

**Wards affected:** All

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 7 November 2012**

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**Subject: Elected Member Involvement in Pre-Application Discussions**

#### **1. Purpose**

- 1.1** To seek the approval of procedures for elected member involvement in the pre-application stages of major development proposals.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee:

- (i) Agrees that elected member engagement at the pre-application stage should be by way of written briefings and developer presentations; and
- (ii) Agrees that a protocol be drafted for elected member involvement in the pre-application stage.

#### **3. Background**

- 3.1** As part of the Scottish Government's Planning Modernisation reforms introduced over the last few years, the planning system is intended to be "front loaded", meaning that significant issues should be identified at the earliest stage possible rather than only emerging in the course of a planning application. The reforms included the introduction of formal requirements for community engagement on major development proposals at the pre-application stage, whereby there is a 12 week consultation period during which developers must engage with the community to seek their views prior to submitting a planning application. At least one public event must be held to allow the public to make comments to the developer on the proposal. As part of the subsequent

planning application, the developer must provide a report summarising the pre-application consultation responses and detailing how these have influenced the development proposal. There is no formal requirement for Councillors to attend such events or to engage at the pre-application stage, but Members are free to attend the public meetings if they wish, and developers will often make local ward members aware of these events.

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

- 4.1** Good pre-application consultation removes as much uncertainty as possible for the developer, allowing the proposal to proceed with more confidence and reducing the risk of abortive costs arising from failed applications or expensive redesign work. It also improves the quality of development proposals by allowing the Council and other stakeholders to suggest improvements at an early stage. The Council therefore actively encourages developers to engage in pre-application discussions with officers, and has recently promoted its pre-application service and developer liaison meetings by publishing two protocols (Appendix 1). These protocols focus on the key regeneration sites, but they also apply to all other major development proposals. The purpose of these protocols is to formalise procedures for pre-application consultation and ongoing liaison meetings, and to set out what the developer and the Council can expect from each other as part of this process. Developers have been consulted on these protocols, and the feedback received has been positive and supportive towards the adoption of this approach.
- 4.2** Whilst most pre-application advice from the Council is provided by Planning Service officers as an important part of their duties, developers often wish to have input from elected members as well. However, some Members have expressed anxiety about participation in pre-application consultations due to a concern that this could be seen as pre-judging an application or compromising their impartiality.
- 4.3** Whilst the Planning Modernisation reforms did not specifically address elected member involvement in pre-application discussions, the Councillors' Code of Conduct was reviewed by the Standards Commission for Scotland in the light of these reforms and a new Code of Conduct was published in December 2010. The new Code of Conduct gives Members greater flexibility to express their provisional views in advance of the submission of a planning application, especially in cases where developers are seeking the planning authority's views before committing to lengthy and expensive technical or design work. In terms of any pre-application consultation an elected member who will be involved in the final decision making process can make their provisional views known as part of the discussions however they should only make a final judgement

when all the relevant material considerations are before the meeting that will determine the application. Therefore they must not indicate or imply support or opposition to a proposal or declare their voting intention during any pre-application discussions. Any Planning Committee member must not give grounds to doubt their impartiality such as make public statements about a future decision. This is to ensure that they are not seen to prejudge a decision which will be made at the Planning Committee where it is expected that all the information required to take a decision will be available.

**4.4** Apart from the Councillors' Code of Conduct, there is no Scotland-wide best practice guidance for Councillor involvement at the pre-application stage, but some local planning authorities have their own protocols. In England the Planning Advisory Service and the Planning Officers Society have jointly issued guidance which encourages Councillor involvement in pre-application discussions on major applications provided members' roles are clearly understood, and again some English authorities have adopted their own guidance. Therefore, given the positive feedback from developers in relation to this Council's first two protocols, and to various guidance and best practice documents which encourage early Councillor involvement at pre-application stages, it is considered appropriate for this Council to prepare and adopt its own protocol concerning elected member participation at the pre-application stage.

**4.5** Some issues to consider in deciding upon a procedure include the following:

- **Should discussions take place in public, and should papers or minutes be public?** Providing full public access offers transparency and accountability. However, it can sometimes inhibit open and frank discussion so be less appropriate for pre-application discussions. Comments may also be quoted out of context in the press, in such a way as to suggest that a decision has already been made.
- **Should pre-application consultation take place at the Planning Committee or elsewhere?** The Planning Committee is an already organised forum for pre-application consultation to take place rather than another forum. Planning Committee members are more likely to engage in pre-application discussions and they have knowledge of planning matters and will determine the application in the future. This approach does not prevent ward members also attending the pre-application consultation.
- **What advice should officer's give?** Unlike Members, officers are able to give developers an opinion about whether or not an application would be likely to be supported by the Planning Service as this is professional advice offered without prejudice to the outcome of an application. However, it would not normally be

appropriate for such advice to be considered by the Committee at the pre-application stage. Any advice from officers would therefore be confined to factual matters, and officers would not make any recommendation to the Committee.

