

Agenda



Planning Committee

Date: Wednesday, 9 October 2024

Time: 10.00 a.m.

Venue: Council Chambers, Clydebank Town Hall, 5 Hall Street,
Clydebank G81 1UB.

Contact: Nicola Moorcroft, Committee Officer
Email: nicola.moorcroft@west-dunbarton.gov.uk
committee.admin@west-dunbarton.gov.uk

Dear Member

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

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

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

All other Councillors for information

Date of Issue: 25 September 2024

PLANNING COMMITTEE
WEDNESDAY, 9 OCTOBER 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 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 - 10

Submit for approval, as a correct record, the Minutes of Meeting of the Planning Committee held on 11 September 2024.

5 PLANNING APPLICATION 11 - 25

Submit report by the Chief Officer – Regulatory and Regeneration in respect of the following Planning application:

DC24/073/FUL: Demolition of existing dwelling and the construction of two new dwellings and upgrading of the existing access road to an adopted road at 29 Roman Hill Road, Hardgate, Clydebank, G81 6NU by Gerald Mulhearn.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton, on Wednesday, 11 September 2024 at 10.00 a.m.

Present: Provost Karen Murray Conaghan and Councillors Ian Dickson, Gurpreet Singh Johal, Lawrence O'Neill, Chris Pollock, Hazel Sorrell and Sophie Traynor.

Attending: Michael Mulgrew, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Ash Hamilton, Planning Officer; Cameron Clow, Planning Policy Officer; Nigel Ettles, Principal Solicitor and Nicola Moorcroft, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Daniel Lennie and June McKay.

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 7 August 2024 were submitted and approved as a correct record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 5 August 2024, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATION

A report was submitted by the Chief Officer – Regulatory and Regeneration in respect of the following Planning application:-

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

Having heard the Development Management Team Leader in further explanation, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

PAY DAY LENDING AND BETTING SHOP PLANNING GUIDANCE

A report was submitted by the Chief Officer – Regulatory and Regeneration seeking approval of the finalised version of Pay Day Lending and Betting Offices Planning Guidance for use in making planning decisions.

The Planning Policy Officer was heard in further explanation and in answer to Members' questions.

After discussion, Councillor Dickson, seconded by Councillor Pollock, moved:-

That the Committee agree to withdraw the guidance, whilst the comparable nature of Pay Day Lending and Betting Shops and the cap, is further explored.

As an amendment, Councillor O'Neill, seconded by Councillor Singh Johal, moved:-

That the Committee approve the finalised version of the Pay Day Lending and Betting Shops Guidance in Appendix 1 of the report.

On a vote being taken, 1 Member voted for the motion and 6 Members voted for the amendment which was accordingly declared carried.

The meeting closed at 10:19 a.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 5 AUGUST 2024

Present: Councillors Karen Murray Conaghan, Gurpreet Singh Johal (first two visits only), Lawrence O'Neill, Chris Pollock and Sophie Traynor.

Attending: James McColl, Development Management Team Leader and Amy Melkevik, Lead Planning Officer.

SITE VISITS

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

Land to southeast of Castle Street, Dumbarton

DC23/217/FUL: Erection of a Class 1A retail food store with associated access, car parking, landscaping and associated works by Aldi Stores Ltd.

Former Ferry Dyke Canal House, Portpatrick Road, Old Kilpatrick

DC22/245/FUL: Formation of a dwellinghouse with the re-establishment of the derelict Ferrydyke cottage into a family home, involving the renovation of the existing property inclusive of the construction of a dormer and extension to the rear together with associated works by Mr Farhat Malik.

Kilpatrick Hills, East of Alexandria

DC23/223/S36: Consultation on section 36 application to Scottish Government Energy Consents Unit.

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

APPROVE full planning permission subject to the following 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
14. Prior to the commencement of development on site, a Construction Traffic Management Plan shall be submitted for the written approval of the Planning Authority. The Plan will thereafter be implemented as approved, unless otherwise agreed in writing by the Planning Authority.
15. That any existing granite feature/seating areas to be removed as part of the development will be retained and re-used within the site. Where it is demonstrated that these elements cannot be re-used within the site, they shall be re-used within the immediate local area. Prior to removal from site, the position of the re-used features shall be submitted to and agreed in writing by the Planning Authority, and works shall proceed as approved unless otherwise first agreed in writing by the Planning Authority.

