

Agenda



Planning Committee

Date: Wednesday, 5 June 2024

Time: 10.00

Venue: Civic Space, Council Offices, 16 Church Street, Dumbarton, G82 1QL.

Contact: **Email: Nicola Moorcroft, Committee Officer**
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Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

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: 23 May 2024

PLANNING COMMITTEE
WEDNESDAY, 5 JUNE 2024

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have any interests in the items of business on this agenda and the reasons for such declarations.

3 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

4 MINUTES OF PREVIOUS MEETING 5 - 19

Submit for approval, as a correct record, the Minutes of the Meeting of the Planning Committee held 8 May 2024.

5 PLANNING APPLICATIONS

Submit reports by the Chief Officer – Regulatory and Regeneration in respect of the following Planning applications:-

(a) DC23/086/FUL: Erection of new activity centre incorporating **21 - 31**
a community hub and bicycle workshop, together with associated
works at South Canal Bank, Sylvania Way, South Clydebank by West
Dunbartonshire Council.

(b) DC23/039/FUL: Installation of driveway (Retrospective) **33 - 38**
at 49 Briar Drive, Clydebank G81 3HT by Mr Steven Messenger.

6 MASTERPLAN CONSENT AREAS - STATEMENT OF 39 - 42
CONSIDERATION

Submit report by the Chief Officer – Regulatory and Regeneration seeking agreement to issue the Statement of Consideration in relation to Masterplan Consent Areas.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, on Wednesday, 8 May 2024 at 10.00 a.m.

Present: Provost Douglas McAllister and Councillors Gurpreet Singh Johal, Daniel Lennie, June McKay, Karen Murray Conaghan, Lawrence O'Neill and Sophie Traynor.

Attending: James McColl, Development Management Team Leader; Cameron Clow, Policy Planning Officer; Matthew Spurway, Development Planning and Place Officer; Nigel Ettles, Principal Solicitor and Nicola Moorcroft, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Ian Dickson, Chris Pollock and Hazel Sorrell.

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.

OPEN FORUM

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 17 April 2024 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 15 April 2024, a copy of which forms Appendix 1 hereto, was submitted and noted.

SCOTTISH GOVERNMENT CONSULTATIONS: INVESTING IN PLANNING; MASTERPLAN CONSENT AREAS; AND DEVELOPMENT PLAN AMENDMENTS

A report was submitted by the Chief Officer – Regulatory and Regeneration seeking agreement to submit responses to various Scottish Government consultations on proposed planning regulations and changes to how the planning system is resourced.

After discussion and having heard the Policy Planning Officer and the Development Planning and Place Officer in further explanation and in answer to Members' questions, the Committee agreed the proposed Council responses set out in Appendix 1 of the report (Investing in Planning: Consultation), Appendix 2 of the report (Masterplan Consent Areas Regulations: Consultation) and Appendix 3 of the report (Development Plan Amendment Regulations: Consultation).

CONSTRUCTION AND OPERATION OF A 560MW BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE, SUBSTATION, SECURITY FENCING, CCTV, SECURITY LIGHTING AND LANDSCAPING ON LAND AT COCHNO ROAD, BEARSDEN, EAST DUNBARTONSHIRE - SECTION36 APPLICATION TO SCOTTISH GOVERNMENT ENERGY CONSENTS UNIT REF: ECU00004982

A report was submitted by the Chief Officer – Regulatory and Regeneration to agree a response to a consultation received from the Scottish Government Energy Consents Unit, on behalf of the Scottish Ministers, regarding a proposal for the construction and operation of a 560MW Battery Energy Storage System, with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping.

Chair invited Councillor Gordon Scanlan, on behalf of Kilpatrick Ward, to join the meeting. Councillor Scanlan was heard in relation to his and the residents of the area, concerns regarding this development.

Provost Douglas McAllister moved that in addition to the recommendation to object to the development, West Dunbartonshire Council request Scottish Ministers conduct a full Public Inquiry, held in Clydebank, prior to making a decision regarding this development.

After discussion and having heard the Development Management Team Leader in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to object to the above development and that the response contained in Appendix 2 hereto forms this Council's formal response to the proposal; and
- (2) that West Dunbartonshire Council request Scottish Ministers conduct a full Public Inquiry, held in Clydebank, prior to making a decision regarding this development.

The meeting closed at 10.48 a.m.

DRAFT

PLANNING COMMITTEE

NOTE OF VISITATIONS – 15 APRIL 2024

Present: Councillors Karen Murray Conaghan and Chris Pollock.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager and James McColl, Development Management Team Leader.

SITE VISITS

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

Site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group

DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure (in principle) by Malin Property Group.

57B Broomhill Crescent, Bonhill, Alexandria

DC23/120/FUL: Erection of decking (retrospective) by Mr John Graham

Appendix 2 – West Dunbartonshire Consultation Response to Scottish Government Energy Consents Unit.

Section 36 application ref: ECU00004982 - Construction and operation of a 560MW Battery Energy Storage System with associated infrastructure, substation, security fencing, CCTV, security lighting and landscaping on Land at Cochno Road, Bearsden, East Dunbartonshire - project name Whitehall BESS.

West Dunbartonshire Council **objects to the above proposal** as neighbouring Planning Authority. Full details of the Council's consideration of the development proposal are set out below.

Context

An application has been made to the Scottish Ministers under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a battery energy storage facility with a maximum power output of 560 megawatt. The application site is located within the East Dunbartonshire local authority area and the assessment of the application proposal is undertaken via the Scottish Government Energy Consents Unit. West Dunbartonshire Council has been consulted as neighbouring planning authority with the application site lying generally to the north of the local authority boundary.

Site description and development proposal

Extending to approximately 29 hectares, the proposed site is situated on land at Whitehall Farm, Cochno Road, East Dunbartonshire. The site lies immediately north and east of the local authority boundary which follows the line of Cochno Road at this location. The site itself is located within the open countryside comprising part of the Green Belt as defined by the adopted East Dunbartonshire Local Development Plan 2. To the south, the site is bound by Cochno Road with Whitehill Farm located directly adjacent to the southeast of the site. To the west, the site is bound by Cochno Road along its southern extent before following the general line of Lower Stourfold Glen. The northern and eastern boundaries of the site generally cut across open land before following the existing tree line to Cochno Road. The nearest residential properties within West Dunbartonshire are the houses directly opposite the site at Edinbarnet, Cochno Road. Properties at Craighton Street, Burnbrae Street, Craighaw Street and Field Road lie around 170 metres from the southernmost boundary of the proposed site. Loansdean, Cochno Road is around 200 metres from the site.

The proposal is for a 560 MW Battery Energy Storage Facility with associated infrastructure. It is indicated that the development would have an operational lifespan of 40 years. The proposed development would comprise a number of containerised units to house battery energy storage systems and associated ancillary infrastructure. Each container will have the appearance of a standard metal

ISO/shipping container and it is indicated these will be soundproof. The containers would be arranged in parallel banks, and would likely be finished in dark grey or green and would be prefabricated off-site. The containers would be accessed via an external galvanised metal open grid walkway supported by stairs and railings. The dimensions of the containers would be approximately 2.6m x 2.4m x 12.2m (height x depth x width). The containers together with other equipment will be placed on concrete plinths. In the submitted documents that concrete will be installed in a manner which can be removed at the end of the development's life cycle, to return the land to agricultural use. The proposal would see 224 containers in total. It is further indicated that there will be 1 inverter per container and 1 transformer per 2 containers giving a total of 224 inverters and 112 transformers, arranged in formation alongside the containers. The transformers and inverters will measure approximately 2.7m x 1.4m x 2.6m, and 2.3m x 1.4m x 1.5m respectively. Underground cables would connect the facility to the grid off-site at Drumchapel and Windyhill substations. A substation measuring 3.9m x 3.7m x 13.6m is to be located in the located to the south of the site. All structures and development as laid out above will be enclosed within an acoustic fence, proposed to stand at 4m high.

A 4m wide access road will be installed, with the proposed access point to Cochno Road located on the western edge of the site. It is indicated that landscape proposals for the site will seek to enhance existing landscape features, screen views of the battery containers and enhance biodiversity.

