

# Agenda



## Local Review Body

**Date:** Monday, 19 February 2024

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**Time:** 10:00

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**Venue:** Civic Space, Council Offices, 16 Church Street, Dumbarton

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**Contact:** **Nicola Moorcroft, Committee Officer.**  
[Nicola.moorcroft@west-dunbarton.gov.uk](mailto:Nicola.moorcroft@west-dunbarton.gov.uk)  
[committee.admin@west-dunbarton.gov.uk](mailto:committee.admin@west-dunbarton.gov.uk)

Dear Member

Please attend a meeting of the **Local Review Body** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

**PETER HESSET**

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)  
Councillor Gurpreet Singh Johal (Vice Chair)  
Councillor Ian Dickson  
Councillor Daniel Lennie  
Provost Douglas McAllister  
Councillor June McKay  
Councillor Karen Murray Conaghan  
Councillor Chris Pollock  
Councillor Hazel Sorrell  
Councillor Sophie Traynor

All other Councillors for information

Date of issue: 7 February 2024

# LOCAL REVIEW BODY

MONDAY, 19 FEBRUARY 2024

## 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 PROCEDURE 5 - 6**

Submit copy of Procedure to be followed at the meeting.

**4 MINUTES OF PREVIOUS MEETINGS 7 - 16**

Submit for approval as a correct record, the following Minutes of Meetings of the Local Review Body (LRB):-

- (a) 8 November 2023; and
- (b) 29 November 2023

**5 APPLICATION FOR REVIEW 17 - 130**

Submit review papers, for the following planning applications:-

**DC23/037/FUL** – Request planning permission for change of use of the property from Class 1 to sui generis hot food and takeaway at 6C Lomond Drive, Dumbarton G82 3AS by Planning Services UK (c/o Mr P Landa).





## **WEST DUNBARTONSHIRE COUNCIL**

### **LOCAL REVIEW BODY**

#### **PROCEDURE TO BE FOLLOWED AT MEETING**

1. The Chair will introduce himself and the Members of the Review Body.
2. The Planning Adviser will outline the details of the application.
3. The Members of the Local Review Body will then ask any appropriate questions to the officers present, i.e. Planning Adviser of the Local Review Body and Legal Adviser.
4. If the Local Review Body then considers that there is sufficient information from the material before it, including the notice of review, the decision notice, and report of handling, and any further representations from interested parties, it may proceed to determine the review.
5. The Chair and the other Members of the Review Body will consider the information before them in terms of the submission by the applicant, the interested parties including any statutory consultees or other parties who have made representations and the report of handling.
6. If the Local Review Body decides that it requires further information or representations before it can determine the review they should agree what form this information should take, i.e.
  - Site visit
  - Written submissions
  - The holding of one or more hearing sessions
- 6.1 **Written Submissions:** The Local Review Body can request written submissions from the applicant or appointed officer, any other body or person they wish to receive information from. The Local Review Body should decide the matters on which the written submissions should address.
- 6.2 **Hearings:** If the Local Review Body decides that it wishes to hold a hearing in respect of the case, it should determine what matters it would wish to be considered at the hearing. The hearing will comprise of the applicant, any interested party who made representations in relation to specified matters, the appointed officer and any other body or person from whom the Local Review Body wishes to receive further representations or to provide information on specified matters.

- 6.3 Site Inspection: If the Local Review Body decides to hold a site visit, it must decide if the site visit is to be unaccompanied or accompanied by the applicant and any other party the Local Review Body considers should attend.
7. The Local Review Body can also agree to appoint an assessor to advise on specific matters generally of a specialist or technical nature. Where an assessor is appointed, those entitled to a hearing will be advised of the name of the assessor and the matters which they are appointed to advise on. The assessor may make a written report to the review body after the close of the hearing, which will be made publicly available.
8. After the written submissions, hearing or site inspection, the Local Review Body will move to determine the review and will outline their reasons to approve or refuse the review case.

## **LOCAL REVIEW BODY**

At a Meeting of the Local Review Body held in the Brock Meeting Room, Council Offices, 16 Church Street, Dumbarton on Wednesday, 8 November 2023 at 10.00 a.m.

**Present:** Councillors Karen Murray Conaghan, Daniel Lennie, June McKay, Lawrence O'Neill, Hazel Sorrell and Sophie Traynor.

**Attending:** Alan Williamson, Planning Adviser; Matthew Spurway Planning Adviser; Cameron Clow, Planning Adviser; Nigel Ettles, Legal Adviser and Nicola Moorcroft, Committee Officer.

**Also attending:** Mr R Wylde and Mr G Sweeney (Applicant).

**Apologies:** Apologies were intimated on behalf of Provost Douglas McAllister and Councillors Ian Dickson, Gurpreet Singh Johal and Chris Pollock.

**Councillor Lawrence O'Neill 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.

### **PROCEDURE**

A copy of Procedure to be followed at the meeting was submitted and noted.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Local Review Body (LRB), held on 23 August 2023 were submitted and approved as a correct record.

## APPLICATIONS FOR REVIEW

- (a) **DC22/064/FUL** – Installation and erection of an anemometer mast up to 100 metres in height, guyed with a lattice tower. Guy wires to be orientated at 45, 165 and 285 degrees at land at Merkins Farm, Auchincarroch Road, Jamestown, Alexandria - Flat area of rough grazing moorland at an elevation of 268m approximately 3.35km northeast of the settlement of Bonhill and 1.55km east of Pappert Hill.

Review papers were submitted for the above application.

Following discussion and having considered all of the information before it, the LRB agreed that it did not have enough information to make a decision, on this application, at this moment in time. The Local Review Body would request a written submission, from the applicant, regarding questions raised and would reconvene, to consider the response received and the Review of Planning Application Reference DC22/064/FUL.

## ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.16 a.m. with the Elected Members listed in the sederunt present.

- (b) **DC23/015/FUL** – Proposed coach house conversion to form new dwelling house at site at 61 Bonhill Road, Dumbarton, G82 2DR.

Review papers were submitted for the above application.

Following discussion and having considered all of the information before it, the LRB agreed to overturn the determination of the Appointed Officer and that planning permission be granted, subject to conditions as shown in Appendix 1 to these Minutes and subject to a contribution of £1710 towards green network enhancement being secured.

- (c) **DC23/072/FUL** – Change of use of the property from residential to short term let at Flat 1, 14 Cornock Street, Clydebank, G81 3BP.

Review papers were submitted for the above application.

Following discussion and having considered all of the information before it, the LRB agreed to overturn the determination of the Appointed Officer and that planning permission be granted, subject to conditions as shown in Appendix 2 to these Minutes.

The meeting closed at 11.58 a.m.

### **RECONVENED MEETING**

The meeting of the Local Review Body reconvened in the Bridge Meeting Room, 16 Church Street, Dumbarton, on Wednesday 20 December 2023 at 10.00 a.m.

**Present:** Councillors Karen Murray Conaghan, June McKay, Lawrence O'Neill, Hazel Sorrell, and Sophie Traynor.

**Attending:** Alan Williamson, Planning Adviser; Cameron Clow, Planning Adviser; Nigel Ettles, Legal Adviser; and Nicola Moorcroft, Committee Officer.

**Apologies:** Apologies were intimated on behalf of Provost Douglas McAllister and Councillors Ian Dickson, Gurpreet Singh Johal, Chris Pollock and Daniel Lennie.

#### **APPLICATION FOR REVIEW: DC22/064/FUL – INSTALLATION AND ERECTION OF AN ANEMOMETER MAST UP TO 100 METRES IN AT LAND AT MERKINS FARM, AUCHINCARROCH ROAD, JAMESTOWN, ALEXANDRIA**

Review papers and additional information were submitted for the above application.

Mr Clow, Planning Adviser, presented the additional information provided by the applicant.

Members agreed that they now had sufficient information to enable them to determine the review.

Having considered all of the information before it, the LRB agreed to overturn the determination of the Appointed Officer and that planning permission be granted, subject to conditions as shown in Appendix 3 to these Minutes.

Meeting closed at 10.22 a.m.

**DC23/015/FUL – Proposed coach house conversion to form new dwelling house at site at 61 Bonhill Road, Dumbarton, G82 2DR.**

1. Notwithstanding the approved plans, the new driveway and vehicle parking spaces approved as part of this permission shall be created and brought into use prior to works commencing on the conversion of the coach house. Thereafter the driveway and vehicle parking spaces shall remain for the lifetime of the development.

Reason: In order to ensure that there is sufficient vehicle parking space within the site.

2. Prior to occupation, the wall as shown on drawing 2202/1252/02 Rev A proposed Plans and Elevations, which separates the coach house and 61 Bonhill Road shall be constructed. Thereafter the wall shall remain for the lifetime of the development.

Reason: In order to protect amenity for both properties.

**DC23/072/FUL – Change of use of the property from residential to short term let at Flat 1, 14 Cornock Street, Clydebank, G81 3BP.**

1. The check in/out hours and house rules set out in the Welcome Pack hereby approved shall be implemented in full, unless otherwise agreed with the Planning Authority.

Reason: To safeguard residential amenity.

DRAFT

## APPENDIX 3

1. The permission hereby granted shall be valid for a period of 5 years (from the date of the granting of planning permission). On expiry of this period (unless a subsequent application for full planning permission has been granted) the anemometer mast shall be removed from site, the use of the site shall cease and the site shall be restored and reinstated in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months prior to the expiry date of this permission. The scheme shall not be implemented until the Planning Authority has given its written approval and all reinstatement works shall be carried out by the end of the first planting season following the use of the site ceasing unless otherwise approved in writing by the Planning Authority.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the land when the use ceases.

2. No development shall commence until confirmation of the size and weight of vehicles to be used in construction and maintenance, the route for delivery of components and maintenance and number of vehicle movements has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of minimising ground disturbance and protecting sensitive habitats.

3. Notwithstanding the approved documents, the guy wires of the mast shall be marked with bird deflectors as soon as they are erected on site and shall be maintained with bird deflector tags throughout the life of the development.

Reason: In order to limit potential bird and bat strikes on the guy wires.

4. The development hereby approved shall only take place outside the period 15th April to the 31st July inclusive unless otherwise approved in writing by the Planning Authority following the submission of further site specific information/surveys and a detailed mitigation plan that sets out how any bird nest sites discovered will be protected from disturbance.

Reason: To protect birds during the breeding season.

5. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted to and agreed in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.



Reason: order to ensure that the archaeological potential of the site is fully understood and investigated prior to the development being undertaken.

6. Notwithstanding the approved plans, obstacle lights shall be placed on the mast. These obstacle lights shall be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance shall all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes'.

Reason: Permanent illuminated obstacle lights are required on the development to avoid endangering the safe movement of aircraft and the operation of Glasgow Airport.

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## **LOCAL REVIEW BODY**

At a Meeting of the Local Review Body held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 29 November 2023 at 10.00 a.m.

**Present:** Councillors Karen Murray Conaghan, Ian Dickson, Gurpreet Singh Johal, June McKay, Lawrence O'Neill and Chris Pollock,

**Attending:** Alan Williamson, Planning Adviser; Nigel Ettles, Legal Adviser and Nicola Moorcroft, Committee Officer.

**Also attending:** Ms K McCarthy (agent)

**Apologies:** Apologies were intimated on behalf of Provost Douglas McAllister and Councillors Daniel Lennie, Hazel Sorrell and Sophie Traynor.

**Councillor Lawrence O'Neill 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.

### **PROCEDURE**

A copy of Procedure to be followed at the meeting was submitted and noted.

### **APPLICATION FOR REVIEW**

**DC23/055/FUL – Planning permission for change of use of residential flat to short term let at 21F Townend Road, Dumbarton G82 2BA.**

Review papers were submitted for the above application.

Following discussion and having considered all of the information before it, the Local Review Body agreed to overturn the determination of the Appointed Officer and that planning permission be granted, subject to condition as shown in Appendix 1 to these Minutes

The meeting closed at 10.28 a.m.

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**DC23/055/FUL – Planning permission for change of use of residential flat to short term let at 21F Townend Road, Dumbarton G82 2BA.**

Prior to the commencement of development, a Management Plan will be submitted for the written approval of the Planning Authority. Thereafter, the Management Plan will be implemented as approved.

Reason: In the interest of amenity.

DRAFT

**APPLICATION FOR REVIEW:**

**DC23/037/FUL**

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	DC23/037/FUL
Forename	FEREYDUN	Forename	PHILIP
Surname	BAHRAMI	Surname	LANDA
Company Name		Company Name	PLANNING SERVICES UK
Building No./Name	33	Building No./Name	THE CIRCLE
Address Line 1	BEECH ROAD	Address Line 1	WESTERWOOD BUSINESS
Address Line 2		Address Line 2	69-71 ABERDALGIE ROAD
Town/City	LENZIE	Town/City	GLASGOW
Postcode		Postcode	G34 9HJ
Telephone		Telephone	01412666666
Mobile		Mobile	
Fax		Fax	
Email		Email	planning-applications@planning-services.co.
<b>3. Application Details</b>			
Planning authority		WEST DUNBARTONSHIRE COUNCIL	
Planning authority's application reference number		DC23/037/FUL	
Site address			
6C LOMOND DRIVE DUMBARTON G82 3AS			
Description of proposed development			
CHANGE OF USE FROM CLASS 1 TO SUI GENERIS HOT FOOD AND TAKEAWAY			

Date of application	01/03/2023	Date of decision (if any)	13/10/2023
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**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

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#### 4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

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#### 5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

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#### 6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions	<input checked="" type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

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#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Review the refused notice from the council

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.



## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. Acknowledgment Local  
2. Application PDF  
3. Decision Notice  
4. Elevation and Section as Proposed PL-LAY-11  
5. Form Change of Address  
6. Site Plan  
7. Plans  
8. Elevations  
9. Location Plan  
10. Memo EH  
11. Plan as Existing  
12. Planning Statement  
13. Plan as proposed  
14. Plan Elevations and Sections as Existing  
15. Report Handling  
16. Road  
17. Site Plan as existing and proposed  
18. Appeal Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

**Proposal Details**

Proposal Name	100652753
Proposal Description	Appeal for change of use at 6C Lomond Drive
G82 3AS	
Address	6C LOMOND DRIVE, DUMBARTON, G82 3AS
Local Authority	West Dunbartonshire Council
Application Online Reference	100652753-001

**Application Status**

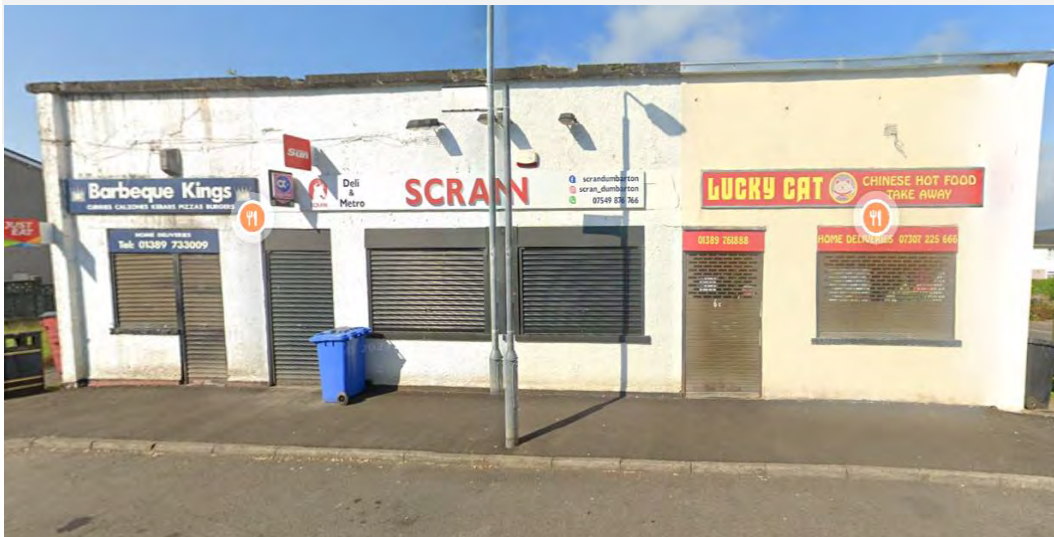
Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

**Attachment Details**

Notice of Review	System	A4
Acknowledgement Local	Attached	A4
Application PDF	Attached	A4
Decision Notice	Attached	A4
PL-LAY-11	Attached	A2
Form Change of Address	Attached	A4
LAY-001	Attached	A3
LAY-002	Attached	A1
LAY-003	Attached	A2
LOC-001	Attached	A4
PL-LOC-01	Attached	A4
Memorandum	Attached	A4
PL-LAY-05	Attached	A2
Planning Statement	Attached	A4
PL-LAY-10	Attached	A2
PL-LAY-06	Attached	A2
Appeal Statement	Attached	A4
PL-LAY-01	Attached	A3
Road	Attached	A4
Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

# APPEAL STATEMENT FOR CHANGE OF USE FROM RETAIL SHOP (CLASS 1A) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND ASSOCIATED WORKS

On behalf of Mr Fereydun Bahrami, at 6C  
Lomond Drive, Dumbarton G82 3AS



## 1.0 BACKGROUND

The application relates to a vacant unit forming one of three commercial buildings in the northern suburb of Bellsmyre, Dumbarton. The unit, found in the middle of the block, was until recently used as a Class 1 A retail shop previously occupied by a convenience store and, more recently, a deli and food shop. The application building faces onto a residential street with limited uncontrolled parking on either side of the road.

Opposite the street, a building of similar proportions currently operates as a convenience store and local supermarket, most recently under the Morrisons Daily branding. Notably, on-street parking bays adjacent to both buildings enhance accessibility and convenience for patrons and visitors.

From a logistical perspective, the street's design is noteworthy. To the south, it extends into a residential cul-de-sac, complete with a roundabout, facilitating efficient and safe vehicular movement by allowing entry and exit in forward gear. This contributes to the smooth and safe traffic flow and enhances the area's safety.

To the north, the street meets a T-junction, opposite which lies a series of semi-detached dwelling houses. This juxtaposition of a commercial hub and residential area offers a unique dynamic, potentially beneficial for businesses seeking high visibility while maintaining a community-centric location.

The property's rear overlooks a grass-covered open space along Bellsmyre Avenue. It should be noted that there are no parking restrictions on Bellsmyre Avenue, Lomond Drive or Carman View.

In conclusion, the property's strategic positioning, the well-designed urban layout, and the balance of commercial and residential elements make it an ideal location for businesses seeking a blend of high visibility, accessibility, and community engagement."



The building has a floor area of approximately 90sqm and extends to a height of approx. 4.7m, same as that of the adjacent two units. The building is of masonry construction with the walls finished externally in white roughcast. Access is via a door on the front elevation; two windows can be found to its right. All of this fenestration features shutters.



Figure 1: Site Location

## 2.0 REASON FOR REFUSAL

Traffic and parking - parking is limited at the location and can be very busy, given the demand generated by the currently operating adjacent uses, particularly during delivery time. Concern is also expressed over emergency vehicle access in the street, which may become potentially obstructed.

Overprovision and clustering - there are already no. five hot food takeaways in the area, with no. two in the units adjacent to the application site.

Waste removal and littering - concern has been expressed over the currently experienced noise levels when refuse is picked up from the neighbouring businesses during anti-social hours by commercial waste companies and littering by those using the existing takeaways.

### RESPONSE

There are **no parking restrictions** in the vicinity of this area, allowing both delivery vehicles and customers the flexibility to park in accordance with their needs (please refer to Appendix 1 for additional details). The concerns about traffic and parking constraints at the location are not valid reasons for refusal; in 2010, the Designing Streets policy emphasised reducing the dominance of motor vehicles. This is a material planning consideration and should have been considered when determining this Planning application.

The National Planning Framework 4 (NPF4) in Scotland includes a policy on "**20-minute neighbourhoods**," which is part of a broader strategy to promote local living and sustainable community development.

## **Policy Framework:**

### **Policy 15:**

Within NPF4, Policy 15 specifically addresses local living and the concept of 20-minute neighbourhoods. It outlines a range of services and amenities that should be considered by development proposals to contribute to this concept.

### **Adoption and Purpose:**

NPF4, including the 20-minute neighbourhoods' policy, was officially adopted and published by the Scottish Ministers in February 2023. The policy aims to create places where people can meet most of their daily needs within a reasonable distance from their homes; this includes Takeaway facilities using sustainable modes of transportation like **walking, cycling, public transport, or mobility scooters**.

### **Integrated Planning Approach:**

It promotes an integrated approach to planning housing and local infrastructure, including schools, community centres, **shops**, and health and social care facilities.

### **Quality of Life and Sustainability:**

The primary aim of the policy is to prioritise quality of life, address inequalities, improve health and well-being, **and respond to the climate emergency by reducing dependency on motor vehicles and promoting sustainable living**.

### **Significance**

The 20-minute neighbourhoods policy in NPF4 represents a significant shift in urban and community planning in Scotland, focusing on creating more sustainable, accessible, and liveable communities. **This approach aligns with global urban planning trends emphasising walkability, local accessibility, and environmental sustainability.**

## **The Case Against Local Planning Authority Interference in Free Market Decisions within Shopping Areas.**

The argument against local planning authority interference in the free market, specifically in restricting the types of establishments that can open in local shopping areas, is rooted in market efficiency and consumer choice principles. Central to this argument is the belief that the free market, when left to its own devices, is the best determinant of which businesses should operate in any given area based on consumer demand and market dynamics.

Firstly, proponents of minimal planning interference assert that the market naturally adapts to consumer needs and preferences. When a planning authority restricts certain establishments, it potentially limits the market's ability to respond to consumer demands. This restriction could lead to a mismatch between what is available and what consumers want or need, resulting in inefficiencies and even economic downturns in local shopping areas.

Secondly, unrestricted market competition fosters innovation and diversity. By allowing various types of businesses to compete, consumers benefit from a wider range of choices, better quality, and potentially lower prices. Restrictions imposed by local planning authorities can stifle this competition and innovation, leading to a homogeneous and possibly less vibrant shopping environment.

Additionally, there's an argument related to the economic principle of supply and demand. In a free market, the types and numbers of establishments in a shopping area would naturally align with consumer demand. Over-supply or under-supply, often a concern for planning authorities, would be self-regulated by market forces. For instance, if there's an oversupply of a particular type of business, market competition would naturally weed out the less successful ones, bringing balance without external intervention.



Furthermore, planning restrictions can lead to unintended negative consequences. For example, overly stringent zoning or business type restrictions can deter new businesses from entering the market, potentially leading to higher vacancy rates and a decline in the overall economic health of the shopping area.

In conclusion, while some level of oversight and planning is necessary to ensure orderly development and adherence to broader community goals, excessive interference in the types of businesses allowed in local shopping areas can be counterproductive. A more market-oriented approach, which respects consumer choice and market forces, might lead to more vibrant, diverse, and economically successful shopping areas.

#### **Noise Levels During Refuse Pickup:**

Advancements in Quiet Collection Technologies significantly reduce noise pollution during waste collection. Modern waste collection vehicles and technologies are designed to operate more quietly, mitigating the disturbance caused during anti-social hours.

If this had been highlighted, we could have implemented a **Scheduled Timing system** to ensure that waste pickup occurs during more sociable hours, thereby reducing noise disturbance to the community.

#### **Littering Concerns from Takeaways:**

##### **Material Planning Considerations:**

The problem of litter management is not a material planning consideration; we were interested in a WordPress page by West Dumbartonshire councillor Martin Rooney, which states.

## **What are the material considerations for planning applications dated 3<sup>rd</sup> March 2021?**

### **Material considerations**

There is no statutory definition of what constitutes a material consideration, but there are two main tests for deciding whether a consideration is material and relevant:

It should serve or be related to the purpose of planning. Therefore, it should be related to the development and use of land and fairly and reasonably relate to the particular application. As litter comes from multiple sources, this cannot be directly attributed to this application and, therefore, cannot be used as a material planning consideration.

### **Precedent**

There is also the Precedent for other takeaway establishments in the area. Were these concerns put to the other retailers, and were environmental services involved?

### **Regulatory Compliance and Monitoring:**

Environmental Regulations will ensure compliance with noise pollution and waste management standards. These can be conditioned into any approval given.

### 3.0 SUMMARY

This appeal challenges the decision to refuse the change of use from Class 1 (Retail) to Sui Generis (Takeaway Establishment), highlighting the inconsistency in the application of planning policies. The presence of multiple takeaway establishments within the same area has already set a precedent, raising questions about the equitable application of planning criteria across similar businesses.

Key points include:

- 1. Precedent of Existing Takeaways:** The area already hosts several takeaway outlets, suggesting a precedent that supports such a use change. This raises questions about the fairness and consistency in the application of planning policies.
- 2. Comparative Analysis of Other Retailers:** There is a need to understand whether the concerns cited in our case were equally applied to other retailers who transitioned to takeaway establishments. This includes examining if similar objections were raised and how they were addressed.
- 3. Involvement of Environmental Services:** Were environmental services in the decision-making process? Were they consulted for other establishments? If so, what role did they play, and how did their input influence previous decisions?

This appeal seeks to question the planning decision made by the delegated officer, we also question were other applications in the area made on a fair, consistent, and transparent basis, aligning with the broader community and commercial interests.

Taking all of the above into account, we are of the opinion that planning should be consented to, and the appeal should be upheld.

**Planning Services UK Teams**  
**Planning Consultant**  
**[Planning-applications@planning-services.co.uk](mailto:Planning-applications@planning-services.co.uk)**

## 4.0 APPENDIX 1



Location: Rear side of Lucky Cat Takeaway



Location: In front of the establishment, specifically at the Morrison location, there are a maximum of 4-6 parking bays available, all of which are not subject to any parking restrictions. Additionally, at the proposed site for Barbeque King and the Lucky Cat, similar to the Morrison location, 4-6 parking bays are provided for convenience. There is no issue with parking space.









The width of the space between the truck and the car (3.7 metres) confidently ensures enough clearance for the unobstructed passage of an ambulance or any other emergency vehicle.







Parking is readily accessible on the street, provided that it does not impede traffic flow or emergency access.







**REVIEW CORRESPONDENCE:**

**DC23/037/FUL**

No review correspondence received

**PLANNING APPLICATION:**

**DC23/037/FUL**



16 Church Street Dumbarton G82 1QL Tel: 0141 951 7930 Email: [development.management@west-dunbarton.gov.uk](mailto:development.management@west-dunbarton.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form;

ONLINE REFERENCE 100619652-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working)
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Planning permission for change of use Class 1 to Sui Generis (hot food takeaway)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	TmC Planning and Property Development Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Barn
Last Name: *	Landa	Building Number:	
Telephone Number: *	01312100400	Address 1 (Street): *	Netherton Farm
Extension Number:		Address 2:	Westcraigs Road, Harthill
Mobile Number:		Town/City: *	Shotts
Fax Number:		Country: *	Scotland
		Postcode: *	ML7 5TT
Email Address: *	planning-applications@tmcpplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Fereydun	Building Number:	33
Last Name: *	Bahrami	Address 1 (Street): *	Beech Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Lenzie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G66 4HL
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

West Dunbartonshire Council

Full postal address of the site (including postcode where available):

Address 1:

6 LOMOND DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DUMBARTON

Post Code:

G82 3AS

Please identify/describe the location of the site or sites

Northing

676599

Easting

240567

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

40.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Planning permission for change of use Class 1 to Sui Generis (hot food takeaway)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 100px;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 100px;" type="text" value="0"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:-  Please include details of SUDS arrangements on your plans  Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, using a private water supply <input type="checkbox"/> No connection required  If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know	
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.	
Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know	
<h2 style="margin: 0;">Trees</h2>	
Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



If Yes or No, please provide further details: \* (Max 500 characters)

already provided on the site before

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Philip Landa

On behalf of: Mr Fereydun Bahrami

Date: 01/03/2023

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: \* (Max 500 characters)

N/A

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

N/A

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Thomas Cochrane

Declaration Date: 01/03/2023

## Payment Details

Pay Direct

Created: 01/03/2023 13:03

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

**Please refer to the accompanying Guidance Notes when completing this application**  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS**  
**ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="MR"/>	Ref No.	<input type="text" value="DC 23/037/FUL"/>
Forename	<input type="text" value="FEREYDUN"/>	Forename	<input type="text" value="PHILIP"/>
Surname	<input type="text" value="BAHRAMI"/>	Surname	<input type="text" value="LANDA"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="TMC PLANNING AND DP LTD"/>
Building No./Name	<input type="text" value="33"/>	Building No./Name	<input type="text" value="48 CLYDE OFFICES"/>
Address Line 1	<input type="text" value="BEECH ROAD"/>	Address Line 1	<input type="text" value="2ND FLOOR"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text" value="WEST GEORGE STREET"/>
Town/City	<input type="text" value="LENZIE"/>	Town/City	<input type="text" value="GLASGOW"/>
Postcode	<input type="text" value="G66 4HL"/>	Postcode	<input type="text" value="G2 1DP"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text" value=""/>	Mobile	<input type="text" value="0141 266 6666"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value=""/>	Email	<input type="text" value="planning-applications@tmcplanning.co.uk"/>

**3. Postal Address or Location of Proposed Development (please include postcode)**  
  

CHANGE THE ADDRESS FROM 6 LOMOND DRIVE TO 6C LOMOND DRIVE

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**  
What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <input style="width: 150px;" type="text"/>	Date: <input style="width: 150px;" type="text"/>
--	--

\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

## 5. Description of the Proposal

Please describe the proposal including any change of use:

Planning permission for change of use Class 1 to Sui Generis (hot food takeaway)

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

n/a

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

n/a

## 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Ref No.:

## 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):  Square Metre (sq.m.)

## 8. Existing Use

Please describe the current or most recent use:

Hot food takeaway

## 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

0

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/alterd septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☐



*Note:- Please include details of SUDS arrangements on your plans*

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

*If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)*

#### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

*If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.*

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☐ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

n/a

#### 12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

#### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

*If yes, please provide details and illustrate on plans.*

*If no, please provide details as to why no provision for refuse/recycling storage is being made:*

already provide on the site before

#### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

*Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.*

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☐

Signature:

Name:

PHILIP MAJANG LANDA

Date:

23 JUNE 2023

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS


### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

#### I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:



On behalf of:

MR FEREYDUN BAHRAMI

Date:

23 JUNE 2023

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

#### I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

### CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

--

Signed:

On behalf of:

Date:

### CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:

## CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

- (1) No person other than myself \_\_\_\_\_ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. □

- (2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

**or**

- (1) No person other than myself \_\_\_\_\_ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

- (2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

- (3) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have \_\_\_\_\_ been unable to do so. □

Steps taken:

\_\_\_\_\_

Signed:

\_\_\_\_\_

On behalf of:

--

Date:

[illegible]

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

# **NOTICE TO OWNERS AND AGRICULTURAL TENANTS**

The Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013 (Regulation 15)

## **NOTES FOR GUIDANCE**

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

### **Applications for the working and winning of underground minerals**

The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



# PLANNING STATEMENT FOR CHANGE OF USE CLASS 1 TO SUI GENERIS (HOT FOOD TAKE-AWAY)

On behalf of Mr Fred Bahrami, 6 Lomond Drive,  
Dumbarton, G82 3AS



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## 1.0 INTRODUCTION

- TmC Planning and Property Development Ltd have been instructed to prepare and submit a planning statement and supporting statement change of use. This planning statement accompanies planning permission for the change of use shop Class 1 to Sui Generis (Hot Food Take-away) at 6 Lomond Dr, Dumbarton G82 3AS on behalf of Mr. Fred Bahrami.
- This Planning Statement provides a comprehensive summary of the key information about the development and assessment concerning the guidance contained in the National Planning Framework 4 adopted Local Development Plan, and Supplementary Guidance
- This report aims to set out the context for this planning application by describing the property, and its setting and then looking at how the property will be used as a hot food takeaway. A review of all relevant planning guidance and similar planning application decisions is then undertaken, with an assessment of how these can be addressed satisfactorily.

