

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 12 June 2012**

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- DC12/018: Erection of dwellinghouse (planning permission in principle) land to the West of 12 Kirkton Road Dumbarton.**
- DC12/019: Erection of dwellinghouse (planning permission in principle) on land to the South East of Islay Kerr House, Dumbarton.**
- DC12/049: Subdivision and extension to existing building to form 7 flats (planning permission in principle), Islay Kerr House, Dumbarton, all by Mr G. Galloway.**

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

- 1.1** These applications are for proposals which raise issues of local significance. Under the approved scheme of delegation they require to be determined by the Planning Committee.

#### **2. DEVELOPMENT DETAILS**

- 2.1** All three applications relate to Islay Kerr House and its grounds which is located within the Kirktonhill Conservation Area in Dumbarton and was formerly used by the neighbouring Keil School as part of their campus. The school closed in the late 1990s and the property has been vacant for much of the time since. Islay Kerr House is a traditional sandstone property which sits comfortably in the Conservation Area although it has a modern extension on its southern gable which detracts from its appearance. Whilst Islay Kerr House remains vacant and undeveloped, the grounds have been extensively redeveloped and three detached houses have been constructed whilst construction on a fourth remains unfinished. Access to the site is taken from Kirkton Road to the east, along the original driveway serving the property.
- 2.2** Applications DC12/018 and DC12/019 both seek planning permission in principle for the erection of detached dwellinghouses and associated works of access, parking and landscaping. One plot is located in close proximity to the driveway entrance and extends to approximately 750m<sup>2</sup> whilst the other is directly to the east of Islay Kerr House and extends to approximately 950m<sup>2</sup>. Since both applications are for planning permission in principle, no details regarding the size, design or location of the proposed buildings have been submitted. Both plots would be accessed from Kirkton Road via the existing driveway leading to Islay Kerr House. It is considered that both of the proposed plots are of a sufficient size and shape to accommodate a single detached house.
- 2.3** The third application (DC12/049) seeks planning permission in principle for the subdivision and extension of Islay Kerr House to form 7 flats. Since the application is

for planning permission in principle, no details regarding the size, design or location of the proposed extension or alterations have been submitted. The development could be accessed from Kirkton Road via the existing driveway leading to Islay Kerr House or alternatively from Helenslee Road. It is considered that the building is of a sufficient size to accommodate a conversion of this nature.

### **3. CONSULTATIONS**

- 3.1 West Dunbartonshire Council Roads Service has no objection in principle to any of the applications at this location subject to suitable upgrades to the access, parking and turning arrangements being agreed.
- 3.2 West Dunbartonshire Council Environmental Health has no objection to any of the applications subject to conditions restricting the hours of operation and deliveries on site.
- 3.3 Scottish Water has no objection to the conversion of Islay Kerr House.

### **4. REPRESENTATIONS**

- 4.1 One letter of representation has been submitted in relation to application DC12/018 which advises that a neighbouring land owner has a right of access over this land and that the application should not prevent or obstruct access to their land. The concerns raised are addressed in Section 6 below.

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

#### West Dunbartonshire Local Plan 2010

- 5.1 The site lies within a defined existing residential area, where Policy H5 seeks to ensure that the character of these areas is protected and that all development proposals maintain or enhance their amenity. Policy H4 sets out standards expected of new residential development, requiring high quality design in terms of shape, form, layout and materials. Under the terms of Policy BE1 and Policy BE3, any new development within a conservation area should be of a high standard of design, have regard to the traditional architectural and historic character of the area in terms of density, scale, massing, height, fenestrations and materials. The policies also support the renovation rather than demolition of derelict properties which are not listed but are considered to contribute to the townscape character of the surrounding area.
- 5.2 Furthermore, Policy E5 aims to protect trees for amenity reasons and advises that new development proposed on sites with, or adjacent to existing trees, should be assessed carefully. If an application is to be approved, conditions should be attached to safeguard trees where necessary and/or plant new trees if appropriate. The proposal is assessed against the criteria contained in the above policies in Section 6 below. It is considered that the development complies with the policies of the adopted local plan.

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### Site History

**6.1** Islay Kerr House and its garden grounds were left vacant after Keil School closed in the late 1990s. Since the school closed, the house has largely been unoccupied and has steadily fallen into a state of disrepair and now requires extensive work to bring it up to a habitable standard. The grounds were also left untended, allowing them to become untidy and overgrown. As a result, the grounds have gradually been developed and are now occupied by three detached houses whilst the construction of a fourth house has not been completed. This has resulted in the grounds associated with Islay Kerr House being developed without any work being undertaken to repair or refurbish Islay Kerr House.

