

## ITEM 6e - APPENDIX 1

### WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 19<sup>th</sup> April 2023

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**DC22/185/FUL: Change of ground for the siting of three holiday lodges, associated waste water treatment plant and ancillary car parking at Former Maryland Water Pumping Station, Garshake Road, Dumbarton by Mrs Mary Gillies**

#### **1. REASON FOR REPORT**

- 1.1** The application has been subject of a number of objections, including one from the Silverton and Overtoun Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

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

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to a former Scottish Water site located adjacent to a private road approximately 380m northwest of the fork at the top of Garshake Road Dumbarton. The site is 0.2ha in size and split across two distinct levels, with the upper level created by a former water storage tank, which measures approximately 20.4m x 15m. In addition to the storage tank, the site also includes a lower section which provides level access to the private road. The site is bounded by the private road to the east, mature woodland to the west and north, and a narrower strip of trees to the south.
- 3.2** In 2021, planning permission was granted for a change of use of the site for the siting of three holiday lodges, including a waste water treatment area and ancillary car parking (DC21/096/FUL). It was subsequently brought to the Council's attention that the applicant had undertaken works on site which did not follow the planning permission granted. Following discussions with the applicant, an application was submitted in respect of the changes undertaken on site which did not accord with the planning permission granted.
- 3.3** The main amendments to the proposal are as follows:

- The dimensions of all proposed units has been altered, with each unit having a footprint of 55sqm, being 11m L x 5m W, 2.5m to eaves height and 3.2m to the highest point of the roof.
- In relation to the units previously approved, the proposed footprint of Units 1 and 3 have been reduced by a total of approximately 32.8sqm (16.4sm each), with the highest point of the proposed roof reduced by 0.2m. The proposed footprint of Unit 2 has increased by 7.7sqm, with the highest point of the proposed roof reduced by 0.7m. Overall, the total footprint proposed represents a decrease of 25.1sqm.
- Number and placement of windows and doors has been altered, with each unit having three double windows on the front elevation, a set of double doors on the gable elevation and one double window on the rear elevation. Previously, Units 1 and 3 had two double windows and a front door on the front elevation, two double windows on Gable 1, two windows on Gable 2 and a double window and set of French doors on the rear elevation. Unit 2 differed in having three windows on Gable 1, one window on Gable 2, with the rear elevation having one window at upper level.
- Unit 2 re-ordinated through 90 degrees.
- Units 1 and 3 moved forward by approximately 3 metres.
- Profile of external staircase between the upper and lower sections, which previously comprised a half-landing before turning and continuing upwards, has been straightened as one.
- Demolition of single storey former valve house, which was previously retained
- Opening of the front elevation of former water tank to allow installation of new double doors measuring 2.1 W x 2.3 H.
- Alterations to the parking layout and associated works, with two car parking spaces to the west of the external staircase removed and two new spaces created to the east of the staircase.
- Timber cladding added to the front elevation of the former water tank, including new door opening.
- Addition of a new 1.6m high timber screen fencing along the gable ends of unit 2, a 1.6m high wall to the north of the gable end of unit 1 and a 1.1m high wall along the front edge of the former water tank

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service have no objections on roads and parking grounds subject to the applicant addressing the requirement for turning space within the site. No objection on flooding grounds.
- 4.2** West Dunbartonshire Council Environmental Health Service have no objection, subject to two conditions relating to re-use of site material and unexpected contamination being attached.
- 4.3** Scottish Water have no objection to the proposed alterations.

#### **5. REPRESENTATIONS**

- 5.1** Nine objections from local residents (some of whom have forwarded multiple submissions), the Woodland Trust, and the Silverton and Overtoun Community

Council were received. The detail of each representation is available in the electronic planning file for the application and available for public viewing. The material concerns raised in the objections can be summarised as follows:

#### Layout and Design

- Concern that U-shaped layout lends itself to group bookings.
- Lodges have changed significantly in size, design and positioning.
- Design of lodges is cramped to achieve maximum occupancy.
- New 1 metre wall on top of former water tank is obtrusive and dominant.
- External staircase now has a straight profile, with concrete finish not in keeping with rest of the development and surrounding rural area.
- Removal of original valve house has altered front façade.
- Lodges 1 and 3 previously had an outlook to the River Clyde, which has been removed.
- No landscape plan provided.
- Entrance gates not in keeping with surrounding landscape.
- No disabled access.
- Proposal constitutes overdevelopment.