## 2.0 SITE BACKGROUND

### 2.1 Location of site

The site is located at 6 Lomond Drive, Dumbarton G82 3AS. The red line figure below indicates the site boundary of the single-storey shop.



Figures 1 and 2: Location Plan, Google Maps and ScotLIS



Figure 3: Location, Google Maps Image

## 2.2 CURRENT USE

The site currently is a single-storey premise located at 6 Lomond Drive, Dumbarton G823AS. This application site is currently Class 1 (Retail) refer to figure 3 above. It is proposed to use the premises as a hot food takeaway. This application changed of use from Class 1 to Sui Generis (hot food takeaway)





Figure 4: Current Land use, site visit

## 3.0 PLANNING HISTORY

### i. Reroofing of property at 6-8 Lomond Drive Dumbarton – **Granted**

Reference Number:	WP97-255
Address of Proposal:	8-6 Lomond Drive Dumbarton
Proposal:	Re roofing of property
Type of Application:	Full Planning Permisssion
Development Type:	
Status:	Grant Consent
Officer:	N/A
Date Received:	
Date Valid:	28/11/1997
Decision Date:	20/01/1998
Committee Date:	
Appeal Status:	N/A
Applicant Name:	Mr Nanda & Mr Ho
Applicant Address:	8-6 Lomond Drive Bellsmyre Dumbarton
Agent Name:	Per Cantley & Williamson
Agent Address:	Unit 8 Wilson Street Alexandria G83 0EE
Ward:	N/A
Community Council:	N/A

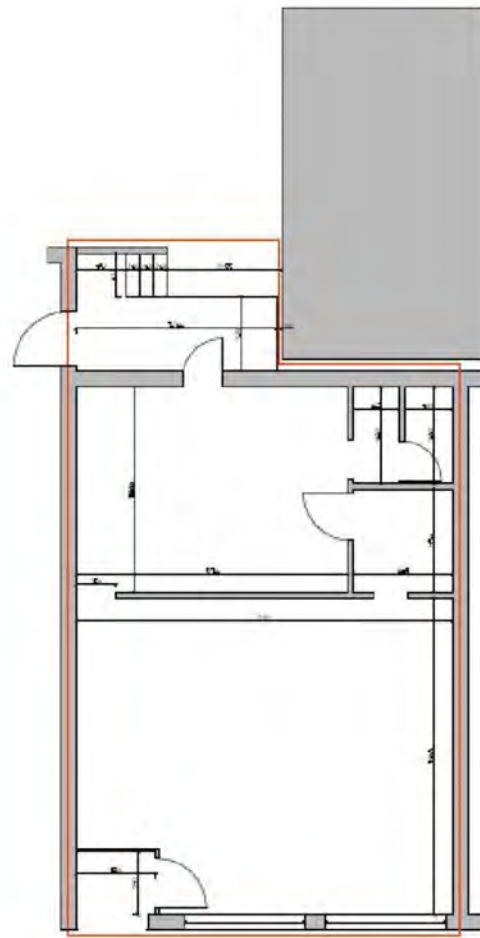


## 4.0 DEVELOPMENT PROPOSAL

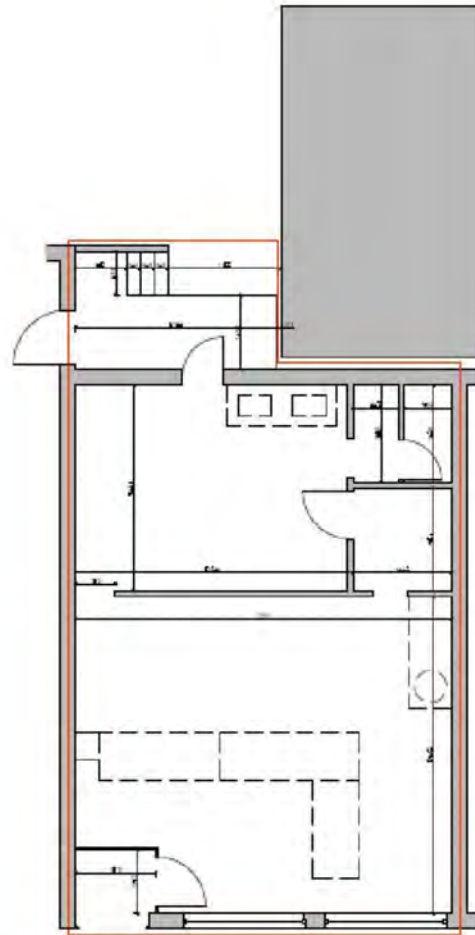
The client is proposing the change of use from Class 1 to Sui Generis (hot food take-away) at 6 Lomond Drive, Dumbarton, G82 3AS. The proposal consists of non-loadbearing partitions which are easily adapted to the applicant's needs.

The proposal aims to convert the vacant premises which previously used as retail (Class 1) into a hot food takeaway (Sui Generis), increasing the area's economic sustainability by creating employment opportunities and encouraging local businesses. Since Morrisons took over the Coop opposite the shop, there has been a reduced demand for other Class 1 grocery stores/shops.

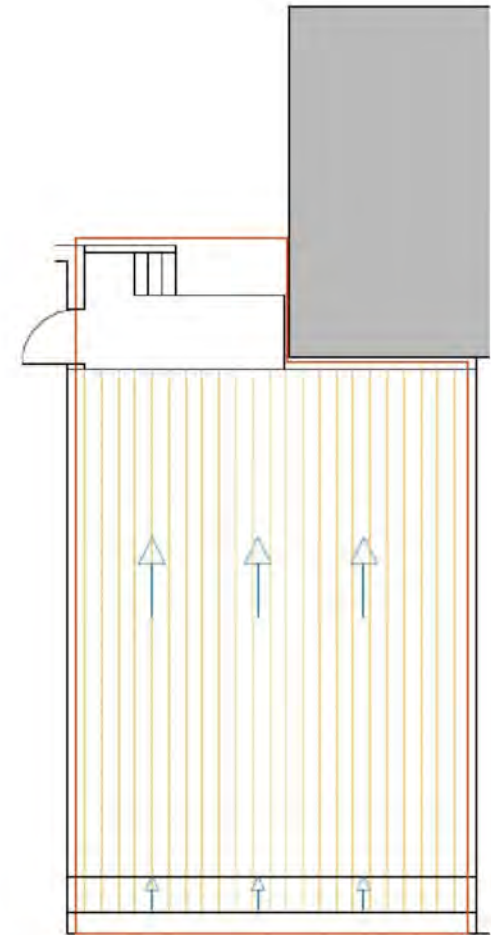
In addition, the premises will have, storage, a food preparation area, a main counter and customer access and waiting area, and a staff toilet within the premises.



01 | GF Plan Existing  
Scale 1:50 @ A1

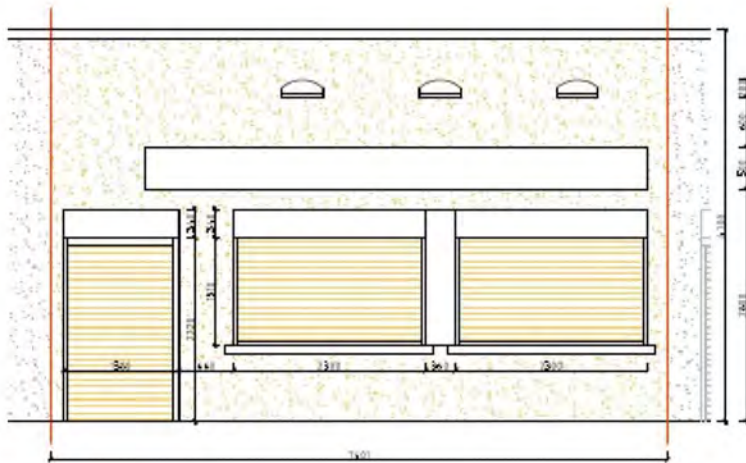


02 | GF Plan Proposed  
Scale 1:50 @ A1

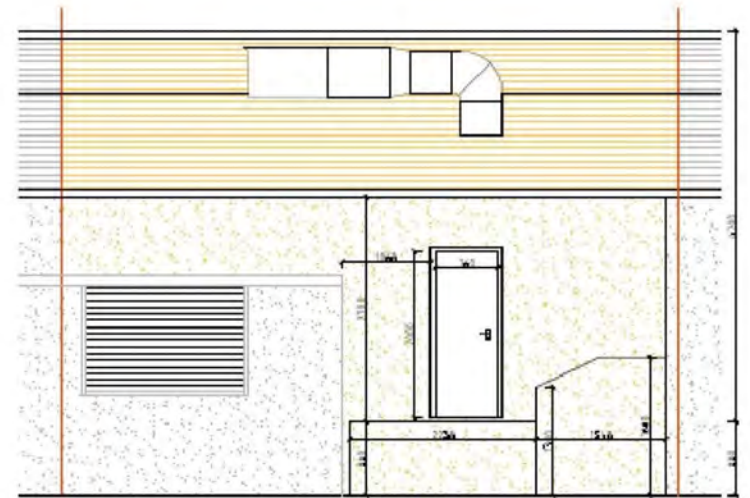


03 | Roof Plan  
Scale 1:50 @ A1

Figure 9: Plans, Section, and Elevation Existing



**01** Ground Floor Plan  
Scale 1:50 @ A2



**01** Ground Floor Plan  
Scale 1:50 @ A2

Figure 10: Plans, Section, and Elevation as Proposed



## 5.0 RELEVANT PLANNING POLICIES

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined following the Local Development Plan unless material considerations indicate otherwise. This planning statement outlines the policies the proposed development conforms to within the National Plan Framework 4 (NPF4), West Dunbartonshire Local Development Plan, and Supplementary Guidance.

### 5.1 NATIONAL PLANNING FRAMEWORK NPF 4

#### Policy 15: Local Living and 20 minutes neighbourhoods

##### Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

##### Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

### **Local Development Plans:**

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

### **Policy 15**

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

## **Policy 25: Community Wealth Building**

### **Policy Intent:**

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

### **Policy Outcomes:**

- local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains.
- support community ownership and management of buildings and land.



### Local Development Plans:

LDPs should allocate sufficient land for business and industry, taking into account business and industry land audits, in particular ensuring that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services. This allocation should take account of local economic strategies and support broader objectives of delivering a low carbon and net zero economic recovery, and a fairer and more inclusive wellbeing economy.

### Policy 26

- a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- b) Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
- c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
  - i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
  - ii. The nature and scale of the activity will be compatible with the surrounding area.
- e) Development proposals for business and industry will take into account:
  - i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
  - ii. The need for appropriate site restoration at the end of a period of commercial use.
- f) Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

## Policy 27: City, Town, Local, and Commercial centres

### Policy Intent:

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

### Policy Outcomes:

- Centres are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit.
- Development is directed to the most sustainable locations that are accessible by a range of sustainable transport modes and provide communities with easy access to the goods, services and recreational opportunities they need.

### Local Development Plans:

LDPs should support sustainable futures for city, town and local centres, in particular opportunities to enhance city and town centres. They should, where relevant, also support proposals for improving the sustainability of existing commercial centres where appropriate.

LDPs should identify a network of centres that reflect the principles of 20 minute neighbourhoods and the town centre vision.

LDPs should be informed by evidence on where clustering of non-retail uses may be adversely impacting on the wellbeing of communities. They should also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.

### Policy 27

- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
  - i. will be supported in existing city, town and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.



## Policy 28: Retail

### Policy Intent:

To encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.

### Policy Outcomes:

- Retail development and the location of shops support vibrant city, town and local centres.
- Communities can access the shops and goods they need by a range of sustainable transport modes including on foot, by bike, and by public transport, as part of local living.

### Local Development Plans:

LDPs should consider where there may be a need for further retail provision, this may be:

- where a retail study identifies deficiencies in retail provision in terms of quality and quantity in an area; or
- when allocating sites for housing or the creation of new communities, in terms of the need for neighbourhood shopping, and supporting local living.

LDPs should identify areas where proposals for healthy food and drink outlets can be supported.

### Policy 28

- a) Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:
- i. will be supported in existing city, town and local centres, and
  - ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.
  - iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).

- b) Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:

- i. is of an appropriate scale for the location;
- ii. will have an acceptable impact on the character and amenity of the area; and
- iii. is located to best channel footfall and activity, to benefit the place as a whole.

- c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
- ii. can be demonstrated to contribute to the health and wellbeing of the local community.

- d) In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:

- i. it will serve local needs, support local living and local jobs;
- ii. the potential impact on nearby town and commercial centres or village/local shops is acceptable;
- iii. it will provide a service throughout the year; and
- iv. the likely impacts of traffic generation and access and parking arrangements are acceptable.