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 9th October 2024

DC24/073/FUL: **Demolition of existing dwelling and the construction of two new dwellings and upgrading of the existing access road to an adopted road at 29 Roman Hill Road, Hardgate, Clydebank, G81 6NU by Mr Gerald Mulhearn**

1. REASON FOR REPORT

- 1.1 The planning application is subject to a substantial body of objection. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 That the Committee indicate that they are **minded to Grant Planning Permission** subject to the conditions set out in Section 9 of the report below and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue planning permission once the payment of a green network developer contribution has been secured through a suitable mechanism.

3. DEVELOPMENT DETAILS

- 3.1 The application site is located on the southern side of Roman Hill Road, Hardgate, Clydebank and extends to approximately 2400 sqm. To the west, north and east the site is bounded by residential properties and to the south is Duntocher Burn which is within an area of designated open space as identified by the Proposals Maps of the adopted Local Plan and proposed Local Development Plan 2.
- 3.2 Currently on site there is a single, existing dwellinghouse. The dwellinghouse appears to be single storey in height when viewed from the roadside, however there is a lower floor which can be seen from the side of the site when viewing from the road. Whilst no supporting documentation has been provided, it appears that the dwellinghouse has been empty for some time now. The building is, however, still intact. The rear garden had at one point re-naturalised over time, however clearance works have since taken place. A number of more mature trees remain to the rear of the property.
- 3.3 Planning permission is sought for the demolition of the existing property and to construct two new dwellings in its place. In addition, it is also proposed to upgrade part of the existing unadopted section of Roman Hill Road to an adoptable standard. This section of road provides access to both the application site and neighbouring properties.
- 3.4 The proposed dwellinghouses are the mirror images of each other. Both are one and a half storeys in height. Proposed material finishes are stated as facing bricks and render for the external walls. No colour finishes have been noted and no materials stated for the roof.

- 3.5** The proposed floorplans show a kitchen, utility room, accessible toilet, dining/lounge and internal garage at ground floor level and four bedrooms, one ensuite and one bathroom at the first-floor level. The floorplans also show a deck/patio extending from the rear of the property. Bin storage and a shed are also shown to the side of each property.
- 3.6** Three off-street parking spaces are proposed for each dwellinghouse, with one for each within an integral garage, and two more located in a stacked arrangement between the properties. Both properties are accessed via a singular turning point from Roman Hill Road. In terms of the section of Roman Hill Road proposed to be upgraded to an adoptable standard, this section of road stretches from the eastern boundaries of 27A and 12 Roman Hill Road to western boundary of the planning application site at 29 Roman Hill Road. As part of this work, a new turning head will be provided.
- 3.7** Previous planning applications for the site include application DC21/322/FUL which was withdrawn in order to submit the current application to address issues raised through the planning process in regard to the road access.
- 3.8** In support of the proposal, the applicant has submitted a range of supporting documentation and information including a planning statement, photographs and a bat survey.

4. CONSULTATIONS

4.1 West Dunbartonshire Council Roads Service

No objection to the principle of the proposal subject to conditions relating to the upgrade of the section of Romanhill Road and construction phase plan. Informatives suggested in relation to Road Construction Consent and Road Bond.

It has been noted that the area shown for adoption does not connect through to any public road to the northwest to provide a through road as is suggested by some of the objections.

4.2 West Dunbartonshire Council Roads Service (Flooding)

No objections on flood risk grounds. There is a surface water flood risk within the site, but this would be addressed by the development.

4.3 West Dunbartonshire Council Environmental Health Service

No objections subject to conditions relating to hours of work and delivery vehicle times during construction.

4.4 West Dunbartonshire Council Biodiversity Officer

The site is adjacent to the Duntocher Burn which is an important wildlife corridor.

No tree report has been provided and the applicant's ecologist has that all trees within the site should be retained for bat foraging. However, site clearance works are noted. A bat licence must be sought for the bat roost and suitable mitigation put in place as per recommendations in section 6 of the bat report.

The natural riparian corridor to the rear of the property should not be compromised by any development.

No biodiversity statement has been provided to determine how this development will comply with biodiversity enhancement measures under NPF4 requirements.

