

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

**Planning Committee: 30 April 2014
(consideration deferred to 28 May 2014)**

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 Limited

Progress on site

1. REASON FOR REPORT

- 1.1** The application is for a proposal defined as “Major Development”, 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** planning permission subject to conditions set out in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to part of the “Queens Quay” development site on Clydebank riverfront, which was formerly the John Brown shipbuilding yard and which extends in total to some 33 hectares. The easternmost corner of the site has been partially developed as a business park and the new Clydebank College, but apart from the Titan Crane visitor attraction the remainder of the former shipyard site is vacant land. The site occupies the north bank of the River Clyde to the south of Clydebank Town Centre. It is bounded to the south by the river, and to the north by Glasgow Road and by the backs of tenement properties on Dumbarton Road. There are residential flats and Clydebank College off Cart Street to the east, and vacant and industrial land at Cable Depot Road to the west.
- 3.2** The whole of the Queens Quay site has planning permission in principle for a predominantly residential mixed-use development, which was originally granted in 2005 and was renewed in 2011 (decision DC10/084). However, development of the site has been delayed because of the recession and has not progressed to a detailed planning permission. The current permission in principle is due to expire in July 2014, but it is anticipated that a further application to continue the permission will be submitted prior to that date.
- 3.3** One of the conditions of the planning permission in principle requires that the minimum ground level throughout the site shall be at least 5.6m Above

Ordnance Datum. Much of the site was historically below that level, and due to the very large area of the site the amount of infill material required in order to satisfy that planning condition was very substantial. Whilst some material was available on the site as a result of the demolition of the former buildings, the vast majority of this material required to be brought onto the site. To this end, the site owners began to import demolition rubble to the site in 2008 and stockpile it for future use. Once it became clear that redevelopment of the site was not likely to commence imminently, a planning permission was submitted for the temporary use of the site for the processing of construction and demolition waste and the stockpiling of processed material for use in landraising on the site. That permission (DC10/246) was granted in January 2011 for a temporary period of three years. The current application seeks to extend this permission for a further period.

- 3.4** The material which is brought onto the site comprises inert demolition rubble and soil from construction sites. Demolition material requires to be sorted on the site in order to remove any recyclable material and any waste which is unsuitable for use as infill (such as wood, steel reinforcement bars etc.). The remaining clean infill material (about 90% of what is brought onto the site) is then crushed to make it suitable for use and stockpiled until it is ready to be spread on the site and levelled off. The material is brought to the site in tipper lorries, which access the site via Cart Street and a hardcore road across the site to a fence compound where the material is processed. The plant used on the site comprises a stone crushing machine and diggers which move the materials about. The level of activity on the site is not constant as it is dependent upon the availability of construction waste from development sites in the Glasgow area.
- 3.5** At the time of the previous application, the applicant estimated that around 250,000 tonnes of material would be required to raise the level of the site to 5.6m AOD, and that approximately 60,000 tonnes of this had already been brought onto the site. # At present, the applicant has indicated that the level of materials within the site is just below 80,000 tonnes of material, so the amount of material which has been brought onto the site over the last three years has been relatively small and the total amount brought onto the site is still less than a third of what is required. At the time of the earlier application the applicant had indicated that it would not be possible to import the required quantity of material in only three years, and had requested a longer consent, but the Council considered it expedient to maintain control of the use by limiting the permission to three years. The applicant has now indicated that they have had only a limited number of contracts to receive construction waste over this period (with development activity having been suppressed by the economic situation), but that they have now secured several major contracts which should significantly increase the amount of material available for use on site over the next few years.

4. CONSULTATIONS

- 4.1** SEPA has no objection to the proposal, and has advised that they are satisfied with the environmental information submitted by the applicant. They

have also advised that the applicant has applied for an extension to their waste management license for the site, but that this will not be determined until the outcome of the planning application is known.

- 4.2 Scottish Natural Heritage (SNH) has no objection to the proposal as they consider that the proposal would not adversely affect the integrity of the adjacent nature conservation designations (SSSI and SPA).
- 4.3 West Dunbartonshire Council Environmental Health Service has no objection subject to the maintenance of previous conditions relating to the contaminated land, dust, control, noise and air quality.
- 4.4 West Dunbartonshire Council Road Service has no objection, subject to the continuation of measures to ensure that lorries exiting the site do not drag dirt onto the public road.
- 4.5 BAA Airports, Historic Scotland and Scottish Water have no objections to the proposal