#### Landscape and Visual Impact

- Adverse effects on local character and visual amenity.
- Trees removed outwith site, but close to boundary.

#### Residential Amenity

- Proposal would result in anti-social behaviour.
- Disturbance to residential amenity, including sheltered housing on Baxter View.
- Believe a hot tub will be built on the terrace area.

#### Access and Parking

- Adverse impacts on road safety due to increased traffic generated.
- Lack of adequate parking provision.
- Lack of turning head space within parking area.
- Location of two new car parking spaces will create congestion at entrance and result in cars reversing onto farm track.
- Straightened external staircase will make turning more difficult in the site.
- Adverse safety impacts on use of Core Path no.56.

#### Drainage

- No details provided on surface water or foul drainage.
- Concern that a soakaway cannot be supported on the site.
- No servitude rights to access mains water or discharge wastewater to adjacent land.

#### Procedure

- Private access should be included in the application site boundary.
- Application DC21/096/FUL not properly assessed.
- Planning conditions attached to DC21/096/FUL disregarded.

- Planning permission for DC21/096/FUL should be invalidated.
- No Building Warrant for the development.
- Site description is inaccurate.
- General lack of detail in application.

#### Other Issues

- Contrary to Green Belt Policy.
- Applicant does not own or have full permission to use the private road to access the application site.
- Development will result in adverse impacts on the ancient woodland within Barr Wood.
- Site not suitable for development due to its location between two high voltage pylons.
- Unauthorised works undertaken.
- Opening of the former water tank is a change of use.
- Concern about future use of former water tank and its structural integrity
- Engineer's Report on former water tank not submitted.
- No net environmental gain identified.
- No carbon reduction plan or inclusion of any renewable energy technology.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### National Planning Framework 4 (NPF4)

- 6.1** National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13th of February 2023 and now forms part of the Development Plan.
- 6.2** Policy 1 relates to tackling the climate and nature crises. 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. Policy 3 seeks to protect biodiversity, reverse biodiversity loss, and deliver positive effects from development and strengthen nature networks. Criterion (c) states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Overall, the proposal re-uses an existing structure as part of the development and as such the embodied energy of the structure remains. It is considered that the nature and small scale changes proposed to the design and layout would have a neutral effect in respect of Policies 1, 2 and 3.
- 6.3** Policy 8 seeks to promote and facilitate compact urban growth and only supports development in the Green Belt in certain circumstances. Proposals are also required to meet additional criteria, including the need for development to be compatible with the surrounding established countryside and landscape character; be designed to an appropriate scale, massing and external appearance; use materials that minimise visual impact on the green belt as far as possible; and have no significant long-term impacts on the environmental quality of the Green Belt.
- 6.4** Following the grant of planning permission for DC21/096/FUL, the principle of development in a Green Belt location is established. Following an assessment of

the proposed layout, design, impacts on landscape character and visual amenity, set out in section 7 below, it is considered that the proposal, specifically the proposed changes to DC21/096/FUL, complies with the Policy 8.

- 6.5** Policy 14 aims to promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the place principle. The policy supports proposals which are consistent with the six qualities of successful places; healthy, pleasant, connected, distinctive, sustainable and adaptable. It is considered that the small scale nature of the proposed changes to the layout and design do not raise any concerns with regard to six qualities of successful places.
- 6.6** Flood risk and water management is covered in Policy 22. The proposal is not at risk of flooding or considered to add to flood risk. The policy goes on to require proposals to manage all rain and surface water through sustainable drainage systems (SuDS). A SuDS / soakaway arrangement is proposed and final details can be addressed by condition.
- 6.7** Development proposals that are likely to raise unacceptable noise issues will not be supported, in accordance with Policy 23. The site is located some 300 metres from the nearest adjacent properties and in any case, the amendments being considered would not result in any noise concerns beyond the consented position.
- 6.8** Tourism proposals are addressed by Policy 30, which sets out a range of criteria to be taken into account. In this case, the acceptability of the use of the site is already established by the extant planning permission and the amendments under consideration raise no issues that require assessment in respect of this policy.
- 6.9** Overall, it is considered that the proposal is supported by and presents no conflict with the policies set out within NPF4 and is assessed fully in Section 7 below.

