

# Agenda



## Planning Committee

**Date:** Wednesday, 15 November 2023

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**Time:** 10.00

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**Venue:** Civic Space, Council Offices, 16 Church Street, Dumbarton, G82 1QL

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**Contact:** Email: [nicola.moorcroft@west-dunbarton.gov.uk](mailto:nicola.moorcroft@west-dunbarton.gov.uk)  
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Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

**PETER HESSETT**

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)  
Councillor Gurpreet Singh Johal (Vice Chair)  
Councillor Karen Murray Conaghan  
Councillor Ian Dickson  
Councillor Daniel Lennie  
Provost Douglas McAllister  
Councillor June McKay  
Councillor Chris Pollock  
Councillor Hazel Sorrell  
Councillor Sophie Traynor

All other Councillors for information

Date of Issue: 2 November 2023

**PLANNING COMMITTEE**  
**WEDNESDAY, 15 NOVEMBER 2023**

**AGENDA**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have any interests in the items of business on this agenda and the reasons for such declarations.

**3 OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**4 MINUTES OF PREVIOUS MEETING 5 - 7**

Submit for approval, as a correct record, the Minutes of Meeting of the Planning Committee held on 11 October 2023.

**5 PLANNING APPLICATIONS**

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

**(a) DC23/012/FUL:** Change of use from agricultural land to 3 dog exercise fields, erection of boundary fencing and erection of 3 shelters (Retrospective) at Lawmuir Farm, Glasgow Road, Hardgate, Clydebank G81 5QT by Run Free Dog Fields Ltd. **9 - 19**

**(b) DC22/216/FUL:** Erection of three dwellinghouses and associated works at Former Site of Dunclutha, Parkhall Road, Clydebank by Bho Nadar (Dunclutha) Ltd. **21 - 37**

**6 DEVELOPER CONTRIBUTIONS 39- 42**

Submit report by the Planning, Building Standards and Environmental Health Manager, providing an update on the current balance of the Developer Contribution account.

**7 DUMBUCK HOTEL, DUMBARTON**

**43 - 64**

Submit report by the Planning, Building Standards and Environmental Health Manager, advising on a decision by Historic Environment Scotland to remove the listed building status from the Dumbuck Hotel, Dumbarton.

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## PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, Clydebank on Wednesday 11 October 2023 at 10.00 a.m.

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

**Attending:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Alan Williamson, Team Leader, Development Planning and Place; Judi Ferguson, Building Standards Surveyor Team Leader; Nigel Ettles, Section Head – Litigation (Legal Officer); and Nicola Moorcroft, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Hazel Sorrell.

**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.

### MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 20 September 2023 were submitted and approved as a correct record.

### OPEN FORUM

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

### NOTE OF SITE VISITATIONS

A Note of Visitations carried out on 18 September 2023, a copy of which forms Appendix 1 hereto, was submitted and noted.

## **SCOTTISH GOVERNMENT CONSULTATION ON MANDATORY TRAINING ON PLANNING FOR ELECTED MEMBERS**

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking agreement to submit a response to the Scottish Government consultation on mandatory training on planning for Elected Members.

After discussion and having heard the Team Leader, Development Planning and Place in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to the proposed Council response as set out in Appendix 1 of the report; and
- (2) that the Team Leader, Development Planning and Place draft additional 'Elected Members' responses to the consultation, for approval by the Convener, prior to submission.

## **SCOTTISH MINISTERS DECISION – SCHEDULED MONUMENT CONSENT FOR QUARRYING OPERATIONS – SHEEPHILL FORT, SHEEPHILL QUARRY, MILTON, DUMBARTON**

A report was submitted by the Planning, Building Standards and Environmental Health Manager, providing an update regarding the Scottish Ministers decision for the above Scheduled Monument Consent.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Committee agreed to note the decision of the Scottish Ministers.

## **SCOTTISH GOVERNMENT BUILDING WARRANT FEES CONSULTATION**

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking agreement to submit a response to the Scottish Government consultation on Building Warrant Fees.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Building Standards Surveyor Team Leader in further explanation and in answer to Members' questions, the Committee agreed that the Building Standards Surveyor Team Leader would draft a revised response to the consultation for approval by the Convener, prior to submission.

The meeting closed at 11.04 a.m.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 18 SEPTEMBER 2023

- Present:** Councillors Karen Murray Conaghan (all sites), Lawrence O'Neill (sites at St. Joseph's Primary School, Abbeylands Road and 6 Old Street), Clare Steel (St. Joseph's Primary School, site only),
- 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:-

**Development site, Pappert, Bonhill, Alexandria**

**DC23/102/FUL** - Proposed erection of 26 dwellings with associated ancillary development.

**St. Joseph's Primary School, Faifley Road, Clydebank, G81 5EY**

**DC23/098/FUL** - New build education and community campus comprising of new Early Years, Primary schools, ASN unit, library and community facilities, together with associated parking, sports facilities and landscaping.

**Abbeylands Road, Former Faifley Bowling Club, Clydebank**

**DC23/083/FUL** - Proposed erection of 27 affordable dwellings and associated works.

**6 Old Street, Duntocher, Clydebank G81 6DE**

**DC23/070/FUL** - Change of use from cafe to tyre change garage.





**WEST DUNBARTONSHIRE COUNCIL****Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 15th November 2023**

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**DC23/012/FUL:**      **Change of use from agricultural land to three dog exercise fields, erection of boundary fencing and erection of three shelters (retrospective) at Lawmuir Farm, Hardgate, Clydebank by Run Free Dogs Ltd.**

**1. REASON FOR REPORT**

- 1.1**      The planning application is subject to a substantial body of objection. 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 below.

**3. DEVELOPMENT DETAILS**

- 3.1**      The application site comprises an area of open ground previously comprising agricultural grazing land together with an access track from the public road situated at Lawmuir Farm, Hardgate. The site lies to the eastern side of Glasgow Road (A810). The farm steading at Lawmuir Farm, includes two residential properties, lies to the east of the application site with residential properties on Faifley Road lying to the opposite side of Glasgow Road and beyond an area of open space the west. The East Dunbartonshire boundary is located to the north of the site. The total application site area extends to around 1.36 hectares.
- 3.2**      The application seeks to change the use of the land from agricultural to three dog exercise fields. The three fields are enclosed primarily by a 1650mm high green chain link fence with localised sections of timber fencing to a height of 1800mm. Access to each of the dog exercise fields is via a metal pedestrian gate with a larger gate to allow access for maintenance vehicles. Each field includes a small timber shelter to a height of 2 metres and with a floor area of around 4.3 metres. Access to the site is taken via the existing track from Glasgow Road, which also services the farm steading. A small car park providing parking for six vehicles is provided within the site, finished in compacted hardcore. Additional parking is also available at the gate of two of the three fields. The site was brought to the attention of the Planning Service through a planning enforcement enquiry which highlighted the formation of the three dog exercise areas at this location and raised concerns regarding their use. It was established that a planning application was required and the

operation of the site was contacted. The submitted planning application now seeks to regularise matters. As the work has already been completed and the dog exercise fields are in use, the application is considered in retrospect.

- 3.3** The applicant has submitted a written statement setting out the detail of the proposal together with a further written statement in support of the proposal itself. In terms of how the site operates, time slots for the exercise fields are booked and paid for online with access to the fields being via a lock with PIN code which is supplied at the time of booking. Booking generally cover up to 4 dogs but the fields can be booked for up to 8 dogs at a time. The use of the field is exclusive to those who have booked the time slot. Each booking relates to a 30 minute slot, although consecutive slots can be booked to allow a longer overall slot.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Environmental Health Service have no objections subject to a condition relating to the hours of use of the site.
- 4.2** West Dunbartonshire Council Roads Service have no objections to the proposal.
- 4.3** East Dunbartonshire Council have no objections to the application proposal.

#### **5. REPRESENTATIONS**

- 5.1** Nine objections from six individuals have been received in connection with the proposal. The objections have all been received from local resident. Two representations in support have also been received. The full details are contained within the planning file and are available for public viewing. However, the points raised in both objection and support can be summarised as follows:

**5.2** Objection

- The use of the site causes disturbance to adjacent residential properties, most notably from barking dogs.
- Noise disturbance occurs 365 days of the year from 7am to 9.30pm.
- Odour will occur.
- There will be an adverse impact on adjacent resident's quality of life and mental health.
- Barking dogs on site cause other dogs within the wider residential area to bark, increasing noise disturbance.
- Dogs may escape from the site and run onto the road resulting in road safety concerns.
- The site has been in operation for a number of years without the required planning permission.
- The use of the site will have a negative impact on local wildlife.
- The location of the site is unsuitable for this use.
- No lighting is provided and this result in people being on site in darkness.

- A reduction in property value will occur.
- Dog kennels at Cochno Road already result in barking dogs in the area.
- A similar application was submitted nearby in East Dunbartonshire, and this was refused.
- The number of dogs on site is often in excess of what the applicant's booking website allows.
- Neighbouring residents have not been notified of the planning application.

**5.3** In support, the 2 representations have indicated that the dog exercise fields are invaluable for allowing dogs to run and play off the lead in a secure environment.

**5.4** The matters raised above are considered and addressed in Section 7 below.

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

### National Planning Policy 4

- 6.1** 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. Policy 2 also relates to the climate in the form of climate mitigation and adaptation and states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and development proposals will be sited and designed to adapt to current and future risks from climate change. Policy 3 seeks to ensure that development proposals do not adversely impact upon biodiversity and that enhancement measures are provided as appropriate.
- 6.2** Policy 7 seeks to protect historic assets and places and Policy 8 supports development within the Green Belt in a limited number of circumstances including proposals for outdoor recreation. Policy 14 requires that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 15 relates to local living and 20 minute neighbourhoods. Development proposal will contribute to local living including, where relevant, 20-minute neighbourhoods.
- 6.3** Policy 23 relates to health and safety. Part (e) states that development proposals that are likely to raise unacceptable noise issues will not be supported. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 6.4** The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. It is concluded that the presents no conflict with the policy provisions of NPF4.

#### West Dunbartonshire Adopted Local Plan 2010

- 6.5** Policy GB1 presumes against development within the green belt with a limited number of exceptions. Outdoor recreation that is appropriate for the countryside and compliant with other Policies is noted as a circumstance where development could be supported. Policy GD1 sets out a requirement that all new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located.
- 6.6** Policy E9 requires that development proposals in the Green Belt have regard to the landscape character of the area. Proposals that are to the detriment of landscape character will not generally be supported. Policy E1 relates to the Council's biodiversity duty and Policy BE6B addresses application proposals within the Antonine Wall Buffer Zones.
- 6.7** The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. It is concluded that the proposal presents no conflict with the adopted Local Plan.

### **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.
- 7.2** Policy GB1 restricts development in the green belt to a limited number of circumstances. This includes recreational uses requiring, and being appropriate for, a rural setting. Policy H4 of LDP2 relates to residential amenity. The policy states that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all times. In this regard, there will be a general presumption against: b) 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.
- 7.3** Policy ENV1 addresses nature conservation and Policy ENV2 considers landscape character. Policy ENV8 relates to air, light and noise pollution. All new development must ensure that significant adverse noise impacts on surrounding properties and uses are avoided. Policy AW1 advises that development that would have an adverse impact on the Antonine Wall or its setting will not be permitted with Policy BE1 addressing the impact on the setting of scheduled monuments more generally.

- 7.4** Overall, it is concluded that the proposal presents no conflict with proposed Local Development Plan 2.