- 4.5** Scottish Water has no objection to the application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

5. REPRESENTATIONS

- 5.1** Eleven objections were received from neighbouring residents. The full details are contained within the planning file and are available for public viewing. However, the key points of objection can be summarised as follows:

- There would be a significant increase in traffic.
- This section of road is one of the few quiet roads within the estate, and children play in the area.
- There is currently no through traffic from Roman Hill Road to Breval Crescent.
- The upgrading of the existing road is not supported.
- The proposal may result in an increase in vehicles parked overnight within Roman Hill Road.
- Serious concerns from a traffic management position during the construction phase.
- Essential and emergency services will be impacted during the construction phase.
- The road has recently been resurfaced at the expense of local residents
- The private road has been maintained to a very high standard. If it is adopted, it would not be maintained to this standard.
- The benefits of the adoption of the road are unclear.
- The existing road bollards may be removed, resulting in a through road.
- The proposal may result in the public paying for works on a private road.
- The construction works would be disruptive to local residents.
- Disruption may occur to wildlife.
- The style of the proposed properties is not in keeping with the surrounding properties.
- Two dwellings on this site would destroy the calmness of this part of the estate.
- There are concerns that the proposal may change any property deeds or boundaries.

The concerns raised shall be considered in the appraisal 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. 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. Policy 3's intent is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 6.2** As the current dwellinghouse is empty, Policy 9 addressing brownfield, vacant and derelict land and empty buildings applies.

Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.

Policy 12 supports development proposals that reuse existing buildings, minimise demolition and salvage materials for reuse.

- 6.3** 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. Development proposal will contribute to local living including, where relevant, 20-minute neighbourhoods. 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 affordable and accessible housing options, ability to age in place and housing diversity.
- 6.4** Policy 16 relates to quality homes. Part (f) states that development proposals for new homes on land not allocated for housing in the Local Development Plan will only be supported in limited circumstances where: the proposal is supported by an agreed timescale for build-out; the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods; and the proposal is for smaller scale opportunities within an existing settlement boundary.
- 6.5** Policy 22 - Flood risk and water management states 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. The application site is within an area at risk of flooding and the proposal does not fall into any of the exemptions set out within the Policy.
- 6.6** With appropriate planning conditions, the proposed development is supported by all policies of NPF4 and is assessed fully in Section 7 below.
- West Dunbartonshire Adopted Local Plan 2010
- 6.7** Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. Policy RD1 give preference to residential development on brownfield sites within the urban area rather than on greenfield land.
- 6.8** Policy H4 sets out standards expected of residential development, requiring high quality design in the range of house types and sizes and in terms of form, layout and materials. 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.
- 6.9** Policy R2 specifies the open space provision required for all developments. Assessment of open space requirements has been undertaken against the more updated "Our Green Network" Planning Guidance (2015) in Section 7 below.
- 6.10** Policy E1 relates to the Council's biodiversity duty. 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. There is a general presumption against development within the flood plain. The up-to-date development plan position in flooding is set out within Policy 22 of NPF4 which therefore has primacy in this instance.

- 6.11 The proposal overall 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 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 Policy H4 relates to residential amenity. The policy states that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times.
- 7.4 Policies GI2 and GI4 relate to green infrastructure. Policy GI2 requires new development to meet with the open space standards set out within the policy. Where a development has difficulty providing these standards on site, or where a relaxation of the standards can be justified, developers will require to accord with Policy GI4 and provide a contribution towards the types of projects outlined within the policy and detailed in the Green Network and Green Infrastructure Supplementary Guidance. GI4 sets out the requirements for Developer contributions.
- 7.5 Policies ENV1, ENV4, and ENV6 are all similar to the ecology and tree, water environment and flooding policies of the adopted Local Plan, although in respect of flooding, the up-to-date development plan position is set out within Policy 22 of NPF4 which has primacy.
- 7.6 Policy CON1 requires development proposals to accord with Designing Streets, the National Roads Development Guidelines, and be in alignment with the provisions of the Regional and Local Transport Strategies. Developments which do not meet these requirements will not be acceptable unless sufficient justification has been provided to demonstrate why a departure from these strategies is required.
- 7.7 It is considered that overall, the application proposal being assessed complies with the relevant policies above.
- 7.8 Creating Places Guidance and Green Network and Green Infrastructure Guidance
The Creating Places Supplementary 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.