**6.2** At the time that planning permission was granted for these developments, the survival of Islay Kerr House was not a concern as there were no obvious threats as part of it was still in use and there appeared little danger that it would remain vacant. Therefore there were no conditions attached to any of the previous planning consents for new houses requiring work to be undertaken specifically to safeguard Islay Kerr House. However, through time, Islay Kerr House has become vacant and its condition has deteriorated and a substantial amount of money now requires to be invested to ensure the long term survival of the property. In recent times, the landowner has given consideration to a number of options for the site, including submitting a planning application (DC10/248) for the extension and conversion of the property to a care home. Whilst this application has not been determined, it is unlikely to be looked on favourably as the scale and design of the proposal is not deemed as being a suitable development.

### Principle of Development

**6.3** In light of the current situation affecting Islay Kerr House, priority has to be given to ensuring its long term survival. Whilst its grounds have been developed extensively, sufficient room remains on site to allow further sensitive development if it leads to the conversion and restoration of Islay Kerr House. At present, three separate applications have been submitted for planning permission in principle which relate to the site, consisting of two applications for single house plots (DC12/018 & DC12/019) and a further application to convert Islay Kerr House into 7 flats. Although they are all separate applications, they are all interlinked. The applicant has advised that the conversion of Islay Kerr House is not financially viable without the finance generated from the sale of the two houses that would be constructed.

**6.4** In light of the risk to the survival of Islay Kerr House should it remain uninhabited, it is considered reasonable in this instance to allow further development within the grounds of Islay Kerr House to ensure the long term future use of the building. The retention and conversion of Islay Kerr House into 7 flats is acceptable in principle as it would result in a residential use in a residential area. In order to ensure that further development of the grounds is only undertaken for the purposes of safeguarding Islay Kerr House, it is proposed to attach an appropriate condition to each application for a new house plot. The requirements of the conditions would be that the first house to be constructed (DC12/019) could not be occupied until such time as Islay Kerr House has been made wind and water tight, with the extent of work to be agreed with the Planning Authority. The second house to be constructed

(DC12/018) would have a condition attached which would prevent it being occupied until such time as the conversion of Islay Kerr House has been completed to the point that the building is wind and watertight and all structural works and internal conversion works (other than fixtures and fittings) have been carried out in accordance with the approved plans for that development.

#### Design and Appearance

- 6.5** No details are available of the design and form of the proposals contained in each application since they are merely seeking to establish whether this type of development is acceptable at this location. It is considered that Islay Kerr House and grounds are capable of being developed in an appropriate manner which ensures that the detailed design of any proposal is acceptable. The detailed design and layout of the conversion of the house and the two house plots would all be assessed as part of an application for approval of matters specified in conditions.

#### Technical Consultations

- 6.6** The development site is of a size to ensure that sufficient car parking can be provided for the conversion as well as the two housing plots and subject to suitable improvements, the access to the site would meet the appropriate standards. With regard to the issue raised by the representation adequate room would remain on site to ensure that suitable vehicular access to the existing houses on site is provided and/or retained. The Council's Roads Service has assessed the impact that the development would have on traffic in the area and has not raised any concerns. There is no reason to anticipate any difficulties with drainage, subject to suitable Sustainable Urban Drainage Systems being employed.

### **7. CONCLUSION**

- 7.1** The grounds of Islay Kerr House have been extensively redeveloped over the past decade without any work being undertaken to repair or restore Islay Kerr House and ensure its long term future. Whilst the principal of further development within the grounds of Islay Kerr House is not ideal, these applications combined represent an opportunity to allow further development which would act as a mechanism to ensure the long term future of Islay Kerr House through a sensitive conversion and help preserve the wider Kirktonhill Conservation Area. The proposed developments would therefore contribute to maintaining and enhancing the amenity of the surrounding residential area and are therefore acceptable.

### **8. RECOMMENDATION**

- 8.1** **Grant** planning permission in principle for **DC12/018** for the erection of a dwelling house to the west of 12 Kirkton Road Dumbarton subject to the conditions set out in Section 9 below.
- 8.2** **Grant** planning permission in principle for **DC12 /019** for the erection of a dwelling house to the South East of Islay Kerr House Dumbarton subject to the conditions set out in Section 9 below.

- 8.3 Grant** planning permission in principle for **DC12/049** for the subdivision and extension of Islay Kerr House to 7 flats subject to the conditions set out in Section 9 below

## **9. CONDITIONS**

### **DC12/018**

- 01. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall be submitted to the Planning Authority within 3 years of the date of this decision notice, or (if later) within 2 years of the refusal of such an application (where that application was submitted within 3 years of the date of this decision notice, and subject to there being only one subsequent application). Such application(s) shall include:**
- a) Site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences, bin stores, open space provision and landscaping;**
  - b) Plans of each building showing its elevations and floor plans;**
  - c) Details of existing and proposed ground levels and finished floor levels;**
  - d) Details of external finishing materials, including all hard surfaces; and**
  - e) Details of the means of drainage (incorporating the principles of Sustainable Urban Drainage Systems) and sewage disposal.**
- The development must commence within 3 years of the date of this decision notice, or within 2 years of the date of the final approval of all foregoing matters specified in conditions (whichever is the later of these two dates).**
- 02. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 03. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out.**
- 04. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**