Principle of Development within the Green Belt

- 7.5** The application site is located in the Green Belt as defined by both the adopted Local Plan and proposed Local Development Plan 2. Policy 8 of NPF4, and Policy GB1 of both the adopted Local Plan and proposed Local Development Plan 2 advise that development in the Green Belt will only be supported in limited circumstances. These circumstances include proposals for outdoor recreational uses and this position is consistent across the three Plans, including Policy 8 of NPF4 which sets out the up-to-date development plan position. The use of the land for dog exercising and dog walking is considered to fall under the definition of outdoor recreation and, in principle, the use of the site meets the requirements of Policy 8 of NPF4 and Policy GB1 of the adopted Local Plan and proposed Local Development Plan 2. However, all three Policies require further consideration of the proposal including justification as to why the development is required at this location, that the purpose of the Green Belt is not undermined, that the proposal is compatible with the established countryside and landscape character, that the proposal is of an appropriate scale and appearance and that there will be no significant long term effects.
- 7.6** The applicant advises that the use of the land will allow dog walkers and owners to bring their dogs to a secure site and let them run off the lead where they will be secure and kept away from the public, children and livestock. The availability of the facility could also avoid dogs being walked in locations where there may be an adverse impact on livestock. The applicant has provided details of the users of the site from the booking system with customer bookings generally split between postcodes within West Dunbartonshire, the western side of the Glasgow City Council area and the Bearsden and Milngavie area. In considering the proposal, it is acknowledged that a use of this nature would be difficult to provide within the urban area due to the availability of land. Green spaces in the urban area generally taking the form of areas specifically laid out for the purposes of providing for public recreation or forming part of the green network within the urban area and would not be readily available to be enclosed for such a use. The open nature of the proposal with limited physical development is also not one which would lead to the spread of the built up area and thus undermined the objectives of the Green Belt. In the consultation response, East Dunbartonshire Council advise that they consider that the proposed development is generally compatible with a Green Belt location and does not conflict with NPF4.
- 7.7** Overall, the justification of the proposal set out by the applicant together with the full detail of the development proposals have been considered. It is accepted that this is an outdoor recreational use where a location in the Green Belt would be appropriate and the objectives of the Green Belt would not be undermined nor set an unacceptable precedent for the use of Green Belt land. The principle of the proposal can be considered acceptable, subject to an assessment of the further matters below.

### Visual Amenity and Landscape Impact

- 7.8** It remains that it is a policy requirement that any proposal within the Green Belt does not have any unacceptable impact visually on landscape character or the countryside location. It is also a requirement that the proposal is of an appropriate scale and massing, and has an appropriate external appearance. Considering design, the chain link fence with timber posts has a relatively unobtrusive appearance within the landscape. It is also not dissimilar in size and scale to other fences within the existing landscape, including a similar chain link fence to Glasgow Road north of the site. The gates and limited use of timber fencing also have an acceptable visual impact. Turning to the timber shelters, these are of a similar appearance to a field shelter commonly found within agricultural fields and this, together with the limited size and also the positioning, ensures they do not result in an unexpected and visually unacceptable feature. The small parking area also has no adverse visual impact. There are no landscape features of note within the site that would be impacted upon by the development, and no trees are proposed to be removed.
- 7.9** Whilst within a Green Belt location, the application site is located within a varied landscape. The built up area lies to the west and the existing farm steading at Lawmuir Farm to the east. A golf course lies to the southwest of the site and to the north lies a substantial electrical switching station inclusive of several high voltage overhead electrical lines. Overall, it is considered that the design of the development is acceptable, that any visual impact is extremely localised and limited and overall the site does not have any adverse impact on the varied landscape at this location.

### Impact on Residential Amenity

- 7.10** Two residential properties lie within the existing farm steading which is immediately next to the application site. Residential properties also lie across Glasgow Road with the nearest house being on Faifley and is around 30 metres from the application site measured from the garden boundary. Policy 23 of NPF4 advises that development proposals that are likely to raise unacceptable noise issues will not be supported. It is further set out that the agent of change principle applies to noise sensitive development and that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. Policy GD1 of the adopted Local Plan requires proposals to be appropriate in terms of land use. Policy H4 of proposed Local Development Plan 2 further states that there will be a general presumption against the establishment of non-residential uses within, or in close proximity to residential area which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents. Policy ENV8 requires that development proposals avoid significant adverse noise impacts on surrounding properties.
- 7.11** Noise disturbance to local residents is a concern in the objections received. It is contended in the submissions that significant noise disturbance occurs from barking dogs and whistles to call dogs and that this results in significant adverse impacts on residential amenity. It is further contended that noise disturbance occurs every day over an extended period of time. The Council's Environmental Health Service have advised that Officers have visited the site on a number of

occasions to inform the consultation response. The applicant did not submit a noise impact assessment relating to the use of the site but no complaints relating to noise from the site have been received by Environmental Health and they do not highlight that such an assessment is required to inform the consideration of the application. It is recommended that the operation of the site be restricted to 8am to 9pm daily. In assessing the planning application, the site has also been visited by Planning Officers on a number of occasions. The site is located adjacent to Glasgow Road which is an extremely busy road. This results in significant road noise which is the dominant noise source in the locality. This is also highlighted by the applicant in the supporting statement which contends that barking noise from the use of the fields for dog activities being minimal. Whilst it is accepted that dogs by their very nature will bark, little barking has been noted during site visits and no objection has been received from Environmental Health. Accordingly, it is not considered that the potential for noise disturbance can be held to be so significant as to justify the refusal of planning permission.

**7.12** The objections also raise concerns regarding the number of dogs within the fields exceeding the numbers that the applicant specifies on their booking website. Whilst nothing has been submitted to quantify this, in the supporting statement the applicant acknowledges that an instance of a large number of dogs being brought onto site was raised and this matter was addressed with the customer in question. Whilst not a mitigation requirement identified by Environmental Health in their consultation response, the application is considered on the basis of the current operation of the site. It is therefore considered that in addition to controlling the hours of use in accordance with the advice from Environmental Health, the number of dogs using the fields at any one time should also be restricted by condition. This will ensure that numbers do not increase in the future and an excessive number of dogs which may result in noise disturbance occurring are not on site. Whilst barking dogs at other existing premises are highlighted in the objections, no concerns regarding a cumulative effect are highlighted by Environmental Health. East Dunbartonshire Council note that the nearest residential property within East Dunbartonshire is around 400 metres from the site and offer no objection on the grounds of noise disturbance.

**7.13** In further considering residential amenity, the objections also raise the refusal of a similar planning application nearby on Cochno Road to the northwest of the site. This application was considered by East Dunbartonshire Council and was very different in scale and nature. The proposal included a dog day care centre in a former stable building, an arena building being converted to boarding kennels, a dog grooming salon, fitness studio, stables, and dog exercise fields. It is indicated that the dog day care would allow for 50 dogs per day and the exercise fields would allow 10 dogs per half hour booking. The number of dogs boarding was not specified. In refusing planning permission the Council was concerned that the dog day care, dog boarding kennels, pet grooming parlour and dog runs/walking area would cause unacceptable disturbance to neighbouring residents. Whilst previous planning decisions can be a material planning consideration, each planning application requires to be considered on its own merits. It is considered that the characteristics of the proposal refused

by East Dunbartonshire Council are different to the proposal currently being considered. Notably, a larger number of dogs would be on site and the dog day care and dog boarding elements of the use would result in potential for significant disturbance throughout the day and night. Whilst noting the nearby planning decision, it is not considered that the proposal is directly comparable.

- 7.14** In the submitted objections, concerns regarding odour are also raised. Environmental Health do not highlight any concerns in this respect. The applicant advises that users are required to put all dog waste and litter in the bins provided and that a private waste contractor empties bins a minimum of once a week. Environmental Health raise no concerns regarding the applicant's arrangement for removing dog waste from the site.

#### Access, Parking, Road Safety and Sustainable Travel

- 7.15** The site is accessed via the existing access track from the steading to Duntochar Road and the Roads Service offer no objections in respect of the access arrangement. The parking area allows for the parking of six cars with additional space available at the entrance to two of the fields. Again, no objections are offered by the Council's Road Service on this arrangement. The objections highlight road safety concerns from escaping dogs, noting that instances of dogs jumping certain parts of the fence. The fence is 1650mm high at the lowest point and nothing has been advanced to evidence that dogs have jumped the fence. In any case, the Council's Roads Service does not raise any concerns in this respect.
- 7.16** The site is within an edge of settlement location and it is accepted that due to the nature of the use, customers will likely travel to the site by private vehicle. Information from the applicant on customer postcodes confirms that whilst many customers are located within the Clydebank Area, many also travel from areas within East Dunbartonshire and Glasgow City. Notwithstanding this, the scale and nature of the use means that it is not considered, however, that it would be one that would be significant travel generating. Bus stops lie adjacent to the site with frequent services to a range of destinations, although it is accepted that due to the nature of the use customers would be unlikely to travel to the site by bus. Being located adjacent to the settlement boundary, a large number of residential properties also lie within a 10 minute walk (800 metres) of the site.

#### Other Considerations

- 7.17** The site lies within the Antonine Wall Buffer Zone. It is, however, on the very northern edge of the Buffer Zone. The closest part of the site to the line of the wall itself is some 460 metres distant. This, together with the topography, landscape features, and minimal visual and physical impact of the development within the landscape ensures that it is not visible from the line of the Antonine Wall and has no impact on Wall or its setting. No notable ground disturbance is proposed that would require archaeological matters to be considered.
- 7.18** Concerns are raised in the objections regarding the impact on wildlife. Whilst an ecological assessment has not been submitted, the application site comprises land that was formally agricultural grazing land. There are no



proposals to remove trees or hedgerows and no ecological concerns arise. It is not considered that proposals for biodiversity enhancement are required at this location.

#### Outstanding matters raised in representations

- 7.19** Turning to the outstanding points raised in the submitted representations which have not been assessed above, procedurally, all neighbours within 20 metres of the application site were notified and, additionally, a press advertisement was placed in accordance with the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Whilst concerns regarding the retrospective nature of the application are shared, this cannot be a determining factor in the application assessment. There is no evidence to suggest that the proposal would adversely impact on the mental health of nearby residents and the use of the dog exercising fields is likely to improve the health and wellbeing of users both humans and dogs. Regarding the lack of lighting on site, this is not something that has any bearing on the acceptability of the proposal. Finally, whilst concerns are raised that dogs within the application site will cause dogs within the wider residential area to bark, causing disturbance within the residential area, this is not something that could be quantified.

### **8. CONCLUSION**

- 8.1** The proposal comprises an outdoor recreational use which can be justified within this Green Belt location and the proposal is not one which would result in the unacceptable encroachment of the urban area into the Green Belt. The proposal is also acceptable with regard to design, appearance and impact within the landscape and no concerns arise regarding parking and road safety. No concerns arise relating to ecology or the setting of the Antonine Wall. The impact on residential amenity has been fully considered and, informed by site visits and the consultation response from Environmental Health, it is not considered that noise disturbance can justify refusal of planning permission. Whilst the submitted objections are acknowledged, the proposal is acceptable with reference to NPF4, the adopted Local Plan and proposed Local Development Plan 2.