### Policy SC1

#### Sequential Approach

Proposals for retail, commercial and leisure investment, and other key Town Centre uses, should align with the sequential approach below and the preferred uses set out in Table 5, over. Developments are directed sequentially to:

- a) Town Centres (Clydebank, Dumbarton and Alexandria)
- b) Edge of Town Centre commercial centres
- c) Other edge of Town Centre sites (except in Alexandria where Lomond Galleries is the next preferred location after the Town Centre, owing to the desire to preserve the A-listed building)
- d) Out-of-centre sites which are accessible by public transport

All proposals for retail development outwith Town Centres and over 1,000 sqm are to be assessed in terms of their impact on centres higher up the hierarchy.

Retail proposals will be supported where they accord with the sequential approach and the strategy, role and functions of centres set out in Table 4. Proposals for retail development not according with Table 4, or in other locations, will not be supported if:

- There is a suitable opportunity in a sequentially preferred location;
- There would be an unacceptable impact on a centre which is sequentially preferred; or
- The proposed site is not accessible by public transport.

### Policy SC3

#### Other Town Centre Areas

Proposals for non-retail uses (shown in Table 5) will be supported within Town Centres where these comply with Policy SC2, encourage visits to the Town Centre and are appropriate to the Town Centre's role and function. Town Centres are the preferred location for new leisure uses and public services unless these are serving a specific neighbourhood, community or catchment which is best served more locally.

Proposals which result in an over-proliferation of one type of non-retail use and/or would have a detrimental impact on the overall character and amenity of the area will not be supported by the Council. The Council will monitor non-retail uses within the area on an annual basis to ensure that there is an appropriate mix and diversity of retail and non-retail uses within these Town Centre areas.



#### **Policy SC4**

##### **Local Centres**

Within local centres the Council will protect and support pubs and hotels, shops, banks and other Class 2 developments that serve local communities. Shops and offices will be directed to local centres where they provide extra services and amenities for local communities. Non retail uses, including amusement centres and hot-food takeaways, may also be appropriate in local centres, but the Council will have regard to the impact of proposals on the nature of the centre and the character and amenity of surrounding areas and, particularly, schools and homes. The effect of the cumulative impact of the provision of retail floorspace outwith Town Centres will also be considered, where relevant.

#### **Policy SC5**

##### **Ancillary Retail Uses**

Development proposals that incorporate or assist in the delivery of ancillary and compatible uses, which enhance the sustainability and vitality of the community, will be supported where it can be demonstrated that they meet a local need, complement the primary use and have no negative impact on the network of centres.

#### **Policy H4**

##### **Residential Amenity**

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;
- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.;

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

**RESPOND:** The proposal would not undermine the role of any other town or local centre and the scale and type of development are appropriate. An active frontage would be maintained, and the development would integrate with other neighbouring uses. The application accords with the policies of The National Planning Framework 4 and West Dunbartonshire Local Development Plan SC1, SC3, SC4, SC5, and Policy H4. It is considered that the change of use from Class 1 to Class 3 would support the vitality and viability of the area. The proposal would not undermine the role of any of the other town or local centres and the type of development are appropriate. This would bring a redundant retail unit back to use.

This proposed change of use will be using a presently unused premise and will run alongside other businesses within the street. Therefore, it is considered that the proposed change of use will not have a detrimental impact on the character, amenities, and road network of the surrounding area and therefore aligns with The National Planning Framework 4 and West Dunbartonshire Local Development Plan 2020.

#### **Environmental Impact on Surroundings**

The nearest inhabited residential property is located adjacent to the property however above the adjacent ground floor. This proposed change of use will not have a detrimental impact on residential amenities due to other retail units within the Street.

Planning permission will only be granted for potential Bad Neighbour developments where it can be demonstrated by the applicant that amenities would not be adversely affected. Assessment of proposals will also take account of the cumulative impact of such developments.



## 6.0 SUMMARY

The Applicant is seeking full planning permission for the change of use from Shop Class 1 to Sui Generis (hot food take-away) Under sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), this application must be determined following the provisions of the development plan unless material considerations indicate otherwise. This change of use application is following The National Planning Framework 4 and policy, and therefore, the proposal complies with the terms and advice given regarding the strategic planning policy objectives within that area.

- a. As demonstrated above, the development meets the requirements set out in the National Planning Framework 4 and West Dunbartonshire Local Development Plan.
- b. The proposed development has been designed to be respectful and not negatively impact the character of the surrounding area, and the existing neighbourhood. The proposal has been designed to address the sustainable working conditions of the applicant.
- c. The proposed change of use to a hot food takeaway will not have a detrimental effect on residential amenity or environmental impacts that may have previously been there under the utilisation of retail as the location and setting is compatible with other businesses, including hot food takeaway.
- d. This development application is of suitable scale and design, which is compatible with the location and will not have a detrimental impact on visual amenities or detrimental impact on the character of the surrounding buildings.
- e. This application will enhance and create a more economically sustainable area, by using a vacant premise and therefore we look forward to receiving a grant for planning for the proposal above.

**Philip M. Landa,**  
**BSc. (Hons), MSc. (Town and Regional Planning)**  
**Planning Consultant**



**The Barn,**  
**Netherton Farm**  
**Westcraigs Road**  
**Harthill ML7 5TT**  
Email [philip@tmcplanning.co.uk](mailto:philip@tmcplanning.co.uk)

## 7.0 APPENDIX

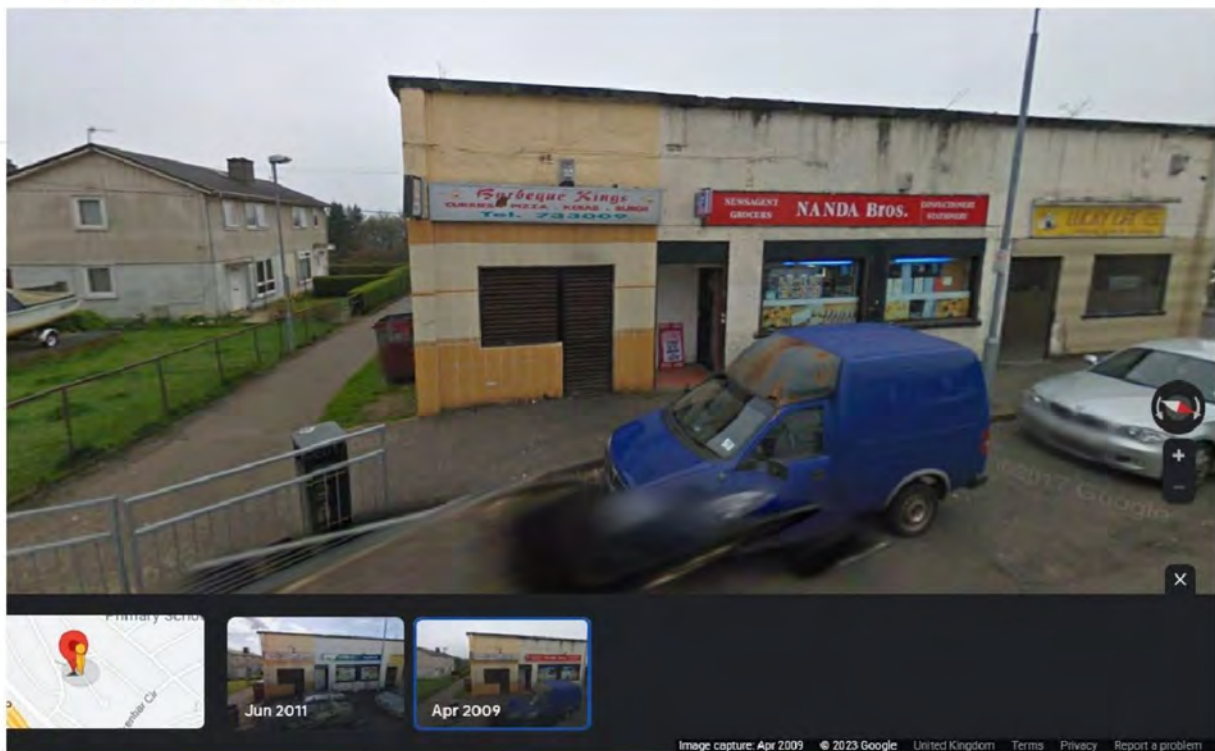


Figure 11: Building use, Google Image 2009

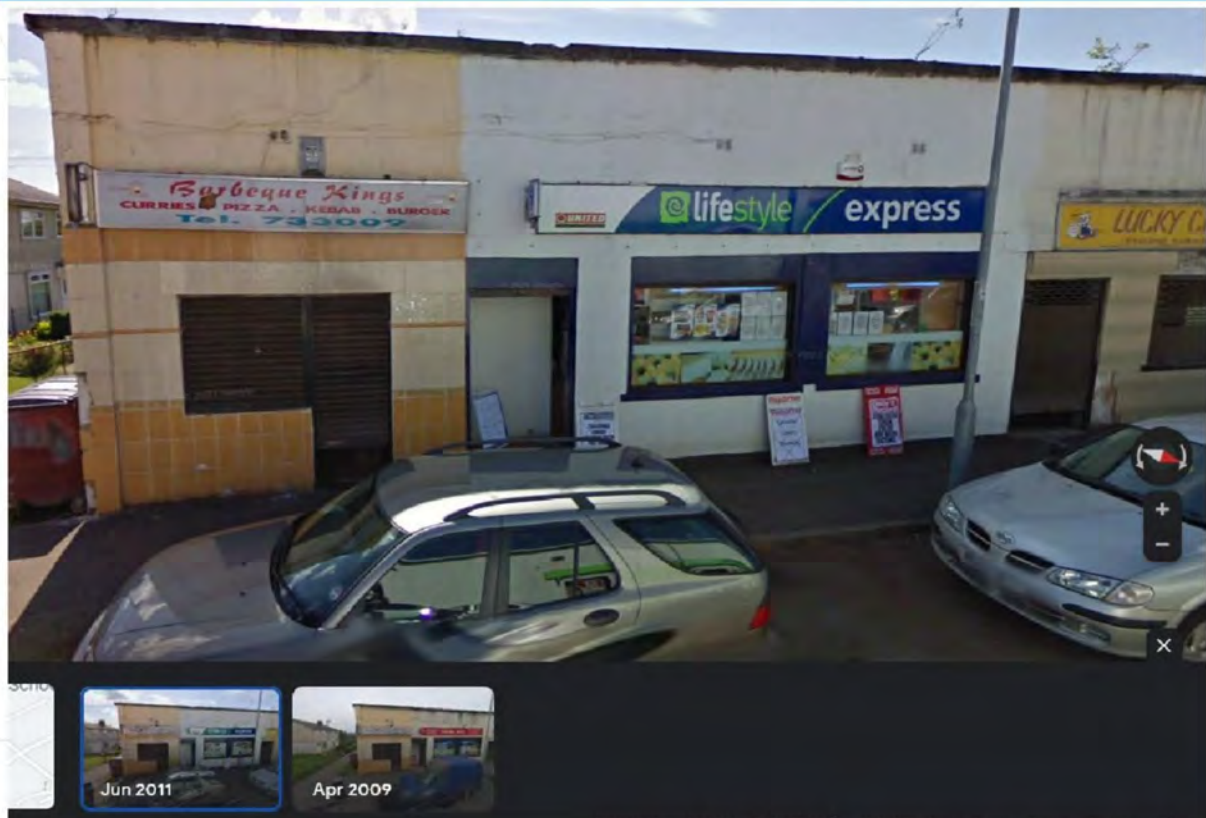


Figure 12: Building use, Google Image 2011



Mr Fereydun Bahrami  
TmC Planning And Property  
Development Ltd  
The Barn  
Netherton Farm  
Westcraigs Road, Harthill  
Shotts  
ML7 5TT  
F.A.O. Philip Landa

Date 29 June 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**NOTIFICATION OF VALID APPLICATION**

**DEVELOPMENT TYPE** Local Development  
**PROPOSAL:** Change of use from retail shop (class 1) to hot food takeaway  
(sui generis) and associated works  
**LOCATION:** 6C Lomond Drive Dumbarton G82 3AS  
**APPLICATION NO:** DC23/037/FUL

Your application received on 01/03/2023 was registered as valid on 23/06/2023.

If within 2 months you have not received a notice of the Council's decision and you have not agreed in writing with the Planning Authority that this period may be extended, you can seek a review from the Council's Local Review Body. You can apply for a review on non-determination by downloading the forms from the Council's website. Alternately please email [Development.Management@west-dunbarton.gov.uk](mailto:Development.Management@west-dunbarton.gov.uk) or telephone the below number.

The two month period expires on 22/08/2023. If you do not receive a decision from the Council by that date, you should contact Development Management at 16 Church Street Dumbarton G82 1QL for further advice.

Please note that the completed planning application and associated documentation will appear on the Planning Register and will also be published on the Council's website.

If you have an enquiry regarding your applications please contact the officer named below.

