

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 28 August 2019 at 10.10 a.m.

Present: Bailie Denis Agnew and Councillors Karen Conaghan, Ian Dickson*, Diane Docherty, Marie McNair* and Lawrence O'Neill*.

* Arrived later in the meeting.

Attending: Peter Hissett, Strategic Lead – Regulatory; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Anthony McGuiness, Team Leader – Forward Planning; Erin Goldie, Team Leader – Development Management; Ross Lee, Lead Planning Officer; James Hall, Policy Planning Officer; Ashley Mullen, Place and Design Officer; John Walker, Assistant Engineering Officer (Roads); Nigel Ettles, Section Head – Litigation and Craig Stewart, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey, Jim Finn and Douglas McAllister.

Councillor Diane Docherty in the Chair

DECLARATIONS OF INTEREST

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

ADJOURNMENT

After hearing Councillor Docherty, Chair, it was agreed that the meeting be adjourned until such time as the Tendering Committee, which was currently taking place, concluded in order that those Members of the Planning Committee, who were also Members of the Tendering Committee, could attend the Planning Committee meeting.

Councillors Dickson, McNair and O'Neill entered the meeting at 10.12 a.m. at which time the meeting resumed.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 26 June 2019 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATIONS

Reports were submitted by Strategic Lead – Regulatory in respect of the following planning applications:-

- (a) DC19/054 – Erection of residential development comprising 22 units with associated landscaping, parking and ancillary works at Creveul Court, Alexandria by West Dunbartonshire Council.**

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was then heard in further explanation of the report.

Councillor Docherty, Chair, invited objectors Ms Moira Nicholas; Mr Kevin Mason, on behalf of the Leamy Foundation; and Ms Angela Plews, on behalf of Central Alexandria TRA to address the Committee. All were heard in respect of their representations and in answer to Members' questions.

The Chair then invited Mr Matt McPhee, of Anderson Bell Christie, on behalf of the applicant to address the Committee. Mr McPhee was heard in support of the application and in answer to Members' questions.

After consideration and having heard the Planning, Building Standards and Environmental Health Manager and the Assistant Engineering Officer (Roads) in answer to Members' questions, Councillor O'Neill, seconded by Councillor Docherty, moved:-

That Committee agrees to continue consideration of this item to a future meeting of the Committee, in order to enable officers to have further discussion with regard to replacing the amenity that would be lost to the community, if the proposal was agreed.

As an amendment, Bailie Agnew, seconded by Councillor Conaghan, moved:-

That the Committee agrees to grant planning permission subject to the conditions set out in Section 9 of the report, and subject also to consideration being given to the planting of mature and/or semi-mature trees at the development site.

On a vote being taken, 2 Members voted for the amendment and 4 Members voted for the motion, which was accordingly declared carried.

DECLARATION OF INTEREST

Councillor O'Neill intimated that as Convener of Clydeplan he was declaring an interest in the following item but he would take part in the discussion and decision.

- (b) DC19/046 – Erection of fabrication building, yard area and ancillary office building with access road, parking, gatehouse and associated infrastructure at site at former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group Properties Limited**

The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report.

After discussion and having heard the Team Leader – Development Management in further explanation of the report, and representatives for the applicant in answer to Members' questions, the Committee agreed to grant full planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto.

RECEIPT OF APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR PETROL FILLING STATION, A JET WASH FACILITY AND ALTERATIONS TO THE CAR PARK AT LIVINGSTONE STREET, CLYDEBANK (DC18/209)

A report was submitted by Strategic Lead – Regulatory informing of the receipt of a planning appeal.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to a Member's questions, the Committee agreed:-

- (1) to note that the Reporter appointed by Scottish Ministers had confirmed that the appeal would be dealt with by way of a half day hearing; and
- (2) otherwise to note the contents of the report.

Note: Councillor McNair left the meeting during consideration of the above item.

ANNUAL REVIEW OF QUARRIES AND LANDFILL SITES

A report was submitted by the Strategic Lead – Regulatory providing an update on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area along with the status of the relevant restoration bonds which apply to three of the sites.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Lead Planning Officer in further explanation and in answer to Members' questions, the Committee agreed to note the progress of the quarry and landfill sites, the status of the relevant restoration bonds and that a further update would be provided to the August 2020 meeting of the Planning Committee.

PROPOSED DUMBARTON TOWN CENTRE CONSERVATION AREA

A report was submitted by the Strategic Lead – Regulatory seeking approval of the final boundaries for the proposed Dumbarton Town Centre Conservation Area, and authority to submit the Conservation Area to Scottish Ministers for designation.