### **9. CONDITIONS**

1. The dog exercise fields hereby permitted shall not operate outwith the hours of 8am to 9pm daily.
2. No more than 8 dogs shall be present in any of the three individual fields at any time and no more than 24 dogs shall be present within the application site as a whole at any time.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 15th November 2023**

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**Person to Contact:** Pamela Clifford, Planning, Building Standards and  
Environmental Health Manager  
[Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

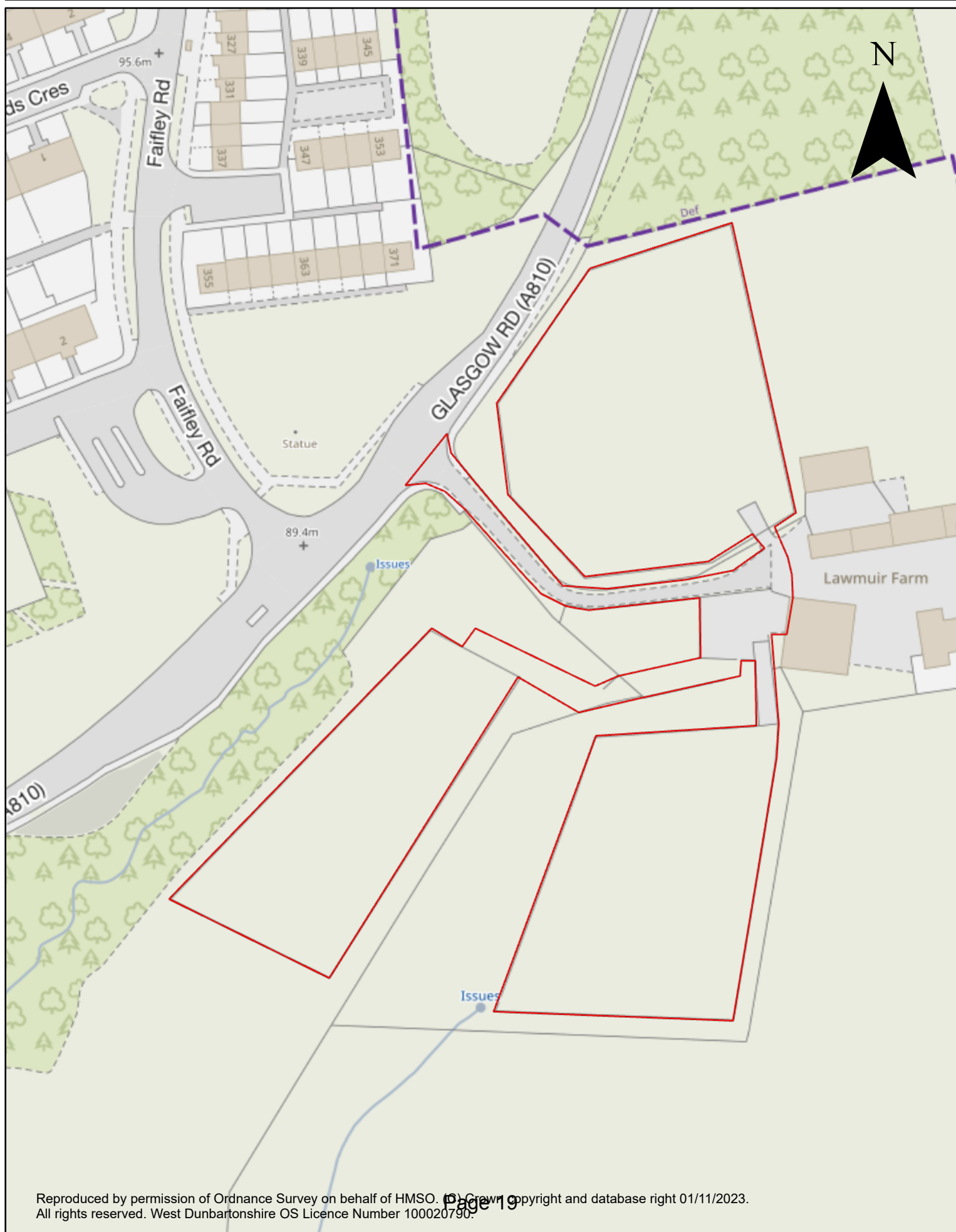
James McColl, Development Management Team Leader  
[james.mccoll@west-dunbarton.gov.uk](mailto:james.mccoll@west-dunbarton.gov.uk)

**Appendix:** Location Plan

**Background Papers:**

1. Application forms and plans
2. Consultation responses
3. Representations
4. National Planning Framework 4
5. West Dunbartonshire Local Plan 2010
6. Proposed West Dunbartonshire Local Development Plan 2020, as amended
7. East Dunbartonshire Planning Application TP/ED/22/0861

**Wards affected:** Ward 4 (Kilpatrick)





## WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 15<sup>th</sup> November 2023

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**DC22/216/FUL:       Erection of three dwellinghouses and associated works  
at the former site of Dunclutha, Parkhall Road, Clydebank  
by Bho Nadar (Dunclutha) Ltd**

### 1.     **REASON FOR REPORT**

- 1.1**   The planning application raises issues that in the opinion of the appointed officer merits the determination of the application by Committee. 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 site comprises a slightly irregularly shaped piece of land measuring approximately 2,905m<sup>2</sup> located on Parkhall Road, Clydebank, close to the junction with Clark Street. At this point Parkhall Road sweeps round in a U-shaped bend, and the site occupies the outside of the curve. It was previously occupied by a large detached Victorian villa, known as Dunclutha, which was demolished some years ago; its only remnants on the site are elements of the underbuilding and foundations. The vehicular access to the site has been blocked off with large concrete blocks. The site is now overgrown and has re-naturalised. The site is covered by a Tree Preservation Order (TPO) CDCTPO20, established in 1993. This was originally imposed in order to protect the larger mature trees around the perimeter boundaries of the site; however, the majority of the site itself is now covered in young and semi-mature trees, which have grown significantly since the original house occupying the site was removed. The TPO applies site wide.
- 3.2**   In terms of levels and topography, the site slopes down from Parkhall Road towards Dalmuir Golf Course, which borders the site to the north and west, and is screened from the site by a woodland area. To the south of the site are the back gardens of houses on Clark Street and Overtoun Drive, which are situated at a lower elevation than the application site. To the east of the

site, there is a further landscaped area of grass, trees and bushes. Along the south side of Parkhall Road east of the site lies a row of houses, most of which are bungalows or split-level houses. The site itself is generally level adjacent to Parkhall Road before sloping down significantly to the west. There is a level difference of approximately 6 metres between the ground level of Parkhall Road and that at the western boundary with Dalmuir Golf Course.

- 3.3** The site has a substantial planning history and has been subject to previous applications for planning permission for residential developments. Initially application DC03/319 was submitted to the Council in 2003 for a residential development comprising flatted dwellings. This was refused by the Council on a number of grounds which included issues regarding design and residential amenity concerns. The applicant at this time appealed this decision to the Scottish Ministers and the Reporter dismissed the appeal, refusing planning permission. Thereafter, a similar application for a residential flatted development with reduced units was submitted to the Council in 2006 (reference: DC06/143). This was refused for similar reasons to the previous application and the applicant once again lodged an appeal to the Scottish Ministers. The outcome of the appeal was consistent with the 2003 case with the Reporter refusing planning permission once more.
- 3.4** In 2012, application DC12/235 for a separate residential development was refused by Planning Committee on the grounds of design, layout and the impact on trees. Similar to previous applications, the applicant appealed this decision to the Scottish Ministers with this subsequently dismissed by the Reporter. In 2015, a further application for planning permission (reference: DC15/027) for a different residential development was submitted and this was once again refused by Planning Committee for the same reasons as the 2012 application. The decision this time was not appealed to the Scottish Ministers.
- 3.5** In 2020, application DC20/003 sought Planning Permission in Principle for three houses on the site. An indicative layout indicated that the vehicular access was to have been taken from Parkhall Road utilising the historic access to the site. The indicative layout indicated the positioning of three detached houses which would have been located to the north western side of the site with a central access road. This proposal was also refused by the Planning Committee for a variety of reasons including the significant loss of trees, lack of a tree survey, amenity concerns for new residents and the lack of an ecological assessment. This decision was not appealed.
- 3.6** This current application seeks planning permission for three detached houses, but this time it is submitted as a full planning application rather than an application for planning permission in principle. The proposed houses would be of a modern architectural style and each have five bedrooms.

There are two designs of houses proposed: two houses which are two-and-a-half storey (to be located in the easternmost and the central subplots) and one house which has a split level design and extends over three-and-a-half storey to the rear. (to be located in the westernmost subplot). To the front, all houses appear as two storey. Both house types are of a mostly rectangular footprint of approx. 101m<sup>2</sup>. The south-facing planes would feature rooflight windows and, the properties would feature balconies on their rear. Each one of the three new properties would have three parking spaces provided within their front curtilages and these would be accessed from a shared lane connecting to the road network at Parkhall Road where the current site access is located. The houses would be positioned in a row along the central part of the site, fronting the new shared access road. In terms of the material palette, the houses would be finished with grey slate effect concrete roof tiles, white render with smooth sandstone block detail, anthracite uPVC windows, rainwater goods made of uPVC, also in anthracite colour, and grey timber soffits and fascias. To level a part of the site, a section of cut in fill would be required within the central part of the site. The change in levels will be addressed by the split level house design and retaining walls to a maximum height of 4 metres.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Environmental Health have no objection subject to conditions relating to construction noise, contaminated land and dust control.
- 4.2** West Dunbartonshire Council Roads have no objection to the proposal in respect of roads and parking together with flooding matters.
- 4.3** West Dunbartonshire Council Biodiversity Officer has no objection subject to conditions relating to a variety of matters on ecology, biodiversity enhancement and compensatory planting.
- 4.4** Scottish Water has no objection to the proposed development.

#### **5. REPRESENTATIONS**

- 5.1** None.

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

- National Planning Framework 4
- 6.1** 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. Policy 2 also relates to the climate in the form of climate mitigation and adaptation and states development

proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and development proposals will be sited and designed to adapt to current and future risks from climate change.

- 6.2** Policy 3 seeks to protect biodiversity and deliver positive effects from development. It requires that local development will include appropriate measures to conserve, restore and enhance biodiversity. It is noted that measures should be proportionate to the nature and scale of development.
- 6.3** 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.
- 6.4** As the site has been previously developed, Policy 9 addressing brownfield, vacant and derelict land applies. Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.
- 6.5** 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. Development proposal will contribute to local living including, where relevant, 20 minute neighbourhoods. Consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to affordable and accessible housing options, ability to age in place and housing diversity.
- 6.6** Policy 16 relates to quality homes with part a) supporting proposals for new homes on sites allocated for housing in Local Development Plans. The application site is allocated in the adopted Local Plan as a residential development opportunity.
- 6.7** 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.
- 6.8** 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 the proposal would not result in or exacerbate a deficit in green infrastructure provision, and the overall integrity of the network will be maintained.



**6.9** Policy 22 - Flood risk and water management states 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. Policy 23 does not support proposals which are likely to raise unacceptable noise issues. Policy 24 supports proposals that incorporate appropriate, universal, and future-proofed digital infrastructure.

**6.10** Subject to the full assessment set out in Section 7 below, it is considered that the proposal addresses the reasons for refusal from the 2020 application and it is supported by NPF4.

West Dunbartonshire Adopted Local Plan 2010

**6.11** Policy H1 of the adopted Local Plan highlights that the sites identified in Schedules H1 and H2 represent the main opportunities for private sector housing development. The site is allocated for residential development in Schedule H2. Policy UR1 further encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. Policy RD1 which sets out a preference for residential development on brownfield sites.

**6.12** Policy H4 sets out standards expected of residential development, requiring high quality design in the range of house types and sizes and in terms of form, layout and materials. Policy H5 safeguards and where possible enhances the character and amenity of existing residential area. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area.