5. REPRESENTATIONS

- 5.1 One representation has been received from a neighbouring resident, who has not indicated an objection to the proposal but has questioned whether the material being stockpiled on parts of the site is actually going to be used in landraising, whether it is suitable for such use, whether any of the material is contaminated, and whether the site has appropriate licenses and certificates for handling waste material.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1 Glasgow and the Clyde Valley Joint Strategic Development Plan 2012
Diagram 3 of the Plan sets out the Spatial Development Strategy, which identifies the Clyde Waterfront as a core location for sustainable development. The uses which would be in line with the strategy for Clyde Waterfront are economic activity, housing, tourism, fixed and green transport. In terms of the sustainable location assessment required by Diagram 4 of the Plan, the redevelopment of the Queens Quay site would contribute positively to the Spatial Development Strategy by re-using brownfield land. The redevelopment of the Queens Quay site in line with its existing planning permission in principle would therefore be in accordance with the Sustainable Location Assessment and with all other relevant policies of the SDP. The current application, whilst involving a temporary use of the site, would contribute towards the redevelopment of Queens Quay by providing material to raise the site to the levels required by the planning permission. The application is therefore considered to be in accordance with SDP policy.
- 6.2 West Dunbartonshire Local Plan 2010
The Queens Quay site is allocated for mixed residential and retail uses, being listed in Schedules H2, H4 and RET4 as having an indicative capacity of 1,088 mixed tenure dwellings and 3000m² of retail floor space. The

corresponding policies H2, H4 and RET4 indicate that sites so allocated comprise the main opportunities for housing and retail development within the plan area. Policy UR1 indicates that the Council will promote the re-use of vacant land in order to stimulate urban renewal and to thereby enhance the plan area as a place to live, work and visit. These policies all offer strong policy support for the regeneration of the site.

- 6.3** Policy PS4 sets out criteria for the assessment of new waste management facilities, and indicates that these should:
- accord with the objectives of the Zero Waste Plan (which replaces the National Waste Plan and Area Waste Plan) and the National Waste Strategy.
 - be justified against a locational need identified in the Area Waste Plan;
 - be located within or immediately adjacent to existing waste management facilities, industrial areas or on degraded contaminated or derelict land consistent with the principles of sustainable waste management; and
 - comply with other relevant policies

In this case the proposal involves a waste management facility, but this would be of a temporary nature ancillary to the importation and screening of infill material required for the future development of the site. Therefore, Policy PS4 is not directly applicable, however as there is a specific locational requirement for the infill material to be used on the site for landraising, the provision of the processing area on the site is consistent with the requirements of Policy PS4.

- 6.4** Policy E2A indicates that development which may adversely affect the integrity of an internationally designed nature conservation site (such as the River Clyde) will not be supported. The impact upon nature conservation assets is discussed in Section 7 below, and it is considered that the impact would be acceptable.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 7.1** West Dunbartonshire Local Development Plan, Proposed Plan(LDP)
Queens Quay is designated as one of “Our Changing Places” in the emerging LDP, and it is one of the locations which the Council wants or expects to change significantly over the next 5-10 years. The LDP supports a predominantly housing development on the site, with support for other uses including business, industry, public services, leisure, cafes, hotels, education and retail. The proposal would support the redevelopment of the site by facilitating the necessary landraising, and would accord with the LDP.

- 7.2** Principle of Development
Queens Quay is one of the most important development sites within West Dunbartonshire, the regeneration of which is strongly supported by development plan policies and is a priority for the Council. The redevelopment of the site has been delayed due to the recession, but in the

meantime any works which can be carried out to the site which will contribute towards its future development are to be welcomed. The applicant's construction waste operation does make a significant contribution towards the eventual redevelopment of the site by providing the very large quantity of infill material. If the sourcing of this infill material was left to the future developers of the site, it may be difficult to obtain the required quantity locally in a short period of time, and therefore development of the site may be delayed and more expensive to achieve. Therefore, it is considered the continued operation of the construction waste centre is to be supported, as is the applicant's assurance that the speed of material importation is likely to increase over the next few years.

7.3 Impact on Neighbours

The proposed work is a necessary preliminary phase of the redevelopment of the site, as the importation of material will have to take place at some stage if the site is to be developed. There will be inevitably some degree of localised inconvenience during construction work which must be accepted for a development of this size. In this case, it is considered that the proposal has potential to cause noise and dust but that the level of these would be low and they could adequately be controlled by way of planning conditions. The fact that the material would be delivered gradually over a longer period prolongs the period whereby residents may experience disruption, but it also reduces the level of disruption to them.

7.4

A noise impact assessment was required as a condition of the previous planning permission. Noise is created by the lorries delivering material to the site, the operation of the stone crushing plant, and the movement of material around the site by digger, including noise from reversing safety vehicles. The processing compound is located within the middle of the site around 150 metres away from the nearest homes, and it is not considered that its operation causes significant noise. The main potential for noise and dust from lorries is from empty lorries returning to Cart Street at speed over the access track, but this can be controlled by enforcing appropriate site rules limiting the speed of the vehicles. The stone crushing and the movement of materials around the site have been taking place for over five years, and it is not considered that noise or dust levels have caused any significant nuisance to residents. Most of the residential properties backing onto the site are or will be partially screened from operations either by existing high building walls which were retained when the site was cleared, or by the stockpiled material itself (which acts as a partial noise attenuation buffer against activities taking place on the opposite side). Conditions can also control the area of operation and the operational hours in order to limit the impact upon nearby residential properties.