Battery Energy Storage Solutions provide a means of allowing for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and released when demand outstrips generation. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand.

The applicant has submitted a number of supporting documents with the application to the Energy Consents Unit, including a supporting planning statement, design and access statement, flood risk assessment, historic environment assessment, preliminary ecological appraisal, transport statement, noise impact assessment, battery safety management plan and landscape and visual impact assessment.

Appraisal

This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989, as it is development with a generating capacity of over 50MW. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and therefore the Development Plan does not have the primacy in the determination of the application. It does, however, provide a basis for the assessment of this proposal and it is established practice to take the development plan into account in such decisions. The

development plan comprises National Planning Framework 4 and adopted East Dunbartonshire Local Development Plan 2.

Principle of Development

National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. NPF4 aims to meet Scotland's climate ambition which will require a rapid transformation across all sectors of the economy and society. This proposal constitutes a National Development as it supports renewable electricity generation, repowering, and expansion of the electricity grid under National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure. NPF4 recognises that additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy. Policy 1 states that there is a need to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, whilst Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources with the purpose of the batteries to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation.

Whilst the Council considers that the proposal could therefore be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply, it must be ensured that such development happens in the right place. Therefore, it must be assessed if there are any potential adverse impacts upon West Dunbartonshire resulting from the proposed development which would be outweighed by any benefits. Policy 11(e) of NPF4 sets out in detail the matters for the project design and mitigation to address.

Landscape and Visual Impact and impact on the Green Belt

The site is situated within the Green Belt to the north of the settlement of Faifley. Policy 8 of NPF4 sets out the types of development that are supported within the Green Belt locations. This includes essential infrastructure and proposals that relates to the distribution and transmission of electricity grid networks fall under this definition. However, Policy 8 is clear that for development proposals in Green Belt locations, the purpose of the Green Belt must not be undermined. Policy 11 additionally seeks to encourage, promote, and facilitate all forms of renewable energy development, including energy storage and distribution infrastructure. The policy sets out a range of criteria that proposals should be assessed against to ensure the impact of the project design and mitigation is addressed. This includes ensuring there is no adverse impact on landscape and visual impact.

Policy 8 requires that the reasons why the Green Belt is essential must be provided together with why the development cannot be provided on a site outwith the Green Belt. The applicant advises that the site has been chosen due to its proximity to appropriate grid connections. While this is accepted from a technical perspective, the applicant has not provided any analysis of other site options that were considered outside of the Green Belt and why it was not possible to locate them in

an alternative place. It therefore cannot be concluded that no other suitable sites are available in a location outwith the Green Belt.

Policy 8 further requires that proposals must be compatible with the established countryside and landscape and be designed to ensure that it is of an appropriate scale, massing and external appearance to minimise visual impact upon the Green Belt. That a development of this nature would have a visual impact is not in doubt. The applicant's Landscape and Visual Impact Assessment (LVIA) acknowledges that the baseline landscape character of the site would be altered as a result of the proposed development bringing adverse effects on landscape character, during both the construction and operation phases. It is identified in the LVIA that the development would introduce built elements which would be evident in its immediate landscape setting. The Council is concerned at the potential for the industrial character of the development and the harm to the visual harm to the locality, resulting in the industrialisation of the Green Belt at this location. Whilst the proposed landscape mitigation is acknowledged, the site is in close proximity to the settlement boundary of Faifley and visually, the development will likely be viewed in the context of the adjacent settlement. It will likely have negative impacts on landscape and natural setting of the Green Belt, potentially having an adverse visual impact. Whilst the development is identified as being temporary, there are no details of decommissioning or restoration. With a possible development lifespan of up to 40 years, any impacts from the operational phase of the development will occur over a long period of time.

The Council is of the view that the applicant has not demonstrated that there are no other suitable sites are available in a location outwith the Green Belt. The Council also considers that the industrial character of the development will result in visual harm to the locality resulting in the industrialisation of the Green Belt. This would not be acceptable. The development cannot, therefore, be held to be supported by Policies 8(a)(ii) and 11(e)(ii) of NPF4.

Impact upon the Kilpatrick Hills

Notwithstanding visual impact considerations within the Green Belt, the potential impact on the landscape character and features of the Kilpatrick Hills Local Landscape Area (LLA) must also be considered. The proposed site is approximately 270m away from the boundary of the LLA. The 'Statement of Importance', which is the evidence underpinning the LLA explains that the lower slopes of the Kilpatrick Hills contribute to its setting, by acting as an important landscape buffer. The designation contains areas of lower slopes to protect the setting of the hills, meaning the proposed development site is removed from this buffer.

The theoretical zone of visibility in the applicant's LVIA does include southern areas of the LLA. One of the special landscape qualities of the LLA is the long views across the Glasgow conurbation, which emphasise the contrast between remote uplands and developed lowlands. Visually intrusive development between the conurbations and the Kilpatrick Hills could erode this special quality. The LVIA assesses that there would be negligible impact stating the development is unlikely to be visible from the viewpoint. Further, the tree screening mitigation would further reduce the visibility once established.

Given that the site is some distance from the designation boundary and visibility is expected to be low from the LLA, the Council considers that based on the assessment within the submitted LVIA, it is unlikely there will be an adverse impact on the Kilpatrick Hills

Ecology, biodiversity and protected species

Policy 3 of NPF4 seeks to protect biodiversity, reverse loss, deliver positive effects from development and strengthen nature networks. Policy 4 seeks to protect, restore and enhance natural assets, making best use of nature-based solutions. The policy is primarily focused on designated areas including sites designated as a local nature conservation site or landscape area. Policy 11 also requires biodiversity impact to be addressed. The applicant has submitted a preliminary ecological appraisal in support of the proposal and this primarily assesses impacts upon the proposed site. The appraisal does not identify the adjacent Local Nature Conservation Sites (LNCS) within West Dunbartonshire, as set out on the proposals map of proposed LDP2. These comprise of three LNCS areas; Edinbarnet woodlands and Wester Cochno Parkland both of which area adjacent to the proposed site, and Wester Cochno Burn.

The Council's Biodiversity Officer advises that West Dunbartonshire Council has undertaken a two year nature restoration project within the area known as Auchnacraig Estate (which is comprised of the three LNCS above), and on Faifley Knowes to the south. Both Auchnacraig and Faifley have now been connected by a new native woodland which straddles the hillside to the east of Douglas Muir Road. This has created an integrated habitat which connects the urban environment to wider Green Belt and the Kilpatrick Hills LLA. The Council's Biodiversity Officer further advises that to the northwest of the site, Glasgow University at Cochno Farm have also been carrying out a number of nature restoration works including a large scale planting programme as well as a private forestry grant development north of Duntocher.

Collectively all the work put in by the various agencies in this location has resulted in landscape and nature restoration around the proposed development site. Assessing the potential impact upon the three LNCS making up Auchnacraig Estate, Auchnacraig wood is a semi-natural broadleaved woodland with a number of veteran broadleaved and conifer trees. Parts of the woodland has been established for a long time, with parts of it thought to be ancient woodland associated with the former Auchnacraig estate. Other woodland is younger native broadleaved woodland planted over the past 20 years. Diverse semi-natural woodlands of this size and age are uncommon locally, making this site important for nature conservation. Its value is enhanced by the fact that it is located on the fringe of an urban environment where wildlife habitats tend to be small and of low diversity. The Council's Biodiversity Officer advises that the woodland will have a positive effect on the surrounding environment as it will provide a reservoir of species which can migrate into surrounding areas when conditions are suitable.

The Council's Biodiversity Officer further advises that a Phase 1 survey carried out at Auchnacraig recognised the importance of the varied mosaic habitats. Areas of wetland pockets were found throughout the Estate. The Estate features the Cochno burn from which a wildlife pond is supplied and this has also been restored for

wildlife as part of the habitat restoration project. Any proposed development to the north of the site may have an impact on the hydrology of the LNCS site and this requires to be assessed.