- 7.9** The Green Network and Green Infrastructure Supplementary Guidance - November 2022 seeks to ensure that the proposal also 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. Whilst garden grounds are provided as part of the application, no open space is proposed.

Principle of Development

- 7.10** The site is an existing residential site within a well-established residential area, however the site is not specifically identified in either the adopted Local Plan or the proposed Local Development Plan 2 (LDP2) as a residential development opportunity. Whilst not identified as a development opportunity, the sustainable re-use of brownfield land is supported through Policy 9 of NPF4. Policy 16 also supports that development proposals for new homes on land not allocated for housing where they are supported by an agreed timescale for build-out and that the proposal is for smaller scale opportunities within an existing settlement boundary. The agent for the application has stated that the anticipated development period would be 28-30 months from the date of any granting of planning permission.
- 7.11** The proposal to redevelop underused land is also supported by Policy UR1 of the Local Plan together with Policy RD1 which sets out a preference for residential development on brownfield sites. Whilst Policy 12 of NPF4 supports the reuse of existing buildings from a zero-waste perspective, it is accepted that the existing building has an unusual arrangement with a lower ground floor level and sloping driveway down from the road, and this area within the site is indicated as being at risk of surface water flooding in the SEPA flood maps. A condition can ensure that materials are salvaged for re-use where possible, in accordance with the position supported by Policy 12.
- 7.12** Overall, the principle of the development of the site for new housing is supported on this site and it rests to consider whether there are any material planning considerations or site constraints which suggest that the proposal would not be acceptable.

Site Layout, Design and Appearance

- 7.13** New developments require to be well designed, take cognisance of the setting into which they are introduced and provide a high-quality appearance. Whilst there is an existing dwellinghouse on site, this is proposed to be replaced with two dwellinghouses. Roman Hill Road has a variety of house designs as well as plot sizes. There are bungalows, one and a half storey properties and two storey properties all located within this street itself. As well as the variety in heights, there is a variation in design together with a great variety of external materials and boundary treatments. Orientation of gable ends and the inclusion of dormer windows to the front elevation varies within the street as well as the ratio of the frontage of which the dwellinghouses occupy. This variety within the street has been demonstrated via photographs included within the application as well as within the supporting statement. Whilst the proposal is to replace one dwellinghouse with two, the current dwellinghouse does not occupy as much of the frontage of the site as many of the other properties on the street do. The proposal for two dwellinghouses will utilise more of the frontage of the plot, but space will be retained between the proposed dwellinghouses themselves as well as the neighbouring properties. The massing of the property changes to be slightly higher than is existing, however two storey properties can be found within close proximity including at numbers 10 and 25 Roman Hill Road. In terms of design, the proposed dwellinghouses are in keeping with what is surrounding.

- 7.14** Turning to the proposed materials, the new houses will be finished externally with facing bricks and render for the external walls. No colour finishes have been noted and no materials stated for the roof. Due to the large variety of material finishes within the area, the approach to proposed materials are considered to be acceptable. Final details, colour choices and roof material can be achieved via condition.
- 7.15** Overall, it is considered that the proposal will create a well-designed development which will address the six qualities of successful places by ensuring the layout and form of the development is appropriate, complying with policies GD1, DS1 and CP1 of the adopted and proposed Plans, alongside the Residential Development Design Guidance.

Access and Parking

- 7.16** Part of Roman Hill Road which is used to access to proposal site is currently unadopted and owned and maintained by residents whose homes are accessed from this section road. Through the previous application, which was withdrawn, it was established in consultation with the Council's Roads Service that the number of properties that it is appropriate to access via an unadopted road had already been reached. As the proposal is to create two dwellinghouses on a site which currently has one dwellinghouse on it, this further increases the number of properties accessed from the unadopted road. The application currently under consideration includes part of Roman Hill Road itself as well as the plot of the existing dwellinghouse. It is proposed to upgrade this section of road to an adoptable standard in order to provide a suitable road arrangement to accommodate the increase in the number of dwellinghouses which access from it. This section of road stretches from the eastern boundaries of 27A and 12 Roman Hill Road to western boundary of 29 Roman Hill Road. It should be noted that the proposal does not include removal of the bollards located on Roman Hill Road and that the site does not extend as far as this section of the road. Accordingly, a "through road" will not be created. It should further be noted that the granting of planning permission does not convey any legal rights on the applicant and the right to implement any planning permission would be a civil matter between the landowners involved.
- 7.17** In terms of access and parking to the proposed dwellinghouses, a new road turning head is used to take access from Roman Hill Road itself, and then separates into the two separate plots for each dwellinghouse. Three parking spaces are demonstrated for each dwellinghouse, with one for each within an integral garage, and two more located in a stacked arrangement between the properties.
- 7.18** The Council's Roads Service provided a consultation which has no objections to the principle of the proposal subject to the section of road due for upgrade being upgraded to current West Dunbartonshire Council/National Road Design Guidance specifications as well as a construction phases management plan.

