

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 6 February 2013**

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**DC12/211: Erection of residential development (amendment to DC06/295) to permit the addition of an extra detached house and substitution of house types on plots 105-112 and 24-7 and a revised layout at Keil School, Helenslee Road, Dumbarton by Bett Homes.**

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

- 1.1** This application is subject to a significant number of objections, and it is recommended that the application be approved. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

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

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

- 3.1** This application relates to part of the larger residential development within the grounds of the former Keil School, within the Kirktonhill Conservation Area. The Keil School development comprises the former school building itself (Helenslee House, which is a 'B' listed building), and its extensive grounds, including a former walled garden to the north of Helenslee House. To the south of the site, between Helenslee House and the River Clyde, is a large area which has been partly developed with new residential properties. The eastern half of this area has already been developed with very large detached houses, whilst the western part has not yet been developed. This application relates to most of this undeveloped western area. The application site extends to 1.129 hectares and is bounded by a footpath along the Clyde foreshore to the south, and by the remainder of the former Keil School to the north and west, including the recently completed large detached houses to the east. Access would be by way of an extension to the new cul-de-sac which serves these existing houses.
- 3.2** The original planning permission to redevelop the Keil School site (DC03/176, amended by DC06/295) allowed 32 new detached houses (mainly in the southern part of the development) and 5 new terraced houses (in the former walled garden), along with the conversion and extension of Helenslee House to create 8 flats/houses. All of these houses and flats were to have been very large properties. Although 21 of the detached houses have now been built, due to the economic downturn demand for such large properties has not been as strong as had originally been expected. Therefore, for the remainder of the

site, the developer has sought to reduce the size and increase the quantity of the new properties. Permission DC10/199 amended the 11 unbuilt detached house plots to allow 14 houses, and permission DC10/245 further amended these to 12 houses and a block of 12 flats. The approved number of units within the Helenslee House conversion has also been raised from 8 to 13. However, none of these amended permissions has yet been implemented. In addition to the application site, Helenslee House and the walled garden remain undeveloped, and Helenslee House is now in a poor state of repair.

- 3.3** The current application proposes a further amended layout for the unbuilt house plots at the south west of the site. Instead of the 12 houses approved by amended permission DC10/245, the current application seeks to change the layout and house types to provide 13 houses. This would involve realigning the proposed road. The number of houses located along the north side of the new road would remain at 8, although the plots would be realigned so that all of the houses fronted onto the road. The plots to the south of the access road would be reduced in size so that an additional (5<sup>th</sup>) house could be accommodated, and again these properties would front onto the access road.
- 3.4** All 13 of the proposed houses would be of new house types which, whilst still large 5 bedroom detached properties, are generally slightly smaller than those which have been built elsewhere on the Keil School site. They would use similar materials to the other new houses but would be slightly less grand in style. The proposed materials would include stone, white drydash roughcast, timber, slate grey roof tiles, white uPVC windows and black uPVC downpipes and gutters. Each house would have either an integral or a detached double garage, and a minimum of 4 off street parking spaces.
- 3.5** The application site does not include the site for the 12 new flats allowed by permission DC10/245. A separate planning application (DC12/275) has been submitted to amend the size and design of these flats and to increase the number of flats from 12 to 24. That application remains under consideration.

#### **4. CONSULTATIONS**

- 4.1** Scottish Natural Heritage and West Dunbartonshire Council Roads Service have no objection to the proposal.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to similar conditions being imposed to those attached to the previous detailed permission (DC06/295).
- 4.3** West Dunbartonshire Council Anti-Social Behaviour and Community Safety Service are supportive of any application which would prevent direct access from the development onto the Clyde foreshore, and thus increase the security of the existing houses.

#### **5. REPRESENTATIONS**

- 5.1** Eleven letters of representation have been submitted on behalf of 19 local residents, all objecting to the proposal for the following reasons:
- The revised layout and house types would result in one of the existing properties being overshadowed;
  - The proposal to revise the layout and amend house types is contrary to the local plan;
  - The revised house types which are smaller and closer together will detract from the surrounding area and are not in keeping with the character or appearance of the part of the site which has already been developed;
  - The development will result in additional traffic which the access road is not suitable for and there will be associated parking and access problems; and
  - The residential amenity of the site and surrounding area has not been addressed since Helenslee House remains undeveloped and the developer has not adequately addressed existing security problems at the site.