Considering specific species, the Council's Biodiversity Officer advises that evidence of badger foraging and pine marten scat were found in 2023 surveys. Herpetofauna surveys of the pond were undertaken and include common toad in the species list. The open mosaic habitat is suitable for hedgehog and previous records of local bat surveys on the site have found both common and soprano pipistrelles as well as daubentons. Previous records of otter and watervole exist for both the Cochno and Hardgate burns. Recent watervole surveys have reconfirmed their presence at Faifley thus the development site requires to be considered for watercourse and fossorial watervole as they are within the distribution range of the proposed site.

It is therefore possible that all of the above species found within West Dunbartonshire to the immediate west and south of the site could potentially be using the proposed development site. The Council's Biodiversity Officer advises that further species specific surveys require to be carried out in respect of the proposed development site. Issues such as adverse noise, vibration, lighting and hydrology pollution are not discussed in the PEA and also require to be examined.

In terms of biodiversity enhancement, the proposed area is also a mixed habitat and wet and marshy sections should not be given over to inappropriate tree planting under the role of biodiversity enhancement, as these are valuable habitats of their own accord.

Overall, the applicant's preliminary ecological appraisal has been considered by the Council's Biodiversity Officer and this fails to identify the adjacent LNCS within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It therefore cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. The Council does not consider that the proposal can be held to be supported by Policies 3, 4 or 11(e)(ix) of NPF4.

Residential amenity

There is the potential for amenity impacts to occur to residents within West Dunbartonshire, with the closest residential properties being at Edinbarnet on Cochno Road, immediately to the west of the site. Infrastructure within the site would be situated around 90 to 100 metres from these properties. Further properties lie to the northern edge of Faifley, approximately 170 metres from the proposed site. The site equipment itself is around 280 metres these residential properties in Faifley together with Loansdean on Cochno Road. The applicant, however, requests micro-siting of up to 100 metres and this could result in the proposed infrastructure being substantially closer to nearby properties than the current layout suggests. The site entrance will be taken from Cochno Road, opposite the properties at Edinbarnet.

Policy 11 of NPF4 requires that impacts on communities and individual dwellings including residential amenity, and noise are addressed. A noise impact assessment (NIA) has been submitted in support of the proposal and this has been considered by the Council's Environmental Health Service. A number of points are highlighted with

respect to the noise impact assessment. It is noted that the predicted noise is higher at one receptor during the night but lower at other receptors. It is questioned whether this is correct and the cause of this requires to be clarified. It is further noted that the noise impact assessment applies a 2dB penalty for tonality being just perceptible at the receptors. For cooling plant associated with battery storage an assessment and discussion of NR curves as per the REHIS development guide quoted in the Noise Assessment is expected. In the absence of this, it cannot be concluded that no adverse impact will occur to residential properties.

In further assessing the noise assessment, Para 4.6.2 states that mitigation is required to ensure compliance with the BS4142 assessment for daytime noise. It is not clear from the results how this conclusion has been reached and furthermore there is no discussion or suggestion of suitable mitigation and its predicted effectiveness. The Council's Environmental Health Service note that the applicant has stated that there should be flexibility around the siting of the equipment within the site boundary, with micro siting of up to 100 metres. There is no acknowledgement of this within the NIA. Any impacts from different configurations of equipment requires to be fully discussed and assessed. In the absence of this, the Council considers that it is not considered that it has been demonstrated that there will be no unacceptable impact on neighbouring amenity resulting from the operation of the development. It is not therefore considered that the potential impacts from noise are addressed in accordance with Policy 11(e)(i).

Any construction project will result in an element of noise and disturbance. In order to manage any potential noise disturbance during the construction phase of the development, in the event that consent was granted, the Council would seek a that construction work and any ancillary operations are restricted to between 8am to 6pm Monday to Friday and 8am to 1pm on Saturday. No working should be permitted on Sundays or public holidays, including local holidays within the West Dunbartonshire Council area.

Traffic and Road Safety

Policy 11 of NPF4 requires the impacts on road traffic to be appropriately addressed, including during construction. Access to the site will be taken from the A811 via Cochno Road which is partly within the West Dunbartonshire boundary. The site access itself will adjoin a West Dunbartonshire section of Cochno Road. A 24 month construction phase is identified and the applicant's transport statement advises that the construction phase of the development would generate around 109 two-way movements per day during the first three months (218 individual movements), with daily movements decreasing thereafter.

The applicant's Transport Statement sets out that a review of Cochno Road outlines how the carriageway has a suitable width to allow for simultaneous two-way movement, from its junction with the A810 towards the access of Law Farm. Beyond this towards the site, Cochno Road is predominantly single track, measuring circa 3.5m width. There are four formal passing places between the site and the Law Farm access, which could be used to allow small vehicles to pass in the event of conflict. Given the narrow width along sections of Cochno Road, with limited space to widen the carriageway to provide passing places for HGVs, it is proposed to stagger arrivals and departures. A detailed Construction Traffic Management Plan

(CTMP) would be developed. It is advised that no HGV movements will occur at the site during peak hours, in addition to the school closing hour. It is further advised that there will be no construction vehicle movements directly to the west of the site along Cochno Road. Overall, the applicant does not consider that the proposals would result in a severe impact upon the local road network. Once operational, the applicant anticipates between 10 and 20 vehicle trips to the site per annum.

The Council's Roads Service has considered the proposal and does not identify any issues or objections. It is noted that a detailed CTMP will be prepared by the applicant and the Council requests that in the event that the Scottish Ministers were minded to grant consent, this is conditioned including a requirement for any CTMP to be agreed with West Dunbartonshire Council due to the proximity of the site to the Council area and use of the road network within the Council area.

Impact upon the core path network

Policy 11 of NPF4 requires matters relating to public access including long distance walking and cycling routes and scenic routes to be suitably addressed. A variety of core paths connect Faifley to the open countryside via Cochno Road. The applicant's supporting documents identifies East Dunbartonshire core path ED/153/1 which is located to the south and east of the site and extending northeast from Cochno Road, noting that only minor visual effects would occur in respect of users of this core path. This East Dunbartonshire Core Path connects with the West Dunbartonshire Core Path network to the opposite side of Cochno Road. The applicant's submission does not consider the impact on the core path network and connections to the core path network within West Dunbartonshire. While no routes are physically interrupted by the proposal, there will be a visual and noise impact to users of the routes and the character of the routes will be changed. The Council considers that there is the potential for there to be adverse visual amenity impacts on core path users. Whilst landscape mitigation could seek to reduce the visual impact, the overall feeling of being in the wider countryside and in 'nature' would be lost should the proposal proceed. Cochno Road acts as a connection between all of these routes and the impact of construction traffic to users of these routes has not been considered or addressed. The Council does not consider that the potential impact upon the core path network has been addressed as required of Policy 11(e)(iii).

Flood risk

Considering matters relating to flood risk, a flood risk assessment has been submitted in support of the proposal. This does not identify the site itself as being an unacceptable risk of flooding. The proposed development is also not predicted to increase surface water runoff or flooding to the surrounding catchment. It is noted that in a consultation response to the Energy Consents Unit, SEPA offer no objection on the grounds of flood risk.

Built and cultural heritage

The application is accompanied by a desk-based assessment of the historic environment, which identified three heritage assets relevant to West Dunbartonshire: Edinbarnet House which is a Category B listed building, the Scheduled Monument Cochno Cup and Ring Marked Stone, and the Antonine Wall World Heritage Site buffer. Historic Environment Scotland (HES) in their consultation response to the

Energy Consents Unit notes that there are no designated heritage assets located within the development site application boundary. HES are therefore satisfied that there will not be any direct impacts. HES also specifically consider the potential for impact on both the Cochno Stone and Antonine Wall buffer zone and conclude that any impact on their setting is not likely to be significant. Being guided by the response from HES, the Council is therefore content that there is no significant impact on historic assets within or adjacent to West Dunbartonshire. Potential archaeological matters within the site would be for the Scottish Ministers to consider.

