

## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Civic Space, 16 Church Street, Dumbarton, on Wednesday, 14 June 2023 at 10.00 a.m.

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

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Amy Melkevic, Lead Planning Officer; Matthew Spurway, Development Planning and Place Officer; Gail MacFarlane – Chief Officer Roads and Neighbourhoods; Nigel Ettles, Section Head – Litigation (Legal Officer); Nicola Moorcroft Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor June Provost Douglas

**Councillor Lawrence O'Neill in the Chair**

### DECLARATIONS OF INTEREST

Councillor Ian Dickson, declared an interest in the item under the heading DC22/201/FUL - Erection of Class 1 food store and associated access, parking, landscaping and associate works access, parking, landscaping and associated other works on land at Mixed Use Development Site, Mitchell Way, Alexandria by Lidl Great Britain Limited, being a member of the Vale of Leven Trust and intimated that he would leave the meeting during consideration of that item.

### MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 19 April 2023 were submitted and approved as a correct record.

### OPEN FORUM

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

## **PLANNING APPLICATIONS**

The reports submitted by the Planning, Building Standards and Environmental Health Manager – in respect of the following Planning applications:-

- (a) **DC22/201/FUL - Erection of Class 1 foodstore and associated access, parking, landscaping and associate works access, parking, landscaping and associated other works on land at Mixed Use Development Site, Mitchell Way, Alexandria by Lidl Great Britain Limited.**

## **DECLARATION OF INTEREST**

Councillor Dickson, having earlier declared an interest in the following item of business, left the meeting at this point.

A copy of a letter (tabled) by Bonhill and Dalmonach Community Council, setting out objections to this planning application, was circulated for consideration.

A copy of a letter (tabled) by Daniel Wheelwright (applicant's agent) seeking a 90 minute limit on parking at the proposed food store, was circulated for consideration.

## **ADJOURNMENT**

The Chair adjourned the meeting for a short recess. The meeting reconvened at 10.24 a.m. with the Elected Members listed in the sederunt present.

The Committee agreed to accept both tabled letters noted above.

Reference was made to a site visit that had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager and the Development Management Team Leader were heard in further explanation of the report and in answer to Members' questions.

The Chair invited Ms Janice Ross objector, on behalf of Vale of Leven Trust, to address the Committee. Ms Ross was heard in support of the objections from the Vale of Leven Trust and in answer to Members' questions.

The Chair invited Mr John Fordy objector, on behalf of Bonhill and Dalmonach Community Council to address the Committee. Mr Fordy was heard in support of the objections from of Bonhill and Dalmonach Community Council and in answer to Members' questions.

The Chair invited Mr David Wheelwright (applicant's agent) and Mr Ross Jackson (on behalf of Lidl GB Ltd - applicant) to address the Committee. Both

Mr Wheelwright and Mr Jackson were heard in respect of the application and in answer to Members' questions.

After discussion, and having heard the Planning, Building Standards and Environmental Health Manager, the Development Management Team Leader and the Chief Officer – Roads and Neighbourhoods, in further explanation and in answer to Members' questions, Councillor Lawrence O'Neill moved, seconded by Councillor Daniel Lennie, that planning permission be granted subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto, amending to condition 25 to read as follows:

Notwithstanding the submitted details, the approved car park will allow for free and unrestricted parking by car park users for a maximum period of ninety minutes.

As an amendment, Councillor Chris Pollock, seconded by Councillor Karen Conaghan, moved that the Committee seek a continuation for this planning application, to develop further discussions with the applicant. On a vote being taken, 5 members voted in favour of the motion and 2 members voted for the amendment. The motion was accordingly, declared carried.

Note: Councillor Dickson re-entered the meeting at this point.

- (b) DC23/046/FUL – Proposed change of use of vacant former gas boilerhouse to form hot food takeaway with new shopfront and erection of flue at Former Gas Boilerhouse, Carson Road, Balloch, G83 8QG by Sava Estates.**

The Planning and Building Standards Manager advised that the application had now been withdrawn.

## **ADJOURNMENT**

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.50 a.m. with the Elected Members listed in the sederunt present.

- (c) DC22/156/FUL – Relocation and reconfiguration of current car parking area, new employee vehicular entry and exit access routes from existing roundabout, relocated on-site lorry parking, rerouted internal access roads and associated works at Kilmalid, Stirling Road, Dumbarton G82 2SS by Chivas Brothers Ltd.**

After discussion and having heard the Development Management Team Leader, in further explanation, and in answer to Members' questions, the Committee agreed that it is minded to Grant planning permission subject to the conditions set out in Section 9 as detailed within Appendix 2 hereto and delegate authority to the Planning, Building Standards and Environmental

Health Manager to issue the decision following the satisfactory conclusion of the referral of the planning application to the Scottish Ministers.