#### West Dunbartonshire Adopted Local Plan 2010

- 6.10** Policy GB1 aims to restrict the types of green belt development which could be accommodated within the urban area by defining the uses and types of development that are acceptable in the green belt. It notes that development which would have an adverse effect on the landscape character of the local area is not supported. The principle of development is established by the previous permission. It is considered that the proposal would not have any significant adverse effects on landscape character, with further assessment set out in section 7 below.
- 6.11** Policy GD1 of the Local Plan seeks to ensure that all new development enhances the Plan area and environmental quality in general through an emphasis on high quality design. Proposals are required to meet a number of criteria, including the need to be appropriate to the local area in terms of land use and layout and design; be energy efficient and meet the roads, parking and access requirements of the Council.
- 6.12** The proposed changes to the layout and design are assessed in section 7 below, which concludes that they are appropriate and do not raise any concerns with respect to the six qualities of successful places. Further to the assessment of

parking below, it is considered that the proposal meets the Council's parking standards.

- 6.13** Policy F2 requires proposals to satisfy the principles of Sustainable Drainage Systems (SuDS) and identify maintenance arrangements, where appropriate. The policy also requires Drainage Impact Assessments (DIA) to be submitted for any proposals which requires waste or surface water to be drained. The principle of private waste water treatment on the site was established through DC21/096/FUL and, subject to the final details being agreed, there is no conflict with this policy.
- 6.14** Policy LE8 supports applications for tourist industry development, subject to there being no adverse environmental, landscape, infrastructure and transport implications; a clear locational need and significant economic benefit. As noted above, the acceptability of the use of the site is already established by the extant planning permission and the amendments under consideration raise no issues that require assessment in respect of this policy.
- 6.15** The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local 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 GB1 seeks to direct new development towards the urban area in order to support regeneration and maintain the attractiveness and character of the Green Belt, whilst also supporting economic development and diversification in the green belt, under certain circumstances. This support is subject to a number of additional requirements being met, including the need for proposals to be fully compatible with surrounding established countryside character, and avoid unacceptable impacts on the environmental quality and landscape character of the Green Belt. In addition to the principle of development having already been established, it is considered that the small scale and type of changes proposed to the layout and design would be compatible with the surrounding landscape character and would avoid any significant adverse effects on the landscape and surrounding environmental quality.
- 7.3** Policy CP1 requires new development to take a design-led approach to creating sustainable places, which put the needs of people first and demonstrate the six qualities of successful places. Further to the assessment of changes proposed to the layout and design, set out in Section 7 below, it is considered that the proposal complies with the policy.

- 7.4** Policy CP2 seeks to promote the role of green infrastructure in creating high quality places. The policy requires proposals to integrate Sustainable Drainage Systems (SuDS) features in line with the current Sewers for Scotland Guidance (i.e. v 4.0), with applicants required to demonstrate how the design and layout of SuDS reflects and responds to the site circumstance and local landscape character.
- 7.5** Policy E6 supports tourist facilities where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage. With the acceptability of the use of the site already established by the extant planning permission and the amendments under consideration raising no issues, further assessment in respect of this policy is not required.
- 7.6** It is considered that the proposal being assessed presents no conflict with the relevant policies of the proposed LDP2.

Principle of Development

- 7.7** The principle of development for the proposed use of the site and erection of three holiday lodges is already established through the grant of planning permission for DC21/096/FUL, which remains extant for the development of the site. The principle of the development does not therefore require to be further assessed as part of this application as this has been agreed by the previous permission.