Regards

Development Management  
Planning & Building Standards

**Development Management**, 16 Church Street, Dumbarton G82 1QL  
Telephone: Email:



TmC Planning & Property Development Ltd  
The Barn, Netherton Farm, Westraugh Road  
Harrill, Strath, ML7 5TT  
Tel: 0131 210 0400  
www.tmcplanning.co.uk

**CLIENT:** Mr Fred Bahmani

**DESIGNER:** TmC Planning & Property Development Ltd

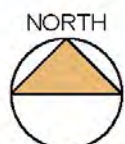
**SITE:** 8C Lomond Drive  
Dumbarton  
G82 3AS

**PROPOSED:** Change of Use

**TITLE:** Location Plan

## PLANNING

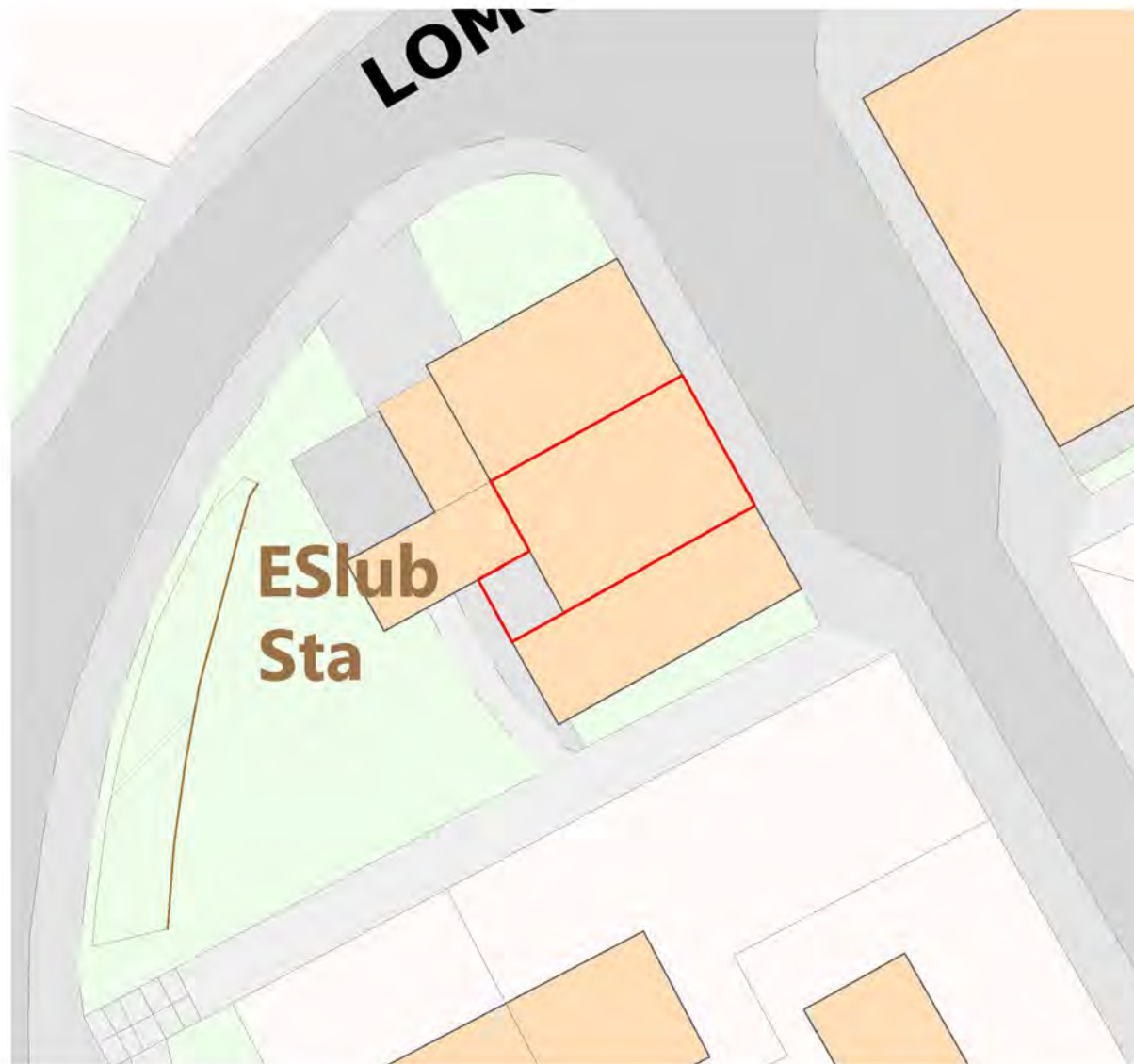
<b>SCALE:</b> 1:1250 @ A4	<b>DATE:</b> 21/03/2023	<b>DRAWN BY:</b> MD	<b>CHECKED:</b> AKN
<b>PROJECT REFERENCE:</b> 23-038	<b>DRAWING NUMBER:</b> PL-LOC-01	<b>REVISION:</b> -	



SCALE 1:1250 in metres







SCALE 1:200 in metres



## Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.

REV:	DESCRIPTION:	BY:	DATE:
REVISIONS			



TmC Planning & Property Development Ltd  
The Barn, Netheraton Farm, Westcraigs Road  
Harthill, Shotts, ML7 5TT  
Tel: 0131 210 0400  
www.tmcplanning.co.uk

CLIENT: Mr Fred Bahrami

DESIGNER: TmC Planning & Property Development Ltd

SITE: 6C Lomond Drive  
Dumbarton  
G82 3AS

PROPOSED: Change of Use

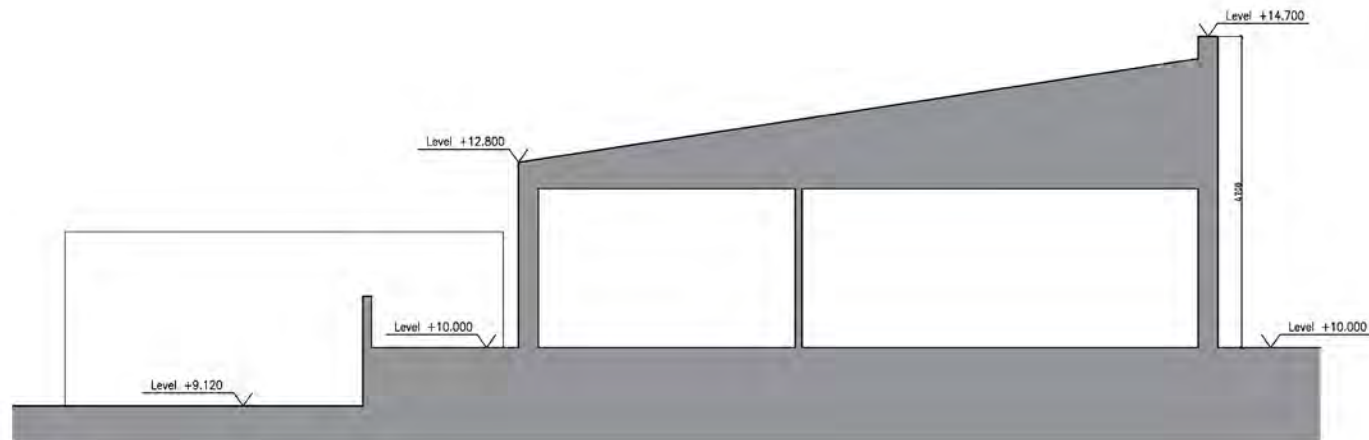
TITLE: Siteplan as Existing and Proposed

## PLANNING

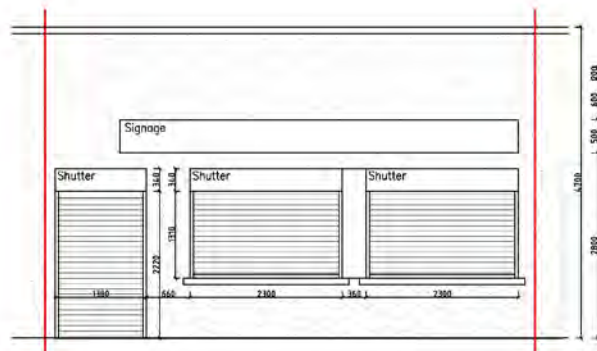
SCALE: 1:200 @ A3	DATE: 23/02/2023	DRAWN BY: MD	CHECKED: AKN
PROJECT REFERENCE: 23-038	DRAWING NUMBER: PL-LAY-01	REVISION: -	



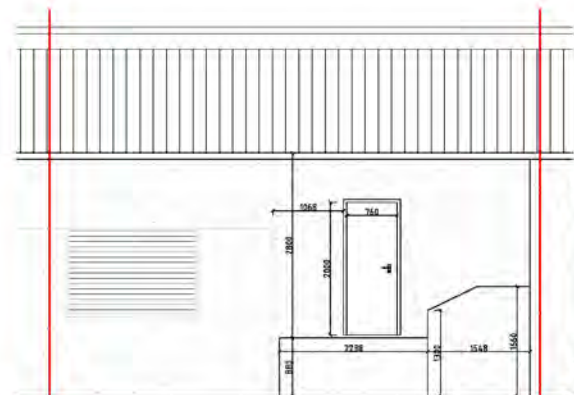




**03** Section A-A  
Scale 1:50 @ A2



**01** Front Elevation  
Scale 1:50 @ A2



**02** Rear Elevation  
Scale 1:50 @ A2

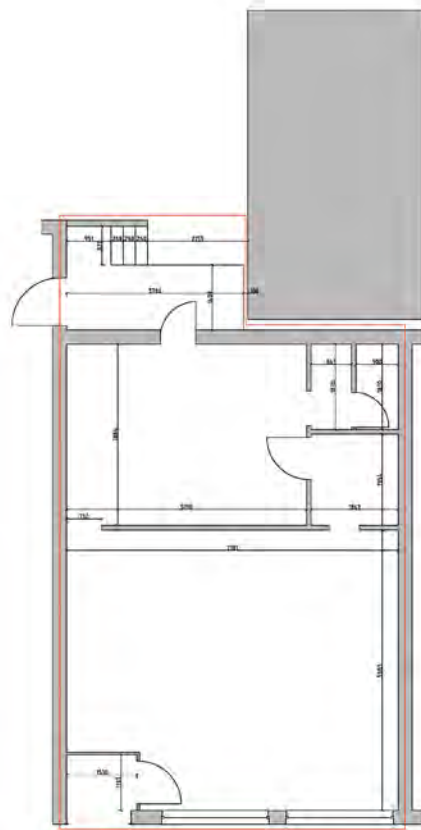
#### Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/inspector.
6. This drawing is to be read in conjunction with all relevant structural/drainage and manufacturers drawings and specifications.

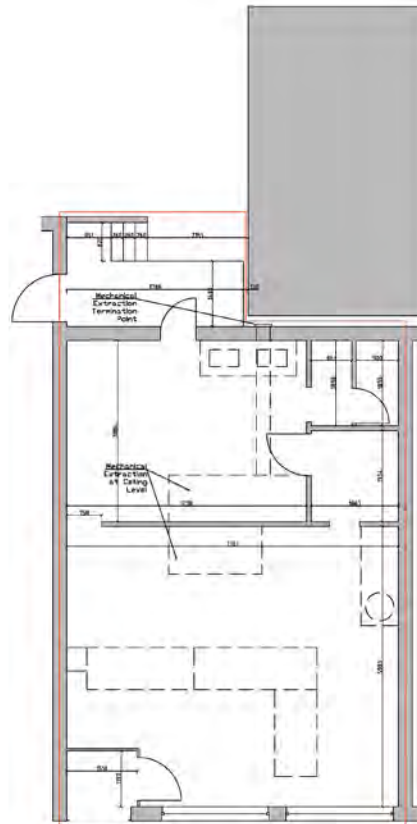
REV	DESCRIPTION	BY	DATE
REVISIONS			
 TmC Planning & Property Development Ltd The Barn, Netherfor Farm, Windcave Road Hanthwaite, Shotts, ML7 5TT Tel: 0131 212 0400 www.tmcplanning.co.uk			
<b>CLIENT:</b> Mr Fred Gairdner <b>DESIGNER:</b> TmC Planning & Property Development Ltd <b>DATE:</b> 01/03/2023 <b>PROJECT:</b> Change of Use <b>TITLE:</b> Elevations & Section as Existing			

## PLANNING

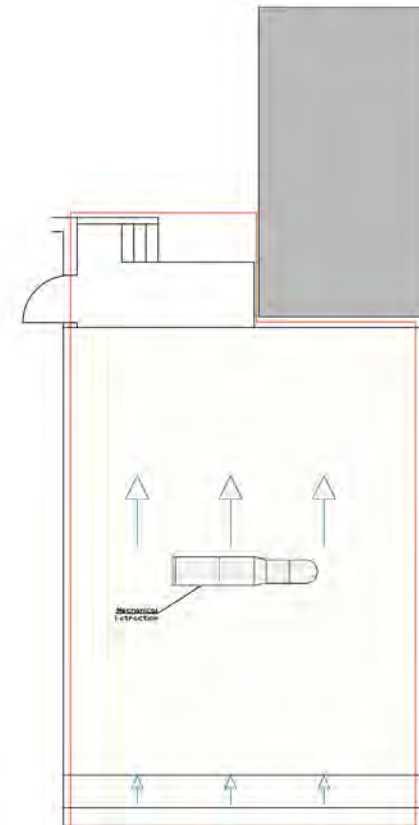
<b>SCALE:</b> 1:50 @ A2	<b>DATE:</b> 01/03/2023	<b>DRAWN BY:</b> MD	<b>CHECKED:</b> AKN
<b>PROJECT REFERENCE:</b> 23-038	<b>DRAWING NUMBER:</b> PL-LAY-06	<b>REVISION:</b> -	



**01** GF Plan Existing  
Scale 1/50 @ A1



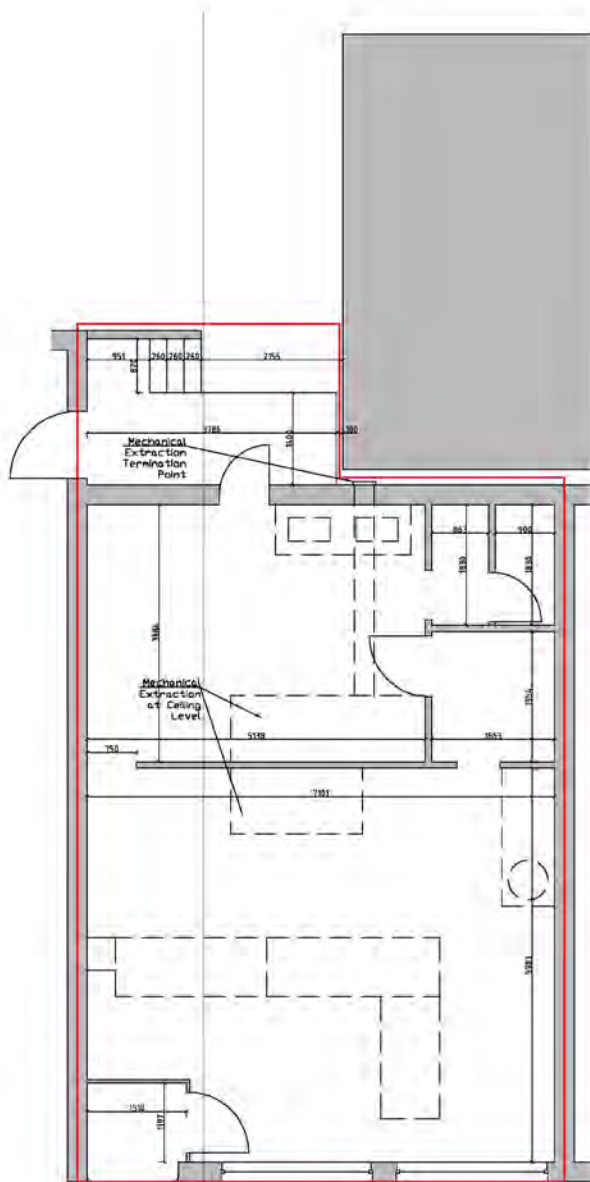
**02** GF Plan Proposed  
Scale 1/50 @ A1