Health and safety

The applicant acknowledges that there are potential hazards associated with HVElectrical systems and BESS facilities, such as a fire and thermal runaway event, which could result in the formation of harmful gases. In response to this, an Outline Safety Management Plan Design has been submitted in support of the proposal. This details the operational measures, which will be included to mitigate hazards and reduce the risks to people and the environment. The key measures which will be installed to reduce risk at the BESS include the use of systems to monitor the operation of the BESS and continuously observe the temperature, voltage and other process parameters. These will immediately alert operators to potential issues. It is advised that in the event of a problem occurring, battery sections can be readily isolated automatically. A fire and gas detection system will be installed alongside conventional fire, heat and gas detectors, for the early detection of a fire event. An automatically operated fire suppression system will also be installed. It is for the Scottish Ministers to satisfy themselves that an unacceptable risk does not occur and to inform this assessment, the Council would expect the Scottish Fire and Rescue Service to be consulted on the application proposal. It is noted at the time of writing, no consultation response is available online from this organisation.

Site Decommissioning and Restoration

Policy 11(e)(xi) of NPF4 requires matters relating to the decommissioning of developments, including ancillary infrastructure, and site restoration to be addressed. The applicant has indicated that the intended lifetime of the proposal is 40 years, after which the facility will be decommissioned and the land restored to its former state. However no other information regarding this has been submitted. It is essential that given the type of development together with its size and location, that full details of decommissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(xi) of NPF4 are met.

In the event that the Scottish Ministers were minded to grant consent for the development, the Council considers that there is the requirement for a financial bond to ensure sufficient funds are available to decommission and restore the site. If the developer was to go out of business with unfinished works potentially being left this can be safeguarded by ensuring that a bond or other financial provision is to put in place to cover such an eventuality. The bond or other financial provision would address reinstatement works both in the event of a developer failing or being unable to complete restoration works together with any failure in the aftercare arrangements associated with the site restoration. The Council also considers that in the event that the development fails to export electricity to the grid for a continuous period of 12 months it will be considered to have become redundant and the components of the development removed and the site restored. In the event that consent was granted,

the Council considers it essential that that this requirement is to be addressed by a condition.

Summary and conclusions

The Council consider that proposals such as this can be held to support the overarching aims of the NPF4 to achieve net zero targets and provide a stable domestic energy supply. The support as a national development is also acknowledged. However, it remains that such development require to be sited in the right locations and the benefits of such developments require to be balanced with any potential adverse impacts.

In considering the proposal, it is concluded that no concerns arise in respect of matters relating to the impact upon the Kilpatrick Hills, flood risk, roads and traffic, built and cultural heritage, and health and safety. However, a variety of concerns do arise.

In assessing the Green Belt location to the north of Faifley, the Council is of the view that the applicant has not demonstrated that there are no other suitable sites available in a location outwith the Green Belt. The Council also considers that the industrial character of the development would be to the visual harm of the locality resulting in the industrialisation of the Green Belt. Whilst landscape mitigation is proposed, any planting would take years to develop and mature, exacerbating the visual impact within the short to medium term. This is not considered acceptable or justified. The development cannot, therefore, be held to be supported by Policies 8 and 11(e)(i) of NPF4.

Turning to the impact upon ecology, biodiversity and protected species, the applicant's preliminary ecological appraisal fails to identify the adjacent LNCS within West Dunbartonshire and assess the potential cross boundary impact upon ecology, biodiversity and protected species within West Dunbartonshire. It therefore cannot be concluded that adverse impacts would not occur within the West Dunbartonshire area. Turning to the impact on the core path network, while no routes are physically interrupted by the proposal, there will be a visual and noise impact to users of the routes and the character of the routes will be changed. The Council considers that there is the potential for there to be adverse visual amenity impacts on core path users. The overall feeling of being in the wider countryside and outwith the built-up area would be lost. Cochno Road also acts as a connection between the various core path routes at this location and the impact of construction traffic to users of these routes has not been considered or addressed. The development cannot, therefore, be held to be supported by Policies 3, 4 and 11(e)(iii) and (ix)

With regard to residential amenity, the Council does not consider that it has been demonstrated beyond doubt that there would be no impact upon residential amenity within West Dunbartonshire by way of noise. Finally, the Council considers it essential that given the type of development together with its size and location, that full details of de-commissioning and site restoration is provided to ensure that the requirements of Policy 11(e)(i) of NPF4 are met.

West Dunbartonshire Council therefore **objects** to this proposal due to the above concerns relating to the Green Belt location of the development, visual impact, impact upon ecology, biodiversity and protected species, potential impact upon the users of the core path network, potential impact upon adjacent residential amenity and the failure to provide a decommissioning and restoration scheme. The Council does not consider that the benefits of the proposed development outweigh any adverse impacts to the adjacent West Dunbartonshire area.

DRAFT

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 5th June 2024

DC23/086/FUL: Erection of activity centre incorporating a community hub and bicycle workshop, together with associated work on land adjacent to the south bank of the Forth and Clyde Canal, Clydebank by West Dunbartonshire Council.

1. REASON FOR REPORT

- 1.1** The planning application raises issues that in the opinion of the appointed officer merits the determination of the application by Committee. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant planning permission** subject to the conditions set out in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1** The application site relates to a 943sqm area of land located adjacent to the South Bank of the Forth and Clyde Canal and the NCR 7 cycle route, to the south of the Clyde Shopping Centre, Clydebank. The site is linear in form, slopes gently down from south to north, and is comprised of amenity grass and 8 trees, most of which are located along the northern extent. The site also includes 5 sculptured seating elements. Currently, the site functions as open space and is part of a wider area that forms the southern canal bank.
- 3.2** The site is situated within Clydebank Town Centre and surrounded by a mix of uses, with a church to the south, Clydebank Shopping Centre and amenity greenspace to the north, Clydebank Bandstand and South Sylvania Way to the west and a walkway and greenspace to the east. The site of the former Playdrome Leisure Centre, for which planning permission has been granted for a residential development, lies to the southeast.
- 3.3** Planning permission is sought for the development of an activity centre which includes a community hub and associated kitchen, launderette, coffee hatch, bicycle store, workshop and landscaping. It is indicated that the Community Hub will host a range of recreational and educational activities, such as yoga and cooking classes. The proposed modular building would have a footprint of 234sqm, being 6.7m D x 35m L, with the flat roof rising to a highest point of 3.85m and overhanging the building footprint by approximately 1.3m on the northern elevation to create a covered corridor (loggia). The building is comprised of two parts connected by a roofed external cycle storage area which can be closed off at the sides. A condenser store is located at the eastern end. All window openings are floor to ceiling, with five windows and a door proposed on the northern elevation, four windows on the southern elevation and one window on the western elevation, all of which would be fitted with folding security shutters. Two skylights are also proposed.

The building would be comprised of a polished pre-cast concrete base rising to a highest point of 1m, with the walls finished with a series of metal fins infilled with perforated 1.5m wide metal mesh panels. The windows would be comprised of aluminum with the door being metal. The walls, windows and door would be finished in a powder coated Green RAL 6003 colour. No information has been provided on the finish of the membrane roof.

- 3.4 With respect to the wider site, a hardstanding area is proposed within the northern half of the western extent, along with a gravel pathway along the eastern and southern elevations. A wild garden is further proposed adjacent to the southern elevation.
- 3.5 While the application indicates that there would be illuminated signage on the northern elevation, this will require to be assessed under a separate application for Advertisement Consent.
- 3.6 In support of the proposal, the applicant has submitted a range of documentation and information, including a Design Statement, Tree Report, and Preliminary Ecological Appraisal.

4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service have no objection to the proposal in respect of roads and parking together with flooding matters.
- 4.2 West Dunbartonshire Council Environmental Health Service have no objection, subject to two conditions on construction and operating hours.
- 4.3 West Dunbartonshire Council Biodiversity Officer has no objection, subject to two conditions relating to landscaping and biodiversity enhancement.
- 4.4 Historic Environment Scotland had initially objected due to the potential impact upon the canal which is a scheduled monument, but following further consideration the objection was removed.

5. REPRESENTATIONS

- 5.1 None received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

National Planning Policy 4

- 6.1 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 also relates to the climate in the form of climate mitigation and adaptation and states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and development proposals will be sited and designed to adapt to current and future risks from climate change.
- 6.2 Policy 3 seeks to protect biodiversity and deliver positive effects from development, requiring that local development includes appropriate measures to conserve, restore and enhance biodiversity. It is noted that measures should be proportionate to the nature and scale of development.