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

### West Dunbartonshire Local Plan 2010

- 6.1** The site lies within an 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. In particular, it states that any development should reflect the character of the area in terms of scale, density, design and materials and highlights the need to avoid overdevelopment of a site. Policy H5 also supports the retention of trees and other natural features where possible.
- 6.2** Policy H4 sets out criteria for assessing new housing developments. These include allowing for subsequent house extensions within 'permitted development' limits without adversely affecting the amenity of surrounding buildings, and reflecting a residential density which is appropriate to the surrounding area.
- 6.3** Policy E5 seeks to protect trees for amenity reasons and indicates 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.
- 6.4** The site is located on part of the grounds of a listed building which is located within a Conservation Area. Policy BE1 seeks to ensure that no works adversely affect the appearance or character of a Conservation Area whilst Policy BE2 states that the Council will aim to ensure that in relation to any works affecting a listed building or its setting, its appearance, character and setting should not be adversely affected.
- 6.5** The proposal is assessed against the criteria contained in the above policies in Section 7 below. It is considered that the development complies with the policies of the adopted local plan.

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

### Design and Appearance

- 7.1** The principle of residential development on this site has been established by the previous permissions, and the current application relates only to the changes from the previous permission (as amended). The proposal involves realignment of the proposed road to straighten it and allow more regular garden shapes and lengths, particularly on the north side of the road where there are some significant gradients. On the south side of the road, the plots would also be realigned and reduced slightly in size to permit the addition of an extra house. The realignment of the new road would itself have no impact on the existing housing nearby, and would not have a significant impact upon the character of the undeveloped part of the development.
- 7.2** The proposed changes to the house types and plots constitute a more significant change to the development. Although the revised house types would be large five bedroom detached properties, they would be smaller than the existing houses that have been constructed on site and would also have slightly different styling. The proposed houses and plots are in fact similar in size to those which were allowed under the previous amendment consents, but those properties would have been closer in style to the existing larger houses than are those which are now proposed. The existing large houses are intended to have quite a grand, formal appearance, whereas those now proposed are less formal in style, for example having asymmetrical window arrangements and slightly less ornamentation. However, they would still be large houses with traditional styling features and would use similar materials to the existing properties. In some respects it is considered that the proposed houses are of more traditional proportions than those which have already been built, in particular in terms of their steeper roof pitches. It is also considered that as the proposed houses would be smaller than the existing houses it would not necessarily be appropriate to replicate exactly the same styling, as on the smaller houses features which are intended to impart a grand formal appearance may instead appear out of place. Although the houses would be closer together due to the smaller plot sizes, their relationship with the road would be similar to that of the existing properties, and they would still benefit from relatively large gardens by modern standards. Overall, it is considered that the proposed house types are attractive designs which are appropriate for the conservation area and in keeping with the character of the wider Keil School development.

### Anti Social Behaviour

- 7.3** Many of the objectors have referred to existing security and anti-social behaviour problems in the area and have suggested that further housing should not be allowed until these problems are resolved. This issue is of very great concern to residents, who have discussed it at length with both the developer and Council. Contributing to the problem is the existing partially complete nature of the development, with parts of the site being unused and with relatively easy access to them over broken down walls, however some of the more serious problems seem to have been the work of organised thieves

and have no obvious relationship with any shortcoming in the design of the development. It is difficult to retrofit a solution which would eliminate the risk of crime or anti-social behaviour, however it is considered that the development of the vacant parts of the site would itself help to address the problem. As the development is only partially built it is relatively quiet and secluded, but once occupied houses are built on the undeveloped area this will provide more activity and greater natural surveillance of the area, making it less likely that any nefarious behaviour would go unnoticed and thus making the whole site less attractive to criminals. The developer has confirmed that they will repair the broken down sections of the original stone wall which bounds the southern and western parts of the Keil School site, reducing opportunities for unauthorised access as well as maintaining an attractive site boundary. Whilst not forming part of the current application, the developer has entered into discussions with the Council concerning the removal of planned footpath links and the potential erection of a security fence around the perimeter of the site as a result of feedback from the Police Architectural Liaison Officer. Should these avenues be pursued they would require to be the subject of a separate application.