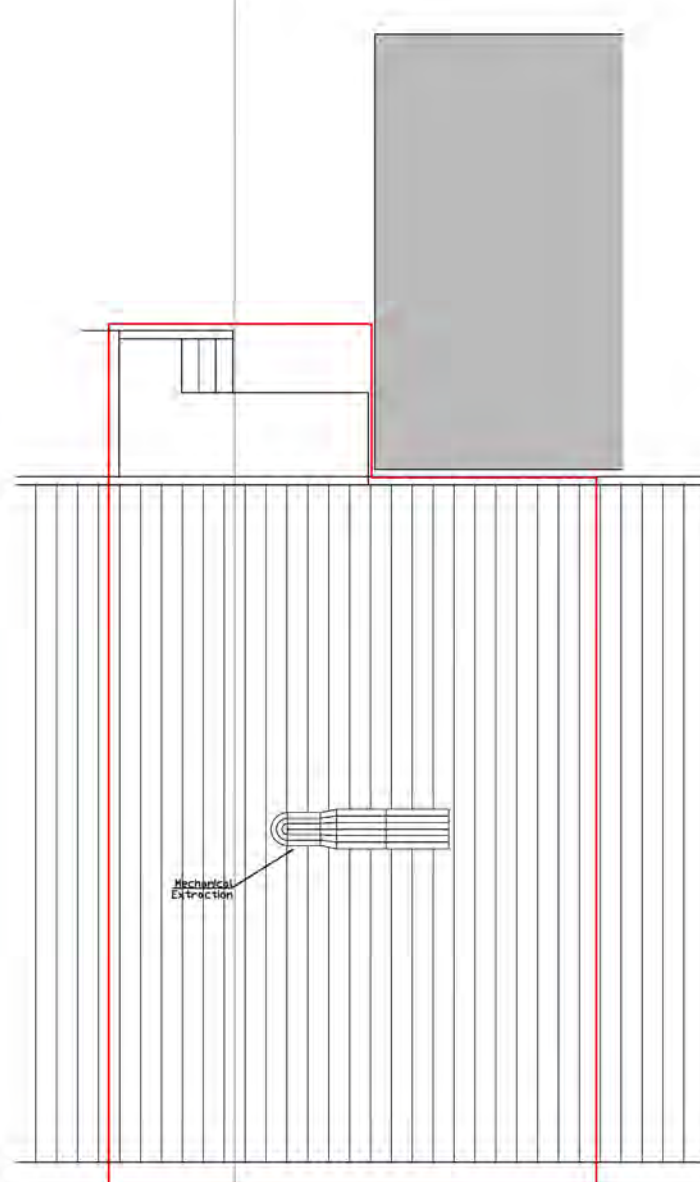
**03** Roof Plan Proposed  
Scale 1/50 @ A1

- Notes:**
1. Do not scale off the drawing.
  2. If a wall is shown, it is assumed to be a wall.
  3. All dimensions shown are in millimeters and shall be used as such.
  4. All dimensions shown are in millimeters and shall be used as such.
  5. All dimensions shown are in millimeters and shall be used as such.
  6. All dimensions shown are in millimeters and shall be used as such.
  7. All dimensions shown are in millimeters and shall be used as such.
  8. All dimensions shown are in millimeters and shall be used as such.
  9. All dimensions shown are in millimeters and shall be used as such.
  10. All dimensions shown are in millimeters and shall be used as such.

REV.	DESCRIPTION	BY	DATE
1	ISSUED FOR PERMIT	1	1/1/2020
2	REVISED	2	1/1/2020
3	REVISED	3	1/1/2020
4	REVISED	4	1/1/2020
5	REVISED	5	1/1/2020
6	REVISED	6	1/1/2020
7	REVISED	7	1/1/2020
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97	REVISED	97	1/1/2020
98	REVISED	98	1/1/2020
99	REVISED	99	1/1/2020
100	REVISED	100	1/1/2020



**01** Ground Floor Plan  
Scale 1:160 @ A2



**02** Roof Plan  
Scale 1:160 @ A2

#### Notes:

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2. If in doubt consult dimensions contact designer.
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4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drawings to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12256 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant drawings/other documents and manufacturers drawings and specifications.

REV	DESCRIPTION	BY	DATE

#### REVISIONS


**TMC**  
 Planning &  
 Property Development  
 Limited  
 The Dam, Netherlee Farm, Westcraig Road,  
 Hurler, Shotts, ML7 5TT  
 Tel: 0181 210 0400  
 www.knapenring.co.uk

**CLIENT:** Mr Peter Harrison

**OWNER:** TMC Planning & Property Development Ltd

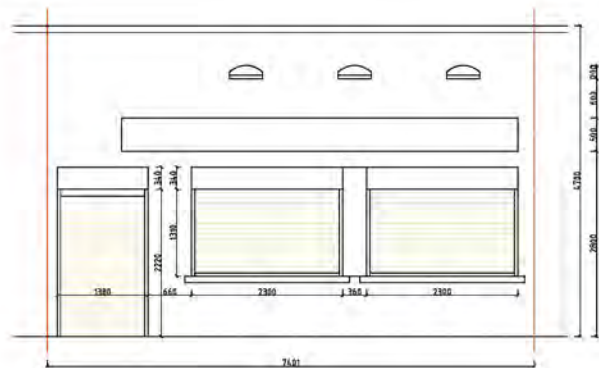
**SITE:** 80 Lonsdale Drive, Dumbarton, G82 7AE

**PROPOSED:** Change of Use

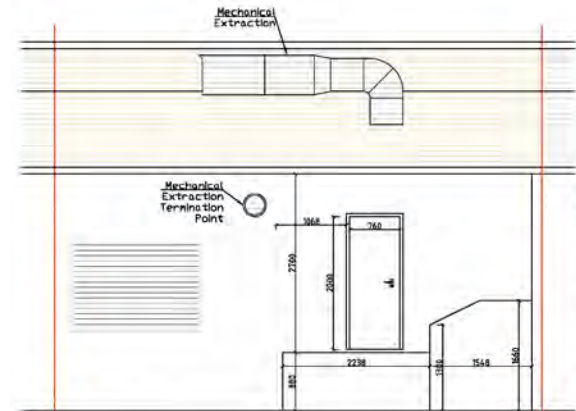
**TITLE:** Plans as Proposed

## PLANNING

<b>SCALE:</b> 1:50 @ A3	<b>DATE:</b> 01/03/2023	<b>DRAWN BY:</b> HD	<b>CHECKED:</b> MKN
<b>PROJECT REFERENCE:</b> 12-038	<b>DRAWING NUMBER:</b> PL-1/01-03	<b>REVISION:</b>	<b>REVISION:</b>



**01** Ground Floor Plan  
Scale 1:50 @ A2



**01** Ground Floor Plan  
Scale 1:50 @ A2

#### Notes:

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6. This drawing is to be read in conjunction with all relevant structural/civil engineering and manufacturers drawings and specifications.

REV.	DESCRIPTION	BY	DATE
REVISIONS			



TMC Planning & Property Development Ltd  
The Glen, Netherfield Farm, Westborough Road,  
Hurlstall, Shotts, ML7 5TT  
Tel: 0131 210 0400  
www.tmcplanning.co.uk

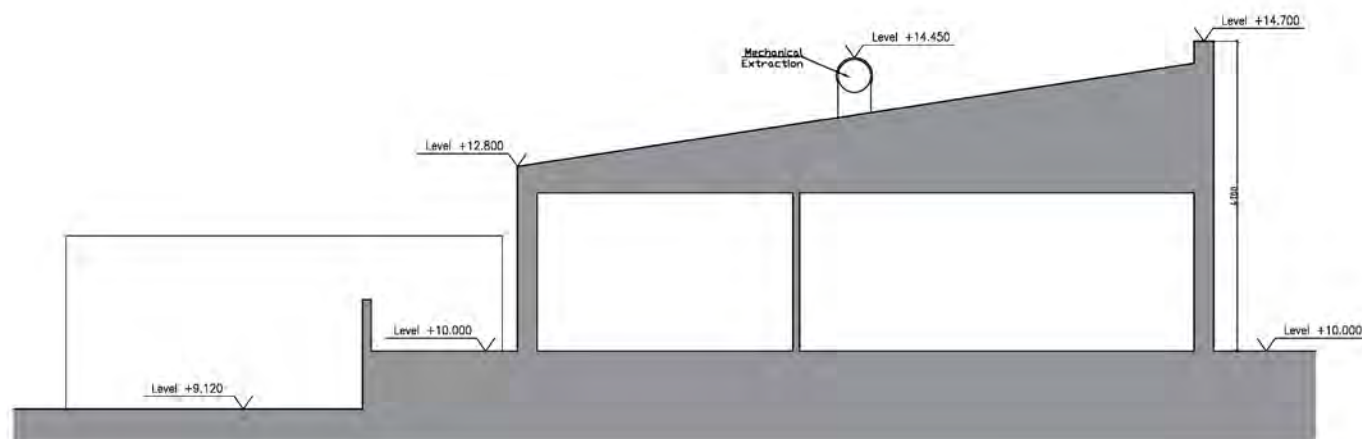
<b>CLIENT:</b>	Mr Fred Dalrymple
<b>DESIGNER:</b>	TMC Planning & Property Development Ltd
<b>SITE:</b>	9 Lifford Grove, Dumfries, DG2 3AG
<b>PROPOSED:</b>	Change of Use
<b>TITLE:</b>	Drawings

## PLANNING

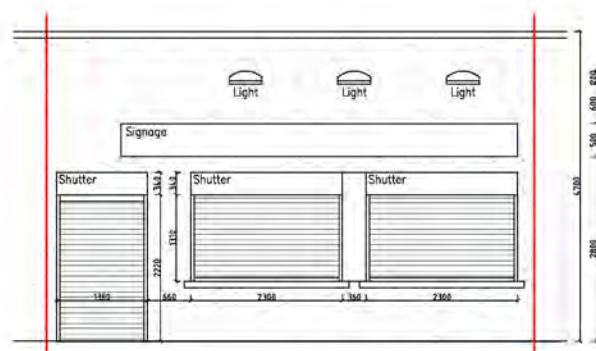
<b>SCALE:</b> A2 1:50	<b>DATE:</b> 01-03-2023	<b>DRAWN BY:</b> MD	<b>CHECKED:</b> MD
<b>PROJECT REFERENCE:</b> 20-026	<b>DRAWING NUMBER:</b> LAP/003	<b>REVISION:</b>	

# Notes:

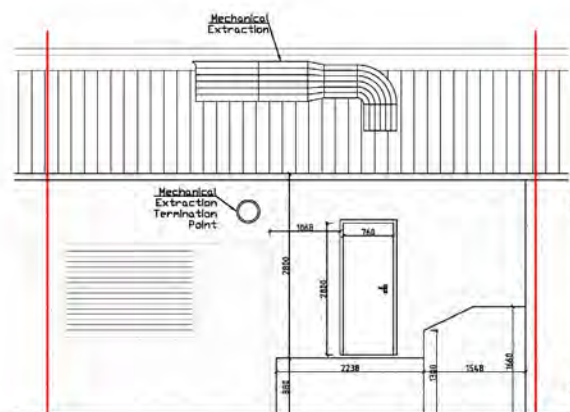
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5. All drawings made to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12250 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/dll engineers and manufacturers drawings and specifications.



**03** Section A-A  
Scale 1:50 @ A2



**01** Front Elevation  
Scale 1:50 @ A2



**02** Rear Elevation  
Scale 1:50 @ A2

REV	DESCRIPTION	BY	DATE
REVISIONS			

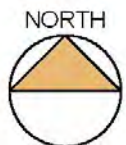
**TMC** TMC Planning & Property Development Ltd  
The Glen, Netherston Farm, Westridge Road  
Hunthill, Shotts, ML7 5TT  
Tel: 0121 310 0400  
www.tmcplanning.co.uk

<b>CLIENT:</b>	Mr Fred Doherty
<b>DESIGNER:</b>	TMC Planning & Property Development Ltd
<b>SITE:</b>	500 Lonsdale Drive Dumfries G80 3AD
<b>PROPOSED:</b>	Change of Use
<b>TITLE:</b>	Elevation & Section as Proposed

## PLANNING

<b>SCALE:</b>	1:50 @ A2	<b>DATE:</b>	01/02/2023	<b>DRAWN BY:</b>	MD	<b>CHECKED:</b>	AKN
<b>PROJECT REFERENCE:</b>	13-036	<b>DRAWING NUMBER:</b>	PL-14-01-1	<b>REVISION:</b>			





SCALE 1:1250 in metres



TmC Planning & Property Development Ltd  
The Barn, Netherhall Farm, Weststrags Road  
Hartford, Shotts, ML7 5TT  
Tel: 0131 210 0400  
www.tmcplanning.co.uk

**CLIENT:** Mr Fred Bahrami

**DESIGNER:** TmC Planning & Property Development Ltd

**SITE:** 6 Lomond Drive  
Dumbarton  
G82 3AS

**PROPOSED:**

**TITLE:** Location Plan

## PLANNING

<b>SCALE:</b> A4 @ 1:1250	<b>DATE:</b> 21-02-2023	<b>DRAWN BY:</b> MD	<b>CHECKED:</b> -
<b>PROJECT REFERENCE:</b> 23-038	<b>DRAWING NUMBER:</b> LOC-001	<b>REVISION:</b> -	



SCALE 1:200 in metres

0 2 4 6 8 10 20

## Notes:

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5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.

REV:	DESCRIPTION:	BY:	DATE:

## REVISIONS



TmC Planning & Property Development Ltd  
The Barn, Netherton Farm, Westcraigs Road  
Harthill, Shotts, ML7 5TT  
Tel: 0131 210 0400  
www.tmcplanning.co.uk

CLIENT: Mr Fred Bahrami

DESIGNER: TmC Planning & Property Development Ltd

SITE: 6 Lomond Drive  
Dumbarton  
G82 3AS

PROPOSED: Change of Use

TITLE: Site Plan  
-

SCALE:	DATE:	DRAWN BY:	CHECKED:
A3 1:200	23-02-2023	MD	-
PROJECT REFERENCE:	DRAWING NUMBER:		REVISION:
23-038	LAY-001		-



**PLANNING APPLICATION CONSULTATION  
RESPONSES**

**DC23/037/FUL**

Proposal Acceptable?	Y or N
<b>1. EXISTING ROADS</b>	
(a) General Impact of Development	NOTE
(b) Type of Connection(s) (road junction/footway crossing)	
(c) Location(s) of Connection(s)	
(d) Sightlines (.....)	
(e) Active Travel Provision	
<b>2. NEW ROADS</b>	
(a) Widths (.....)	
(b) Layout (horizontal/vertical alignment)	
(c) Junction details (location/s/radii/sightlines)	
(d) Turning Facilities	
(e) Traffic Calming	
(f) Active Travel Provision	
(g) Provision of Utilities	
<b>3. SERVICING AND CAR PARKING</b>	
(a) Servicing Arrangements/Driveways	NOTE
(b) Car and Cycle Parking Provision (.....)	
(c) Maximum Parking Standards	
(d) Layout of Parking Bays/Garages	

[illegible]

4. RECOMMENDATION	Defer decision
-------------------	----------------

Please provide the information requested above

(i) Construction Consent (\$21)*	
(ii) Road Bonds (\$17)*	
(iii) Road Opening Permit (\$56)*	
(iv) Transportation Statement / Assessment	
(v) Flood Risk Assessment	

Signed  
Head of Land Services

Date \_\_\_\_\_

Copies to:

# Memorandum

To: Planning Officer  
From: Adeyemi Roland, Environmental Health



c.c.

Contact: Adeyemi Roland

Subject: **Change of use from retail shop (class 1) to hot food takeaway (sui generis) and associated works 6C Lomond Drive Dumbarton G82 3AS.**

Your Ref: DC23/037      Our Ref: AR/140542/TMU      Date: 30 June 2023

---

I refer to the above application, and would make the following comments;

## **Ventilation System – Efficiency – Noise – Vibration**

Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

To ensure that the development does not adversely affect the amenity of neighbouring properties by creating excessive noise, vibration, or odour nuisance

## **Grease Traps/Interceptors**

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. It shall be installed as approved and maintained thereafter.