**6.13** Policy E1 relates to the Council's biodiversity duty with Policy E4 specifically focusing on the protection and retention of trees subject to a Tree Preservation Order (TPO). Policy E5 goes on to set out an expectation for development proposals on sites with or adjacent to, existing trees or woodlands to take account of trees at the beginning of the design process and includes a requirement for a tree survey. Policy R2 specifies the open space provision required for all developments. Assessment of open space requirements has been undertaken against the updated position set out in in Section 7 below.

**6.14** Policies F1 and F2 aim to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SUDS drainage infrastructure. Policy DC7 supports the inclusion of on-site micro-renewable technologies.

**6.15** Subject to the full assessment set out in Section 7 below, it is considered that the proposal addresses the reasons for refusal from the 2020

application. The site is allocated as a residential development opportunity and the development proposal is supported by the adopted Local Plan.

## **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.
- 7.2** Policy CP1 of proposed LDP2 seeks to ensure that all development the layout and form of the development, including the relationship between the buildings, streets and spaces, protect and enhance the amenity of existing communities, future occupiers and neighbouring development sites. 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 sets out that that the Council will protect, preserve and enhance the residential character and amenity of existing residential areas at all time.
- 7.3** Policies GI2 and GI4 relate to green infrastructure. Policy GI2 requires new development to meet with the open space standards set out within the policy. Where a development has difficulty providing these standards on site, or where a relaxation of the standards can be justified, developers will require to accord with Policy GI4 and provide a contribution towards the types of projects outlined within the policy and detailed in the Green Network and Green Infrastructure Planning Guidance. GI4 sets out the requirements for Developer Contributions.
- 7.4** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transport. CON3 encourages improvements to core paths and the development of new core paths and Policy CON4 sets out a need for all developments to install sufficient broadband provisions.
- 7.5** Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process, whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use.

- 7.6** RE4 encourages micro-generation and heat recovery technologies within or associated with individual properties and Policy RE5 relates to low and zero carbon buildings and states that new buildings should conform to the sustainability standards.
- 7.7** Policies ENV1, ENV4, and ENV6 are all similar to the ecology and tree, water environment and flooding policies of the adopted Local Plan. 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.
- 7.8** It is considered that the application proposal being assessed comply with the relevant policies above as set out in the following assessment.

Creating Places Guidance and Green Network and Green Infrastructure Guidance

- 7.9** The Creating Places Guidance – November 2022 seeks to achieve high quality development with a design led approach based on a thorough appraisal of the site and an analysis of its context, and sets out that this is expected for all development proposals. It is considered that the development responds to the local context and accords with the approach set out in the Guidance.
- 7.10** The Green Network and Green Infrastructure Guidance - November 2022 seeks to ensure that the proposal also integrates landscaping and green infrastructure as part of the setting of the new development and open space created. This will include a focus on biodiversity enhancement. The on-site provision follows the Guidance in respect of residential development proposals. Areas of woodland retained will be outwith individual plots and integrate. The proposal accords with the approach set out in the Guidance.

Principle of Development

- 7.11** The site is identified as a residential development opportunity in the adopted Local Plan. Whilst proposed LDP2 does not identify the site specifically as a residential development opportunity, the site is within an established residential area. NPF4 encourages the reuse of brownfield land as does the adopted Local Plan and given the site was previously occupied by a house the proposal to redevelop the site for residential development is acceptable in principle and is supported by the adopted local plan, LDP2 and NPF4.
- 7.12** The adopted Plan indicates an indicative capacity for the site of 12 units. Through the extensive planning history of refusals and appeal decisions, it is clear that a development of 12 units could not be suitably accommodated on site in a way which balances the development of an allocated site with the protection and retention of the trees subject of the TPO.

- 7.13** The site historically only accommodated a single house. In assessing the most recent planning permission in principle application it was considered that it has not been evidenced that the development could be delivered without detrimentally affecting the TPO trees or without losing a significant proportion of the remaining trees and natural habitat that has grown within the site since it was allocated within the Adopted Plan. The current application is considered in detail, informed by a tree survey report and a detailed site layout that indicates the position of trees. Furthermore, the plot sizes have been reduced following discussions with the applicant during the consideration of the application to ensure that the established mature vegetation covered by the TPO does not form part of private garden areas, but rather areas of retained woodland. This will assist in maintaining the overall integrity of amenity of the tree cover within all but the central part of the site which will accommodate the development.
- 7.14** Whilst the site has re-naturalised over time, it remains that it is a previously developed site and within a well-established residential area. It is identified as a residential development opportunity in the adopted Local Plan and the sustainable re-use of brownfield land is supported through Policy 9 of NPF4. Policy 16 also supports that development proposals for new homes on land allocated for housing in the Local Development Plan.
- 7.15** With a detailed development proposal for the site, informed by additional supporting documentation not available for the most recent planning permission in principle, and assessed in the up-to-date policy context of NPF4, it is considered that the principle of the development of the site for new housing is supported on this site.

#### Layout, Design and Appearance

- 7.16** A variety of house styles are found within the locality. The size and massing of the properties is considered acceptable in this context. The setback from the main street level and the screening afforded by the remaining trees on the site, which remain under the protection of the TPO, also reduces the visual impact and prominence of the new development within the established residential area. Furthermore, due to the difference in ground levels the visual effect on Parkhall Road is also reduced. Similarly, the style of the planned properties, given the variety of styles and vintages of the houses in this part of Parkhall, ranging from early 20<sup>th</sup> century through the interwar and post-war periods all the way up to modern refurbishments of some of the properties, is deemed to be acceptable. As such, the impact of the development on the streetscape is considered to be acceptable. The proposed plot sizes, while somewhat more generous when compared with the properties on Parkhall Rd east of the site, are considered to be appropriate for the size of the proposed dwellings and will likely contribute to the attractiveness and amenity of the proposed houses.

#### Impact on Tree Preservation Order

- 7.17** Given the TPO designation covering the site and its re-naturalisation due to years of being vacant, consideration must be made in relation to the tree and nature aspect of the development. This was a key issue and concern in respect of previous residential proposals for the site. The amenity value of all the trees within the site collectively contribute to the nature, character and amenity of the area, rather than the value of any one particular specimen. On this basis, any significant removal of trees within the site or surrounding the site will adversely affect the character and appearance of the wider area.
- 7.18** A number of young self-seeded trees and saplings, which have grown within the site, would inevitably require to be removed to accommodate the construction of three houses including the associated access, parking and the house plots. Currently trees subject of the TPO are unmanaged as is the wider site on general. Whilst this has allowed the site to re-naturalise over time, the trees, shrubs and undergrowth have become very dense and entangled. This application is informed by a tree survey report which sets out the trees on site, their condition and also identifies the trees to be removed. This does not cover the removal of shrubs, undergrowth or immature trees which would not otherwise require consent from the Planning Authority. Tree removal is largely limited to the central part of the site and adjacent to Parkhall Road. Twelve individually tagged specimens are proposed to be removed. For some of these trees, the correct course of action regardless of any development proposals is removal. However, it is accepted that a small number of trees in good condition would require to be removed to accommodate the development, with five category B trees comprising Goat Willow, Hornbeam and Birch requiring to be removed. It is considered that overall, the impact of the construction of the new houses on the TPO, would be acceptable.
- 7.19** In order to further protect the integrity of the established TPO, it is considered appropriate for a management plan for the remaining TPO together with replacement compensatory planting within the site where appropriate to be brought forward by the applicant. The requirement for compensatory planting is also specifically highlighted by the Council's Biodiversity Officer. This can be addressed by condition as can the requirement for tree protection during the works.
- 7.20** Another key concern which arose in assessing the previous application was the potential for conflict to arise from the construction of new houses in a wooded setting and the potential desire of new residents to seek to maximise daylight by managing trees within their gardens, thus leading to a further loss of trees. The concern regarding a lower level of amenity for new residents due to inadequate sun penetration or daylighting by reason of site

and plot orientation and proximity to existing trees was also a concern. Through discussion with the applicant, the design of the proposed development seeks to ensure that the bulk of the trees are located outwith private garden areas. This will limit the potential for residents to remove further protected trees within their private garden areas. A management plan for the remaining area can be addressed by condition as highlighted above. Whilst it is accepted that the trees will provide an element of shading, it is not considered that in terms of the layout now submitted that this shading would be significantly detrimental to the amenity of future residents.

#### Ecology and Biodiversity

**7.21** Beyond the TPO, there are no other environmental designations covering any part of the site. There are also no buildings to be demolished. The lack of an ecological appraisal and thus lack of any consideration of wildlife and biodiversity was a key concern in assessing the previous application proposal of the site. This application is informed by an assessment set out in an ecological constraints survey. This identifies that the site will provide woodland habitat within a local context with extensive habitat for nesting birds. In terms of protected species, the site contains habitat suitable for use by foraging and commuting bats with a number of potential roosting opportunities within trees. No field signs of bats were identified on site. The site also provides for opportunities for foraging and commuting badgers with limited opportunity for sett creation. No badger or field signs of badger were identified. The Council's Biodiversity Officer raises no concerns regarding the findings or methodology used. A condition can ensure that all recommendations are followed including pre-construction checks for badgers and protection for nesting birds.

**7.22** A number of habitat enhancements have been offered by the ecologist including the approach to new planting, nesting boxes, bat boxes, and consideration for amphibians and other species such as hedgehog and insects. The Council's Biodiversity Officer advises that these measures should be implemented to ensure that the development would have a positive impact on biodiversity. A plan for the treatment of the invasive non-natives on site is also highlighted as being required and this can be addressed by condition

#### Impact on Residential Amenity

**7.23** In terms of the residential amenity, the development would be located in such a way that it would not result in overshadowing of the established houses in the area, nor would it create the same undesirable effect within the site between the proposed new houses. Overlooking levels and privacy impact within the site is considered to be acceptable; nevertheless, further consideration must be made in relation to the properties south of the plot, particularly in relation to the impact of the balconies. The balcony element of each one of the properties is acceptable from the design perspective

which aims to make the proposed homes more attractive to their prospective buyers, as the difference in levels between the site and areas south of it results in vistas of the adjacent public park and driving range. Given the distance between the proposed balconies, which would measure approx. 25m between the closest planned balcony and the nearest property in Clark St, and approx. 45m between the closest proposed balcony and the nearest property in Overtoun Rd, as well as the screening afforded by the remaining trees within the wooded area, no concerns regarding the overlooking and privacy to existing properties arises. Whilst there may be an element of intervisibility between properties within the new development, this alone would not warrant the refusal of planning permission.

#### Roads, Parking and Accessibility

- 7.24** Each house has three off-street parking spaces, accessed from a new access lane within the site. Following clarification on maneuverability and vehicle tracking within the site, the Council's Roads Service offers no objections to the proposed arrangement. There are also no concerns raised regarding the connection of the new lane to Parkhall Road. The site is within an established residential area with local shopping facilities located on Duntocher Road which is an approximately 10 minute walk from the site. A variety of other facilities are found within the wider locality.

#### Open space provision

- 7.25** In respect of open space within the proposed development, this is comprised of the retained areas of woodland within the site, which will be subject of a management plan addressed by condition as set out above. In terms of the requirements of Policy GI2 of proposed Local Development Plan 2 together with the Our Green Network guidance, the required greenspace for the number of bedrooms provided within the overall development of this site is 297sqm. The areas of woodland within this site are not recreational open space and ordinarily Policy GI4 of proposed LDP2 would require a developer contribution in respect of recreational open space for a development of less than 10 units. Whilst not areas of open space specifically laid out for recreation or public access, there would be opportunities for informal use and play within the woodland. The retained woodland is also considered to be open space providing the function of creating a setting of the development, maintaining and enhancing biodiversity and safeguarding the remaining TPO. These two areas combine to well exceed the open space requirement and with biodiversity enhancement, compensatory planting and opportunities for informal use, it is considered a departure from the requirement for a developer contribution can be justified in this instance.