- 6.3** Policy 6 aims to protect and expand forests, woodland and trees. It advises that proposals will not be supported where they result in the loss of ancient woodlands, ancient and veteran trees, or individual trees of high biodiversity value. Where woodland is removed, compensatory planting is expected to be delivered.
- 6.4** Policy 7 aims to protect and enhance historic environment assets and places, with proposals affecting scheduled monuments only supported where direct impacts on the integrity and setting of scheduled monuments are avoided or exceptional circumstances have been demonstrated to justify the impacts on the monument and any impacts have been minimised.
- 6.5** Policy 12 relates to waste and advises that development proposals will set out how much waste the proposal is expected to generate and how it will be managed.
- 6.6** Policy 13 supports proposals where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and are accessible by public transport.
- 6.7** Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale, as per Policy 14. Policy 15 relates to local living and 20 minute neighbourhoods, with development proposals required to contribute to both, where relevant, through local access to a wide range of facilities and activities, including lifelong learning and recreation facilities
- 6.8** Under part (f) of Policy 19, proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 6.9** Green infrastructure is considered through Policy 20. Proposals that result in fragmentation or net loss of existing green infrastructure will only be supported where it can be demonstrated that this would not result in or exacerbate a deficit in green infrastructure provision, and the overall integrity of the network will be maintained.
- 6.10** Policy 21 seeks to promote and facilitate spaces and opportunities for play, recreation and sport. It advises that development proposals likely to be occupied or used by children and young people will be supported where they incorporate well designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.
- 6.11** Policy 22 addresses flood risk and water management, stating that proposals will not increase the risk of surface water flooding to others, or itself be at risk; manage all rain and surface water through sustainable urban drainage systems (SUDS), and seek to minimise the area of impermeable surface.
- 6.12** Policy 23 aims to safeguard people from environmental harm and promote and facilitate development that improves health and wellbeing. Development proposals that will have positive effects on health will be supported. Policy 24 supports proposals that incorporate appropriate, universal, and future-proofed digital infrastructure.

- 6.13** Policy 27 seeks to promote and facilitate development in our city and town centres, advising that 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.
- 6.14** The proposed development is supported by NPF4 and is assessed fully in Section 7 below.
- West Dunbartonshire Adopted Local Plan 2010
- 6.15** Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the local area.
- 6.16** Policy RET 5 advises that applications for non-retail uses within the designated town centres will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other Local Plan policies.
- 6.17** Policy R1 relates to the retention of existing open space. It includes a presumption against development which adversely affects the use, character or amenity of areas of functional and valued open space. Developments on existing open space will be considered against the existing or potential future use, quality, function and value of the open space and the sufficiency of provision of the facility type in the local area.
- 6.18** Policy T1 and T4 require sites to be integrated with sustainable travel. Policy E1 relates to the Council's Biodiversity duty and Policy E5 requires new development proposals to consider impacts on trees and incorporate suitable tree planting. Policies F1 and F2 aim to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SUDS drainage infrastructure. Policy DC7 supports the inclusion of on-site micro-renewable technologies.
- 6.19** Policy BE 5 advises that the Council will resist any development proposals that would have an adverse impact on or affect the setting of a Scheduled Ancient Monument, unless a number of criteria are met.
- 6.20** Policy R 4 seeks to ensure that new development on or adjacent to the Forth and Clyde Canal is compatible and appropriate, with Policy R 4C encouraging recreational activities adjacent to the canal. Policy R 4F notes that development of canal-side sites should, wherever possible, be oriented towards and integrate with the canal, overlook the canal to provide a supervised edge and provide direct access to the existing canal side paths.
- 6.21** The proposal complies with the policies of the adopted local plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1** 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, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration.

- 7.2** Policy CP1 seeks to ensure that development is of a high quality, adaptable and designed to be suitable for a mix of occupants. It indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming). Policy CP2 requires the integration and consideration of green infrastructure from the outset of the design process through to its maintenance and stewardship of the resource.
- 7.3** Clydebank Policy 1 advises that the Council will encourage proposals adjacent to the Forth and Clyde Canal which introduce a mixture of uses associated with a leisure and evening economy, such as recreational activities. These uses will be supported where they will help to transform this area into a well-used multi-functional Town Centre that extends a range of activities into the evening and makes the Canal a focal point for activity, whilst also being complimentary to existing Town Centre uses. In line with this, the Clydebank Town Centre Development Strategy supports the transformation of the area around the Forth and Clyde Canal into a focal point and multi-functional area for recreation which connects people again with the Canal. Policy FCC1 advises that development alongside the Forth & Clyde Canal should enhance this green network asset. Development that would have an adverse impact on the canal or its setting will not be permitted.
- 7.4** Policy SC1 advises that proposals for retail, commercial and leisure investment, and other key Town Centre uses, should align with the sequential approach and the preferred uses set out in Table 5, which includes Class 11 – Assembly and Leisure. Developments are directed sequentially to Town Centres in the first instance.
- 7.5** Policy GI1 relates to open space and outdoor sports facilities. It advises that development which would result in the loss of open space which is, or has the potential to be, of quality and value will not be permitted unless provision of additional open space of equal or enhanced quality and value is provided.
- 7.6** Policy BE1 advises that where development would adversely affect a scheduled monument or the integrity of the setting of a scheduled monument, permission would only be granted in exceptional circumstances.
- 7.7** Policy CON4 sets out a need for all developments to install sufficient broadband provisions.
- 7.8** Policies ENV1, ENV4, ENV 5 and ENV6 are all similar to the ecology, tree, water environment and flooding policies of the adopted Local Plan. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process.
- 7.9** Policy RE4 encourages micro-generation and heat recovery technologies within or associated with individual properties, with Policy RE5 advising that new buildings are required, as far as possible, to integrate low and/or zero carbon generating technologies.
- 7.10** It is considered that the application complies with the relevant policies above, as set out in the assessment below.

Creating Places Planning Guidance and Green Network and Green Infrastructure Planning Guidance

- 7.11** The Creating Places Guidance – November 2022 seeks to achieve high quality development with a design led approach based on a thorough appraisal of the site and an analysis of its context and sets out that this is expected for all development proposals. The Green Network and Green Infrastructure Guidance - November 2022 seeks to ensure that the proposal integrates landscaping and green infrastructure as part of the setting of the new development and open space created. This will include a focus on biodiversity enhancement. Following a full assessment, it is concluded that the proposal presents no conflict with the aims of the guidance.

Principle of Development

- 7.12** While the application site is not allocated for a specific use in the Proposals Maps of the Local Plan and proposed LDP2, it is located in Clydebank Town Centre and subject to the policy requirements associated with this location. It is considered that a community focused Activity Hub located adjacent to the Canal would contribute to the provision of a mix of uses within the Town Centre, thereby improving the vitality and viability of the Centre. The proposed provision of recreational and educational opportunities would also promote lifelong learning, health and wellbeing and help create a multi-functional area that connects people with the Canal. In light of the above, the principle of development is supported by Policy 15, Policy 21, Policy 23 and Policy 27 of NPF4, Policy RET 5 and Policy R 4C of the Local Plan, and Clydebank Policy 1, Clydebank Town Centre Development Strategy and Policy SC1 of the proposed LDP2.

- 7.13** It is noted that the site, which is comprised of amenity grass, trees and sculptured seating, has value as open space. While it is not identified as open space in the Proposals Maps of the Local Plan and proposed LDP2, Policy R 1 and Policy G11 of the respective Plans safeguard open space which is, or has the potential to be, of quality and value. Policy 20 of NPF4 advises that development proposals that result in the fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. With significant areas of similar amenity grassland located along the canal to the north and east of the application site, it is considered that the proposal, which would result in approximately a third of the existing open space being lost, would not result in or exacerbate a deficit in green infrastructure at this location. It is also considered that a proposal of this nature will enhance facilities at this location and compliment the wider areas of open and public space that form this part of the southern canal bank. In this context, the proposal complies with Policy 20 and is acceptable.