## **LOCAL LIVING AND 20 MINUTES NEIGHBOURHOODS PLANNING GUIDANCE CONSULTATION**

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking agreement to submit a response to the Scottish Government consultation on Local Living and 20 Minute Neighbourhood draft planning guidance.

After discussion and having heard the Development Planning and Place Officer, in further explanation, and in answer to Members' questions, the Committee agreed the proposed Council response as set out in Appendix 1 of the report.

The meeting closed at 12:21

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**DC22/201/FUL - Erection of Class 1 foodstore and associated access, parking, landscaping and associate works access, parking, landscaping and associated other works on land at Mixed Use Development Site, Mitchell Way, Alexandria by Lidl Great Britain Limited.**

**GRANT planning permission subject to the following conditions:-**

1. Prior to the commencement of development on site, all external materials of the building, hard surfaces, fencing and walls shall be submitted for the further written approval of the Planning Authority and shall thereafter be completed in accordance with the approved details.
2. Prior to the commencement of development on site, details of the design and location of the bin stores, cycle storage, feature stairway, street furniture, trolley parking and lighting shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved. The development shall thereafter be completed in accordance with the approved details prior to any of the foodstore becoming operational.
3. No development (other than investigative works) shall commence on site until such time as a updated detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) An assessment of the potential risks (where applicable) to:
    - human health
    - property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
    - groundwater and surface waters
    - ecological systems
    - archaeological sites and ancient monuments
  - c) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.

4. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
5. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority to protect public.
6. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
7. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

8. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.
9. Prior to the commencement of development on site, a Delivery Management Plan shall be submitted to and approved in writing by the Planning Authority. Deliveries to the foodstore shall only occur between the hours of 0700 hours and 2300 hours. All deliveries and other servicing of the site shall then be undertaken in accordance with the approved Delivery Management Plan at all times thereafter.
10. The development including all plant/equipment and noise mitigation measures shall be completed/installed and retained in accordance with the EEC Noise Impact Assessment Version 3 Ref: EEC/EC18745-7 (27 April 2023).

On completion of development and before the proposed retail unit is brought into use the applicant shall have a third party independent verifier submit a verification report to the Planning Authority, that shall demonstrate compliance with the projections as detailed within the Noise Impact Assessment V3 are reliable and meet the requirements.

11. Notwithstanding the submitted information and prior to the commencement of development on site, details of the odour control measures of the bakery element of the foodstore in terms of ventilation, odour filtration and discharge location shall be submitted to and approved by the Planning Authority and shall be implemented before the bakery is brought into use and maintained thereafter.
12. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved 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. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures, which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
15. No commercial vehicle making deliveries to or collecting material from the development shall enter or leave the site before 08:00 or after 18:00.
16. Prior to the commencement of development on site an air quality impact assessment shall be submitted to and approved by the Planning Authority.

The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication "Local Air Quality Management Technical Guidance LAQM.TG(09)", and "Delivering Cleaner Air for Scotland -Guidance from Environmental Protection Scotland and the Royal Town Planning Institute Scotland, January 2017". The recommendations of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.

17. Unless otherwise approved in writing by the Planning 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 the Planning 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 the Planning Authority.
18. Prior to the commencement of development on the site details of an adequate sized grease trap shall be submitted to and approved by the Planning Authority and shall be installed as approved and maintained thereafter.



19. Details for the storage and the collection of waste arising from the proposed foodstore shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the foodstore being brought into use and thereafter be maintained.
20. The approved hard and soft landscaping scheme shall be fully implemented prior to the opening of the foodstore hereby permitted unless an alternative timescale for implementation is first agreed in writing by the Planning Authority.
21. Notwithstanding condition 20 above and prior to the commencement of development on site, details of the seed mix to be used for the proposed flowering lawn, subsoil mix and species of herbaceous planting shall be submitted to, and approved in writing by the Planning Authority. The proposed seed mix shall be of local provenance with native flowers. Thereafter the approved mix shall be used upon the site.
22. Notwithstanding the landscaping plan and condition 20 above, *Prunus avium* shall be used rather than *Prunus avium* 'plena'.
23. Prior to the commencement of development on site, full details of maintenance and management for the approved landscaping areas shall be submitted to and approved in writing by the Planning Authority Management and maintenance of the landscaping areas shall commence upon completion of the landscaping areas and any dead trees and plants shall be replaced and the landscaped areas shall remain free of litter.
24. The foodstore shall not be brought into use until the vehicle parking spaces associated with it have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
25. Notwithstanding the submitted details, the approved car park will allow for free and unrestricted parking by car park users for a minimum period of three hours.
26. No site clearance works shall be undertaken during the bird nesting season March to September inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of development on site, the methodology and findings of which shall be submitted to and approved by the Planning Authority.
27. Tree 2128 as identified in the Tree Survey BS5837:2012 dated January 2022 shall be retained and prior to the commencement of development on site, tree protection measures for this tree shall be erected in accordance with British Standards Recommendations for trees in relation to construction, currently BS 5837:2012 and shall not be removed during the course of any construction works on site.