#### Other Technical Matters

- 7.26** The Council's Roads Service as Flood Authority is content that there is no flood risk to the development or resulting from the development. In terms of

drainage, whilst full details are not provided, there is nothing to suggest that a suitable system cannot be provided and final details can therefore be addressed by condition.

- 7.27** The Council's Environmental Health Service raise no concerns regarding the development. Conditions are recommended to address the presence of any unexpected contamination and in respect ensuring the suitability of either re-using site won material or importing material to the site. Conditions regarding construction hours inclusive of site deliveries together with dust control are recommended. Scottish Water offer no objection noting current capacity within the existing network.
- 7.28** The requirement to incorporate zero carbon generating technologies and make provision for the connection of the development to available broadband networks can be addressed by condition.

## **8. CONCLUSION**

- 8.1** The site is identified in the adopted Local Plan as a residential development opportunity and Policy 16 of NPF4 supports the development of such opportunities. It is accepted, however, that there has always been an inherent conflict in the adopted Plan between the residential development opportunity and the TPO. The adopted Plan indicates an indicative capacity for the site of 12 units. Through the extensive planning history of refusals and appeal decisions, it is clear that a development of 12 units could not be suitably accommodated on site and balance the development of an allocated site with the protection and retention of the trees subject of the TPO.
- 8.2** This current proposal addresses the concerns raised in 2020 refusal of planning permission for three houses in terms of the lack of a Tree Survey and an ecological assessment. Both of these are provided to inform the assessment of this application and it can be concluded that the development can be provided without adversely impacting upon the TPO and ecology within the site. The detailed layout now proposed also reassures that the level of amenity for new residents in terms of daylight and sunlight would be acceptable.
- 8.3** Overall, the proposed development would allow the development of an unmanaged, previously developed site in a way that will not adversely impact upon the character and amenity of the area, established residential amenity and, most importantly, balance the development in protecting the integrity of the tree preservation order.
- 8.4** Subject to the conditions set out below, it is considered that the proposal addresses the reasons for the refusal of the previous application for the



principle of three houses in 2020 and presents no conflict with the policy requirements of NPF4, the adopted Local Plan and the proposed Local Development Plan.

## **9. CONDITIONS**

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used within the development site inclusive of hard surfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in accordance with the approved material details and palette.
2. Notwithstanding the approved plans, all recommendations within the Ecological Constraints Survey dated 15<sup>th</sup> April 2022 shall be followed. This shall include (but not be limited to) all required further survey work identified as being required for badgers. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and implemented as approved. For the avoidance of doubt, recommendations in respect of non-native species shall also be followed.
3. Notwithstanding condition 3, no removal of trees and vegetation shall take place during the bird nesting season March to September inclusive as identified in the Ecological Constraints Survey dated 15<sup>th</sup> April 2022 unless first agreed in writing by the Planning Authority.
4. Notwithstanding the approved plans and condition 3 above, and prior to the commencement of works on site, a further submission which sets out how the biodiversity enhancement measures identified within the Ecological Constraints Survey dated 15<sup>th</sup> April 2022 shall be implemented on site shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.
5. No trees shall be removed within the site beyond those specifically identified for removal on the approved plans. Any additional tree removal during construction works shall first require to be agreed in writing by the Planning Authority.
6. That prior to the commencement of works on site, tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012, with evidence of this having been undertaken submitted to and agreed in writing by the

Planning Authority. These measures shall not remove during the course of construction work.

7. That unless otherwise agreed in writing by the Planning Authority, prior to the commencement of works on site full details of compensatory tree planting within the site shall be submitted to and approved in writing. For the avoidance of doubt these details shall include the timescale for implementation. All complementary planting shall be implemented as approved.
8. That full details of maintenance and management for the retained woodland areas within the application site but not within individual plots shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the first dwellinghouse hereby permitted. Management and maintenance shall commence upon occupation of the first dwellinghouse.
9. That prior to the occupation of any house, the off-street parking provision shall be completed and be available for use by residents of the associated house. The off-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.
10. That prior to the commencement of works on site, full details of the proposed drainage regime shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
11. 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 by the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.
12. Prior to the commencement of works on site, full details of the incorporation of low and zero carbon infrastructure into the development together with the provision for electric vehicle charging shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
13. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.

14. 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
15. Unless otherwise approved in writing by this 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.
16. No commercial vehicle making deliveries to or collecting material from the development shall enter or leave the site before 0800 or after 1800.
17. 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.
18. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.
19. 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 which shall be agreed by the Planning Authority.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 15<sup>th</sup> November 2023**

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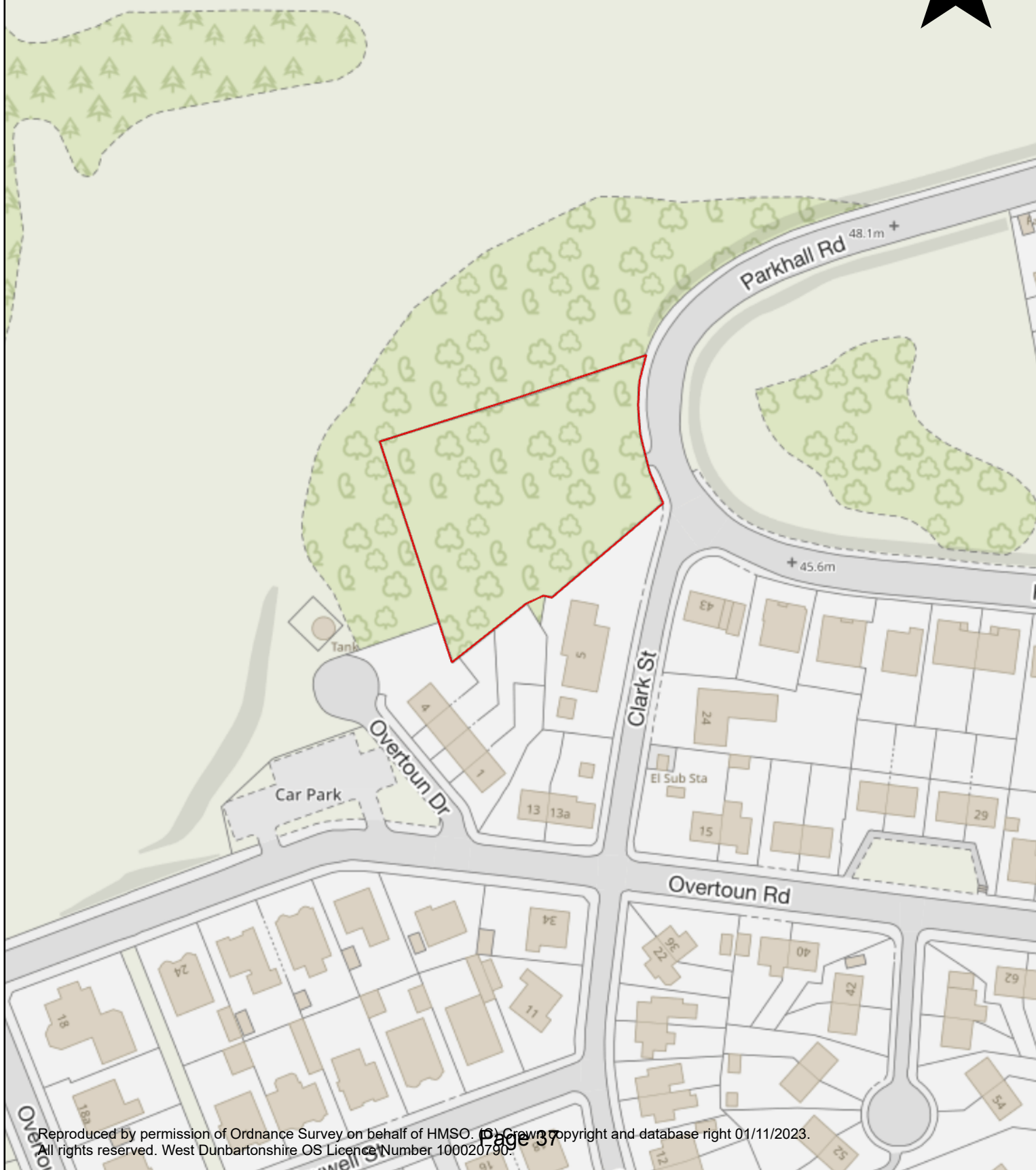
**Appendix:** Location Plan

**Background Papers:**

1. Application form, plans and supporting documents;
2. National Planning Framework 4
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan 2 Proposed Plan 2020;
5. Consultation responses
6. Application nos: DC03/319, DC06/143, DC12/235, DC15/027 and DC20/003

**Wards affected:** Ward 5 – Clydebank Central

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**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 15<sup>th</sup> November 2023**

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**Subject: Developer contributions****1. Purpose**

- 1.1** To update the Committee of the current balance of the developer contribution account.

**2. Recommendations**

- 2.1** It is recommended that the Committee note the current balance of the developer contribution account and the funding from the account that is already allocated.

**3. Background**

- 3.1** The Council's Local Development Plan and Planning Guidance sets out standards for the provision of new open space and other green infrastructure within new developments. For new residential development the option exists, in prescribed circumstances, for a financial contribution to be made towards open space, or other green network, provision/enhancement in an off-site location rather than providing on site.
- 3.2** Developer contributions can also be received for other reasons such as for off-site car parking provision or sustainable access measures.

**4. Main Issues**

- 4.1** At its meeting of 8 June 2022, the Planning Committee approved documents relating to the procedures for managing developer contributions and the allocation of developer contributions towards green network and green infrastructure projects. A correction is required to the allocations document as it refers to any contribution received from April 2022 being required to be spent within 5 years from the date the contribution is received, after which the contribution will be returned to the developer. This should refer to 10 years as per the approved Green Network and Green Infrastructure Planning Guidance document.

## Status of developer contributions at 31 March 2023

**4.2** In financial year 2022/23 no contributions were received into the Developer Contribution account, although £11,646.28 interest was credited. One payment of £7500 was made from the account towards the cost of a feasibility study for sustainable travel improvements to the Golden Jubilee Hospital. As at 31 March 2023 there was £591,691.20 in the Developer Contribution account. However, a significant amount of this is already allocated to projects. £234,962 will soon to be transferred for projects already delivered, and £263,500 will be held until identified projects are delivered:

- £192,500 towards sustainable access improvements to the Golden Jubilee Hospital – still to be delivered.
- £52,902 towards Dalmuir Square – delivered
- £50,000 towards Dumbarton waterfront – delivered
- £50,000 towards Christie Park, Alexandria - delivered
- £40,000 towards Loch Lomond Rugby Club improvements – still to be delivered
- £33,255 towards play area at Crown Avenue, Clydebank – delivered
- £25,000 towards Faifley Knowes - delivered
- £23,805 towards play area at Kyle Terrace, Dumbarton – delivered
- £20,000 towards Dalmonach Steps – currently being delivered
- £11,000 towards parking improvements in Dumbarton town centre – still to be delivered

**4.3** Taking the above committed or delivered projects into account, there is therefore an unallocated balance of £93,229.20 within the Developer Contributions account. The Planning Service will work with Greenspace and other relevant services to identify suitable projects in line with the allocations procedure. The Planning Service will also work with the Communities team to support the participatory budgeting process and any eligible green network/green infrastructure projects that may come through that process.