Design and Appearance of the development

- 7.8** The proposed site is located in a rural area adjacent to a private road approximately 380m northwest of the fork at the top of Garshake Road in Dumbarton. The site is well screened by mature woodland to the west and north, and a narrower strip of trees to the south. As such, the site is only visible when in close proximity to it. The revised design of each lodge does not raise any concerns with regard to their external appearance, outlook or impacts on the wider site. Indeed, each lodge having the same design and dimension delivers a higher level of uniformity and coherence than that previously approved. It is also noted that revised design will result in the lodges having a smaller overall footprint than that originally approved. With regard to layout, it is considered that the re-orientation of Unit 2 by 90 degrees would have a positive effect by creating a more enclosed and defined space that contributes to a greater sense of place within the wider site. Moving Units 1 and 3 forward by approximately 3 metres to be adjacent to the front edge of the former water tank is considered to have a neutral effect. The provision of appropriate landscaping can be addressed through condition. Overall, the design, appearance and visual arrangement of the lodges situated on the former water storage tank is considered acceptable and also improves the overall arrangement on site beyond the consented position.
- 7.9** The amended design to the stairway within the site giving access between the lower and upper sections results in a straight stairway rather than the previous half-landing before turning and continuing upwards arrangement. Whilst this marginally increases the visual impact of the staircase when viewed from outwith the site, the arrangement is considered acceptable as the overall site is well screened and not visually prominent. However, notwithstanding the straightened profile of the external staircase being acceptable, the concrete finish proposed

raises concerns visually and is not considered to be compatible with the more natural timber material finishes across the wider site. In light of this, and following discussions with the applicant, it was agreed that either side of the staircase would be clad in timber to match that of the wider site. The removal of the valve house to allow for a better car parking arrangement does not have any adverse visual impact and in any case, a non-residential building could be demolished without requiring planning permission.

- 7.10** Turning to the amended walling and fencing arrangement within the site, the introduction of 1.6m high timber screen fencing along the gable ends of unit 2, a 1.6m high wall to the north of the gable end of Unit 1 and a 1.1m high wall along the front edge of the former water tank is considered to be proportionate in scale to the wider development, with the timber fencing in keeping with the timber finishes of the lodges. To soften the effect of the proposed walls, a condition requiring a timber clad finish is recommended. The amendment to the entrance gate does not raise any concerns and is acceptable. The opening formed within the front wall of the former water storage tank, which will be fitted with steel double doors with a timber clad finish, is considered compatible with the other parts of the development. The use of gabion baskets along the northern boundary of the parking spaces south of Unit 1, and the timber fencing proposed at the entrance would not have a significant adverse effect on the overall appearance of the wider site. Overall, it is considered that the proposed development is appropriate in terms of the layout and design and that these matters are satisfactorily addressed.

#### Impacts on Landscape Character and Visual Amenity

- 7.11** The siting of three holiday lodges would not have any significant effects on local landscape character or visual amenity due to the site being well screened by landscaping and not visually prominent. Therefore the nature and small scale changes proposed would have limited visual effect beyond the site. In light of this, it is considered that the proposed changes will not have any significant impacts on the character and visual amenity of the surrounding area.

#### Flood Risk and Drainage Arrangements

- 7.12** There is no objection to the proposal from the Council's Roads Service in their capacity as local flooding authority on flood risk grounds. The principle of a private waste water drainage system on the site was established through DC21/096/FUL and the final detail can be addressed by condition together with the final drainage arrangements. The proposal is therefore acceptable and Scottish Water have not raised any concerns.

#### Roads, access and parking

- 7.13** The location of the site and access from the private road was accepted in the originally granted planning permission. Whilst finished with a loose surface and being single track, the traffic associated with three small holiday lodges will be minimal and does not raise concern. The use of a private road to access this type of development is a common situation. It remains the case that the Council's Roads Service raises no objections to the access arrangements.
- 7.14** While the proposal does not alter the number of parking spaces with the site, it does seek to change the parking layout from that previously permitted, specifically the removal of two car parking spaces to the west of the external staircase and the



creation of two new spaces to the east of the staircase. The Roads Service have indicated that a turning space within the parking area should be provided. There is sufficient space within the site to provide a suitable turning arrangement and the final detail of this can be addressed by condition. Subject to the agreement of these final details, the proposed parking arrangement is acceptable.