Trees, landscaping and open space

- 7.19** A large amount of tree and vegetation clearance has already taken place on the site, however there are a number of mature trees still existing to the rear. These are not protected by a Tree Preservation Order and as such the clearance of trees within what is an existing domestic garden area would not have required consent. No details have been provided showing the existing trees, trees retained or mitigation for safeguarding trees to be retained through the construction phase. However, with trees being restricted to the rear of the site, it is not anticipated that there would likely be any impact upon trees arising from the construction of the new houses.

Any granting of permission can, however, include a condition which would require further information to be submitted in order to minimise the tree loss as part of the development. In addition, no landscaping plans have been provided. This can also be addressed by condition.

- 7.20** Policy R2 of the adopted Local Plan advises on open space standards for new development with Policies GI2 and GI4 of proposed LDP2 providing the up-to-date position.

Any development of new dwellings, even if small scale will be expected to provide a contribution towards the cost of providing or improving green infrastructure in the area. Policy GI4 of proposed LDP2 advises that developer contributions will apply in a number of circumstances including smaller sites of less than 10 units where provision of green infrastructure is not possible. The Green Network and Green Infrastructure Supplementary Guidance (2022) advises that if the level of amenity space required by Policy GI2 cannot be provided, a financial contribution of £30 per sqm is required. As there is no scope for the required 180sqm of greenspace to be provided on site, a developer contribution is required. Given the proposal involves the replacement of one dwellinghouse with two, it is considered appropriate that the developer contribution is based on the additional house created. On this basis a contribution of £2700 is required. Subject to this contribution being received, the proposal complies with Policy R2 and Policy GI2.

Ecology

- 7.21** The planning application has been supported by a bat survey. Foraging and commuting bats were recorded in the area and a non-breeding bat roost was recorded within the building. The building was, however, classed as having low suitability to host hibernating bats. The Council's Biodiversity Officer has noted that a bat licence may be required but has not noted any concerns regarding bats or highlighted any reasons as to why the tests in order for a licence to be granted could not be met. Such licence would be a separate process from planning permission, and as such it is recommended that any granting of permission should be accompanied by an informative highlighting such a requirement. A species protection plan is also included as part of the bat survey submission and a condition can ensure that this is followed. Overall, it is concluded that the situation relating to protected species is fully understood and that there is nothing to suggest that the development would have an adverse impact upon protected species. The submitted bat survey recommends a bat box be added to the replacement buildings to compensate for any loss of roosting potential.

- 7.22** The site and existing building has the potential to host breeding birds and a condition can be attached in this respect. Full details of biodiversity enhancement in accordance with Policy 3 can be addressed by condition.

Residential Amenity

- 7.23** The proposed dwellinghouses are set further back upon the site than the existing dwellinghouse. As such it is considered that the proposal will not cause unacceptable impacts upon the residential amenity for numbers 12 and 14 situated on the other side of Roman Hill Road.
- 7.24** The proposal will bring the dwellinghouses closer to the boundaries of both number 27 and 31 with habitable rooms with windows shown on the floor plans of both proposed dwellinghouses which face into the neighbouring properties. Number 31 has an internal garage which is closest to the boundary between itself and the new proposed properties.

The garage being a non-habitable space, together with the angles and further setting back of the proposed property will ensure no unacceptable overlooking will be created. Between the other proposed property and number 27 there is approximately 6.8m between the buildings at the closest point. The house at number 27 includes a habitable window which faces onto the proposed new dwellinghouse. The floor plans for the new dwellinghouse show two windows, one to the kitchen and one to the living/dining space, however due to the positioning of the windows upon the properties and the offset angles, no unacceptable overlooking will be created. In addition it is not expected that any additional adverse impact will be created in terms of overshadowing. As such, it is considered that the proposal will not have an adverse impact upon residential amenity.