#### Helenslee House

- 7.4** Helenslee House is a B-listed property which was originally constructed as a private dwelling and was subsequently used as a private school from 1925 until the late 1990s. Part of the basis for allowing all of the new development within the grounds was that it would enable retention and restoration of the listed building. At the time of the original permission Helenslee House was in reasonably good condition and the housing market was buoyant, so the only control put in place to ensure that the conversion works took place was a planning condition which requires that the last 10 of the new-build houses on the Keil School site should not be occupied until Helenslee House is converted. However, as these new houses have not been built this condition has not yet taken effect, and Helenslee House has remained vacant and has gradually fallen into a state of disrepair. This has occurred because of the recession, which meant that the reduced sale prices of the new houses and the anticipated reduced value of the proposed flats in Helenslee House were no longer sufficient to cover the costs of restoring the building.
- 7.5** This is obviously a matter of concern, as it is important that Helenslee House be restored and returned to use. The original permission linked this to the construction of the final ten very large houses, but as the size and value of these houses is reduced this has the effect of undermining the condition by reducing the likelihood that the value of the remaining houses will cover the shortfall in the costs of converting Helenslee House. Therefore, it is considered that any further increase in the quantity or reduction in the size of dwelling units on the Keil School site must be accompanied by a corresponding strengthening of the condition tying the new housing to the restoration of Helenslee House. As matters stand the condition relates to the last 10 new build dwelling houses on the site (in practice these would probably be the 5 unbuilt units in the walled garden, 3 new townhouses attached to Helenslee House itself, and the last 2 of the new detached houses on the current application site). The current application seeks to increase the

number of new detached houses by 1 unit, and it is therefore considered appropriate that this extra unit should be subject to the restriction requiring prior completion of the listed building conversion. This will ensure that any additional value derived from the extra unit would contribute towards the retention of Helenslee House.

#### Trees

- 7.6** The application site, much like the rest of the grounds of the former Keil School was heavily wooded and in order to permit the residential development of the site, a significant number of trees have been felled. In terms of the current application site, the previously approved planning applications permitted a large number of trees to be felled. In light of the current application, the site has been resurveyed and one additional tree requires to be removed as it is dead and diseased. Two of the largest trees which could have been affected by this development have been surveyed in depth and they are to be retained since no significant issues were identified with their health. Suitable fencing will be required during construction to preserve these trees and this can be dealt with by way of a planning condition. Two further trees have been identified as suitable for retention subject to the removal of Ivy and broken limbs. The amended proposal would therefore not have a greater impact on the trees on site than the previously approved scheme.

#### Other Issues Raised

- 7.7** Access to the site is by way Helenslee Road which has already been upgraded to serve the development. Adequate parking would be provided within the curtilage of each house plot and it is not considered that an additional house would have any detrimental impact on the existing access road.
- 7.8** One of the representations suggests that the new layout would cause overshadowing of one of the existing houses. Whilst the proposed house would be closer to the boundary than that originally approved, the properties would still be well separated and it is not considered that the proposed layout would give rise to any significant overshadowing or overlooking of any neighbouring homes.

### **8. CONCLUSION**

- 8.1** The proposed alterations to the previously approved house design and layout and the addition of an extra house are of a relatively minor nature and would not have a detrimental impact upon the appearance or amenity of either the development or surrounding residential area. It is therefore considered that the amendments are acceptable and in accordance with the Local Plan.

