

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 16th April 2025

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

1. REASON FOR REPORT

- 1.1** This application seeks the variation of a condition and the non-compliance with a condition associated with a planning permission previously agreed by the Planning Committee (ref: DC23/217/FUL). 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** for this Section 42 application subject to the conditions set out in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1** This application relates to a part of the former Allied Distillers site on the south side of Castle Street, Dumbarton. The site has been previously cleared of all buildings and consists of hardcore surface. It extends to approximately 0.75ha. It is bounded by a terrace of tenement properties in Castle Terrace to the north, the A-listed building of the Scottish Maritime Museum to the east (with the Morrisons supermarket petrol station and its car park beyond that neighbouring building) and the remainder of the former Allied Distillers site to the west and south-west, which currently houses a Lidl store with the associated car park. To the south-west of the site, the tidal basin and a residential development site can be found. Vehicular access to the site is from Castle Street and is shared with the adjacent retail store.
- 3.2** The site was previously a part of a larger site which was subject to a planning application DC17/230 for the erection of retail development comprising seven retail units including a food store, with associated infrastructure works including a new access, car parking and landscaping. This was granted by the Planning Committee in May 2018. The eastern part of the previous site where the two of the retail units with the associated parking were to be located is the site subject to the current application. Following the approval of the previous application, only one of the approved retail units has been constructed and occupied (Lidl)

in the western half of the previous site, with the eastern part remaining undeveloped. On account of the previously granted proposal being partly implemented, planning permission DC17/230 remains extant and the development could be completed.

3.3 In September 2024, planning permission was granted (ref: DC23/217/FUL) for an alternative retail development to that previously consented through permission DC17/230. The new proposal will have a gross floor area (GFA) of approximately 1,931m², of which 1,344m² would be retail space. The structure will form a foodstore (Use Class 1A), with the prospective occupier indicated to be Aldi. The development would consist of a detached supermarket with associated parking and landscaping.

3.4 Condition 16 of the Planning Permission (ref: DC23/217/FUL) states that:

No commercial vehicle making deliveries to or collecting material from the development shall enter or leave the site before 0800 or after 1800.

3.5 The applicant seeks to vary Condition 16 to clarify that this restriction is imposed only during the construction period. The proposed variation to Condition 16 as suggested by the applicant reads as follows:

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.

3.6 Condition 24 of the Planning Permission (ref: DC23/217/FUL) states that:

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.

3.7 The applicant seeks the non-compliance with Condition 24 to allow a 24 hour delivery model to the store to be built on the site. The applicant believes that the condition is neither 'necessary', nor 'reasonable', in reference to the six criteria set out in Planning Circular 4/1998. The applicant has submitted a Noise Impact Assessment (NIA) in support of the application and, based on the findings, the applicant considers that due to the existing levels of background noise being higher than any noise generated on the site, including deliveries, at any time throughout the night no disturbance will occur.

4. CONSULTATIONS

4.1 West Dunbartonshire Council Environmental Health Service offers no objection noting that the request for non-compliance with Condition 24 is supported by a noise impact assessment which concludes that that there would be no adverse impact from plant or delivery noise from the operation of this development. The

noise impact assessment included various operational procedures that were designed to reduce the noise impact from nighttime deliveries. These procedures should be incorporated into a service delivery noise management plan and submitted in support of the application. A condition is recommended in this respect.

5. REPRESENTATIONS

5.1 No representations received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

6.1 This application, submitted under Section 42 of the Town and Country Planning Scotland Act 1997 (as amended), seeks to vary the terms of condition 16 and the non-compliance with condition 24 of planning permission DC23/217/FUL. The principle of development on this site has, however, already been established through the granting of this planning permission. Annex H of Scottish Government Circular 3/2022 – Development Management Procedures sets out that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. Whilst the effect of granting a Section 42 application is that a new planning permission is established, the current planning permission for the site was granted in September 2024, there have been no changes to either the planning policy position or the circumstances of the application site, and works have not yet commenced on site. Whilst all development plan policies relevant to the proposed development are highlighted below, the principle of the development does not require a full reassessment against these policies.

National Planning Policy 4 (NPF4)

6.2 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises.

6.3 Policy 3 seeks to protect biodiversity and deliver positive effects from development, requiring that local development includes appropriate measures to conserve, restore and enhance biodiversity. It is noted that measures should be proportionate to the nature and scale of development.

6.4 Policy 6 aims to protect and expand forests, woodland and trees. It advises that proposals will not be supported where they result in the loss of ancient woodlands, ancient and veteran trees, or individual trees of high biodiversity value. Where woodland is removed, compensatory planting is expected to be delivered.