- 7.15** While it is acknowledged that the private access road is a core path, no changes are proposed to the core path. The core path is currently not exclusively used by walkers nor is it a grass track in which it is proposed to be surfaced in a way that will completely change its character and use. It is an existing loose surfaced private road designed for use by vehicles. As noted above, the traffic associated with three small holiday lodges will be minimal and the proposed development does not adversely impact upon users of the core path. In fact people using the holiday lodges are likely to use the core path to gain access to the Kilpatrick Hills and the wider area. The Council's Access Officer also offered no objections to the original planning application. In any case, this application assesses the design changes beyond the original proposal and the proposed changes have no impact upon the core path.

#### Residential Amenity

- 7.16** Whilst concerns are raised in respect of possible noise disturbance from the use of the site, particularly given the lack of management on site or adjacent to the site, the site is not located near any neighbouring residential properties. It is some 300 metres from the nearest houses in Bellsmyre, 360 metres from Baxter View and 400 metres from Maryland Farm. The amended proposal being considered does not increase the number of lodges nor the potential duration of occupation. The changes being assessed therefore have no impact on residential amenity. Notwithstanding this, the requirement to submit a management plan for the operation of the site is addressed by condition.

#### Other Matters raised in representations

- 7.17** A wide range of other issues have been raised in the objections received which have not already been assessed above. Concern is raised regarding the processing and assessment of the original planning application previously granted for the site (ref: DC21/096/FUL). It is accepted that the report of handling references a site adjacent to the fork at the top of Garshake Road and not the correct application site. However, following a review of the planning decision, it is clear that the submitted application and all associated documentation related to the correct site. The consultation process was also undertaken on the correct site and submitted application proposal. In respect of the planning policy situation, both sites are located within the Green Belt and the policy position is consistent across both sites. The development complied with all relevant policies, nothing arose in the consultation responses which suggested the proposal was unacceptable and there are no material considerations which suggested that the application should not have been granted. Whilst the situation is unfortunate, any concerns require to be considered separately to this application submission and the Council has responded to the submitted complaints via the Council's complaints process.
- 7.18** The retrospective nature of the application is highlighted. Whilst these concerns are shared, this can have no bearing on the assessment of the submitted application. An application being retrospective is not grounds for a decision of

refusal. Further concerns were raised about the failure to comply with the conditions attached to planning permission DC21/096/FUL. Whilst this was raised with the applicant, the submission of this application allows a review of all condition requirements and addresses any breaches of planning conditions. It is noted that those conditions previously attached to the permission for DC21/096/FUL, which remain relevant and appropriate to this proposal, will be attached to a permission, if granted. Issues relating to the requirement for, or absence of, a Building Warrant are not a material planning matter and are addressed through the Building (Scotland) Act and not the Planning Acts.

- 7.19** Concerns relating to the right of access and use of the private road are civil matters that can have no bearing on the assessment of a planning application. Damage to neighbouring land including any tree removal on neighbouring land are also civil matters. The design amendments being considered will not impact on adjacent land or woodland. The right to connect to any water supply is not a matter to be determined via the planning process.
- 7.20** In further considering procedural matters, concern is raised that the application should not have been validated due to the omission of the private road from the application site. The means of access to an application site requires to be clear. In this case the means of access is via the existing, long established road adjacent to the site. It does not follow that because this road is private and unadopted that it requires to be included within the application site. A road outwith the development site itself would only be included if a proposal requires works to be undertaken to the road. This is not the case here. Concern that the application lacks detail is also highlighted. It is considered that the level of detail required to enable a full assessment is provided in the application submission. Noting concern regarding the lack of a business plan and carbon reduction plan, sufficient supporting documentation was considered to have been submitted with the original application for a proposal of this nature within a Green Belt location, and it is not appropriate to revisit this conclusion as part of this application assessment. The concern regarding the site description on the submitted application form is noted. The application site does not have a postal address and in such cases, it is commonplace to find a range of site descriptions used in identifying a site. It is a requirement of any planning application to submit a location plan with the application site clearly outlined in red to ensure an application site is clearly identified. This has been submitted as required and is available on the electronic planning application file. There is no doubt on the site to which this application relates.
- 7.21** In relation to concerns about the opening of the former water tank, specifically its structural integrity and use, while a Site Investigation Report submitted with DC21/096/FUL recommended that the condition of the water tank and supporting columns be assessed by a structural engineer, the structural integrity of buildings is a matter for the building warrant process and not a material planning consideration. In relation to use, the opening of the former tank is not itself a change of use. The applicant has also confirmed there are no proposals to use the void of the former tank. It is noted that a planning application would be required if it is proposed to change the use of the former tank in the future.

