

## **PLANNING COMMITTEE**

At a Meeting of the Planning Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 16 April 2025 at 10.01 a.m.

**Present:** Provost Karen Murray Conaghan and Councillors Gurpreet Singh Johal, David McBride, Lawrence O'Neill, Chris Pollock, and Sophie Traynor.

**Attending:** Michael Mulgrew, Planning, Building Standards and Environmental Health Manager; James McColl, Development Management Team Leader; Michael McDougall, Manager of Legal Services; and Nicola Moorcroft, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Ian Dickson, Fiona Hennebry, Hazel Sorrell and Clare Steel.

**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 12 February 2025 were submitted and approved as a correct record.

### **NOTE OF VISITATIONS**

A note of Site Visitations carried out on 10 February 2025 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:-

**DC24/171/FUL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to variation of condition 16 and non-compliance with condition 24 of planning permission DC23/217/FUL to remove delivery hours restrictions at land to southeast of Castle Street, Dumbarton by Aldi Stores Ltd.

The Development Management Team Leader was heard in further explanation and in answer to Members' questions.

The Chair invited Mr Oli Munden, the applicant's agent, to address the Committee. Mr Munden was heard in respect of the application.

After discussion the Committee agreed to grant planning permission for this Section 42 application subject to the conditions set out in Section 9 of the report, as detailed within Appendix 2 hereto.

## **ADJOURNMENT**

The Chair adjourned the meeting for a short recess. The meeting reconvened at 10.21 a.m. with those Members listed in the sederunt in attendance.

## **WDC CONSULTATION RESPONSE TO SCOTTISH GOVERNMENT ENERGY CONSENTS UNIT ON SECTION 36 APPLICATION REF: ECU00004982**

A report was submitted by the Chief Officer – Regulatory and Regeneration advising of West Dunbartonshire Council's Consultation response to Scottish Government Energy Consents Unit on 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.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Development Management Team Leader in further explanation and in answer to Members' questions, the Committee agreed that:-

- (1) the previous concerns had not been addressed by the applicant and the original objection (Planning Committee 11 December 2024) to the proposal, as neighbouring Planning Authority, remain; and
- (2) the Planning, Building Standards Environmental Health Manager be delegated to communicate this position to the Scottish Government Energy Consents Unit.

The meeting closed at 10.47 a.m.

**PLANNING COMMITTEE**

**NOTE OF VISITATION – 10 FEBRUARY 2025**

**Present:** Councillors Fiona Hennebry (second site only), Lawrence O'Neill, Chirs Pollock and Clare Steel.

**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:-

18 Oxhill Road, Dumbarton G82 4DG

**DC24/181/FUL:** Proposed two storey dwellinghouse with associated parking, landscaping and change of use of land to rear to garden grounds by Mr Jasbir Singh Johal.

Napier Hall, 312 Dumbarton Road, Old Kilpatrick G60 5JH

**DC24/050/FUL:** Alteration and extension to existing hall to facilitate creation of new cafe area together with formation of raised deck and hard surfacing, and the installation of access lift at Napier Hall, 312 Dumbarton Road, Old Kilpatrick G60 5JH by Old Kilpatrick Food Parcels.

**DC24/171/FUL: Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to variation of condition 16 and non-compliance with condition 24 of planning permission DC23/217/FUL to remove delivery hours restrictions at Land to southeast of Castle Street, Dumbarton by Aldi Stores Ltd.**

**GRANT 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, the development shall be completed in strict accordance with the approved material details and palette unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

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.

Reason: In the interests of visual amenity.

3. Prior to the commencement of development on site, details of the design and location of all bin stores, cycle storage, 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 unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

4. That unless an alternative approach is otherwise first agreed in writing by the Planning Authority, all recommendations set out within the Level 3 Flood Risk Assessment dated 5th April 2024 and submitted in association with planning application DC23/217/FUL shall be incorporated into the development to the satisfaction of the Planning Authority.

Reason: In the interests of protection of the development from flooding and in accordance to the Flood Risk Assessment recommendations.

5. Notwithstanding condition 4 above and prior to the commencement of development on site, full details of a flood mitigation and evacuation plan for the development shall be submitted for the written approval of the Planning Authority. Thereafter, the flood mitigation and evacuation plan shall be adhered to at all times, unless otherwise agreed with the Planning Authority.

Reason: To ensure the implementation of measures to mitigate against flood risk.

6. 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.

Reason: To ensure the implementation of the approved landscaping scheme in the interests of visual amenity.