After discussion and having heard the Policy Planning Officer and the Team Leader – Forward Planning in elaboration and in answer to Members' questions, the Committee agreed:-

- (1) to approve the following revisions to the proposed Dumbarton Town Centre Conservation Area boundaries, as shown in Appendix 1 to the report:-
 - Removal of the majority of the Artizan Centre except for the units facing onto the High Street and removal of the Lennox Evangelical Church on Risk Street (Map Reference A);
 - Removal of properties on the High Street north of the Bridge Street junction (B);
 - Inclusion of the full extent of Dumbarton Central Station, together with embankment walls and underpasses, from the Bankend Road bridge in the west to the former goods yard east of Church Street (C);
 - Inclusion of a triangle of land on Meadowbank Street (D);
 - Regularising the boundary in the south east to follow existing boundaries and features on the ground, including the 16 Church Street car park boundary walls and retained historic rails inset on Castle Street/Glasgow Road (E); and
 - Removal of the modern pumping station on Riverside Lane and parts of the new residential development site on Castle Street (F);

- (2) to approve the revised boundary shown in Appendix 2 to the report to be submitted to Scottish Ministers for designation as a Conservation Area for Dumbarton Town Centre; and
- (3) to approve the commissioning and preparation of a full Conservation Area Appraisal for the new conservation area.

PLACE AND DESIGN PANEL

A report was submitted by the Strategic Lead – Regulatory providing an update of the work of the Place and Design Panel and to advise of the future work of the Panel.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Place and Design Officer in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the progress and achievements of the Place and Design Panel as described in this report;
- (2) that the Place and Design Panel should continue after the current funding period from 2020/21 onwards and to note that officers would submit this as a growth item for Members' consideration in setting the 2020/21 budget; and
- (3) the amendments to the Place and Design Panel Terms of Reference and Governance document contained in Appendix 1 to the report.

The meeting closed at 12.35 p.m.

DC19/046 – Erection of fabrication building, yard area and ancillary office building with access road, parking, gatehouse and associated infrastructure at site at former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group Properties Limited.

GRANT full planning permission subject to the following conditions:-

1. The main Marine Fabrication Hall Building proposed as part of this development alongside the associated adjoining ancillary extension shall be completed in accordance with approved plan 'Amended Elevations as Proposed (Drawing No. 402 REV E)' and comprise of the following external finishing materials, unless otherwise agreed in writing by the Planning Authority:
 - Kingspan KS1000RW composite insulated cladding (Colour: Black RAL 9005).
 - Everlite Danpalon Multicell polycarbonate translucent cladding panels (Colour: Sunflower Yellow BS 10 E55).
 - Cast stone masonry (Colour Steel grey with matching mortar).
 - Everlite Danpalon Multicell polycarbonate translucent panels (Colour: Clear with opaque film to rear face).
2. No development (other than investigative works) shall commence on site until such a time as an assessment of the risks from contamination to all new receptors such as people and buildings that this development will introduce has been undertaken. If the risk assessment identifies any unacceptable risks, a remediation strategy/plan will be submitted to and approved in writing by the Planning Authority prior to development works commencing on site. The report (if required) shall be prepared by a suitably qualified person and the works thereafter will be carried out in full accordance with the remediation strategy/ plan.
3. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Planning Authority in accordance with the requirements of associated planning permission DC18/0245. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for its intended use and purpose.

4. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on site. Upon completion of the remediation works, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
5. Prior to the occupation of the main Marine Fabrication Hall Building associated with the development, a Remediation Statement, as defined in Section 78H (7) of Part IIA of the Environmental Protection Act 1990, in relation to approved associated planning permission DC18/245 shall be submitted and approved by the Planning Authority. This statement will detail the remediation actions that are being, have been, or are expected to be, carried out and fulfilled across the entire site as well as the time periods within which these actions are being/will be done.
6. If the remediation plan requires it, then a monitoring and maintenance scheme (including the monitoring of the long term effectiveness of the proposed remediation) shall be submitted to and approved in writing by the Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.
7. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to the re-commencement of works in the affected area. The approved details shall be implemented as approved.
8. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

9. No works shall commence on the area identified for the Flood Compensatory Storage Area (as set out within Figure 6.2 of the approved Flood Risk Assessment (Stage 3, March 2019)) until such time as a report detailing the nature and extent of any contamination on this area of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
 - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site).
 - b) An assessment of the potential risks to groundwater and surface waters.
 - c) If the risk assessment identifies any unacceptable risks, a further remediation strategy/plan will be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.
10. No development shall commence on site until such time as an updated noise/vibration impact assessment has been submitted to and approved in writing by the Planning Authority. This assessment shall include an assessment of the potential for the proposed use to cause noise/vibration nuisance affecting nearby properties. Where potential disturbance is identified, proposals for the attenuation of that noise/vibration shall be submitted to and approved in writing by the Planning Authority. Any such approved attenuation scheme shall be implemented prior to the works commencing and shall thereafter be retained in accordance with the approved scheme. Should the approved attenuation scheme impose restrictions upon the way in which operations on the site are carried out, the site shall be operated in this manner unless otherwise approved in writing by the Planning Authority. The assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.
11. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.