Site Layout, Design and Appearance

- 7.14** New development requires to be well designed, take cognisance of the setting into which it is introduced and provide high quality, well designed buildings, whilst recognising the impact on existing neighbouring properties.
- 7.15** The 234sqm building footprint is appropriate relative to the 943sqm site size, with the single storey scale and linear form aligning with and complimenting the adjacent cycle path and Canal. The building would have a contemporary and attractive appearance, with the use of floor to ceiling windows/door, projecting fins infilled with perforated mesh panels and an overhanging roof providing a good degree visual diversity and interest. With the front elevation orientated towards the Canal, the proposal would also provide an active frontage that engages positively with the Canal. The proposed Green RAL 6003 colour finish would also blend in with the surrounding greenspace.

While samples of the proposed materials and colour finish have not been provided in advance of the determination of the application, these can be secured through condition and subject to approval prior to the commencement of development.

- 7.16** It is noted that the application does not include information on the provision of low and/or zero carbon generating technologies, as required by Policy RE5. This matter can, however, be addressed through condition.
- 7.17** Overall, it is considered that the proposal would create a well-designed development that addresses the six qualities of successful places by having a distinctive identity, using high quality materials and being well connected and sustainable. As such, it complies with Policy 15 of the NPF4 and policies GD1, DS1 and CP1 of the adopted and proposed Plans, alongside the Creating Places Guidance (2022).

Residential Amenity

- 7.18** The layout and scale of development proposed relative to the proximity of existing housing raises no concerns with respect to privacy, overshadowing or overbearing effects. While the development will undoubtedly bring additional activity to the area, it is unlikely to result in any noise or activity beyond that typically found in a Town Centre during the day. It is noted that the Activity Centre will not operate before 9am or beyond 8pm and a condition can be attached to secure these operating hours. Although it is accepted that the construction phase will produce an element of short term noise and disruption, the consultation response from the Council's Environmental Health Service highlights the requirement for the construction of the development to be undertaken in a way that ensures that adjacent residential amenity is not adversely affected, which can be secured through condition.

Trees, Open Space and Landscaping

- 7.19** While the submitted Tree Survey identifies eight trees on the site, comprising 2 Wild Cherry, 3 Norway Maple, 2 Callery Pear and 1 London Plane, it notes that there are no ancient or veteran trees on the site. Although six trees would need to be removed to accommodate the development, the proposal complies with Policy 20 and Policy ENV4 as no ancient or veteran trees or those covered by a TPO would be removed. It is noted that, following pre-application discussions, the applicant has included a wild garden as part of the landscaping in an effort to offset the loss of trees.
- 7.20** The proposal would provide approximately 630sqm of open space, comprised of hardstanding and grassed areas. While a detailed landscaping scheme has not been submitted, a gravel walkway is proposed adjacent to the eastern and southern elevations, along with a hardstanding area within the northwest extent and a wild garden adjacent to the southern elevation. The approach outlined is acceptable in principle and a detailed landscaping scheme can be secured through condition.

Traffic, parking and road safety

- 7.21** The proposal raises no concerns with respect to traffic generation and road safety due to the scale and nature of the development and the excellent public transport and active travel connections associated with a Town Centre location. While no dedicated parking is proposed, it is considered that there is adequate parking within this Town Centre location. It is also noted that the consultation response from the Roads service raised no objection in relation to these issues.

Transport and Connectivity

- 7.22** With the site being located in the Town Centre, it is accessible to a wide range of local services and within a 5 min walk of frequent public transport services to centres across West Dunbartonshire and beyond to Glasgow and Helensburgh.

The site is also located adjacent to the NCR 7 cycle path. It is therefore concluded that the development is provided in an appropriate location within an established settlement accessible by means other than the private car.

Flooding and Drainage

- 7.23** The proposal raises no concerns with respect to flooding as the site is not identified as being at risk on SEPA's Flood Maps. The consultation response from the Council's Flooding Officer also raised no objection. In relation to drainage, the application indicates that foul wastewater would be discharged to the public sewer, with surface water discharged to the canal. While no detailed information on drainage, including the use of SUDS, has been provided, this matter can be addressed through condition. The proposal is therefore acceptable, subject to condition.

Ecology

- 7.24** The preliminary ecological appraisal submitted with the application found that the habitats on the site were of low conservation value, with no evidence of protected species and limited scope for nesting birds. The appraisal includes a number of recommendations, such the minimisation of light spill, which can be secured through condition. The Council's Biodiversity Officer has no objection to the Preliminary Ecological Appraisal, but requests that a detailed Landscaping Scheme and Biodiversity Enhancement Plan be provided, which can again be secured through condition.

Cultural Heritage

- 7.25** A large portion of the application site is located within the Forth and Clyde Canal Canal: Old Kilpatrick - Linnvale Scheduled Monument, which includes the canal, towpath and areas to either side in which traces of activities associated with its construction and use may survive. While Historic Environment Scotland initially objected to the proposal due to concerns about the potential adverse effects of the proposal, the objection was subsequently removed after discussions with the applicant. In light of this, the proposal is acceptable in this context.

Waste Provision

- 7.26** The proposal is expected to generate a level of waste commensurate to a community facility of the scale proposed. A refuse store is proposed within the eastern corner of the building, which is acceptable.

8. CONCLUSION

- 8.1** The proposal is welcomed and would provide a high quality, community focused activity centre that would contribute to the mix of uses and vitality of the Town Centre and help connect people with the canal, without any detrimental effects on local amenity.
- 8.2** The proposal presents no conflict with the policy requirements of NPF4, the adopted Local Plan, the proposed Local Development Plan 2 and associated Planning Guidance.

9. CONDITIONS

1. Prior to the commencement of development on site, exact details and samples of all proposed external materials shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning

Authority, the development shall be completed in strict accordance with the approved material details and palette.

2. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter proceed in accordance with the approved details.
3. Prior to the commencement of development on site, a detailed soft landscaping plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved plan.
4. Prior to the commencement of development on site, a Biodiversity Enhancement Plan setting out how the proposal enhances biodiversity beyond the current baseline, together with the implementation on site, shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in accordance with the approved plan.
5. The approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
6. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
7. All recommendations within the Preliminary Ecological Appraisal dated August 2022 and hereby approved, shall be implemented in full to the satisfaction of the Planning Authority.
8. That prior to the commencement of works on site, full details of the proposed drainage regime, inclusive of calculations and overland flow details, shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained as approved at all times thereafter.
9. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing to the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.
10. Prior to the operation of the Activity Centre, the developer shall install the necessary infrastructure to enable the development to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
11. Prior to the commencement of any works on site, full details of the incorporation of low and/or zero carbon technologies shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
12. The development hereby approved shall only operate between the hours of 9am-8pm Mon-Fri, unless otherwise agreed in writing by the Planning Authority.

13. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

- Mondays to Fridays: 0800 – 1800
- Saturdays: 0800 – 1300
- Sundays and public holidays: No Working

