

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 27 November 2013**

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**DC13/208     Amendment of conditions 26 and 27 of permission DC06/295  
(deletion of a footpath link and revisions to landscaping) at Keil  
School Development, Helenslee Road, Dumbarton by Bett Homes**

#### **1.     REASON FOR REPORT**

- 1.1**     This application seeks to amend conditions which were imposed by the Planning Committee. It is therefore appropriate for the application to be determined by the Committee.

#### **2.     RECOMMENDATION**

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

#### **3.     DEVELOPMENT DETAILS**

- 3.1**     The redevelopment of the former Keil School estate has been subject to a number of planning permissions and amendments over the years. The permission relevant to this application was decision DC06/295, which was approved in December 2006 and which allowed the construction of 37 new houses within the school grounds, as well as conversion of the listed Helenslee House into 8 flats. Although 21 of the new houses were constructed in accordance with that permission, various subsequent permissions have amended parts of the development to allow a total of 39 new houses, 24 new flats and 13 flats in the listed building conversion. Work has recently started on the construction of another phase of new houses/flats in the south western corner of the site.

- 3.2**     Permission DC06/295 included a condition requiring the provision of a footpath connection between the new housing area and the footpath which runs along the southern edge of the site adjacent to the River Clyde:

*“26.     Prior to commencement of works full details of the footpath to be formed between plots 31 and 32 shall be submitted for the further written approval of the Director of Housing, Regeneration and Environmental Services.”*

Additionally, another condition required that landscaping be carried out in accordance with approved plans (which included the provision of footpath links through the woodland area to the north of the new housing area):

- “27. The development shall be landscaped in accordance with the scheme submitted, Drawing Nos. LO1, LO2, LO3 and LO4 and Landscape Works Schedule (August 2006) to the satisfaction of the Director of Housing, Regeneration and Environmental Services, and shall ensure:*
- (a) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Director of Housing, Regeneration and Environmental Services; and*
  - (b) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Director of Housing, Regeneration and Environmental Services, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The developer is reminded that all trees planted will form part of the Tree Preservation Order which covers the site.”*

- 3.3** None of the new footpaths required by these conditions have yet been provided, and the applicant now seeks to amend the conditions to delete the footpaths. The respective areas would still be landscaped, but would not include the footpath links previously intended.

#### **4. CONSULTATIONS**

- 4.1** None.

#### **5. REPRESENTATIONS**

- 5.1** None.

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

##### West Dunbartonshire Local Plan (2010)

- 6.1** The Keil School Estate is designated as an Existing Residential Area, which also forms part of the Kirktonhill Conservation Area and which is a Garden and Designed Landscape. A strip of land along the river frontage is also a Local Nature Conservation Site.
- 6.2** The proposed deletion of footpath links within landscaped areas would not significantly alter the appearance or character of the area, and would not conflict with Policies H5 (Existing Residential Areas), BE1 (Conservation Areas), or BE7 (Gardens and Designed Landscapes). The non-provision of the footpath connecting to the river front walkway would not have any implications for the nature conservation value of the river edge and there would be no conflict with Policy E3A (Local Nature Conservation Sites). The footpaths had been proposed for amenity rather than connectivity reasons and their non-provision would not have any conflict with Policy T1 (Sustainable Access). Overall it is considered that the proposal is consistent with all relevant local plan policies.

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

### West Dunbartonshire Local Development Plan (WDLP) – Proposed Plan

- 7.1** The policies and land use designations relevant to the site and proposal in the emerging LDP are generally similar to those of the existing LDP, with the exception that Keil School is no longer listed as a Garden or Designed Landscape. The proposal therefore remains consistent with the policies of the emerging development plan.

### Original Reasons for Requiring Footpaths

- 7.2** When planning permission was granted for this development, new footpaths within the landscaped areas were required for the following purposes:

- to link the development with the existing riverside footpath, so that residents of the new houses could access the waterfront for recreational walking, or as a pedestrian route to formal open space areas at Levensgrove Park and The Havoc (required by condition 26);
- to enable residents to make use of the significant areas of mature landscaping within the development for recreational purposes (part of the landscape scheme required by condition 27)

- 7.3** Progress towards completion of the development has been very much slower than was originally envisaged as a result of economic conditions, and the absence of legitimate activity and natural surveillance on parts of the site has attracted anti social and criminal behaviour. Most seriously, the vacant Helenslee House has been seriously damaged by malicious fires, whilst several of the new homes have been burgled. There have also been problems with young persons using the woodland area for drinking.

- 7.4** Whilst security measures have been increased and the roll out of further development on the site will make it less attractive to antisocial persons, residents are obviously anxious to avoid any changes to the site which they perceive as adversely impacting upon its security. Whilst no representations have been received in respect of the application, planning officers met with a number of local residents prior to the application being submitted, and residents have also made their views known to the developer.

- 7.5** It is understood that the majority of residents are opposed to the creation of the footpath link to the riverside (condition 26), because of concerns that this would make the cul-de-sac into a through pedestrian route which would be used by people who are not resident in the development. Whilst the vast majority of such pedestrians would be using the route for legitimate reasons, residents fear that it may also be used for anti-social behaviour by a minority element. Similarly, residents are concerned that the provision of footpaths within the woodland area behind some of the houses would provide a legitimate reason for persons to be in the woodland without attracting suspicion.

### Non Provision of the Footpaths

- 7.6** Whilst the original rationale for requiring the creation of the footpaths remain valid, it is not considered that their non-provision would give rise to any significant loss of amenity for the residents. Access to the riverside walkway and to Levensgrove Park would still be possible by way of slightly less direct routes, and the woodland landscaped areas within the site would still contribute to the appearance and character of the development regardless of whether they contain formal footpaths. Whilst the provision of footpaths which encourage legitimate use of the site and its landscaped areas may contribute to security by increasing natural surveillance, under the circumstances it is not considered desirable to require the provision of such facilities given the previous problems associated with access to the site and anti social behaviour.

## **8. CONCLUSION**

- 8.1** Permission is sought to delete the requirement to provide footpaths within the landscaped areas of the Keil School development. Whilst the footpaths would have provided improved pedestrian access to amenity spaces, their provision is not considered essential, and due to the particular concerns about security on this site it is considered appropriate to delete the requirement.

## **9. CONDITIONS**

- 01 Within three months of the date of this permission, details of a revised landscaping scheme (omitting the footpaths marked in red on the approved plan Keil/201 Rev AA) shall be submitted for the written approval of the planning authority. Such landscaping scheme shall include:*
- (a) details of the phasing of the landscaping works relative to completion of phases of the approved housing development;*
  - (b) completion of each phase of landscaping works during the next planting season following the completion of the building(s) in the applicable phase; and*
  - (c) arrangements for the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the planning authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The developer is reminded that all trees planted will form part of the Tree Preservation Order which covers the site."*

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 12 November 2013**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans
2. West Dunbartonshire Local Plan 2010
3. Decision notice DC06/295

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