12. During the period of construction, all works and ancillary operations (including piling) which are audible at the site boundary (or at such other place (s) as may first be agreed in writing by the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
 - Monday to Fridays: 08.00-18.00
 - Saturdays: 08.00-13.00
 - Sundays and public holidays: No working
13. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibrations in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
14. Prior the commencement of development on site, an external lighting scheme and strategy shall be submitted for the written approval of the Planning Authority. The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall demonstrate the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle or distract drivers on nearby road networks. The lighting scheme shall be implemented as approved and it shall remain in force for the life of the development unless otherwise agreed in writing by the Planning Authority.
15. Prior to the commencement of development on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Planning Authority. The scheme shall identify the 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 agreed in writing by the Planning Authority.
16. Prior to the commencement of development on site, an updated air quality impact assessment shall be submitted to and approved in writing by the Planning Authority. This assessment shall be in accordance with the Environmental Protection UK guidance document 'Development Control: Planning for Air Quality 2017'. The approved assessment and the associated findings shall thereafter be implemented fully prior to the development commencing on site or within a timescale agreed by the Planning Authority.

17. Prior to the commencement of development on site, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority. The details approved shall thereafter be installed prior to the development being operational and shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
18. Prior to the commencement of development on site, details of the flue and extraction system for the development shall be submitted to and approved in writing by the Planning Authority. The submitted information shall include details of the noise output and the filter arrangements for the systems. The approved flue/extraction system shall be implemented prior to the use and development being operational and shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
19. Prior to the commencement of any construction works on site associated with the main Marine Fabrication Hall Building as part of this development, land raising of the site shall be provided to a minimum of 5.27m AOD in accordance with the details set out in Section 5.2.5 of the approved Flood Risk Assessment (Stage 3: March 2019) to provide a development ground level which offers a freeboard and a safe pedestrian access/egress within the site and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.
20. Prior to the commencement of any construction works on site associated with the main Marine Fabrication Hall Building as part of this development, the Compensatory Storage Scheme as detailed in Section 8.8.11 and Table 19.1 (Summary of Proposed Mitigation Measures) of the approved Environmental Impact Assessment Report (Volume 1, March 2019) shall be implemented in accordance with these details in the area and location identified on Figure 6.2 of the approved Flood Risk Assessment (Stage 3: March 2019). Once installed, the compensatory storage area shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
21. The development shall connect to the public sewer when future phases of the development have been approved and, prior to their occupation; the temporary private sewerage system shall be thereafter disconnected and removed from the site.

22. Prior to the commencement of development on site, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority. The details shall comply with Advice Note 3 and Note 8 'Potential Bird Hazards from Amenity Landscaping' and 'Building Design'. The submitted plan shall include details of:

- Full details of soft and water landscaping including details of the location and design of the Sustainable Urban Drainage System (SUDS), the Flood and Compensatory Storage Areas as well as the species, number and spacing of trees and planting within the site.
- Management of building including details for the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds.

The Bird Hazard Management Plan shall be implemented as approved at a timescale to be agreed with the Planning Authority. It shall remain in force for the life of the development and no subsequent alterations to the plan shall take place unless firstly approved in writing by the Planning Authority in consultation with Glasgow Airport.

23. Prior to the occupation of the main Marine Fabrication Hall Building associated with the development, the developer shall install the necessary infrastructure to enable the development to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
24. Prior to the commencement of development on site, details of location, design and number of electric vehicle charging points/units within the site shall be submitted to and approved in writing by the Planning Authority. The electric charging points/units shall thereafter be installed on site prior to the occupation of the main Marine Fabrication Hall Building and shall be maintained in accordance with the details approved.
25. Notwithstanding the approved plans, four car parking spaces shall be identified, constructed and designed for use by a disabled badge holder only and shall be in place prior the occupation of the main Marine Fabrication Hall Building associated with the development.
26. Prior to the commencement of development on site, details of the location and design of the cycle parking provision within the site shall be provided to and approved in writing by the Planning Authority. The cycle parking provision and arrangements as approved shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with the development and shall be maintained as such unless otherwise agreed in writing by the Planning Authority.
27. Prior to the commencement of development on site, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The CTMP submitted shall take account of

all vehicular activity and movements associated with the importation of materials for the land raising and profiling of the site as outlined in condition 20 above. The approved CTMP shall be implemented and thereafter maintained for the duration of construction and shall apply to all vehicular traffic associated to the development.