- a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed
05. This consent shall not enure until such time as detailed plans for the conversion of Islay Kerr House into flats (or such other use as may be approved) have been granted planning permission by the Planning Authority. Thereafter, occupation of the dwellinghouse hereby approved shall not take place until such time as the conversion of Islay Kerr House has been completed to the point that the building is wind and watertight and all structural works and internal conversion works (other than fixtures and fittings) have been carried out in accordance with the approved plans for that development.
06. Prior to the commencement of development, the developer shall submit a detailed survey of all trees on the site. This survey shall be displayed on a scaled site layout plan and include the identification of the existing tree species, an estimation of their height and spread of branches and their location accurately plotted (any trees around the perimeter which over hang into the site shall also be included). The trees that are to be felled or removed shall be clearly identified on a separate plan. Details of suitable replacement planting to compensate for the loss of any trees that are to be felled or removed shall be included in the landscaping proposals for the site.

**DC12/019**

01. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall be submitted to the Planning Authority within 3 years of the date of this decision notice, or (if later) within 2 years of the refusal of such an application (where that application was submitted within 3 years of the date of this decision notice, and subject to there being only one subsequent application). Such application(s) shall include:
- a) Site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences, bin stores, open space provision and landscaping;
  - b) Plans of each building showing its elevations and floor plans;
  - c) Details of existing and proposed ground levels and finished floor levels;
  - d) Details of external finishing materials, including all hard surfaces; and

- e) **Details of the means of drainage (incorporating the principles of Sustainable Urban Drainage Systems) and sewage disposal.**

**The development must commence within 3 years of the date of this decision notice, or within 2 years of the date of the final approval of all foregoing matters specified in conditions (whichever is the later of these two dates).**

- 02. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 03. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out.**
- 04. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**
  - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);**
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed**
- 05. Prior to the commencement of any development on site, details of the works required to make Islay Kerr House wind and watertight shall be submitted to and approved in writing by the Planning Authority. Such works shall then be fully implemented prior to the occupation of the dwellinghouse hereby approved.**
- 06. Prior to the commencement of development, the developer shall submit a detailed survey of all trees on the site. This survey shall be displayed on a scaled site layout plan and include the identification of the existing tree species, an estimation of their height and spread of branches and their location accurately plotted (any trees around the perimeter which over hang into the site shall also be included). The trees that are to be felled or removed shall be clearly identified on a separate plan. Details of suitable replacement planting to compensate for the loss of any trees that are to be felled or removed shall be included in the landscaping proposals for the site and shall be implemented as approved.**

**DC12/049**

- 01. Application(s) for the approval of the detailed design of the development (hereinafter called “the matters referred to in conditions”) shall be submitted to the Local Planning Authority within 3 years of the date of this decision notice, or (if later) within 2 years of the refusal of such an application (where that application was submitted within 3 years of the date of this decision notice, and subject to there being only one subsequent application). Such application(s) shall include:**
- a) Site layout plans showing the position of all buildings, roads, footpaths, parking areas, walls, fences, bin stores, open space provision and landscaping;**
  - b) Plans of each building showing its elevations and floor plans;**
  - c) Details of existing and proposed ground levels and finished floor levels;**
  - d) Details of external finishing materials, including all hard surfaces; and**
  - e) Details of the means of drainage (incorporating the principles of Sustainable Urban Drainage Systems) and sewage disposal.**

**The development must commence within 3 years of the date of this decision notice, or within 2 years of the date of the final approval of all foregoing matters specified in conditions (whichever is the later of these two dates).**

- 02. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Fridays, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 03. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**
- a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);**
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed**
- 04. Prior to the commencement of development, the developer shall submit a detailed survey of all trees on the site. This survey shall be displayed on a scaled site layout plan and include the identification of the existing tree species, an estimation of their height and spread of branches and their location accurately plotted (any trees around the perimeter which over hang**



into the site shall also be included). The trees that are to be felled or removed shall be clearly identified on a separate plan. Details of suitable replacement planting to compensate for the loss of any trees that are to be felled or removed shall be included in the landscaping proposals for the site.

05. Prior to the commencement of development on site, a phasing plan for the conversion of Islay Kerr House and the erection of an extension shall be submitted to and approved in writing by the Planning Authority. The development shall then be fully implemented in accordance with the approved phasing plan.

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 29 May 2012**

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**Appendix:** None.

**Background Papers:** 1. Application forms and plans;  
2. Consultation responses and one letter of representation; and  
3. West Dunbartonshire Local Plan 2010.

**Wards affected:** 3 (Dumbarton)