## **5. People Implications**

**5.1** There are no direct people implications associated with this report.

## **6. Financial and Procurement Implications**

**6.1** The procedures and allocation document approved at the 8 June 2022 Planning Committee, and updated via this report, ensure that developer contributions received are managed, reported and spent in an orderly and transparent manner. Local government procurement rules will be followed for any projects being delivered by the Council using developer contributions funds.



## **7. Risk Analysis**

**7.1** There are no risks associated with this report.

## **8. Equalities Impact Assessment (EIA)**

**8.1** No Equalities Impact Assessment is required with this report as no new policy is being introduced or changed.

## **9. Consultation**

**9.1** No consultation is required in relation to this matter. The views of Greenspace, Finance and Legal Services have been sought in the preparation of this report.

## **10. Strategic Assessment**

**10.1** The use of developer contributions to develop and enhance green infrastructure is considered to support the strategic priority of Our Environment – A Greener Future.

**Pamela Clifford**

**Planning, Building Standards and Environmental Health Manager**

**Date: 15<sup>th</sup> November 2023**

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<b>Person to Contact:</b>	Pamela Clifford, Planning, Building Standards and Environmental Health Manager <a href="mailto:pamela.clifford@west-dunbarton.gov.uk">pamela.clifford@west-dunbarton.gov.uk</a>  Alan Williamson, Development Planning & Place Team Leader <a href="mailto:alan.williamson@west-dunbarton.gov.uk">alan.williamson@west-dunbarton.gov.uk</a>
<b>Appendix:</b>	None
<b>Background Papers:</b>	West Dunbartonshire Local Development Plan (2020, as modified) Green Network and Green Infrastructure Supplementary Guidance (2022) Report to Planning Committee, 8 June 2022

Procedure for monitoring, requesting and allocating  
developer contributions (2022)  
Allocation of green network developer contributions  
(2022)

**Wards Affected:** All

**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 15<sup>th</sup> November 2023**

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**Subject: Dumbuck Hotel, Dumbarton****1. Purpose**

- 1.1** To advise the Committee of a decision by Historic Environment Scotland to remove the listed building status from the Dumbuck Hotel, Dumbarton.

**2. Recommendations**

- 2.1** It is recommended that the Committee note this report and agrees to the actions detailed in paragraph 4.9 of the report.

**3. Background**

- 3.1** The Dumbuck Hotel on Glasgow Road, Dumbarton is an early 19<sup>th</sup> century two-storey and attic former mansion house that was converted into a hotel in the early 20<sup>th</sup> century. It was built for the Geils family sometime between 1814 and 1829 (with one record suggesting 1824). The building has been remodelled and extended throughout its existence. The building was listed as a category B listed building on 14 May 1971.

**4. Main Issues**

- 4.1** Historic Environment Scotland received an application to remove the listed building designation from the Dumbuck Hotel on 20 September 2022. The key points of the application can be summarised as:
- There is no possibility of future reuse due to the current economic climate.
  - The fabric of the property is now in a poor state and will worsen through time.
  - The property has been extended and altered internally with many original features including the simple front porch having been removed.
- 4.2** Following receipt of the application and during its evidence gathering stage, Historic Environment Scotland contacted the Council for its views. The Council stated its strong opposition to the removal of the listing. At this stage Dumbarton East and Central Community Council also noted its concern, and three individuals also submitted their objection to its delisting.

- 4.3** Following its evidence gathering stage, Historic Environment Scotland proposed to remove the listed building designation from the Dumbuck Hotel and formally consulted on this. The Council received direct notification of the consultation, and local press raised awareness of it in the local community. Historic Environment Scotland received ninety-four written comments on the consultation, ninety-three from individuals and one from West Dunbartonshire Council. Ninety-two of the comments were objections to the proposed delisting of the Dumbuck Hotel, and two were in support. The Council submitted a detailed heritage statement prepared by consultants in support of its objection. This made reference to: the design features of the building, and how many of these features are retained; the positive contribution the building makes to streetscape and landscape, and its role as a landmark building; the building's association with people and events of national importance; and the buildings value to the local community, particularly as a venue for many life events e.g. marriages.
- 4.4** Historic Environment Scotland's decision on the delisting issues was issued on 24 October 2023 and advised that the Dumbuck Hotel has been removed from the list of buildings of special architectural or historic interest i.e. that it has been delisted. Its Report of Handling is attached as Appendix 1. In reaching its decision, Historic Environment Scotland noted:
- The building has been altered to such an extent that it has lost a significant amount on its early 19<sup>th</sup> century historic features, and this has affected its interest in listing terms.
  - The Dumbuck Hotel is not a rare survival for its building type and date....changes have lessened the building's historic character and authenticity
  - Association with the Geils family and the Kosmoid fraud are not considered to be of national importance. (The Kosmoid fraud dates from the early 1900s and related to the transmutation of other metals into gold. Many prominent people of the time invested in Kosmoid Ltd).
- 4.5** In its summary of assessment, Historic Environment Scotland concludes that the Dumbuck Hotel no longer meets the criteria of special architectural or historic interest for the following reasons:
- It has lost much of its historic character - while the principal elevation retains some elements of its modest, classical style, the rest of the building has been substantially altered both externally and internally.
  - It does not demonstrate special design quality for its date and building type.
  - It is not an early or rare example of a classical style mansion, which is a common building type.
- 4.6** There is no right of appeal regarding a decision to remove listed status from a building.

#### Effect of decision

- 4.7** The Historic Environment Scotland decision is effective immediately and therefore the Dumbuck Hotel no longer has listed building status from 24 October 2023. In effect this means that neither planning permission nor listed building consent is required for demolition of the building. Alterations to the physical appearance of the building, internal or external, would not need listed building consent. Planning permission would still be required for any change of use of the building and any new development on the site.
- 4.8** There are a number of live applications for planning permission and listed building consent relating to the building, including different proposals for change of use to flats and holiday lets. The applicant will be contacted to determine if they still want to take these forward. A building warrant has also been submitted for the demolition of the building. The assessment of a building warrant to demolish the hotel would only consider technical aspects of the demolition (e.g. the method statement) and would not assess the principle of whether demolition is acceptable or not. A decision on the building warrant would not normally come before Planning Committee and it is not subject to consultation.
- 4.9** The decision by Historic Environment Scotland is extremely disappointing, especially given the objections to delisting submitted by the Council and 92 private individuals, which strongly demonstrates local feeling that the building should remain listed, reflecting the age and rarity of this type of building in West Dunbartonshire and that it is building of local historic and community interest. The Dumbuck Hotel is an important landmark building, located on the main route into and out of Dumbarton. For many, this road is a popular walking/running route, and the Hotel building indicates the start and close proximity of the residential part of the town, and nearing your destination. The building signals Dumbarton's historic past, and it is some distance into the town before there is another building of its age or older and of similar architectural and local interest. The building is therefore a great significance to the sense of place, both in its immediate surroundings and the town as a whole. This local significance and local opinions appear not to have been given much weight by Historic Environment Scotland in its assessment. It is accepted that the building may not be of national importance but it is of local importance to the area, and it is considered that a change to category C listed building would have been a far more appropriate change to have made than delisting entirely. It is therefore recommended that the Convenor of Planning writes to Christina McKelvie, Minister for Culture, Europe and International Development, and the Planning, Building Standards and Environmental Health Manager writes to Chief Executive of Historic Environment Scotland Mr Alex Paterson expressing the disappointment at the decision and how local interest and opinions appear to have been overlooked.

## **5. People Implications**

**5.1** There are no people implications associated with this report.

## **6. Financial and Procurement Implications**

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

## **7. Risk Analysis**

**7.1** There are no risks associated with this report.

## **8. Equalities Impact Assessment (EIA)**

**8.1** This report does not introduce a new policy and therefore does not require an Equalities Impact Assessment.

## **9. Consultation**

**9.1** Historic Environment Scotland undertook consultation as part of its consideration of this matter.

## **10. Strategic Assessment**

**10.1** The strategic priority of Our Communities – Resilient and Thriving includes a success measure relating to cultural and historical heritage being enjoyed and conserved.

**Pamela Clifford**

**Planning, Building Standards and Environmental Health Manager**

**Date: 15<sup>th</sup> November 2023**

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**Person to Contact:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager  
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**Appendix:** Historic Environment Scotland Report of Handling

**Background Papers:** Historic Environment Scotland portal - <https://portal.historicenvironment.scot/decision/500003621>

**Wards Affected:** Dumbarton

# Designation Report of Handling



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

## Case information

<b>Case ID</b>	300061003
<b>Name of Site</b>	Dumbuck Hotel, Glasgow Road,
<b>Postcode (if any)</b>	G82 1EG
<b>Local Authority</b>	West Dunbartonshire Council
<b>National Grid Reference</b>	NS 41534 74504
<b>Designation Type</b>	Listed Building
<b>Designation No. and category of listing (if any)</b>	LB14403 Category B
<b>Case Type</b>	Removal
<b>Received/Start Date</b>	20/09/2022
<b>Decision Date</b>	24/10/2023

## 1. Decision

<b>Previous Statutory Listing Address</b>	Dumbuck Hotel	<b>Previous category of listing</b>	B
<b>New Statutory Listing Address</b>	N/A	<b>New category of listing</b>	N/A

Our assessment using the selection guidance shows that the building no longer meets the criteria of special architectural or historic interest. The decision is to remove the listing.

## 2. Designation Background and Development Proposals

### 2.1 Designation Background

This building was listed at category B on 14/05/1971.

### 2.2 Development Proposals

[www.historicenvironment.scot](http://www.historicenvironment.scot)

Historic Environment Scotland, Longmore House,  
Salisbury Place, Edinburgh, EH9 1SH

Historic Environment Scotland  
Scottish Charity No. SC045925  
VAT Number: GB 221 8680 15



The building is the subject of the following development proposals:

- Change of Use from hotel to form 6 flatted dwellings and associated alterations (Ref. No. DC21/314/FUL). Application validated on 03/02/2022 and the current status is “Pending Consideration”.
- Demolition of flat roof side extension and Retrospective Permission for the erection of extensions to existing building to form residential development of flatted dwellings and associated parking, open-space and boundary fencing (Ref. No. DC22/007/LBC) Application validated on 20/01/2022 and the current status is “Pending Consideration”.
- Alterations and single storey side and rear extensions to hotel to form additional rooms, manager accommodation and 4 holiday let units (Ref. No: DC21/210/LBC). Application received 03/08/2021 and the current status is ‘Application Received’.
- Part demolition and conversion of hotel to form 8 flatted dwellings. Erection of 4 single storey dwelling houses and the erection of security fence and gates (part retrospective) (Ref. No DC23/076/FUL). Application received 25/04/2023 and the current status is ‘Application Invalid On Receipt’.
- Partial demolition. Conversion of hotel to form 8 flats erection of 4 single storey dwelling houses and erection of security fence and gate (part retrospective) (Ref. No DC23/077/LBC). Application received 26/04/2023 and the current status is ‘Application Invalid On Receipt’.

Our decision is to remove the designation while there are advanced development proposals. We discuss this further in section 3.4 under Policy considerations.

### 3. Assessment

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#### 3.1 Assessment information

We received an application to remove the designation of Dumbuck Hotel on 20/09/2022.

When we receive a designation application we contact the planning authority and those directly affected by the proposal.

Designations applications are published on our portal and will be available to view during the lifetime of the case and until 3 months after the case is closed.

The applicant provided the following information and views in their application. We have summarised the key points here:

- There is no possibility of future reuse due to the current economic climate.
- The fabric of the property is now in a poor state and will worsen through time.
- The property has been extended and altered internally with many original features including the simple front porch having been removed.