Alan Douglas
Chief Officer – Regulatory and Regeneration
Date: 5th June 2024

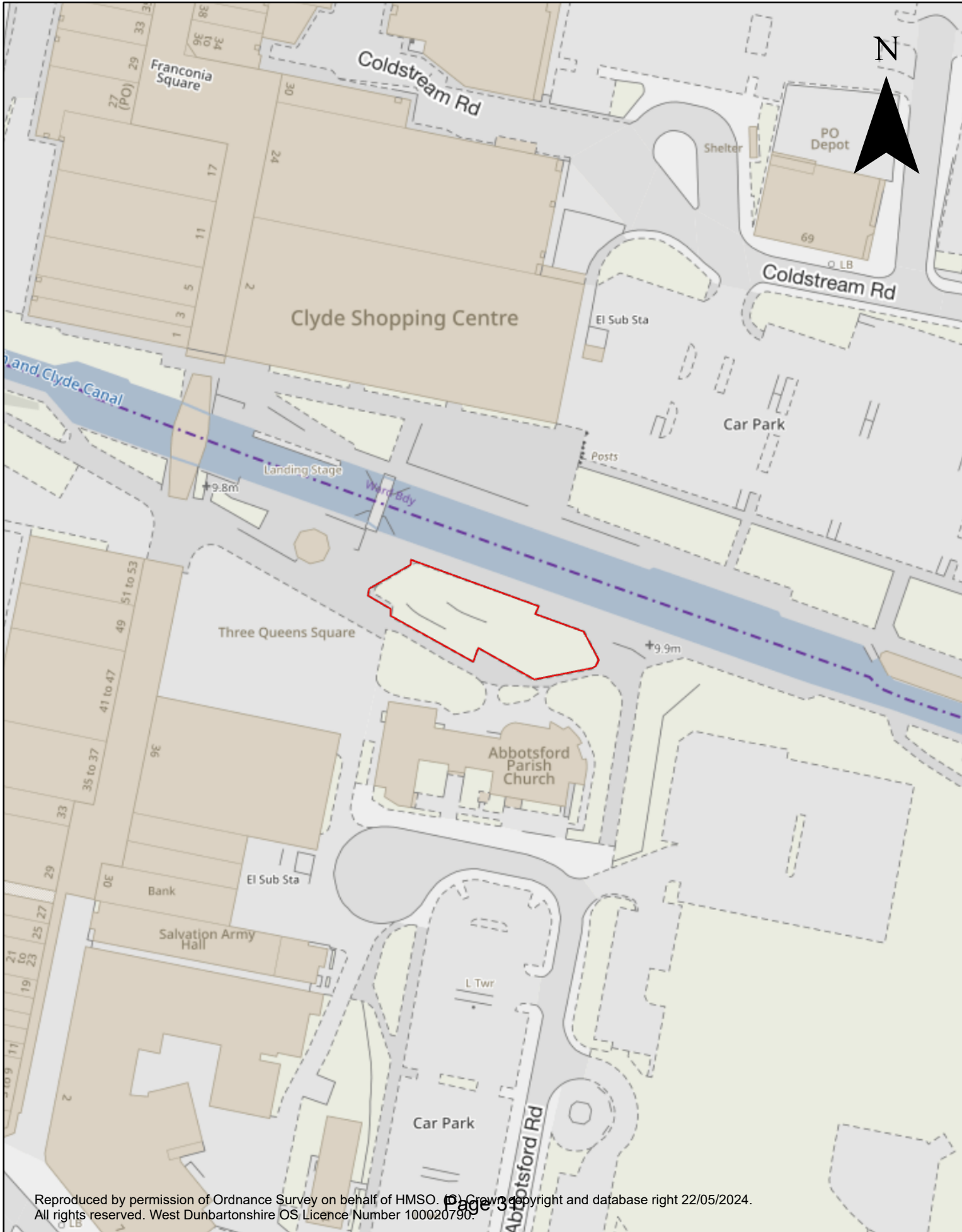
Person to Contact: James McColl, Development Management Team Leader
James.McColl@west-dunbarton.gov.uk

Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Consultation responses
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
6. 'Green Network and Green Infrastructure' Planning Guidance (2022)
7. Creating Places Planning Guidance (2022)

Wards affected: Ward 5 (Clydebank Central)



WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 5th June 2024**

DC23/039/FUL: Installation of driveway (Retrospective) at 49 Briar Drive, Clydebank by Mr Steven Messenger**1. REASON FOR REPORT**

- 1.1 The application is subject to an objection from another Council Service. Under the terms of the approved Scheme of Delegation, the application therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 **Refuse planning permission** for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1 The application site comprises a residential flat and associated garden ground within a two storey, four in a block arrangement situated on the western side of Briar Drive in Clydebank. Externally the flats are finished in a grey render for the external walls and a grey tiled roof. There are front and rear garden areas for the flatted properties. The property is situated within a well-established residential area with a variety of dwellings of a similar design theme lying adjacent.
- 3.2 A driveway has been created to the front of the flat. The driveway extends across the whole of the front garden area of the flat measuring approximately 9.6m in width. The depth of the driveway measures 4.1m within the monoblocked area with a gravelled sloped area beyond which creates a level platform for the driveway due to the slightly sloping nature of the site. Both the monoblock and gravel are grey in colour. Two paths remain on site with the most northern path retaining step-free access to the properties. The area to the front of the properties was previously grassed with a low-level hedge as a boundary treatment. As the works have already been carried out, the application is considered in retrospect.
- 3.3 An electric vehicle charging point has been attached to the front of the building however, this in itself does not require the benefit of planning permission.

4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service object to the proposal on the basis that the driveway is only 4.1m in depth.

5. REPRESENTATIONS

- 5.1 Two objections have been received from nearby residents. The full details are contained within the planning file and are available for public viewing. However, the concerns raised can be summarised as follows:

- Object on health and safety grounds.
- The permission is retrospective.
- The car will be near the window of neighbouring properties.
- The driveway may restrict parking for other residents.
- The access is communal.
- The disabled parking bay post has been moved.
- The company who installed the driveway is not certified.
- The driveway does not have sufficient foundation and is sinking in places.
- A dropped kerb has not been formed to access the driveway.
- Electric cars are known to go on fire and this constitutes a hazard.
- There is a charging point which has not been checked if it is a fire risk.

The concerns raised shall be assessed in the Section 7 below.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

National Planning Policy 4

6.1 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale as per Policy 14. 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 in accordance with Policy 14. Policy 16 supports householder development proposals where they do not have a detrimental impact upon the character of the property and surrounding area, and do not have a detrimental effect upon neighbouring properties.

6.2 The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. Based on that assessment, it is concluded that the proposal is not in accordance with NPF4.

West Dunbartonshire Local Plan 2010

6.3 Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design and the effect on privacy is highlighted. Considering residential amenity, Policy H5 seeks to protect, preserve, and enhance the residential character and amenity of existing residential areas at all times.

6.4 The proposal does not comply with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

7.1 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, subject to compatibility with NPF4.

The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.

- 7.2** Policy CP1 of LDP2 seeks to ensure that all development takes a design lead approach and seeks to protect and enhance the amenity of existing communities. Policy H4 sets out that that the Council will protect, preserve, and enhance the residential character and amenity of existing residential areas at all times. It is considered that the proposal is not in accordance with the relevant policies of LDP2.

Principle of Development

- 7.3** The creation of a driveway within the front curtilage of a flatted property situated within an established residential area is acceptable in principle, subject to all material considerations being addressed. This type of development is commonly found within residential areas and with the facility to charge electric vehicles, the proposal would be considered to, in a small way, support tackling the climate emergency. It therefore rests to consider if there are any material planning considerations that would result in the proposal being unacceptable.

Visual Appearance

- 7.4** The driveway, whilst wide in nature and covering the whole of the front garden area of the flat, does not cover the whole of the frontage of the plot. An area of green remains to the south of the site which is outwith the development area. The colour and material choices of grey monoblock and gravel are in keeping with the varied colour palette of the surrounding area, with other monoblocked driveways being present within close proximity. On balance, it is considered that the visual appearance of the driveway that has been formed is acceptable within the context of the area.

Traffic and Road Safety Matters

- 7.5** In assessing whether any road safety concerns arise in respect of the driveway that has been formed, the Council's Roads Service have been consulted on the application proposal. The Roads Service have concerns regarding the depth of the driveway which is 4.1m from the heel of the footway to the rear of the monoblocked area of the driveway. They consider this to be unacceptable and have objected to the application on this basis. This is due to 4.1m not being a sufficient depth to park a car which could result in the footway being obstructed, forcing pedestrians and, in particular, wheelchair users and those with prams onto the public road.
- 7.6** The Road's Service advise that a minimum driveway length of 5 metres is generally required to ensure a vehicle does not overhang the footway. This is not achieved by the driveway already constructed on site. Whilst it is accepted that cars which are less than 4.1 metres in length are available, family cars generally exceed this dimension. This includes a Ford Focus at 4.4 metres in length and a Kia Sportage at 4.5 metres in length. It is not considered that a condition restricting the type and dimension of vehicle that could be parked on the driveway would be reasonable. Such a condition would also likely be impossible to enforce. Given this and being guided by the objection from the Council's Road Service, the proposal is considered to be unacceptable with reference to the potential implications for pedestrians using the footway and implications for road safety.
- 7.7** Concerns are raised in the objections in respect of the implications of the driveway on the availability of street parking. The Council's Roads Service, however, does not object to the proposal on this basis.