- 7.25** It is accepted that a degree of disruption will occur during the construction phase. This will occur with any development proposal and cannot be a determining factor. A variety of conditions are proposed to mitigate the potential impact. On completion, it is considered that the level of noise and activity would be typical of that expected from residential properties within an established residential area, and that the overall impact on neighbouring amenity in this respect will be neutral.

Flooding and drainage

- 7.26** With respect to flooding and drainage, the Council's Roads Service were consulted on the application in this respect. It has been stated that there is a surface water flood risk within the site, however this would be addressed by the development. The existing house has a lower ground floor level with a sloping driveway down from the road and this essentially creates a large basin within the site for surface water to accumulate. The redevelopment of the site will remove this. The Council's Roads Service does not raise any concerns regarding the development creating a flood risk elsewhere.

- 7.27** Policy 22 of NPF4 sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals at risk of flooding or in a flood risk area will only be supported in certain circumstances. These include for essential infrastructure, for water compatible uses, for development of an existing building or site for an equal or less vulnerable use; or for the 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. This proposal is for the redevelopment of an existing site for an equal vulnerable use and the development proposal will also address the specific site detail resulting in the surface water flood risk. Therefore, the proposal is considered to be in accordance with the Policy.

Representations

- 7.28** Eleven letters of objection were received in relation to the application. Concerns raised include matters to do with the upgrade of the existing road. It stated through the objections that there would be a significant increase in traffic and the impact this would have on children playing. The Roads Service have no objections to the proposal and raise no concerns in relation to traffic. Objections have been made in relation to Roman Hill Road becoming a through route to Breval Crescent. This is not proposed as part of the application. Changes to property deeds and boundaries has also been raised. A planning application does not have the power to change land ownership and no boundaries outwith the application site as proposed to be amended. Future proposals for the Council to remove the bollards has been questioned, however this is not an application by West Dunbartonshire Council and the site area does not cover the area of the road where the bollards are located.

Additional parking upon the road has been highlighted, however adequate parking has been provided in terms of the size of the dwellinghouses provided.

- 7.29** The proposal to bring the existing road up to adoptable standard has been raised in a number of objections. It is noted that the road has been recently resurfaced at the expense of local residents who have responsibility for the road. It is further highlighted that the road has been maintained to a high standard, and if adopted it would not be maintained to this standard. Questions have been raised in terms of the benefit of adoption and if this is a “cost saving exercise” to get the public to pay for works on a private road. As detailed above, the adoption of the road is required in order for the road to serve additional properties.
The owners of the road have been notified as part of the application, however granting of permission does not give permission for the applicant to undertake works upon land which they do not own.
- 7.30** Traffic management during the construction phase and access for emergency services has been noted. It is recommended that a condition be included to ensure that a traffic management plan be submitted in order to minimise disruption during construction. As with any construction works there will be a level of disruption to be expected, it is not considered that the works will cause an unacceptable impact upon the neighbouring properties given the scale of the development.
- 7.31** The style of the proposed properties has been raised as not being in keeping with the surrounding area. This has been covered in paragraphs 7.13 to 7.15 above and it has been concluded that the appearance is acceptable.
- 7.32** Disruption to wildlife has been covered in paragraphs 7.21 to 7.22 above and it has been concluded that subject to condition, no unacceptable impacts will be created.

8. CONCLUSION

- 8.1** The application site is an existing residential site within a well-established residential area. Whilst not allocated for housing, National Planning Framework 4 encourages the reuse of brownfield sites. Subject to the appropriate use of conditions, the proposed development is acceptable. The layout and design of the development ensures that it integrates with the existing streetscape and the inclusion of the section Roman Hill Road within the application site enables the upgrade of the road to an adoptable standard in terms of planning process.
- 8.2** Overall, subject to the conditions below, the proposal is considered to be acceptable with reference to NPF4, the adopted Local Plan and proposed Local Development Plan 2. Subject to the receipt of the green network developer contribution the proposal will also be acceptable with reference to the associated planning guidance. The proposal will see the appropriate redevelopment of an existing site which has a poor appearance within the streetscape.