28. Unless otherwise agreed in writing, no development shall commence on site until a Travel Plan including details promoting sustainable travel information to be provided to the staff and employees of the business associated marine fabrication complex and elsewhere within the site is submitted for the written approval of the Planning Authority. The Travel Plan shall include details of all of the measures and proposals as set out within Sections 7.1, 7.2, 7.3 of the Approved 'Transport Assessment (PBA and Stantec, March 2019) and shall also comply with Planning Advice Note 75 (PAN75). The approved Travel Plan shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with the development and maintained as such unless otherwise agreed in writing by the Planning Authority.
29. Prior to the commencement of development on site, full details and specifications of the upgrades proposed to the existing track/access road located along the north east and eastern perimeter of the application site shall be submitted to and approved in writing by the Planning Authority. This shall include details of both re-surfacing materials and the re-alignment arrangements to the road. The approved upgrades and roads details shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with this development and shall be maintained as such unless otherwise agreed in writing by the Planning Authority.
30. Prior to the commencement of development on site, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the details of all measures as set out within Point 20 of the Schedule of Mitigation provided in Table 19.2 of the approved Environmental Impact Assessment Report (March 2019). The approved CEMP shall be implemented on site for the duration of all construction period of the development and will be remain in place until the entire construction period/phase of the development has been completed.
31. No works, between the months of September to March inclusive, shall commence until a screening barrier has been installed along the southern boundary of the water/foreshore edge boundary of the works area, to provide screening against visual and noise disturbance of the designated Inner Clyde Special Protection Area (SPA). Details of the proposed screen barrier including its location, extent, design and height shall be submitted to, and approved in writing by, the Planning Authority and implemented as approved. These details shall be combined with confirmation of the retention of as well of any additional appropriate reinforcement planting for the existing tree belt situated along the western and northern perimeters of the site boundary as part of this screening.

32. Further to condition 31 above, no additional or reinforcement planting shall be proposed or undertaken to the section of tree belt located within the area designated as part of the Inner Clyde Special Protection Area (SPA) as identified and designated on approved plan 'Amended Phase 1 Proposed Site Layout (Drawing No. 111 Rev I)'.
33. No works, between the months of September to March inclusive, including access for plant or machinery shall be taken through or within the designated Inner Clyde Special Protection Area (SPA).
34. No lighting, between the months of September to March inclusive, in excess of '1 Lux' shall illuminate areas of the inter-tidal habitat or the Inner Clyde Special Protection Area (SPA). All lighting within the site shall adhere to the recommendations of the approved Environmental Impact Assessment Report (Volume 1, March 2019) and the approved Appendix 9.3 of the Environmental Impact Assessment: 'Lighting Design Brief Note'.
35. No development shall commence on site until an independent Ecological Clerk of Works (ECoW) or on-site Ecologist (with ornithological experience) has been appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Natura site. The Planning Authority shall be notified in writing once this person has been appointed. The Ecological Clerk of Works shall remain in place until all works associated with the construction of the development have been completed on site.
36. Further to condition 35, prior to appointing the ECoW in accordance, a 'scope of works' for that person shall be submitted to and approved in writing by, the Planning Authority. As a minimum, the ECoW shall:
- Be kept adequately informed of all construction scheduling proposals for the lifetime of the construction build of the development.
 - Have the capacity to halt/postpone any construction works taking place during the sensitive over-wintering months (i.e. from September to March inclusive) until such time as they believe the operations concerned will not result in any redshank (or any other notified bird species) being displaced from feeding or roosting within the identified Inner Clyde Special Protection Area or within the designated Site of Special Scientific Interest (SSSI).
37. Any clearance of ground vegetation, prior to the main remediation works being undertaken, shall be carried out by hand during the winter months. The vegetation clearance shall be overseen by the Ecological Clerk of Works with a view to retaining as much vegetation on site as possible while still facilitating the construction works – particularly where such retained vegetation can retain and enhance the screening of the development from the Inner Clyde Special Protection Area.

38. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of the main Fabrication Hall Building associated with the development.
39. Prior to the commencement of development on site, full details of the design and location of all walls and fences to be erected on site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of the main Fabrication Hall Building associated with the development.
40. Prior to the commencement of development on site, a detailed landscape scheme shall be submitted to and approved in writing by the Planning Authority. These details shall include a full planting schedule and maintenance arrangements. Once approved, this shall be implemented no later than the next appropriate planting season after occupation of the development. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details unless otherwise agreed in writing by the Planning Authority.