6.5 Policy 7 aims to protect and enhance historic environment assets and places, with proposals affecting scheduled monuments only supported where direct impacts on the integrity and setting of scheduled monuments are avoided or exceptional circumstances have been demonstrated to justify the impacts on the monument and any impacts have been minimised.

- 6.6** Policy 13 supports proposals where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and are accessible by public transport.
- 6.7** Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale, as per Policy 14. Policy 15 relates to local living and 20-minute neighbourhoods, with development proposals required to contribute to both, where relevant, through local access to a wide range of facilities and activities, including lifelong learning and recreation facilities
- 6.8** Under part (f) of Policy 19, proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 6.9** Green infrastructure is considered through Policy 20. Proposals that result in fragmentation or net loss of existing green infrastructure will only be supported where it can be demonstrated that this would not result in or exacerbate a deficit in green infrastructure provision, and the overall integrity of the network will be maintained.
- 6.10** Policy 21 seeks to promote and facilitate spaces and opportunities for play, recreation and sport. It advises that development proposals likely to be occupied or used by children and young people will be supported where they incorporate well designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.
- 6.11** Policy 22 addresses flood risk and water management, stating that proposals will not increase the risk of surface water flooding to others, or itself be at risk; manage all rain and surface water through sustainable urban drainage systems (SUDS), and seek to minimise the area of impermeable surface. The application site is within an area at risk of flooding. However, notwithstanding the objection from SEPA, the proposal the proposal is considered to fall within at least one of the exemptions set out within the Policy.
- 6.12** Policy 27 seeks to promote and facilitate development in our city and town centres, advising that proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- 6.13** Whilst the granting of an application made under Section 42 of the Town and Country Planning (Scotland) Act 1997 application would have the effect of granting a new planning permission for the site, there are no changes to the development proposal and no changes to the position relating to the above policies since the original grant of planning permission and a further assessment of the policies above is not required.

- 6.14** Policy 23 is however relevant to the assessment of this application as this aims to safeguard people from environmental harm including ensuring that development proposal do not result in unacceptable noise issues. Subject to the imposition of a condition requiring a service delivery noise management plan, there will be no adverse noise impact to any residential properties and no conflict with this policy.

West Dunbartonshire Adopted Local Plan 2010

- 6.15** The site is located within Dumbarton Town Centre, which is identified under Policy RP1 as a regeneration priority area where the Council will support the redevelopment of underused or vacant land in order that development opportunities that continue the process of urban renewal are brought forward. Policy GD2 supports redevelopment opportunities and specifically identifies this site as suitable for a mixed use development comprising retail, residential and public services.
- 6.16** Policy RET1 requires the adoption of a sequential approach to site selection for new retail development. The application site is located within a defined town centre, which is the first preference for new retail developments. Policy RET2 requires proposals for any significant retail developments within the town centre to be assessed against certain criteria, including: whether the proposal is supported by the relevant catchment area; impact on the vitality and viability of existing centres; accessibility by public transport; impact on the surrounding environment; quality of design; whether there are any significant infrastructural implications; and the contribution the development would make to remedying any quantitative or qualitative deficiencies in the existing retail provision. Policy RET5 seeks to improve the environment of Dumbarton Town Centre and requires that any development at Dumbarton Waterfront take due cognisance of any relevant design guides for this area.
- 6.17** Policies F1, F2 and F3 relate to flooding and drainage and aim to ensure that new development is not at risk of flooding, does not increase the risk of flooding elsewhere and has suitable drainage infrastructure which includes SUDS measures. There is a general presumption against development within the flood plain. The up-to-date development plan position in flooding is set out within Policy 22 of NPF4 which therefore has primacy in this instance. Policy BE2 relates to listed buildings and seeks to prevent any development which would detract from the appearance, setting or character of a listed building.
- 6.18** Policy T1 and T4 require sites to be integrated with sustainable travel. Policy E1 relates to the Council's Biodiversity duty and Policy E5 requires new development proposals to consider impacts on trees and incorporate suitable tree planting.
- 6.19** There are no changes to the development proposal and no changes to the position relating to the above policies since the original grant of planning permission and a further assessment of the Local Plan policies above is not required.