To ensure that waste oil, grease and fat from food premises do not cause damage to the public sewer in the interests of public health and amenity

## **Advisory Notes**

### **1. Food Safety**

That the applicant shall contact the Food and Business Group, of the Environmental Health Section (Tel: 0141 951 7960) to ensure that the kitchen facilities are appropriate and comply with the requirements of the Food Safety Act 1990 and the legislation/regulations made thereunder.

### **2. Health & Safety**

That the applicant shall contact the Food and Business Group, of the Environmental Health Section (Tel: 0141 951 7960) to ensure that the premises are appropriate and comply with the requirements of the Health & Safety at Work etc Act 1974 and the legislation/regulations made thereunder.

Please contact me if you require further information or clarification.



Adeyemi Roland  
Environmental Health Officer  
Environmental Pollution Group  
16 Church St  
Dumbarton  
G82 1QL  
0141 951 7957  
[environmental.health@west-dunbarton.gov.uk](mailto:environmental.health@west-dunbarton.gov.uk)

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

## **PLANNING APPLICATION REPRESENTATIONS**

**DC23/037/FUL**

# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

Min jie

Surname \*

Guo

Address \*

6C Iomond drive  
Dumbarton G82 3AS

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

No proposal

Do you support the proposal

No



# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

Darren

Surname \*

Smith

Address \*

66  
Lomond Drive  
Dumbarton

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

There are 2 current fast food outlets as well as a convenience store already located within the boundaries of Lomond Drive as well as 3 fast food outlets nearby so I don't think it is necessary to add another. Parking in Lomond drive is already an issue for residents and visitors and those making use of the fast food outlets etc.

There will inevitably be an increase in waste discarded on the street as well as the disturbance caused by early morning waste removal (usually around 3am for Barbeque Kings and 5am for Morrisons) by commercial waste companies.

There is also the increased risk of antisocial behaviour caused by youths loitering in the vicinity due to the presence of yet another fast food outlet.

## Comment on Planning Application

Do you support the proposal

No

# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

Donalda

Surname \*

Clifford

Address \*

2 Lomond Drive  
Bellsmyre

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

There are already 2 fast food takeaways on the street plus 3 within walking distance, and parking is very limited as it is without another takeaway and street is always really busy , and deliveries take place at all times and people park inappropriately which is a hazard and could be problematic if we needed emergency services

Do you support the proposal

# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

Emma

Surname \*

Liddell

Address \*

40 hawatshaws road  
Bellsmyre  
G82 3DD

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

No happy with more fast food! In scheme

Do you support the proposal

No

# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

shahid

Surname \*

hussain

Address \*

6-4 lomond drive

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

I am not happy next door to have permission their is limited space for parking as their is already 5 hot food shops and already to much compition

Do you support the proposal

No



# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

syed tuseef ahsan

Surname \*

shah

Address \*

6A lomond drive

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

there is already 5 hot food shops in a walking distance small scheme and parking issue aswell we are not happy to give them permission thanks

Do you support the proposal

No

# Comment on Planning Application

## About You

Please provide details about yourself

Forename \*

Sarah

Surname \*

McKechie

Address \*

88 Bellsmyre Avenue

## Details

Please provide details regarding this planning application

Case Type

FUL

Comments \*

I would like to request this application to be rejected on the basis that the street itself has 4 retail units in situ. Only a few amount of parking bays are available which restrict people like myself to park due to my disability and not enough disabled parking bays. There if not sufficient parking available at present with the current retail stores insitu nor parking is available at the rear of the property either to allow additional parking options.

The amount of traffic that comes out of this little residential street is immense.

The young children tend to gather around the takeaway and shop area which further increases the anti social behaviour in this area.

I would be grateful for consideration on rejecting the application on the basis of:

## Comment on Planning Application

anti-social behaviour increasing  
parking restrictions  
no additional disabled parking bays available  
this is a private residential street  
increase in food waste in the streets which will impact the council further

Do you support the proposal

No

**APPOINTED OFFICER'S DECISION:**

**DC23/037/FUL**

## WEST DUNBARTONSHIRE COUNCIL

### REPORT OF HANDLING (Delegated)

**APP NO:** DC23/037/FUL

**CASE OFFICER:** Mr Wojciech Borowski

**ADDRESS/SITE:** 6C Lomond Drive, Dumbarton, G82 3AS

**PROPOSAL:** Change of use from retail shop (Class 1A) to hot food takeaway (sui generis) and associated works.

#### **1. Site Description/Development Details**

Planning permission is sought to form a sui generis hot food takeaway at the above address. The application relates to a currently vacant unit forming one of three that form a commercial building situated in the northern suburb of Bellsmyre, Dumbarton. The unit, found in the middle of the block, was until recently used as a Class 1A retail shop previously occupied by a convenience store and more recently a deli and food shop. The application building faces onto a residential street with limited uncontrolled parking on either side of the road. On the opposite side of the road a similarly sized building can be found; it has been operating as a convenience store/local supermarket, most recently under the Morrisons Daily branding. The street at this point continues south to a residential cul-de-sac houses, while immediately to the north it forms a T-junction, with some semi-detached dwellinghouses on the opposite side. To the rear an area of grassed openspace overlooking Bellsmyre Ave can be found. The building has a floor area of approximately 90sqm and extends to the height of approx. 4.7m, same as that of the adjacent two units. The building is of masonry construction with the walls finished externally in white roughcast. Access is via a door on the front elevation; to its right two windows can be found. All of this fenestration features shutters.

It is proposed to change the use of the building to a hot food takeaway. No information on the opening hours and days of operation, menu or other indication of the method of service and its scale has been provided. To facilitate the change of use, it is proposed to make internal changes to provide storage, a food preparation area, a main counter and customer access and waiting area, as well as a staff toilet. Externally, the operation of the proposed use would be enabled through the proposed installation of a mechanical extraction unit on the roof of the application premises, as well as a mechanical extraction termination point on the rear elevation. No changes to the principal elevation are proposed. No information on the waste storage or parking has been provided.

#### **2. Consultations**

WDC Environmental Health – no objection subject to conditions.



WDC Roads – It is highlighted that five off street parking spaces are required for the proposed use. It is advised that this be clarified with the applicant and it is recommended that the application be deferred due to lack of information on parking provision.

### **3. Application Publicity**

The application was advertised in the Lennox Herald on 5<sup>th</sup> September 2023 as a Schedule 3 development.

### **4. Representations**

Seven objections were received in connection with the application proposal. The full details are contained within the planning file and are available for public viewing. However, for the purposes of this report, the material planning points raised can be summarised as follows:

Objection:

- 1) Traffic and parking – parking is limited at the location and can be very busy, given the demand generated by the currently operating adjacent uses, particularly during delivery time. Concern is also expressed over emergency vehicle access in the street, which may become potentially obstructed as a result.
- 2) Overprovision and clustering – there are already no. five hot food takeaways in the area, with no. two in the units adjacent to the application site.
- 3) Waste removal and littering – concern has been expressed over the currently experienced noise levels when refuse is picked up from the neighbouring businesses during anti-social hours by commercial waste companies, as well as littering by those using the existing takeaways.

The following matters raised in the representation are not material to planning and will not be considered further in this report:

- Competition between hot food takeaways in the area.
- Anti-social behaviour in the area.

The material points raised in the above representations are considered in detail within the Section 6 (Appraisal) of this report.

### **5. Relevant Policy**

#### **National Planning Framework 4 (2023)**

- Policy 1 – Tackling the climate and nature crisis
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 14 – Design quality and place
- Policy 22 – Flood risk and water management
- Policy 23 – Health and safety
- Policy 27 – City, town local and commercial centres

## **West Dunbartonshire Local Plan (Adopted)**

- Policy GD1 – Development Control
- Policy H5 – Development within Existing Residential Area
- Policy RET 7 – Local Centres

## **West Dunbartonshire Local Development Plan 2 (Proposed)**

On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration.

- Policy CP1 – Creating Spaces
- Policy H4 – Residential Amenity

## **6. Appraisal**

In assessing the development plan position, Policy 1 of NPF4 aims to tackle the climate and nature crises by requiring that significant weight be given to these issues when considering all development proposals. Policy 2 relates to the climate in the form of climate mitigation and adaptation, while Policy 3 seeks to protect biodiversity, reverse biodiversity loss, and deliver positive effects from development and strengthen nature networks. It is considered that the nature and small scale of development proposed would have a neutral effect in respect of Policies 1, 2 and 3. Policy 22 addresses flooding and no concerns arise.

Policy 14 of the NPF4 aims to promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the place principle. Criterion (d) states that proposals which are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. With the application site being located in a well-established residential area, it is considered that the introduction of the mechanical extractor on the roof would be incongruous and thereby adversely impact local character and visual amenity. The proposal would also have significant adverse effects on residential amenity due to the noise, activity and general disturbance associated with this type of development. These issues are discussed in detail below in this section of the report. In light of the above, the proposal is not supported by this Policy.

Policy 23 of the NPF4 aims to protect people and places from environmental harm, with criterion (e) advising that development proposals which are likely to raise unacceptable noise issues will not be supported. The proposal is considered unacceptable with reference to this policy because, as detailed below, the increased noise associated with a hot food takeaway, including that generated by additional traffic and patrons talking, would have significant adverse effects on residential

amenity. The contribution to a clustering of similar uses at this location would exacerbate the concerns in respect of Policies 14 and 23.

Policy 27 of the NPF4 seeks to promote and facilitate development in our city and town centres. Criterion (b) notes that uses which will generate significant footfall, including commercial uses, will not be supported outwith city, town and local centres unless a town centre first assessment demonstrates that the proposal cannot be accommodated in a centre location or would have no significant adverse effect on the vitality and viability of centres in the area. The proposed hot food takeaway will have a gross floor area of around 90sqm and whilst the new use will generate footfall, with the small scale of the proposed facility, this footfall will not be significant. Small scale facilities such as proposed will also likely serve a local catchment. Accordingly, it is not considered that a sequential approach to site selection is required in this instance

Having assessed the proposal with reference to NPF4, it is not considered acceptable with reference to Policies 14 and 23.

Policy H5 of the adopted plan aims to safeguard and, where possible, enhance the character and amenity of existing residential areas identified on the Proposals map. The Policy notes that non-residential uses could be supported if they can be considered ancillary or complimentary to the residential area and would not result in a significant loss of amenity to surrounding properties, in terms of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance. While also classed as a local centre, the application site is located within an established residential area, with no. two businesses of the same sui generis type already operating from the adjacent units, and another three hot food takeaways within walking distance in Merkins Ave. It is considered that the proposed hot food takeaway would have significant adverse effects on residential amenity due to the clustering of the same type of use and intensification of the negative amenity impacts due to likely traffic increase, noise, smell, litter and hours of operation. In light of this, the proposal is not supported by Policy H5.

Policy GD1 of the adopted plan seeks to ensure that all new development enhances the Plan area and environmental quality in general through an emphasis on high quality design. Proposals are required to meet a number of criteria, including the need to be appropriate to the local area in terms of land use and layout and design; be energy efficient and meet the roads, parking and access requirements of the Council. As set out in other parts of this appraisal, the proposed use would have significant adverse effects on residential amenity. The proposal also fails to provide any information on parking arrangements which are specifically highlighted as being required in the consultation response from the Council's Roads Service as being required for this type of development. The proposal is therefore not supported with reference to this policy.

In terms of Policy RET7 of the adopted plan, within the Local Centres defined on the Proposals Map, the Council will seek to protect and enhance vitality and viability by encouraging improvement to the existing floorspace and supporting the establishment of new uses where appropriate. Applications for any change of use from a shop (Class 1A of the Use Classes Order) to another use will be supported

where it can be satisfactorily demonstrated that such a change would enhance the centre, would not have a detrimental impact on adjacent properties by way of noise, disturbance and odour, and would also not adversely affect the general character and amenity of the area. As appraised above, the proposal would likely lead to intensification of the sui generis hot food takeaway use in this Local Centre location and in turn create an adverse impact on the amenity of the area.

Within proposed Local Development Plan 2, which represents the up-to-date policy position, the site does not lie within a designated Local Centre. The same justification for deeming the proposal to be inappropriate for the location can be made in relation to Policy H4 of the proposed LDP2, which aims to protect and enhance residential amenity of existing residential areas. This is to be achieved through a presumption against the establishment of non-residential uses within, or in close proximity to residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents. While the details of the proposed operation of the hot food takeaway provided with the application are sparse, it can be reasonably expected that such business would operate during late hours, and that it would generate fumes, waste and traffic in the location, adjacent to neighbouring residential properties. Considering these are already experienced from the established adjacent uses, and while the presence of Class 1A retail and sui generis hot food takeaway is established in this part of Lomond Drive and the wider Bellsmyre estate, it is considered that the proposal at hand, if granted permission, would lead to excessive intensification of the latter use, in turn creating unacceptable disturbance to local residents.

Policy CP1 requires new development to take a design-led approach to creating sustainable places, which put the needs of people first and demonstrates the six qualities of successful places. As set out in the thematic sections below, the proposal would have significant adverse effects on residential amenity, visual amenity and local character. In light of this, the proposal does not align with six qualities of successful places and is therefore not considered acceptable with reference to this policy.

In terms of the visual impact, the proposed mechanical extraction unit to be placed on the roof of the former shop would be positioned above the highest part of the existing roof and would be a potentially prominent addition, especially when viewed from the street level of Bellsmyre Ave to the west of the site. Such equipment is more typically found within town or commercial centres where a variety of buildings and uses exist. However, in this case, the rear of the building has a mixed arrangement with other flues visible. On balance, the proposed extraction unit would not alone justify refusal.

In considering roads, access and parking, the assessment is principally guided by the consultation response from the Council's Roads Service. With regard to parking, the response from the Roads Service noted that five off-street parking spaces would be required for a hot food takeaway and that the proposal could not be supported if this requirement was not met. Whilst some limited on-street parking is available within Lomond Drive, this would not allow the accommodation of the parking pressure resulting from the proposal. Information on off-street parking has not been provided by the applicant. The proposal therefore does not meet the Council's

parking requirement. A significant number of objectors were concerned that the increased traffic generated by the proposal and the particular characteristics of Lomond Drive would pose a road safety risk, particularly in relation to emergency vehicle access. Whilst the consultation response from the Council's Roads service did not raise any concerns specifically with respect to these issues, it is accepted that the proposed use would lead to an increase in traffic within the local area. The failure to provide any dedicated parking for the development in line with the requirements highlighted by the Roads Service would have the potential to lead to additional congestion within what is a heavily parked residential area.

