

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 13th November 2024

Subject: Planning application DC23/217/FUL - Erection of a class 1A retail foodstore with associated access, car parking, landscaping and associated works on land adjacent to the south of Castle Street, Dumbarton by Aldi Stores Ltd; and

Planning application DC22/245/FUL - Formation of a dwellinghouse with the re-establishment of the derelict Ferrydykes 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 at Former Ferry Dyke Canal House, Portpatrick Road, Old Kilpatrick by Mr Farhat Malik

1. Purpose

The purpose of this report is to update the Committee of the position relating to the above planning applications which were referred to the Scottish Ministers following Committee determining it was minded to grant planning permission in both cases.

2. Recommendations

2.1 It is recommended that the Committee note the position.

3. Background

3.1 Planning application DC23/217/FUL considered a proposal for the erection of a class 1A retail foodstore with associated access, car parking, landscaping and associated works on land adjacent to the south of Castle Street, Dumbarton. The Scottish Environmental Protection Agency (SEPA) objected in principle to the application and recommended that planning permission should be refused. This was because they considered the proposed development was expected to put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.

3.2 In considering the application, the proposal was welcomed and was considered to provide an effective use of a brownfield site whose development has stalled since the approval of the application DC17/230. While the flooding aspect would potentially result in parts of the site becoming inaccessible in a 1:200 year plus climate change coastal flooding event, the store itself would likely remain unaffected. With suitable mitigation in place to ensure the building is evacuated prior to any flooding event, the benefit of redevelopment of a brownfield along with the economic benefit was considered to outweigh the flooding concerns which formed the basis of SEPA's objection. The design of the store unit and the adjacent car park were considered to be of high quality with appropriate level of connectivity to the adjacent street level and the waterfront and its footpath. The development would contribute to the mix of retail offerings and vitality of the Town Centre, without any detrimental effects on local amenity.

- 3.3** Planning application DC22/245/FUL considered a proposal for the formation of a dwellinghouse with the re-establishment of the derelict Ferrydykes 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 at Former Ferry Dyke Canal House, Portpatrick Road, Old Kilpatrick. SEPA initially submitted a holding objection to the application and requested that further information be provided. Once this information was provided and following a re-consultation, SEPA objected in principle to the application and recommended that planning permission should be refused. This was because the proposed development was expected to put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.
- 3.4** In considering this application, Members emphasised that the only objection was from SEPA. There was no objection from the Council as local flood authority. Local Members, with a knowledge of the site, could not recall when the site last flooded. SEPA described the proposed development as being dangerous but did not explain why that was the case. It was noted the engineer involved was happy with the proposal. There would be access from the towpath in times of flooding. Whilst Committee did not propose to disregard the points raised by SEPA, informed by the submitted flood risk assessment and lack of objection from the local flood authority, it was concluded that if the development went ahead there would be a greater benefit to the community in terms of addressing a derelict building. Committee therefore determined that they were minded to grant planning permission, contrary to the Officers recommendation.

4. Main Issues

- 4.1** Following consideration by Committee on 7th August 2024, both planning applications were notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- 4.2** With respect to planning application DC23/217/FUL at Castle Street, Dumbarton, the Scottish Ministers advised that it was not their intention to intervene in this application by either issuing a direction restricting the granting of consent or by calling in the application for their own determination. Accordingly, the Council has now been able to grant planning permission in accordance with the Committee's decision.
- 4.3** Turning to Planning application DC22/245/FUL, the Scottish Ministers were of the view that the proposed development's potential conflict with national policy on flooding raises issues that would benefit from further scrutiny. The application has therefore been called-in by the Scottish Ministers for their own determination.
- 4.4** The Planning Service have provided full details of the case to the Department for Planning and Environmental Appeals (DPEA) and it is advised that the case is ready to be allocated to a Reporter who will, in due course, review the documents and submissions, and consider what, if any, further procedures are necessary in order to progress matters. The Planning Service will liaise with DPEA through the process, and provide any further submissions as required.

5. People Implications

5.1 There are no people implications associated with this report.

6. Financial and Procurement Implications

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

7. Risk Analysis

7.1 There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

8.1 There are no equalities issues associated with this report.

9. Consultation

9.1 Consultation was undertaken during the consideration of the planning applications.

10. Strategic Assessment

10.1 The Council's decision on these planning applications is considered to have been consistent with the following strategic priorities:

- Our Economy – Strong and Flourishing;
- Our Environment – A Greener Future; and
- Our Communities – Resilient and Thriving.

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Date: 13th November 2024

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Appendices: None

Background Papers:

1. Report to Planning Committee 7th August 2024 - Planning application DC23/217/FUL - Erection of a class 1A retail foodstore with associated access, car parking, landscaping and associated works on land adjacent to the south of Castle Street, Dumbarton by Aldi Stores Ltd.
2. Report to Planning Committee 7th August 2024 - Planning application DC23/217/FUL - Formation of a dwellinghouse with the re-establishment of the derelict Ferrydykes 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 at Former Ferry Dyke Canal House, Portpatrick Road, Old Kilpatrick by Mr Farhat Malik
3. DPEA Call-In Case Details - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

Wards Affected: Ward 3 (Dumbarton) and Ward 6 (Clydebank Waterfront)