The requirement for a footway crossover and dropped kerb or any works to be undertaken to the public road would be a matter to be addressed by the Roads Service via separate legislation. The disabled parking bay sign being moved to accommodate the driveway is not a planning matter. The disabled bay which the sign relates to remains in place on the street and it is noted the driveway and disabled bay overlap. This would, however, be a matter to also be addressed by the Roads Service via separate legislation.

Impact on Residential Amenity

7.8 The driveway is located adjacent to the windows of the downstairs property. Whilst movement and noise will be brought slightly closer to the property than has been previously experienced with cars parking on the adjacent road, it is not considered that this will unacceptably disturb the amenity of the neighbouring property to an extent that would justify the refusal of the application. The retention of the path between the driveway and the building provides some separation between the driveway and the downstairs property.

7.9 In addition to the road safety matters discussed above, the depth of the driveway also raises concerns regarding the impact on the wider amenity of the surrounding residential area and impacts upon the ability for people to easily move around the area and this is not consistent with the six qualities of successful places. As there is no space in which to lengthen the driveway within the confines of the site, users of the pavement may be forced to leave the public footway in order to pass vehicles overhanging the public footway.

Representations Received

7.10 Turning to the outstanding points raised in the submitted objections which have not been assessed above. Many of the points raised in the objection are not material planning considerations. These include the land being communal, the company who installed the driveway not being certified and the quality of the work undertaken. Reference has also been made to a perceived fire risk posed by electric charging points and/or cars but there is no evidence to suggest that the proposal would represent a fire risk. The retrospective nature of the application has also been noted; however, the planning system does allow for retrospective applications, and this cannot be a determining factor.

8. CONCLUSION

8.1 This retrospective application for the creation of a driveway raises concerns relating to the amenity of the surrounding residential area in which users of the footway could be forced off the public footway due to insufficient parking space within the off-street area causing vehicles to overhang the footway. This impacts upon the ability for people to easily move around the area and this is not consistent with the six qualities of successful places. The Council's Roads Service have also objected to the proposal due to 4.1 metre depth of the driveway not being sufficient to park a car on. This would result in vehicles potentially overhanging and obstructing the footway and forcing pedestrians, and in particular wheelchair users and those with prams onto the public road.

8.2 The proposal is therefore not supported by Policies GD1 and H5 of the adopted West Dunbartonshire Local Plan, Policies CP1 and H4 of the proposed West Dunbartonshire Local Development Plan 2 or Policies 14 and 16 of National Planning Framework 4.

9. REASONS FOR REFUSAL

1. The development does not provide sufficient depth in which to park a vehicle off-street which will result in pedestrians and, in particular, wheelchair users and those with prams to be unable to use the public footway. As such the development is contrary to Policy 14 of NPF4, Policy GD1 of the adopted West Dunbartonshire Local Plan and Policy CP1 of the West Dunbartonshire Local Development Plan 2 which requires proposals to improve the quality of an area and to be supported by the six qualities of successful places.
2. The proposal is contrary to Policy 16 of NPF4, Policy H5 of the adopted West Dunbartonshire Local Plan and Policy H4 of the West Dunbartonshire Local Development Plan 2 due to the disruption to the residential amenity of the area resulting from the potential obstruction of the footway.
3. The proposal would potentially bring pedestrians and vehicles into conflict, to the detriment of road and pedestrian safety.

Alan Douglas
Chief Officer – Regulatory and Regeneration
Date: 5th June 2024

Person to Contact: James McColl, Development Management Team Leader
James.McColl@west-dunbarton.gov.uk

Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Representations
3. Consultation response
4. National Planning Framework 4
5. West Dunbartonshire Local Plan 2010
6. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended

Wards affected: Ward 5 (Clydebank Central)



WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 5th June 2024**

Subject: Masterplan Consent Areas - Statement of Consideration**1. Purpose**

- 1.1 To seek the agreement of the Committee to issue the Statement of Consideration in relation to Masterplan Consent Areas.

2. Recommendations

- 2.1 It is recommended that the Committee agree the proposed Council Statement of Consideration set out at 4.3 below.

3. Background

- 3.1 The [Planning \(Scotland\) Act 2019](#) introduced Masterplan Consent Areas (MCAs) as a new proactive consenting mechanism.
- 3.2 The Council will in future be able to use prepare Masterplan Consent Area schemes as part of a placemaking approach to planning and consenting. It is a new way for the Council to shape new development in our area – enabling the type and quality of development we wish to come forward through a consenting masterplan, and to support delivery of development that can support local needs, priorities and outcomes.
- 3.3 Unlike planning applications which are typically led by a developer, the preparation of MCA schemes will be led by the planning authority, but can be taken forward through collaboration.
- 3.4 The new provisions will allow the Council to prepare a MCA ‘Scheme’ setting out for particular places, the detail of what they are giving consent for, through the MCA scheme. There will be requirements for publicity and consultation on individual schemes.

- 3.5 MCA schemes can streamline consent, allowing issues to be considered as part of a joined up approach, they can grant:
- planning permission,
 - roads construction consent,
 - listed building consent, and
 - conservation area consent.
- 3.6 Within adopted MCA areas, development could be brought forward without the need for a full application as long as it is in line with the agreed scheme.
- 3.7 More details about Masterplan Consent Areas are available in the [Consultation Paper on the draft MCA Regulations](#) – the Scottish Government’s consultation closed on 22 May 2024, a response to which was approved by Planning Committee on 8 May 2024.

4. **Main Issues**

- Consideration of the Duty to periodically consider making MCA schemes
- 4.1 Part 2 of the 2019 Act (Section 15) sets out the legal framework for preparing MCAs. The full provisions from the Act relating to MCAs and the associated regulations are not yet in force. We anticipate the MCA provisions being fully in place later in 2024.
- 4.2 However, Schedule 5A Paragraph 5 is in force and requires planning authorities to consider whether it would be desirable to make a scheme for a part or parts of their district, and to publish a statement as to their consideration of that, by 25 July 2024.
- 4.3 As the MCA regulations are not yet in place, we have not yet identified or assessed potential locations for which it may be desirable to bringing forward an MCA scheme. We intend to reconsider this once the legal basis for preparing MCAs is in place.
- 4.4 The Scottish Government has indicated that MCAs could be used to support delivery of the local development plan. We will consider whether it would be desirable to make any Masterplan Consent Areas as part of our work on delivery linked to the Local Development Plan’s Delivery Programme.
- 4.5 This Statement fulfils the Council’s legal requirements under [Schedule 5A Paragraph 5 of the Town and Country Planning \(Scotland\) Act, as amended](#).

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial and Procurement Implications

6.1 There are no financial or procurement implications associated with this report.

7. Risk Analysis

7.1 There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

8.1 EIA 1009: The statement does not have any relevance to the four areas, it is screened out as not relevant therefore no EIA is required.

9. Consultation

9.1 Planning officers have discussed the statement with colleagues in Regeneration and Housing and attended Heads of Planning Scotland events to discuss the proposed Masterplan Consent Areas Regulations.

10. Strategic Assessment

10.1 Masterplan Consent Areas will be of relevance to the following strategic priorities:

- A strong local economy and improved employment opportunities – through setting planning policy for housing and economic development within a wider framework which has addressing climate change and nature recovery as primary guiding principles.
- Meaningful community engagement with active empowered and informed citizens who feel safe and engaged – through setting guidance for when and how communities should be engaged in the development planning process.

Alan Douglas

Chief Officer – Regulatory and Regeneration

Date: 5th June 2024

Person to Contact: Matthew Spurway, Development Planning & Place Officer
Matthew.Spurway@west-dunbarton.gov.uk

Appendix: None

Background Papers: Masterplan consent area regulations: consultation
<https://www.gov.scot/publications/masterplan-consent-areas-consultation-draft-regulations/>

Equalities Impact Assessment 1009

Wards Affected: All