9. CONDITIONS

1. Prior to the commencement of development on site, exact details of all proposed external materials (inclusive of all hard surfaces), to be used in the development 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 strict accordance with the approved material details and palette.

Reason: In the interest of visual amenity.

2. Prior to the commencement of development on site, a detailed boundary treatment and hard and soft landscaping plan, including timescales for implementation shall be submitted to and approved in writing by the Planning Authority. This plan shall also include details of tree loss, replacement planting and details of root protection areas to safeguard existing trees. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved plan.

Reason: In the interest of visual amenity, protection and enhancement of biodiversity and tree protection.

3. 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. All measures shall then be implemented as approved. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in accordance with the approved plan.

Reason: In the interest of biodiversity.

4. 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.

Reason: In the interest of visual amenity and biodiversity.

5. That unless otherwise agreed in writing by the Planning Authority, all recommendations set out within the submitted Preliminary Roost Assessment and Bat Activity Survey shall be followed and implemented, inclusive of the Species Protection Plan as detailed in Appendix 6, to the satisfaction of the Planning Authority.

Reason: In the interests of the protection of bats.

6. No site clearance works or works in connection with the demolition of the existing building shall take place during the bird nesting season March to August inclusive unless first agreed in writing by the Planning Authority and nesting bird survey undertaken not more than 48 hours prior to the commencement of site clearance works, the findings of which shall be submitted to the Planning Authority.

Reason: In the interests of the protection of nesting birds.

7. 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 thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.

Reason: To ensure adequate drainage of the site.

8. 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.

Reason: To ensure adequate drainage of the site.

9. Prior to commencement of any works on site, including the demolition of the existing building, full details regarding the works to be undertaken to upgrade the section of Roman Hill Road included within the red line shown on the approved Location Plan to an adoptable standard in accordance with West Dunbartonshire / National Road Design Guidance specifications, together with a detailed programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Service. Thereafter the works shall proceed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure a suitable road arrangement in the interests of road and pedestrian safety and that this is implemented in a suitable timescale.

10. Notwithstanding condition 9 above and for the avoidance of doubt, prior to commencement of works to construct a second dwellinghouse upon the site, the upgrade of the section of Roman Hill Road included within the red line shown on the approved Location Plan shall be completed as agreed under condition 12 to the satisfaction of the Planning Authority, unless otherwise first agreed in writing by the Planning Authority.

Reason: In order to ensure that the road used to access the additional number of dwellinghouses is of an acceptable standard.

11. Prior to commencement of any works on site, a site management scheme for construction traffic shall be submitted to and approved in writing by the Planning Authority. Thereafter work shall proceed in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of road safety.

12. That prior to the occupation of any house, the off-street parking provision hereby approved shall be completed and be available for use by residents of the associated house. The off-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.

Reason: To ensure adequate parking provision is in place for development.

13. Prior to the occupation of the houses hereby permitted, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.

Reason: To ensure compliance with Policy CON4 of the West Dunbartonshire Proposed Local Development Plan (2020) and in the interests of securing the facilities to support communities.

14. Unless otherwise approved in writing by the Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by this Authority. The scheme shall

identify likely sources of dust arising from the development or its construction and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by this Authority.

Reason: To minimise the occurrence of dust, in the interests of the amenity of the area.

15. During construction, no commercial vehicle making deliveries to or collecting material from the development shall enter or leave the site before 0800 or after 1800.

Reason: To minimise noise and disturbance to nearby residents at unsocial hours.

16. 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

Reason: To ensure that the development does not adversely affect the amenity of neighbouring properties by creating excessive noise and disturbance at unsocial hours.

17. Prior to the commencement of works on site, a scheme for the salvage and reuse of material from the demolition of the existing house shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.

Reason: In the interests of zero waste.

Michael Mulgrew
Planning, Building Standards and Environmental Health Manager
Date: 9th October 2024

Person to Contact: Michael Mulgrew, Planning & Building Standards Manager
Email: Michael.Mulgrew@west-dunbarton.gov.uk

James McColl, Development Management Team Leader
Email: James.McColl@west-dunbarton.gov.uk

Appendix: Location Plan

Background Papers:

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

Wards affected: Ward 4 (Kilpatrick)