**7.22** With regard to concern raised about a lack of biodiversity gain, no such requirements were considered necessary in originally granting planning permission. This application is considering the design amendments which do not, on their own, justify biodiversity enhancements.

**7.23** The proximity of the above ground high voltage electricity transmission lines has no bearing on the acceptability of the proposal and while concern is raised about the possible installation and use of a hot tub, this does not form part of the proposal.

## **8. CONCLUSION**

**8.1** It is considered that the amendments to the detail and design, beyond that previously granted planning permission, will have no significant or adverse effects on the physical appearance of the overall development or significant impacts on the surrounding landscape and visual amenity. The proposed changes are considered acceptable. The revised proposal accords with reference to NPF4, the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan 2. Whilst the submitted objections are acknowledged, there are no material planning considerations that suggest that planning permission should not be granted subject to the conditions below.

## **9. CONDITIONS**

1. No individual shall reside in the tourist accommodation for more than 28 consecutive days. In addition, no individuals shall reside in the tourist accommodation for more than 60 days in the calendar year. To this effect, a permanent log book shall be kept of all visitors who stay at the tourist accommodation for the lifetime of the development. This shall note the names and addresses of all visitors. The log book shall be made available for the inspection of the Council as Planning Authority, if requested.
2. Prior to the commencement of development, full details of the parking arrangement will be provided to the Planning Authority for written approval. Thereafter, the approved parking arrangement shall be formed and available prior to the lodges hereby approved being first brought into use. The spaces and access arrangements shall thereafter be kept available for the lifetime of the development.
3. Prior to the commencement of development, full details of the surface and foul drainage shall be provided to the Planning Authority for written approval. Thereafter, the approved arrangements shall be implemented prior to the lodges hereby approved being brought into use. The drainage arrangements shall thereafter be maintained for the lifetime of the development. For the avoidance of doubt, the arrangement will incorporate sustainable drainage arrangements (SuDS).
4. Prior to the lodges hereby approved being first brought into use, the lodges operator shall submit a Management Plan to the Planning Authority for their written approval. The Management Plan shall include details of day to day site management and maintenance and how potential noise and guest behaviour

issues are to be dealt with, should they arise. Thereafter, the site will operate in accordance with the approved Management Plan for the lifetime of the development unless otherwise agreed by the Planning Authority.

5. Prior to the commencement of works, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Where appropriate, these details shall include proposed finished and existing grounds levels and contours, hard surfacing materials and lighting. Thereafter, the approved details shall be fully implemented in accordance with the approved details prior to the lodges being brought into use, unless otherwise agreed by the Planning Authority. Any trees, shrubs, or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years if planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
6. The 1.6m high wall to the north of the gable end of unit 1 and the 1.1m high wall along the front edge of the former water tank shall be finished in timber cladding to match that across the wider site.
7. Prior to the commencement of development on site, the finishing materials to be used shall be submitted to the Planning Authority for written approval. Thereafter, the approved materials shall be implemented as approved.
8. If there is a requirement to either re-use site one 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 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. 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 works. The approved details shall be implemented as approved.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 19<sup>th</sup> April 2023**

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**Appendix:** Location Plan

**Background Papers:**

1. Application form and plans
2. National Planning Framework 4
3. West Dunbartonshire Local Plan 2010
4. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
5. Planning decision DC21/096/FUL
6. Consultation responses
7. Representations

**Wards affected:** Ward 3 - Dumbarton