- 6.20** Policy GD1 seeks to ensure that all new development is of a high quality of respects the character and amenity of the area in which it is located. Policy H5 seeks to safeguards residential amenity. Subject to the imposition of a condition requiring a service delivery noise management plan, there will be no adverse amenity impact arising from noise disturbance to any residential properties and no conflict with these policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1** On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.
- 7.2** The application site forms part of the Dumbarton Town Centre and Waterfront 'Changing Place' and is specifically identified as suitable for a mixed-use development including retail and residential elements. The preferred strategy is for retail and commercial uses at ground floor level along Castle Street in order to provide an active street frontage and improve links between High Street and St James Retail Park. It also emphasises that throughout the development site, green space creation will be an important consideration, as is the provision of public access along the entire waterfront. The route of the proposed Lomond Canal should also be protected from incompatible development.
- 7.3** Policy CP2 requires the integration and consideration of green infrastructure from the outset of the design process through to its maintenance and stewardship of the resource.
- 7.4** Policy SC1 supports proposals for retail development in the network of centres which accord with the strategy, role and functions of centres. Town centres are the preferred location for all retail proposals. The proposed development complies with the requirements of Policy SC1.
- 7.5** The adjacent River Leven is a Local Nature Conservation Site, and Policy GN3 does not support development which would adversely affect the integrity of sites designated for nature conservation or harms protected species. The proposal complies with Policy GN3. Policy GN6 seeks to protect and improve the quality and enjoyment of the water environment whilst Policy GN8 expects developments to enhance active travel connectivity within the green network, particularly where this would create routes to and along waterways. The proposed development is considered to comply with these policies and this is discussed below.

- 7.6** Policy BE2 relates to listed buildings and aims to prevent any development occurring which would detract from the special interest, setting or detrimentally affect the character of a listed building. The proposed development is not considered to be contrary to the Policy BE2.
- 7.7** Policy SC1 advises that proposals for retail, commercial and leisure investment, and other key Town Centre uses, should align with the sequential approach and the preferred uses set out in Table 5. Developments are directed sequentially to Town Centres in the first instance.
- 7.8** Policies ENV1, ENV4, ENV 5 and ENV6 are all similar to the ecology, tree, water environment and flooding policies of the adopted Local Plan. The up-to-date development plan position in flooding is set out within Policy 22 of NPF4 which therefore has primacy in this instance. Policy H4 seeks to protect, preserve and enhance residential amenity and residential character and amenity of existing residential areas at all times. In this regard and in the context of this application, there will be a general presumption against the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process.
- 7.9** Policy RE4 encourages micro-generation and heat recovery technologies within or associated with individual properties, with Policy RE5 advising that new buildings are required, as far as possible, to integrate low and/or zero carbon generating technologies.
- 7.10** There are no changes to the development proposal and no changes to the position relating to the above policies since the original grant of planning permission and a further assessment of the policies within proposed LDP2 is not required.
- 7.11** Policy CP1 seeks to ensure that development is of a high quality, adaptable and designed to be suitable for a mix of occupants. It indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place. Policy H4 seeks to safeguards residential amenity and Policy ENV8 seeks to ensure that adverse impacts from noise do not occur to neighboring property. Subject to the imposition of a condition requiring a service delivery noise management plan, there will be no adverse amenity impact arising from noise disturbance to any residential properties and no conflict with these policies.

Principle of Development and Section 42 applications

- 7.12** As noted in paragraph 6.1 above, the principle of development on this site has already been established through the granting of planning permission DC23/217/FUL and this does not require to be reassessed. The previous planning application was subject of an objection from the Scottish Environmental Protection Agency (SEPA). As the Council was minded to grant planning permission, the application was referred to the Scottish Ministers who

did not call in the application for their own determination. As this proposal only relates to conditions controlling deliveries to the site both during the construction and operational phases of the development and as SEPA previously raised no concerns relating to such matters, there was no requirement to consult SEPA. Accordingly, there would be no requirement to refer the application to the Scottish Ministers if the Council determined to grant planning permission.

- 7.13** This application considers only the proposed variation to Condition 16 and non-compliance with Condition 24 of the planning permission granted in terms of the potential impact on the residential developments surrounding the site, including the site south of the proposed development where there is a residential development allocation (H2(18)) in proposed LDP2 with an extant planning permission in place for residential development dating from 2006.

Delivery Vehicles – Time Restrictions – Condition 16

- 7.14** It is accepted that the construction phase of the foodstore will produce an element of short-term noise and disruption. The consultation response from the Council's Environmental Health Service for the original planning application highlights the requirement for the construction of the development to be undertaken in a way that ensures that adjacent residential amenity is not adversely affected, which was secured through condition.

- 7.15** As part of the planning permission (ref: DC23/217/FUL), Condition 16 was attached to ensure that delivery or collection materials to and from the development by commercial vehicles shall does not occur before 0800 or after 1800.

- 7.16** While it is noted that the intention of the above condition is to restrict movements of commercial vehicles serving the site during the construction phase which is often more intense than during the operation phase, it is acknowledged that the wording of the condition may leave room for misinterpretation and be taken to mean any deliveries to the site, including post -construction phase. While the aspect of delivery times to the completed foodstore is controlled separately through Condition 24 (also subject to this application), it is noted that if the above misinterpretation was to be applied, the current wording of Condition 16 could result in confusion.