As part of our research and data-gathering:

- We visited Dumbuck Hotel on 18/01/2023 and saw both the interior and the exterior of the building.
- We reviewed available archival information about the building.

### 3.2 Comments received during our evidence-gathering

We encourage people who have views or information on a case to get in touch with us at an early stage of our assessment. We welcome comments at an early stage to ensure that we have a full and inclusive understanding of the significance of a place, and to ensure that we are aware of all the circumstances of the case.

We received five written submissions between the time the case was validated until the formal consultation stage. We take into account in our assessment evidence or comments received where these are relevant to our decision-making. We have summarised below the key points we took from the submissions.

	Interested parties	Response
1	West Dunbartonshire Council	<p>The council confirmed the planning context of the site.</p> <p>They noted their strong opposition to the removal of the listing. They noted the building is a good example of a late 18<sup>th</sup> century/early 19<sup>th</sup> century classical/Palladian mansion. Although modified, externally it largely retains its original appearance, symmetry and character, defined by the 2.5 storey central building with lower wings each side. It is a prominent and well-known landmark on the road into Dumbarton from the east, and an important cultural reference point within West Dunbartonshire. The building is valued by the local community.</p>
2	Dumbarton East & Central Community Council	<p>They noted their concern that if the building is delisted the Community Council will not be able to give feedback at Planning Committee.</p>

3	Three private individuals	Noted their objection to delisting. They all noted that the building is a landmark in the area and part of Dumbarton's heritage.
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### 3.3 Assessment of special architectural or historic interest

We carried out an assessment using the selection guidance to decide whether a site or place is of special architectural or historic interest. **See Annex A.**

We have found that the building no longer meets the criteria for listing.

The listing criteria and selection guidance for listed buildings are published in Designation Policy and Selection Guidance (2019), Annex 2, pp. 11-13, <https://www.historicenvironment.scot/designation-policy>.

### 3.4 Policy considerations

Our policy on development proposals is set out on pages 7-8 of the Designation Policy and Selection Guidance (DPSG), pp. 7-8.

<https://www.historicenvironment.scot/designation-policy>. Our policy states:

“We consider the individual circumstances of each case. In deciding whether to designate a site or place or amend an existing designation while there are ongoing development proposals, we will consider:

- the implications of designation on development proposals;
- the effect of the proposed development on the significance of the site or place; and
- the extent to which plans have been developed for the site or place – where these are particularly advanced, we will not normally list or schedule.

The policy goes on to say that:

“Where it is highly likely that the site or place no longer meets the designation criteria, we may consider removing the designation to avoid unnecessary regulatory processes. We might do this even where there are unresolved development or enforcement issues.”

In this case, our view is that the building no longer meets the criteria for listing and therefore listing is no longer justified. For that reason, we have decided to remove the building from the list even though there are current discussions about development.

## 4. Consultation

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### 4.1 Consultation information

We consulted on a proposal to remove the designation.

The original consultation period was from 15/06/2023 to 06/07/2023. The consultation was extended to 31 July 2023 at the request of the planning authority.

We have consulted directly with the owner(s)/occupier(s) and the planning authority.

The consultation report of handling was published on our portal for comment from interested parties.

### 4.2 Designation consultations

#### *Comments we consider*

We consider comments and representations which are material to our decision-making, such as:

- Your understanding of the cultural significance of the site or place and whether it meets the criteria for designation.
- The purpose and implications of designating the site or place. We consider whether these are relevant to the case.
- Development proposals related to the site or place. Where there are development proposals, we consider whether to proceed with designation in line with our designation policy.
- The accuracy of our information.

#### *Comments we don't consider*

We do not consider comments and representations on non-relevant/non-material issues, such as:

- Economic considerations
- Abusive or offensive remarks
- Whether you personally like, or do not like, a proposal

Our video about consultations explains how you can comment on our designations decisions, and what we can and can't take into account when considering your views. <https://youtu.be/ZlqU51tRA6g>.

### 4.3 Consultation summary

We received 94 written comments to the consultation, 93 from private individuals and one from West Dunbartonshire Council.

92 of the comments we received were objections against the proposed delisting of the Dumbuck Hotel. Two of the comments we received were in support of the removal of the designation.

A large number of the objection comments we received were based on a pro-forma statement which noted:

- *The building is a staple in our community. It is valued by many and holds a great deal of importance in the town. With knowledge that the owners plan to demolish the building if the listing is removed, I must object in the strongest terms.*
- *The building is historically important. It has been a part of our town for the best part of 200 years, to lose such an historically important building would be detrimental.*
- *The building is architecturally important. It is one of the best examples of 18th century/early 19<sup>th</sup> century classical/Palladian mansion. Whilst it might have been altered, the external of the building retains most of its original appearance.*
- *The owners plan to demolish the building. If the building is unlisted, the building will be taken down and the town will lose an important building.*
- *The owners say there is no possibility for future use because of economic climate, but listing decisions shouldn't be made on financial issues or proposed future uses.*

We have noted the comments received and our responses as required in the table below.

	<b>Comment (Interested parties)</b>	<b>Response (HES)</b>
1	<p>Objection with comments: West Dunbartonshire Council</p> <p>West Dunbartonshire Council submitted a response objecting to the delisting of Dumbuck Hotel. They also submitted a heritage statement on the building prepared on their behalf by Simpson and Brown architects. We have published the response and heritage statement on our portal.</p> <ul style="list-style-type: none"> <li>• There were a number of comments made about specific design features including that there is skill shown in the arrangement of the symmetrical south elevation with its side wings, that the tripartite windows at the first floor are an unusual arrangement and</li> </ul>	<p>We have taken all relevant comments on special interest into account in our assessment. The assessment of special architectural or historic interest is based on the selection guidance for listing. (DPSG, Annex 2, pp. 11-13.</p> <p>We have noted the comments made which relate to the architectural and historic interest of the building, the only factors we can take into account in our decision making and our assessment at Annex B.</p>

	<p>that the pilasters on the dormer windows are of interest.</p> <ul style="list-style-type: none"> <li>• The building retains its design in terms of its layout and elevation, despite the loss of porch and later additions and alterations.</li> <li>• The fabric of the cornice and chimneys remain.</li> <li>• Mr McGee, a joiner is noted as having designed the building and this association between designer and builder is rare.</li> <li>• The Dumbuck Hotel makes a positive contribution to the streetscape and townscape.</li> <li>• It is an important landmark on arriving and leaving Dumbarton and is of significance to the sense of place of the area.</li> <li>• The building illustrates a typical, smaller country house of the early 19<sup>th</sup> century.</li> <li>• It is a rare and an early survival for Dunbartonshire.</li> <li>• It is associated with people and events of national importance including members of the Geils family and their connection to Tasmania and the <i>KOSMOID affair</i>.</li> <li>• The building provides a sense of place in reference to the Clyde Estuary.</li> <li>• It has seen many important life events and is of value to local community.</li> <li>• Delisting may lead to demolition of the building.</li> <li>• The building can be refurbished and returned to some of its former late Georgian appearance.</li> </ul>	<p>We have noted the information provided about the designer of the building as Mr McGee and have updated our assessment with this information. We do not consider that this information changes our view on the significance of the building's design.</p> <p>We have noted the information provided about historical associations with the Kosmoid scandal and the members of the Geils family and have updated our assessment to include this information. However, we do not consider these associations to be of national importance.</p> <p>The condition of the building and its proposed future use are not material factors in our decision making. See DPSG, Annex 2, Sections 14-15.</p>
2	<p>Objection with comments:</p> <p>92 responses:</p> <ul style="list-style-type: none"> <li>• Many responses noted that the building is architecturally important,</li> </ul>	<p>We have taken all relevant comments on special architectural and historic interest into account in our assessment. The assessment</p>

	<p>stating that it is one of the best examples of an 18<sup>th</sup> century/early 19<sup>th</sup> century classical/Palladian mansion and whilst it altered, its exterior retains most of its original appearance.</p> <ul style="list-style-type: none"> <li>• Many responses noted that building is historically important to the town of Dumbarton.</li> <li>• A small number of respondents noted the historic importance of the link between the Dumbuck estate and the Kosmoid scandal.</li> <li>• A large number of responses noted personal and family memories of the building when in use as hotel (weddings, birthdays etc).</li> <li>• Many comments expressed concerns about the general loss of historic buildings in the Dumbarton area.</li> <li>• The majority of comments expressed concern about the future of the building and their expectation that it will be demolished.</li> </ul>	<p>of special architectural or historic interest is based on the selection guidance for listing.</p> <p>We have noted the information provided about the historical association of the house with the Kosmoid scandal and updated the Report of Handling to acknowledge this. However, we do not consider this association to be of national importance.</p> <p>The condition of the building and its proposed future use are not material factors in our decision making. See DPSG, Annex 2, Sections 14-15.</p>
4	<p>In favour of de-listing with comments</p> <p>2 responses:</p> <ul style="list-style-type: none"> <li>• The architectural merit is minimal.</li> <li>• Much of the rear area of the main building and the site is much altered and of little architectural value. It is difficult to see any architectural integrity remaining in the front facade.</li> <li>• This building has clear historical associations, but these may be insufficiently important within the region's history to base a listing on.</li> <li>• It would be cheaper demolishing the Dumbuck Hotel and building something new.</li> <li>• The listing status is considered a hindrance to redeveloping the building.</li> </ul>	<p>We have noted the comments made which relate to the architectural and historic interest of the building, the only factors we can take into account in our decision making. See DPSG, Annex 2, Sections 14-15.</p> <p>The condition of the building and its proposed future use are not material factors in our decision making. See DPSG, Annex 2, Sections 14-15.</p>

## Dara Parsons

Head of Designations  
Heritage Directorate  
Historic Environment Scotland

<b>Contact</b>	Designations Service <a href="mailto:designations@hes.scot">designations@hes.scot</a> , 0131 668 8914
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[www.historicenvironment.scot](http://www.historicenvironment.scot)

Historic Environment Scotland, Longmore House,  
Salisbury Place, Edinburgh, EH9 1SH

Historic Environment Scotland  
Scottish Charity **No. SC045925**  
VAT Number: **GB 221 8680 15**



## **ANNEX A**

### **Assessment of special architectural or historic interest**

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#### **1. Statutory address**

Dumbuck Hotel

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#### **2. Description and historical development**

##### **2.1 Description**

Earlier 19<sup>th</sup> century two-storey and attic U-plan former mansion house converted to a hotel in the early 20<sup>th</sup> century. The building is designed in a classical style and is rendered with ashlar dressing at openings and hipped slate roof. It was remodelled in the late 19<sup>th</sup> century and has various additions dating from the mid-20<sup>th</sup> century to early 21<sup>st</sup> century additions. It is located close to the Glasgow Road on the approach to Dumbarton from the east.

Southwest (principal) elevation: roughly symmetrical, five-bay, two-storey and attic central block. The ground floor features a large central piended roofed single storey reception hall addition and a similar piended addition at the east both dating from the later 20<sup>th</sup> century. There are four-light advanced bay windows flanking the central porch. At the first floor there are tripartite windows in the central bays and corniced and architraved, window surrounds at outer bays. The attic floor contains two bowed dormers with pilaster details. The central block is flanked on both sides by single-storey and attic wings.

East elevation: long single-storey and attic courtyard wing partly covered by advanced single storey range at south. This elevation has been extended and remodelled several times in the later 20<sup>th</sup> and 21<sup>st</sup> century. There is a three-storey flat roofed metal clad extension at centre of this elevation built in 2021/2022.