### **9. CONDITIONS**

- 01. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.**

- 02. Prior to the commencement of works, full details of the design and location of all hard surfaces, walls, fences and bin stores to be installed on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 03. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority and shall be implemented as approved. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design and shall thereafter be implemented as approved.**
- 04. For the avoidance of doubt, no trees or scrub shall be removed during the main bird breeding season (March to July inclusive).**
- 05. Prior to the commencement of works, full details of how trees identified for retention, and their associated habitat including shrubs and ground flora, are to be protected during construction shall be submitted for the further written approval of the Planning Authority and implemented as approved.**
- 06. The development shall be undertaken in accordance with the tree protection measures identified in the 'Tree Protection Report' dated 4<sup>th</sup> January 2012.**
- 07. A landscaping scheme for the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first property. The scheme shall include details of suitable replacement planting for any trees that are required to be removed to accommodate the development or any associated works.**
- 08. A licensed surveyor shall be present on site prior to the felling of any trees, as recommended in the Bat Survey carried out in July 2006 (DC06/295). Any felled trees shall be left in situ for 24 hours to allow any roosting bats, previously undetected, to leave.**
- 09. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:**

- a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates from the site).
  - b) An assessment of the potential risks.
  - c) An appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
10. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
11. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site.
- Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
12. No piling works shall be carried out until such time as a noise method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.



- 13. 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 and any remedial actions shall be implemented within a timescale agreed with the Planning Authority.**
- 14. 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 with the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.**
- 15. Prior to the occupation of any dwellinghouse within this phase of the development, all roads and footpaths shall be completed to the level of bottoming and bitmac base course.**
- 16. Prior to the occupation of the last dwellinghouse within this phase of the development, all roads, footpaths and car parking spaces within and serving the development shall be completed to their final specification and adoptable standard unless otherwise agreed in writing with the Planning Authority.**
- 17. Prior to the commencement of development on site details of the final design and location of the proposed traffic calming measures and all alterations to be undertaken on the roads into and serving the development shall be submitted to and approved in writing by the Planning Authority. These approved works shall be implemented prior to the occupation of the last dwellinghouse within this phase of the development unless otherwise agreed in writing with the Planning Authority.**
- 18. Sightlines of 2.5m x 35m x 1.05m are to be provided and maintained at all new road junctions and car park accesses to the satisfaction of the Planning Authority.**
- 19. Sightlines of 2.0m x 20m x 1.05m are to be provided and maintained at all driveways to the satisfaction of the Planning Authority.**
- 20. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West Of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery**

of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

21. The last 11 new build dwellinghouses on the site shall not be occupied until such time as the repair, restoration and conversion of the listed buildings within the grounds of Keil School have been completed to the satisfaction of the Planning Authority in accordance with the plans approved under Ref. DC03/176.
22. Prior to the commencement of work on site, a plan detailing the phasing of new build and listed building conversion works shall be submitted for the approval of the Planning Authority. The phasing plan shall include details of the last 11 new build dwellinghouses to be occupied.
23. Prior to the commencement of work on site, full details of the proposed repairs to the stone boundary wall as detailed on Drawing No. KEIL/216 shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.

#### **Informatives**

01. *The applicant is advised that under the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development hereby approved must commence within a period of 3 years from the date of this decision notice.*
02. *The applicant is advised that under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, the developer is required to 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*
03. *The plans referred to as part of this decision are Drawing No. KEIL/LOC, KEIL/210, DG2A/01, KEIL/216, KEIL/220, M01(Tree Management Proposals), S01 Rev. A (Ground Level Tree Survey), MAM-B/D/SC/066/PL, MAM-A/D/SC/066/PL, SAM/D/SC/066/PL, HEM/D/SC/066/PL, KIM/D/SC/066/PL, OAM/D/SC/066/PL, MAM/D/SC/066/003, MAM/D/SC/066/004, Oakham/En/001 Rev. 4, Kirkham/Sc/001 Rev. 1, Hexham/Sc/001*

**Rev. 1, Sandringham/Sc/001 Rev. 1, Marsham/En/001 Rev. 2,  
DET/13/23, DET/13/03 Rev. D & DET/13/05 Rev. B.**

- 04. A grant of planning permission does not authorise works under the Building (Scotland) Acts. A separate Building Warrant may be required.**

**Elaine Melrose  
Executive Director of Housing, Environmental  
and Economic Development  
Date: 18 January 2013**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
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**Appendix:** None.

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

**Wards affected:** Ward 3 (Dumbarton)