The cooking odours generated from hot food takeaways can be detrimental to residential amenity. As the application site is located with an established residential area with housing immediately to the north and south of the application site. Subject to the imposition of a variety of conditions to ensure the provision and implementation of a suitable ventilation and extraction system for cooking odours, the Council's Environmental Health Service offer no objections to the proposal on the grounds of odour nuisance. Environmental Health also recommend conditions to control potential noise from any ventilation system and deliveries to the premises, and these matters alone could be addressed by condition if required.

Notwithstanding the consultation response from Environmental Health, wider concerns arise from a noise perspective in relation to the operation of such a use in close proximity to residential properties. The very nature of hot food takeaway uses often result in evening and night time activity. The existing area is residential in character and it is inevitable that the proposed use will bring additional pedestrian and vehicular movements into the area. Such a use at this location will result in a significant increase in existing noise levels by way of additional traffic, patrons talking, waste removal etc. Due to the very close proximity of neighbouring residential properties and the lack of any dedicated parking, the use would likely result in on-street parking and associated activity occurring directly outside neighbouring properties. These effects would be amplified by the fact that hot food takeaways are often busiest in the evening and at night. Overall, it is considered that the degree of additional noise, activity and disturbance the proposal would introduce, particularly late into the evening, would have significant adverse effects on residential amenity.

In response to the points raised in the representation, the following comments are provided:

- 1) Traffic and parking – as stated in the earlier part of the report, there is a noticeable parking pressure at the location from the existing business and the nearby residential properties. This would be exacerbated by the proposed use and the lack of off-street parking to assist it. The exacerbation would lead to detrimental effects on local amenity, including road safety and emergency access.
- 2) Overprovision and clustering – there are no. five hot food takeaways in the Bellsmyre area, with no. two in the units adjacent to the application site and another no. three in Merkins Ave. It is considered that the addition of the proposed hot food takeaway, while translating into re-use of a currently vacant unit and creating some employment opportunities and economic activity,



would not outweigh the negative impact created by the excessive provision of the hot food takeaways in the area and the detrimental effects that it would bring about to the neighbourhood.

- 3) Waste removal and littering – All premises at this location will generate a need for waste collection and the existing retail use is no exception. Whilst servicing may increase as a result of the new use, a condition in respect of the hours of servicing of the premises in respect of deliveries or collections could be applied to ensure that this does not occur late at night or early in the morning. There is nothing to suggest that there would be an unacceptable increase in littering to the extent that would justify the refusal of planning permission.

Overall, the proposal is considered to raise significant concerns in relation to the relevant policies contained in both the adopted and proposed local development plans and the National Planning Framework 4 (NPF4), and it does not comply with the relevant policies contained in the aforementioned plans and the NPF4 as the character, appearance and residential amenity of the existing neighbourhood would be detrimentally affected.

## **7. Recommendation**

Refuse planning permission for the following reasons:

1. The proposed development is contrary to Policies 14 and 23 of the National Planning Framework 4 (2023), and it is not considered acceptable with reference to Policies GD1, H5 and RET7 of the West Dunbartonshire Local Plan (2010), and Policies CP1 and H4 of West Dunbartonshire Local Development Plan 2 (Proposed Plan (2020)) as it would impact on residents, particularly in relation to noise and activity including into the evening, would not be appropriately located with an unacceptable clustering of similar uses, and result in an overall detrimental impact on residential amenity.
2. The proposal fails to provide any dedicated parking and this would have the potential to lead to additional congestion within what is a heavily parked residential area to the detriment of road safety. The proposal is therefore not supported by Policy GD1 of the adopted West Dunbartonshire Local Plan.

## **8. Added Value**

None.

## **FOR NOTING**

### ***Informatives***

#### ***1. The plans referred to as part of this decision are:***

- ***Location Plan PL-LOC-01***
- ***Site Plan as Existing and Proposed PL-LAY-01***

- *Plan as Existing PL-LAY-05*
- *Plans Elevations and Section as existing PL-LAY-06*
- *Plans as proposed PL-LAY-10*
- *Elevations and Section as Proposed PL-LAY-11*
- *Planning Statement 6 Lomond Dr*

Refusal of Planning Permission

**WEST DUNBARTONSHIRE COUNCIL**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (SCOTLAND) REGULATIONS**

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Proposal Change of use from retail shop (class 1A) to hot food  
takeaway (sui generis) and associated works

Site 6C Lomond Drive  
Dumbarton  
G82 3AS

Applicant Mr Fereydun Bahrami

Agent TmC Planning And Property Development Ltd  
The Barn  
Netherton Farm  
Westcraigs Road, Harthill  
Shotts  
ML7 5TT  
F.A.O. Philip Landa

Class of Development Local Development

Decision Type Delegated

*WEST DUNBARTONSHIRE COUNCIL, AS PLANNING AUTHORITY, IN EXERCISE OF THEIR  
POWERS UNDER THE ABOVE-MENTIONED ACTS AND ORDERS, AND HAVING CONSIDERED  
YOUR PROPOSED DEVELOPMENT, THE PLAN(S) DOCQUETTED AS RELATIVE THERETO AND  
THE PARTICULARS GIVEN IN THE ABOVE APPLICATION, HEREBY:-*

**DECISION: REFUSE PLANNING PERMISSION FOR THE REASON(S)  
CONTAINED IN THE ACCOMPANYING PAPER(S) APART**

DATED THIS: 13th day of October 2023

Signed   
For West Dunbartonshire Council

Planning, Building Standards and Environmental Health Manager  
16 Church Street  
Dumbarton  
G82 1QL

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### **Reason for Refusal**

1. The proposed development is contrary to Policies 14 and 23 of the National Planning Framework 4 (2023), and it is not considered acceptable with reference to Policies GD1, H5 and RET7 of the West Dunbartonshire Local Plan (2010), and Policies CP1 and H4 of West Dunbartonshire Local Development Plan 2 (Proposed Plan (2020)) as it would impact on residents, particularly in relation to noise and activity including into the evening, would not be appropriately located with an unacceptable clustering of similar uses, and result in an overall detrimental impact on residential amenity.
2. The proposal fails to provide any dedicated parking and this would have the potential to lead to additional congestion within what is a heavily parked residential area to the detriment of road safety. The proposal is therefore not supported by Policy GD1 of the adopted West Dunbartonshire Local Plan.

### **FOR NOTING**

#### *Informatives*

**1. The plans referred to as part of this decision are:**

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- **Planning Statement 6 Lomond Dr**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING ETC. (SCOTLAND) ACT 2006

RIGHTS OF AGGRIEVED APPLICANTS (DELEGATED DECISIONS)

1. If this decision involves a refusal of planning permission or the granting of permission subject to conditions, and if the applicant is aggrieved by this decision, they may seek a review of this decision with the Local Review Body within 3 months of the date of this notice.

Notice of Review forms and guidance can be obtained and submitted to us via the Scottish Government [ePlanning portal](#)

Alternatively the review forms may be submitted in writing to:

**West Dunbartonshire Council**  
**Planning Local Review Body**  
**16 Church Street**  
**Dumbarton G82 1QL**  
**0141 951 7930**

2. If permission to develop is refused or granted subject to conditions (whether by the Planning Authority or the Scottish Ministers), and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.



**RELEVANT POLICIES:**

**DC23/037/FUL**

## **National Planning Framework 4**

### **Policy 1 – Tackling the climate and nature crisis**

When considering all development proposals significant weight will be given to the global climate and nature crises.

### **Policy 2 – Climate mitigation and adaptation**

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

### **Policy 3 – Biodiversity**

- a. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b. Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
  - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks,

linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

- v. local community benefits of the biodiversity and/or nature networks have been considered.
- c. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d. Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

#### Policy 14 – Design Quality and Place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### Policy 15 - Local Living and 20 Minute Neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
  - employment;
  - shopping;
  - health and social care facilities;
  - childcare, schools and lifelong learning opportunities;
  - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
  - publicly accessible toilets;
  - affordable and accessible housing options, ability to age in place and housing diversity.

#### Policy 22 – Flood risk and water management

- b) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
  - ii. water compatible uses;
  - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
  - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and

where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

c) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

d) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

e) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.



- f) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

#### Policy 23 – Health and Safety

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.
- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

- j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

#### Policy 27 – City, town local and commercial centres

- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
- i. will be supported in existing city, town and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

#### **Town Centre First Assessment**

For development proposals which are out of city/town centre and which will generate significant footfall a Town Centre First Assessment will be provided. Applicants should agree the data required with the planning authority before undertaking the assessment, and should present information on areas of dispute in a succinct and comparable form.

The town centre first assessment should:

- identify the potential relationship of the proposed development with the network of centres identified in the LDP;
- demonstrate the potential economic impact of the development and any possible displacement effects, including the net impact on jobs; and
- consider supply chains and whether local suppliers and workers will be a viable option; and

- the environmental impact of transporting goods and of staff and visitors travelling to the location.
  - The town centre first assessment should be applied flexibly and realistically for community, education, health and social care and sport and leisure facilities so that they are easily accessible to the communities they are intended to serve.
- c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
- i. Hot food takeaways, including permanently sited vans;
  - ii. Betting offices; and
  - iii. High interest money lending premises.
- d) Drive-through developments will only be supported where they are specifically supported in the LDP.

### **Town centre living**

- e) Development proposals for residential development within city/town centres will be supported, including:
- i. New build residential development.
  - ii. The re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.
  - iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.
- f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:
- i. retain an attractive and appropriate frontage;
  - ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and
  - iii. not result in an undesirable concentration of uses, or 'dead frontages'.
- g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:
- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or
  - ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

## **West Dunbartonshire Local plan**

### **Policy GD 1 – Development Control**

All new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. Proposals will be required to:

- be appropriate to the local area in terms of land use, layout and design (including scale, density, massing, height, aspect, effect on daylighting, crime prevention measures and privacy); developers will be required to submit design statements where appropriate;
- be energy efficient, including considering options for micro-renewable technologies;
- ensure that landscaping is integral to the overall design, that important landscape features and valuable species and habitats are conserved and where possible enhanced, and that there is an emphasis on native planting;
- ensure that the value of the historic and natural environment is recognised, and is not devalued or threatened by the proposal;
- ensure that open space standards are met;
- assess and address any existing or potential increase in flood risk and/or environmental pollution, provide drainage consistent with Sustainable Urban Drainage Systems design guidance and ensure that suitable remediation measures are undertaken on contaminated sites;
- demonstrate, where appropriate, that the development will not result in a negative impact on the water environment;
- ensure that increases in traffic volumes and adverse impacts on air quality are avoided or minimised by including provision for public transport, pedestrian and cycling access, and considering the need for a Green Travel Plan;
- meet the roads, parking and access requirements of the Council (particularly for disabled people and the emergency services) reflecting national guidance where appropriate;
- consider the availability of infrastructure and the impact on existing community facilities;
- minimise waste, and provide for the storage, segregation and collection of recyclable and compostable material; a Site Waste Management Plan may be required; and
- be consistent with other Local Plan policies

### **Policy H5 – Development within Existing Residential Areas**

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and where possible enhanced. Development within existing residential areas will be considered against the following criteria:

- the need to reflect the character of the surrounding area in terms of scale, density, design and materials;
- the requirement to avoid over development which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings;
- the need to retain trees, hedgerows, open space and other natural features;
- extensions to dwellings must complement the character of the existing building, particularly in terms of scale and materials, not dominate in terms of size or height, and not have a significantly adverse affect on neighbouring properties;
- the subdivision of the curtilage of a dwelling for a new house should ensure that the proposed plot can accommodate a house and garden; the new house and garden to be of a scale and character appropriate to the neighbourhood; sufficient garden ground should be retained for the existing house; the privacy of existing properties should not be adversely affected and separate vehicular accesses should be provided;
- with regard to non-residential uses, whether they can be considered ancillary or complementary to the residential area, and would not result in a significant loss of amenity to the surrounding properties. A significant loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, hours of operation and general disturbance; and
- the proposal conforms with other Local Plan policies.

#### Policy RET 7 - Local Centres

Within the Local Centres defined on the Proposals Map, the Council will seek to protect and enhance vitality and viability by encouraging improvement to the existing floorspace and supporting the establishment of new uses where appropriate. Applications for any change of use from a shop (Class 1 of the Use Classes Order) to another use will be supported where it can be satisfactorily demonstrated that such a change would enhance the centre, would not have a detrimental impact on adjacent properties by way of noise, disturbance and odour, and would also not adversely affect the general character and amenity of the area.

#### **Proposed West Dunbartonshire Local Development Plan (LDP2, as Modified 2020)**

#### Policy CP1 Creating Places

New development shall take a design led approach to creating sustainable places which put the needs of people first and demonstrate the six qualities of successful places. All new development is required to:

- a) Demonstrate an understanding of the local context and contribute positively towards the distinctive identity of West Dunbartonshire;



retaining, reinforcing and responding to established patterns of development, natural features and the historic environment.

- b) Ensure that streets are safe, comfortable and attractive for all users; creating an accessible, inclusive and walkable network of streets and paths which consider the role of streets as places for people first.
- c) Green infrastructure must be an integral part of the design process for development from the outset; in line with the requirements set out in Policy CP2.
- d) Ensure that the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites.
- e) Ensure that the design and construction of new buildings and materials used are of a high quality, sustainable and suited to the climate and location;
- f) Provide sustainable design which supports waste reduction targets and reduce carbon emissions in the development's construction and end use.

All new development is also required to accord with the guidance set out within the Creating Places Supplementary Guidance. Note: Until such times as the Creating Places Supplementary Guidance is adopted by the Council, the 'Residential Development: Principles for Good Design' Planning Guidance, which is non-statutory, should be referred to by landowners and/or developers.

#### Policy H4 Residential Amenity

The Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against:

- a) Extensions to residential properties and/or outbuildings within the curtilage of the Plot, which would have adverse significant impacts upon neighbouring properties, including but not limited to, overshadowing, overlooking, overbearing, insufficient parking, and the character and appearance of the area;
- b) The establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;
- c) The development for other uses on locally important areas of recreational or amenity open space, which are not safeguarded or covered by Policy

G1, but significantly contribute to the character and appearance of the residential area concerned, or which offer opportunities for informal outdoor sport and recreation;

- d) The removal of play equipment from areas of recreational open space;
- e) The closure or disruption of existing footpaths, which provide important links
- f) between housing areas and areas of public open space; local shops and other community facilities and transportation nodes etc.;

New housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents

**SUGGESTED CONDITIONS:**

**DC23/037/FUL**

### Hours of Operation

The hours of operation of the development hereby approved shall be restricted to between 0800 and 2300 daily, unless otherwise agreed in writing by this Planning Authority.

*Reason: In order to protect the amenity of the existing neighbourhood.*

### Ventilation System – Efficiency – noise – Vibration

Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

*Reason: To ensure that the development does not adversely affect the amenity of neighbouring properties by creating excessive noise, vibration, or odour nuisance.*

### Grease Traps/Interceptors

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. It shall be installed as approved and maintained thereafter.

*Reason: To ensure that waste oil, grease and fat from food premises do not cause damage to the public sewer in the interests of public health and amenity.*