- **Should the applicant be allowed to speak?** Applicants often wish to make a presentation to Members in order to explain their proposals, and answer any questions. Such presentations ought to be limited to factual issues but there is a temptation for developers to lobby in favour of their proposals, which is not appropriate for pre-application discussions, particularly as any contrary views would not be heard.
- **How should ward members participate?** Ward members who are not members of the Planning Committee may wish to comment at the pre-application stage. If pre-application consultation with elected members takes place at Planning Committee the procedures would need to make clear whether or how ward members could participate.
- **What outcome would be expected?** It would not be appropriate for the Planning Committee to indicate whether or not an application would be likely to be approved as that would amount to pre-judging an application. It is therefore not necessary for the Committee to reach an agreed position. Instead, the outcome of the discussion would simply be that the applicant was given an opportunity to listen to the issues raised by Members. If a minute of the discussion was desired, this could take the form of a short note of the issues discussed, and would not record any opinion about the proposal.

- 4.6** Officers have reviewed the procedures adopted by a number of other authorities, which has revealed that a number of different approaches are taken. For example, Edinburgh City Council adopted its own procedures for Councillor involvement in the pre-application stage in 2008. Planning officers prepare interim committee reports on officer's pre-application discussions for that authority's Development Management Sub-Committee. A presentation by officers highlights key issues and members are invited to comment on these and any other issues which could be taken into account in the finalisation of proposals by the developer. That is a relatively formal procedure, and other Scottish Planning authorities have much more informal arrangements. Based on a review of other authorities' practices, four alternative approaches to pre-application consultation with elected members are suggested:

#### **Option 1: Interim Committee Reports**

Interim reports are prepared by Planning officials, highlighting the key issues, and these are considered as part of the Planning Committee's agenda. Members are invited to comment on these issues and to raise any other matters which could be taken into account by the developer in the finalisation of their proposals. The main advantage of this approach is

that committee reports are public documents and could be used to keep all interested Councillors and other parties informed. However this formal procedure may stifle discussion, or give rise to an inaccurate perception by third parties that the development proposals are in a final form. There is also no opportunity for the developer to make a direct presentation of their draft proposals.

### **Option 2: Developer Presentations to Committee**

The developer is invited to make a short presentation of their draft proposals as part of the agenda of Planning Committee. No written reports would be prepared. This approach allows the Planning Committee members and other parties to hear directly from the developer in an open public meeting, but there is no opportunity to hear from officers or third parties, which risks the presentation being (or being perceived as) one-sided or incomplete.

### **Option 3: Informal Briefing of Members in Private**

Officer's brief elected members (either Planning Committee members or any interested members) in a closed meeting. No written report is prepared and the developer is not present, but officers note members' comments and convey these to the applicant (this document may be public). This approach allows Members to discuss issues arising from the emerging proposals informally and may allow for frank discussion of contentious issues. However this approach has reduced transparency for other parties with possible perceptions of pre-determination by members or undue influence by the opinions of officers. The developer is not only unable to make a presentation to members, but is also not able to attend the meeting to hear directly what elected members have to say.

### **Option 4: Briefing of Main Issues and Presentation to Committee**

This approach is a hybrid of the preceding three options. A briefing note is prepared by officers detailing the main issues of the proposal together with relevant development plan policies. This is a public document but is not as formal as an interim committee report and would be less likely to give the impression that the development was in its final form. The developer would be invited to make a short presentation of draft proposals. The meeting would be open to the public. This allows Members to hear directly from the developer, but with some guidance by officers and an open discussion of the key issues. Ward members would also be invited to attend. The discussion, the briefing paper and a summary of issues discussed would be made available to the public.

- 4.7** The fourth option is considered the most appropriate way to secure the engagement of members at the pre application stage, as it combines most of the benefits of the other three options with regard to providing details regarding the proposals in a more informal format but allowing developers

to present their proposals to the Planning Committee. This approach is considered to allow a consistent and transparent procedure for involving members of Planning Committee at pre-application stages of major development proposals, without compromising on issues of probity, openness and accountability.

- 4.8** It is envisaged that this procedure would occur following the close of the Planning Committee and the written briefing would be circulated in advance of the meeting. A third protocol would be drafted addressing elected members involvement at the pre-application stage which would be read in conjunction with the protocols for pre-application advice and liaison meetings. This new procedure would not relate to proposals where an application has been formally submitted as any presentations would take place at the Planning Committee meeting before the determination of the application.

## **5. People Implications**

- 5.1** There are no people implications apart from planning officer time preparing these briefings

## **6. Financial Implications**

- 6.1** There are no financial implications.

## **7. Risk Analysis**

- 7.1** There are no risks for the Council provided that all members taking part are aware of the purpose of the pre-application discussions.

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

- 8.1** No issues were identified in relation to the equality impact of this report.

## **9. Consultation**

- 9.1** The Chair and Vice Chair and Legal Services have been consulted on this report.