West elevation: long courtyard wing extending from single-storey and attic at southwest to two-storey at northeast. There is an advanced single storey rectangular extension at the southwest, a central arched pend with timber gate and later, early 21<sup>st</sup> century openings at ground floor of the northeast end of the range.

Northeast rear elevation: The end of the west range is two-storey with a single first floor window. The pitched roof single storey range at the end of the eastern range dates to the later 20<sup>th</sup> century and has a four-bay northern gable end. The courtyard has been infilled with a one storey flat roofed structure occupying the eastern section.

The windows are a mix of timber, in a variety of glazing patterns, and UPVC. The hipped slate roof covering the central block contains two symmetrical chimney stacks.

Interior was seen in 2023. The interior has been extensively remodelled in the second half of the 20<sup>th</sup> and early 21<sup>st</sup> century for hotel use with few early 19<sup>th</sup> century details remaining throughout the house and the outbuildings. The building retains a central curved stone staircase, decorative cast iron balusters and wooden handrail.

## 2.2 Historical development

The building was built as Dumbuck House, in the early 19<sup>th</sup> century (between 1814 and 1829) as a mansion for the Geils family.

In 1800 the lands of Dumbuck were the property of Sir Archibald Edmonstone as shown on the historic Plan of the lands of Dumbuck near Dumbarton the property of Sir Archibald Edmonstone: 1800 (National Record of Scotland, RHP3726). The Estate of Dumbuck was acquired in 1815 by General Thomas Geils (Hood, *Old Dumbarton*).

The Plan of the estate of Dumbuck dating to the early 19<sup>th</sup> century (National Records of Scotland, RHP20079) shows a group of four buildings in the location of the current building. The U-plan form of the mansion is first shown on the Plan of the Estate of Dumbuck, (National Records of Scotland, RHP20080) which dates between 1814-1829. On this map a circular structure is shown attached to the eastern wing which may have been a horse mill. There is also a small outbuilding at the rear to the north. There may have been an earlier farm building on this site as a horse mill would not be consistent with mansion of this date or type.

During a legal dispute in the 1860s, owner John Edward Geils of Dumbuck stated that Dumbuck House was built by a joiner named McGee in 1824 (Hood, *Old Dumbarton*, Geograph - The Dumbuck Hotel).

On the 1<sup>st</sup> edition Ordnance Survey Map (Surveyed in 1860 and published in 1864) the U-plan structure of Dumbuck is clearly visible however the circular addition on the east wind is not shown. A long range of detached offices or stable buildings are now shown at the northwest and a lodge further north-west, past the railway line. The house is shown on this map with a large orchard with a walled garden extending northeast to the rear of the house.

By the time of the Ordnance Survey 2<sup>nd</sup> Edition map (Revised in 1896 and published in 1897) the farm offices north-west of the house had been remodelled into a L-shaped complex, the size of the orchard was also significantly reduced, and the walled garden removed.

The house was converted to a hotel in the early 20<sup>th</sup> century. The building is labelled Dumbuck Hotel on the plan of Dumbuck Estate Scheme for building sites dating 1912.

By the time of the Ordnance Survey Map NS4174SE (Surveyed/Revised: 1963, Published: 1964) the Hotel had been extended to the rear with the infilling of the west side of the inner courtyard.

At the time of the listing in 1971 the building was described as a cream-washed harled two storey hotel with one storey flanking wings and offices wings to the rear. The principal elevation was unbroken except for a simple columned porch which is shown in an undated picture within the book *Old Dumbarton* (image thought to date from around the mid-20<sup>th</sup> century). The profile of the main elevation has since been extensively altered around the end of the 20<sup>th</sup> century with the replacement of the porch with the advanced hexagonal vestibule and the addition of advanced four-light bay windows on either side of the porch. The breaking eaves dormer on the eastern wing was also added and a central window on the first floor above the porch has been infilled in the later 20<sup>th</sup> century.

Three large openings have been added to the ground floor of the west range in the early 21<sup>st</sup> century. A three-storey addition was added to the east elevation in 2021/2022.

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### 3. Assessment of special architectural or historic interest

To be listed a building must be of ‘special architectural or historic interest’ as set out in the [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#). To decide if a building is of special interest for listing we assess its cultural significance using selection guidance which has two main headings – architectural interest and historic interest (see Designation Policy and Selection Guidance, 2019, Annex 2, pp. 11-13).

The selection guidance provides a framework within which judgement is exercised in reaching individual decisions. The special architectural or historic interest of a building can be demonstrated in one or more of the following ways.

#### 3.1 Architectural interest

The architectural interest of a building may include its design, designer, interior, plan form, materials, regional traditions, and setting and the extent to which these characteristics survive. These factors are grouped under two headings:

##### 3.1.1 Design

The early 19<sup>th</sup> century design of the building consisted of a classical, symmetrical U-plan with the rear wings likely to have contained stabling and other functional

buildings relating to the running of the estate. The building is noted to have been designed and built by a joiner, Mr McGee. It is acknowledged that McGee was a builder of some skill and some of the classical features found in his design, such as the tripartite windows and pilaster details to the attic windows, are distinctive. It was still common in the early 19<sup>th</sup> century for estate houses to be built by a joiner or builder rather than a named architect.

The principal southwest elevation of the building retains some elements of its early 19<sup>th</sup> century classical style including the architraved windows at the first floor, the pilaster details to the attic dormers and the tripartite windows arrangement. Incremental alterations across the later 20<sup>th</sup> and early 21<sup>st</sup> century has however significantly affected its modest classical style and historic character. These alterations include the removal of the columned porch and the addition of the large central porch and the flanking four-light bay windows.

The exterior form and footprint of the building has been substantially altered in the later 20<sup>th</sup> century with a number of additions and alterations to the rear ranges. The former U-plan footprint has been obscured as the courtyard has been largely infilled. The traditional form of the building with its two storey and attic central block and lower single storey or single storey and attic side ranges has also been altered by the extension of these ranges with taller two and three storey additions.

Internally the building has been extensively remodelled, and the early 19<sup>th</sup> century plan form is largely lost. The entrance hall has been enlarged with the addition of the later porch and the side ranges do not retain any features of former agricultural or estate office use. The only parts of the 19<sup>th</sup> century decorative scheme retained are a central staircase with decorative cast iron balusters and some moulded timber windows panels and windows surrounds. These few remaining features are standard for houses of this date and their survival no longer forms part of a coherent early 19<sup>th</sup> century decorative scheme.

The building has been altered to such an extent that it has lost a significant amount of its early 19<sup>th</sup> century historic features, and this has affected its interest in listing terms.

### 3.1.2 Setting

In the earlier 19<sup>th</sup> century Dumbuck Hotel was the principal house of an estate with offices to the northwest, surrounded by agricultural land. By the time of the first edition Ordnance Survey Map (Surveyed 1860-61, published 1862) the house is shown set with a large orchard to the rear which is intersected by the Dumbarton Junction Railway Line. The immediate setting of the house has been altered since the later 19<sup>th</sup> century with the removal of the orchard and offices to the northwest. The building is now surrounded by warehouses.

In the wider setting, some of the farm buildings of Dumbuck Farm still exist west of the Milton Inn Hotel.

The building is prominently located on the main road approaching Dumbarton and in this respect its setting helps us to understand the function of the building from the 20<sup>th</sup> century as a hotel. The setting of the building and particularly its visibility from the road and in views to the hill and quarry to the northeast has been retained. The building is one of few historic structures on this approach to the town and in this respect makes a positive contribution to the streetscape.

### **3.2 Historic interest**

Historic interest is in such things as a building's age, rarity, social historical interest and associations with people or events that have had a significant impact on Scotland's cultural heritage. Historic interest is assessed under three headings:

#### **3.2.1 Age and rarity**

Dating to the earlier 19<sup>th</sup> century, Dumbuck Hotel is not a rare survival for its building type and date. There are large numbers of earlier 19<sup>th</sup> century mansion houses designed in the classical style which survive across Scotland. Examples which survive substantially unaltered, and which display a significant degree of architectural detailing may be listed.

While elements of the earlier 19<sup>th</sup> century classical design of Dumbuck Hotel survive and can still be identified mainly to the principal elevations – such as its side wings and first floor window surrounds – overall the building has been significantly altered. The building has undergone incremental alterations and additions to the exterior over the later 20<sup>th</sup> to early 21<sup>st</sup> century and the loss of the 19<sup>th</sup> interior century plan form and decorative scheme. These changes have lessened the building's historic character and authenticity.

#### **3.2.2 Social historical interest**

Dumbuck Hotel has some social historical interest in its later use as a hotel from the early 20<sup>th</sup> to the early 21<sup>st</sup> century. The building is a well-known and valued resource for the local community. However, this reuse is not uncommon for this building type and is not exceptional in listing terms.

From the mid-18<sup>th</sup> century onwards, there was a gradual improvement in the condition of Scotland's roads and of the general travel infrastructure with the Caledonian and Dumbartonshire Junction Railway line opening around 1850. This meant that it was easier for people to travel, and different types of accommodation were required to cater for the growing number of tourists.

Dumbuck Hotel is set on Glasgow Road, the principal road to Dumbarton from the east. It is also located near the main road leading to Helensburgh and Loch Lomond.

The building is of some note as a roadside hotel in the Dumbartonshire area in the context of 20<sup>th</sup> century road-based tourism.

### **3.2.3 Association with people or events of national importance**

There is no association with a person or event of national importance.

Dumbuck House had a long association with the Geils family who owned the Dumbuck estate from the late 18<sup>th</sup> century and built Dumbuck House. The association of houses of this scale with owners of status is not uncommon and the lives of particular members of the Geils family are well recorded. Colonel Andrew Geils (1773-1843) was a military officer who served as Commandant (acting Governor) of Van Diemen's Land (subsequently Tasmania) between 1812 and 1813. The history of the Geils family and colonialism in Tasmania is of some significance however, on balance, the association between this aspect of the Geils family history and the surviving fabric of Dumbuck House is not considered to be of national importance.

Dumbuck House and the former estate were associated with the early 20<sup>th</sup> century Kosmoid fraud. Dumbuck house was the headquarters of the Kosmoid company in 1906-08. (Herald Scotland) The Kosmoid business scandal involved the Glaswegian physician Alexander Shiels, an alchemist called Melville and many prominent Scottish industrialists. The Kosmoid company undertook an operation of conducting unconventional alchemy experiments aimed to transmute base metals into gold. The fraud caused a scandal which received significant press attention at the time and a book written on the topic was published in 1911 called 'The Gold Makers' by Nathaniel P McCoy. This historical event is of some interest to the history of Dumbarton and Scottish industry in the early 20<sup>th</sup> century however this event does not appear to have had a longer lasting impact on the national consciousness and is not considered to be of national importance.

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## **4. Summary of assessment**

Dumbuck Hotel has historical associations with the local area and in its later incarnation as a hotel holds important personal memories for the local community. The building has however been substantially altered to the extent that there has been a significant loss of historic character and authenticity.

Dumbuck Hotel no longer meets the criteria of special architectural or historic interest for the following reasons:

- It has lost much of its historic character - While the principal elevation retains some elements of its modest, classical style, the rest of the building has been substantially altered both externally and internally.
- It does not demonstrate special design quality for its date and building type.



- It is not an early or rare example of a classical style mansion, which is a common building type

## 7. Other Information

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Dumbuck House was purchased by the American power generation company Babcock & Wilcox in 1923 who used it for staff functions and also as a hotel until they moved out in 1936, when the building was refurbished and modernised.

## 8. References

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