7. Prior to the commencement of works on site and notwithstanding the approved plans, a detailed management and maintenance scheme for the proposed landscaping shall be submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the scheme shall include a minimum of one clean out per year from October to January of the hereby proposed bird boxes and detailed of the maintenance of the wildflower areas. The plan shall thereafter be implemented in perpetuity, unless otherwise agreed with the Planning Authority.

Reason: To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity and enhancement of biodiversity.

8. 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: To ensure the retention of the approved landscaping scheme in the interests of visual amenity and protection of biodiversity enhancement.

9. Notwithstanding the approved plans, 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 unless otherwise first agreed in writing by the Planning Authority.

Reason: To ensure the incorporation of low or zero carbon generating technologies into the development in order to minimise carbon emissions.

10. All recommendations within the Preliminary Ecological Appraisal dated October 2023 submitted in association with planning application DC23/217/FUL shall be implemented in full to the satisfaction of the Planning Authority.

Reason: In the interest of the protection of ecology and biodiversity.

11. Notwithstanding condition 10 above, no works shall commence on site during the months of March to August (inclusive) until a full nesting bird survey is undertaken, the methodology and findings of which shall be submitted to and

approved by the Planning Authority. For the avoidance of doubt, this survey shall be conducted within 48 hours of the commencement of any works.

Reason: In the interest of the protection of and avoidance of disturbance to nesting birds.

12. Notwithstanding the approved plans, detail of access points for hedgehogs shall be included on any boundary fencing treatment, details of which shall be submitted to and approved in writing by the Planning Authority. Thereafter, the access points shall be maintained for the duration of the existence of the development.

Reason: In the interest of the protection of and avoidance of disturbance to hedgehog.

13. Prior to the commencement of the hereby approved works, further survey shall be carried out to establish if the redshank bird species is present on site or in its vicinity. Thereafter, and notwithstanding the approved plans, details of screening of the site and any other appropriate mitigation measures during the works phase to avoid displacement of the redshank birds and any other relevant species of wild animals shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved screening shall be in place and maintained for the duration of the works.

Reason: In the interest of the protection of and avoidance of disturbance to Redshank.

14. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of:
  - Management of any flat / shallow pitched / green roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8: "Potential Bird Hazards from Building Design".
  - The Bird Hazard Management Plan shall be implemented as approved and on completion of the development shall remain in force for the lifetime of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.

Reason: In the interests of the safe movement of aircraft and the operation of Glasgow Airport.

15. All plant and equipment (including any ventilation system) to be installed or operated shall be enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, within any nearby residential property, with windows slightly open for ventilation, when measured and/or calculated and plotted on an ISO rating curve chart.

Reason: To ensure a reasonable control of noise levels, which may be emitted from adjacent land uses and in the interests of safeguarding residential amenity.

16. 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 during the construction phase.

17. 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 minimise noise and disturbance to neighbouring residents/occupants during construction.

18. 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: 1984 '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.

Reason: To minimise noise and disturbance to neighbouring residents/occupants during construction.

19. 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.

Reason: To protect public health and to ensure that the site is suitable for its intended use.

20. 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.

Reason: To protect public health and to ensure that the site is suitable for its intended use.

21. 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.

Reason: To protect public health and to ensure that the site is suitable for its intended use.

22. 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 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.

23. Prior to the commencement of development on site an air quality impact assessment in accordance with the Environmental Protection UK guidance document "Guidance on land - use planning and development control: Planning for air quality January 2017" shall be submitted to and approved by the Planning Authority. The findings of the assessment shall be implemented

prior to the development commencing on site or within a timescale agreed by the Planning Authority.

Reason: To safeguard public health and the amenity of the surrounding area.

24. Prior to the commencement of development on site, a Service Delivery Noise Management Plan shall be submitted to and agreed in writing by the Planning Authority. The Plan shall include the procedures and mitigation measures to control noise from all service delivery operations of the store inclusive of nighttime deliveries during the hours of 11pm to 7am. The approved Service Delivery Noise Management Plan shall then be implemented and followed at all times during the operation of the store, unless otherwise first agreed in writing by the Planning Authority.

Reason: To safeguard the amenity of the surrounding residential developments.

25. Notwithstanding the approved plans and prior to the commencement of development on site, final 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.

Reason: To ensure adequate drainage for the development hereby approved.

26. 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 for the development hereby approved and prevent surface water runoff to neighbouring land.

27. 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.

Reason: To ensure appropriate parking provision for the use hereby approved.