7.5 Impact on Nature Conservation Assets

The site is adjacent to a section of the River Clyde, which is designated as a Special Protection Area, a RAMSAR site and as a Site of Special Scientific Interest. The principal nature conservation asset with potential to be affected by this proposal is the internationally important overwintering population of redshank, which roosts and feed alongside the Clyde close to the site and

which might be liable to disturbance from noise and activity on the application site. Scottish Natural Heritage has commented that the proposal would not directly affect any redshank habitat, and that whilst there may be some indirect impact due to noise disturbance, the area of the river affected is relatively small and is used by a limited number of birds. Redshank might be displaced a short distance by noise but this would not be a significant impact upon their overall feeding and roosting grounds, and birds may become acclimatised to the disturbance. SNH therefore has no objection to the application.

7.6 Roads Issues

The existing vehicular access to the site by way of Cart Street would be maintained. The applicant indicates that on average there would be about 12-13 return lorry movements daily, but this varies significantly depending upon the availability of material. On some days there is little or no traffic, but on others there may be up to 50 deliveries depending on the contracts the operator has at that particular time. The applicant indicates that 50 lorries would be the maximum number of deliveries which could practically be achieved, but this level of activity is unlikely to occur often. This level of traffic is not likely to give rise to road safety or congestion issues. A wheel washing facility was required by a condition of the previous permission in order to prevent dirt being dragged onto the public road, and this requirement can be carried forward.

7.7 Contaminated Land

Due to the site's heavy industrial past, it was previously subject to contamination. However after the site was cleared some remediation works were undertaken in preparation for the intended residential uses. The existing outline planning permission for development of the site also includes requirements for remediation. It is therefore necessary to ensure that no new contamination takes place, and the material which is being deposited on the site is therefore inert construction waste such as clean soil and rubble. A condition of the previous consent specified that the site could not be used for the depositing of hazardous waste, and the applicant's SEPA site license does not cover such waste. As the main purpose of using this site is to facilitate its future redevelopment, it would not be in the applicant's interest to deposit any contaminated material on the site. Subject to the continuation of the previous restrictions on the materials deposited on the site it is considered that there is no significant risk of the development causing contamination.

8. CONCLUSION

8.1 Securing the regeneration of this important site as a high quality mixed-use development is one of the Council's main planning priorities, and it is important that no development which would hinder that objective is allowed to go ahead. It is unfortunate that the outline permission for mixed housing and commercial development have not yet taken place. However, the construction waste operation is making an important contribution towards preparing the site for redevelopment. The current proposal to renew the permission would continue to allow the infill material which is needed to raise

the site above the flood level to be sourced, prepared and stored on the site ready for use, and would therefore assist in allowing an early start on the redevelopment once the economic situation improves.

- 8.2** It would not be desirable to have the waste processing activity continuing for longer than necessary, or for the amount of material stockpiled on the site to exceed the 250,000 tonnes required for landraising on the site. It is therefore considered that permission should again be granted on a temporary basis, and it is proposed that this be for 3 years.

9. CONDITIONS

- 01. The importation of waste and its processing is approved for a temporary period of three years from the date of this decision, or until such time as the quantity of material permitted by condition 4 has been reached (whichever of these dates is the earliest). At the end of this period, the importation and processing of waste shall be discontinued and the associated plant, haul road and compound shall be removed from the site, unless otherwise approved in writing by the Planning Authority.**
- 02. The material imported onto the site shall comprise inert construction waste such as demolition rubble, rock and soil only. No contaminated, organic or putrescent material shall be brought onto the site.**
- 03. The material stockpiled or deposited on the site shall comprise clean material suitable for use as infill for a residential development site. All other material (i.e. recyclable material or material unsuitable for reuse as infill for such a development) shall be removed from the site on an ongoing basis. The locations where such materials are stored temporarily awaiting removal shall be agreed in writing with the Planning Authority.**
- 04. The quantity of processed material stored or deposited on the site shall not exceed 250,000 tonnes (measured from the commencement of operations in 2008), or the quantity of material needed to raise the whole site to a finished ground level of 5.6 metres AOD (whichever is the lower of these two quantities).**
- 05. The developer shall submit a statement to the Planning Authority once every six months detailing the quantity of material stored on the site at that point for their approval.**
- 06. The delivery and removal of material, the operation of the stone crushing equipment and the movement of material about the site shall take place only between 8am and 6pm Mondays to Fridays, 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays, unless otherwise approved in writing by the Planning Authority.**

07. Operation of the site shall be in accordance with the Noise Impact Assessment and Dust Mitigation Scheme approved in accordance with the conditions of the previous planning permission DC10/246/FUL.
08. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remedial action shall be implemented in a timescale agreed with the Planning Authority.
09. A wheel wash/wheel bath shall be maintained at the site entrance in order to ensure that vehicles leaving this site do not drag mud onto the public road.
10. Full details of any proposed alterations to external illumination and lighting for the site shall be submitted to and approved by the Planning Authority prior to any such lighting being provided. Such details shall include the proposed types of illumination and proposed operating times and dates this would be utilised.

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Date: 14 April 2014

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Appendix: None

Background Papers:

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

Wards affected: Ward 6 (Clydebank Waterfront)