## **10. Strategic Assessment**

- 10.1** This measure accords with the main strategic priorities of the Council as good pre application advice will allow developers to progress their development proposals and help to facilitate early development on the ground. It will instil confidence in developers and encourage them to invest in the West Dunbartonshire area.

Pamela Clifford

**Elaine Melrose**  
**Executive Director of Housing,**  
**Environmental and Economic Development**  
**Date: 22 October 2012**

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**Person to Contact:** Pamela Clifford, Planning and Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Clydebank G81 1TG  
Tel: 01389 738656  
Email: [pamela.clifford@west-dunbarton.gov.uk](mailto:pamela.clifford@west-dunbarton.gov.uk)

**Appendices:** Developers Protocol: Pre-application advice and Liaison meetings

**Background Papers:** Edinburgh City Council: Councillor Involvement in the pre-application stages Planning Committee 2008

Planning Officers Society Practice Guidance Note 3  
Councillor Involvement in pre application discussions

Planning Advisory Service "Positive Engagement-a guide for planning councillors "

The Councillor Code of Conduct Standards  
Commission Scotland

**Wards Affected:** All



## **West Dunbartonshire Council**

### **Planning Procedures for Councillor Involvement in the Pre-application Stage**

1. A pre-application meeting will take place either at the conclusion of the Planning Committee or a Special Meeting will be set up.
2. A briefing note will be produced by planning officers. This will detail the main issues of the proposal together with the relevant development plan policies. No recommendation will be provided.
3. The developer will be offered the opportunity to make a short presentation. This allows members to hear directly from the developer and discuss issues with guidance from officers.
4. The briefing note will be circulated at least 3 working days before the relevant meeting.
5. Members will be advised by the Planning and Building Standards Manager or their representative of the purpose of the meeting and that no decision is sought and no matters should be determined.
6. The meeting will be chaired by the Planning and Building Standards Manager or their representative.
7. The meeting will be open to the public. However members of the public will not be able to make representations or participate. They will be advised that after an application has been submitted they will be entitled to make representations.
8. All Councillors will be invited to attend and they will be able to participate in the meeting.
9. Councillors should have regard to the Councillors Code of Conduct that they can provide a provisional view however any opinions or views expressed must be mindful of the overarching requirements of fairness and impartiality and of keeping an open mind.

10. Councillor should have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.
11. The minutes of the meeting will be recorded and will be available publicly.

## **PROTOCOL 3 - ELECTED MEMBER INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS**

### **Background**

West Dunbartonshire Council is committed to engaging with developers at the pre-application stage. This Council has agreed procedures for elected member involvement in the pre-application stages of major development proposals. Recently, the Scottish Government has issued guidance on the role of Councillors in pre-application discussions. Councillors are encouraged to engage at the pre-application stage and to add value to the process while continuing to act within the terms of the Councillors Code of Conduct.

### **Purpose**

To engage Councillors at the pre-application stage on major and complex developments that are key to the Council's strategic priorities and objectives. Appropriate local development may also benefit from this process.

### **Role**

To allow early engagement with elected members to identify key and significant local issues at an early stage of the planning process rather than only emerging in the course of a planning application.

### **Function**

To achieve high quality development as efficiently and effectively as possible by engaging elected members at an early stage.

- To better inform Councillors of development that would be subsequently presented to Planning Committee;
- To give a degree of certainty and confidence to developers by identifying key and local issues earlier;
- To reduce abortive costs by failed applications or redesign work;
- To assist officers to negotiate on key issues;
- To foster greater efficiency in the processing of the subsequent application.

**What you can expect of us:**

- Offered for all major or complex development or other local development which we would consider would benefit from early input from elected members;
- Consistent and transparent procedure for involving all elected members;
- Ensuring that pre-application meeting is arranged for the earliest date at the end of a Planning Committee meeting or a Special Meeting held;
- Briefing note prepared by officers of the main issues and development policies and circulated before the meeting;
- Invitation to all elected members to the presentation;
- Opportunity to hear from the elected members directly;
- Clearly identified on the agenda of Planning Committee or Special Meeting as different from other items;
- Elected members being open-minded to all material considerations and are prepared to change their views if persuaded they should;
- Meeting will be minuted and will be available publicly;
- Advised of all the relevant procedures. With procedures regularly reviewed to ensure openness and accountability.

**What we expect of you:**

- Openness and transparency regarding your development proposal;
- Commitment to provide as much information at this early stage;
- Opportunity to make a short presentation of draft proposals;
- Commitment to give weight and consideration to issues raised by elected members.

**Contact**

If you require more information about this service please contact:

Pamela Clifford  
Planning and Building Standards Manager  
Council Offices  
Rosebery Place  
Clydebank  
G81 1TG  
Tel no: 01389 73 8656  
Email: [pamela.clifford@west-dunbarton.gov.uk](mailto:pamela.clifford@west-dunbarton.gov.uk)