- 7.17** The applicant seeks to provide greater clarity regarding construction related deliveries. The wording of the proposed variation to Condition 16 is:

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.

- 7.18** The proposed variation to Condition 16 provides clarity that it relates to the construction phase of the development as was the original intention of the condition, and the variation is considered acceptable.

Store Delivery Management Plan and Hours – Condition 24

- 7.19** The development of a foodstore approved through decision DC23/217/FUL was assessed in terms of its impact on the amenity of both existing residential properties immediately north of the site, as well as the area south of which is identified as a residential development allocation in proposed Local Development Plan 2. This allocation forms the later phases of a residential development granted planning permission in 2006 through planning application DC03-284. This consent remains extent due to the construction of earlier phases of the wider development and can be implemented as approved.
- 7.20** Residential amenity was fully considered in the assessment of the planning application for the foodstore. It was acknowledged that while the development will undoubtedly bring additional activity to the area, it is unlikely to result in any noise or activity beyond that typically found in a Town Centre during the day, nor is it expected that any disturbance would occur beyond that which would occur should the previously consented retail development on the site (planning permission DC17/230 which remains extant) be constructed. In granting planning permission for the site (ref: DC23/217/FUL), it was concluded that to prevent conflict with future residential development as already consented on the adjacent residential development allocation, and nighttime disturbance to residents, a condition was attached which prevents deliveries occurring between the hours of 11pm to 7am. This condition also included a requirement for a delivery management plan to be submitted and agreed.
- 7.21** The applicant seeks the non-compliance with Condition 24 to allow a 24 hour delivery model to the store to be built on the site. This is the delivery model operated by the applicant across their wider retail operation. Whilst the applicant considers that the condition as applied is neither 'necessary', nor 'reasonable', the condition as applied was both necessary and reasonable in seeking to protect residential amenity and mitigate against nighttime noise disturbance arising from deliveries. This application is accompanied by a Noise Impact Assessment (NIA) which assesses the noise from the proposed foodstore, inclusive of delivery noise. The NIA concludes that there would be no adverse impact from plant or delivery noise from the operation of this development. In respect of delivery noise, it is concluded that the servicing of the store can be completed on a 24 hours basis without giving rise to any loss of amenity to adjacent residents in either existing or consented properties. However, for nighttime deliveries, it is identified that various operational procedures designed to reduce the noise impact from nighttime deliveries should be implemented. The Council's environmental Health Service has considered the NIA and accepts the findings. The requirement for mitigation in terms of operational procedures is noted and it is recommended that these are incorporated into a service delivery noise management plan and this be secured by condition.
- 7.22** Given that the applicant has now demonstrated via the submitted NIA that servicing and delivery can be carried out on a 24 hours basis without giving rise to any loss of amenity, it is concluded that the non-compliance with condition 24 in respect of the restriction on nighttime servicing and deliveries is acceptable. However, to ensure the mitigation in terms of operational procedures for

nighttime deliveries as recommended in the NIA it is considered appropriate to attach a condition requiring the submission of a service delivery noise management plan. The applicant has provided examples of such plans submitted in respect of similar planning conditions for developments elsewhere and the same approach would be supported here.

8. CONCLUSION

- 8.1** The acceptability of the re-development of the site is already established, with the granting of planning permission (ref: DC23/217/FUL) and there is no change to the planning policy position or circumstances of the site since the previous grant of planning permission. This Section 42 application considers the proposed variation to Condition 16 and non-compliance with Condition 24 of the planning permission. The proposed variation to condition 16, is acceptable as it provides clarity to its purpose and applicability to the construction phase only.
- 8.2** Following consideration of the submitted NIA, it is concluded that the non-compliance with condition 24 to allow nighttime deliveries is acceptable. However, to ensure the mitigation in terms of operational procedures for nighttime deliveries as recommended in the NIA, a condition is appropriate to require the submission of a service delivery noise management plan in order to safeguard against nighttime disturbance to nearby residents.
- 8.3** As the effect of granting planning permission for a Section 42 application is such that a new and separate standalone permission exists for the development and given that the development has not commenced on site, all other conditions associated with the planning permission (DC23/217/FUL) are re-imposed to this permission.

9. 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 or 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 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.

Michael Mulgrew
Planning, Building Standards and Environmental Health Manager
Date: 16th April 2025

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Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Consultation responses
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
6. Planning applications DC17/230, DC23/217/FUL

Wards affected: Ward 3 (Dumbarton)