28. Prior to the commencement of development on site, full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Drainage Systems (SuDS) within its design, and thereafter shall be implemented prior to the occupation of the foodstore hereby permitted.
29. That prior to the commencement of any works on site, full details of the incorporation of low or zero carbon generating 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.
30. Notwithstanding the submitted details, any advertisements on buildings and within the curtilage of the site will require advertisement consent.

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**DC22/156/FUL - Relocation and reconfiguration of current car parking area, new employee vehicular entry and exit access routes from existing roundabout, relocated on-site lorry parking, rerouted internal access roads and associated works at Kilmalid, Stirling Road, Dumbarton G82 2SS by Chivas Brothers Ltd.**

**GRANT planning permission subject to the following conditions:-**

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed hardsurfacing to be used within the development sites 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.
2. That prior to the commencement of works on site, final details of the proposed road bridge over the Murroch Burn, inclusive of design, external materials and samples of external materials 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.
3. The approved hard and soft landscaping and all associated approved planting details, inclusive of all new tree planting, shall be implemented within a timescale to be agreed prior to the commencement of works on site.
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 next planting season with others of a similar size and species.
5. That full details of maintenance and management for the landscaping approved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site. Management and maintenance shall commence within a timescale agreed with the Planning Authority.
6. Notwithstanding the approved plans and condition 3 above, and prior to the commencement of works on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline including any adjustments to the approved landscaping proposals 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.

7. All recommendations within the Phase 1 Habitat Survey dated 15th March 2022 shall be followed. This shall include all required further survey work identified as being required inclusive of Bats, Otter, Badger and nesting birds. All further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and implemented as approved.
8. Notwithstanding condition 7 above, further survey shall be undertaken to identify any possible impact on the Sand Martin colony known to breed on the Murroch Burn near the A82 and the requirement for mitigation. The survey shall be submitted to and approved in writing by the Planning Authority and any required mitigation identified implemented within an agreed timescale with the Planning Authority.
9. Notwithstanding condition 7 above and prior to the commencement of works on site, details of the incorporation of mammal ledges into the design of the new bridge over the Murroch Burn shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
10. Notwithstanding condition 7 above, full details of how the enhancement proposals set out in the Habitat Survey will be implemented on site shall be submitted to and approved in writing by the Planning Authority. The implementation of these proposals shall then proceed as approved.
11. That prior to the commencement of works, on site tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012, with evidence of this having been undertaken and not removed during the course of construction work.
12. That prior to the commencement of works on site, a full review of the Travel Plan for the site shall be undertaken and submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this review shall include setting out what targets of the Travel Plan agreed in connection with planning permission DC17/129 have been achieved, what targets have not been achieved and why they have not been achieved, and what further initiatives will be brought forward in the future to ensure the achievement of a meaningful switch away from the private car. Any agreed actions and measures shall be implemented at the same time as the site being brought into use.
13. Prior to the commencement of works on site, full details of the location and design of electric vehicle and electric cycle charging points/units and associated infrastructure and ducting shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include how future required provision shall be accommodated. The approved charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details and maintained at all times thereafter.

14. The development shall be drained in accordance with the details set out on the approved drainage drawings and the drainage arrangements, inclusive of SuDs, shall be fully implemented prior to the occupation and use of the development hereby permitted, otherwise approved in writing by the Planning Authority.
15. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
16. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

17. During the period of construction, all works and ancillary operations (including piling) 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
- Saturday: 0800-1300
- Sundays and public holidays: No working

18. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and agreed in writing with the Planning Authority in consultation with the West of Scotland Archelogy Service. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archelogy Service.

19. Notwithstanding the approved plans, details of the design and siting of all external lighting shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented as approved.

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