

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 3 April 2013

DC12/275: Erection of residential development (amendment to DC06/295) comprising 24 residential units, consisting of 2 blocks of flatted properties and associated works 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 as it is recommended that the application be approved the approved Scheme of Delegation requires it 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 housing. The eastern half of this area has already been developed with large detached houses, whilst the western part has not yet been developed. This application relates to the south western corner of this undeveloped western area. The application site extends to almost half a hectare and is bounded by a footpath along the Clyde foreshore to the south. The undeveloped land to the north and east has permission for new houses, and there are detached houses further to the east. The western boundary of the site is a stone wall which separates the site from the start of the Havoc playing fields. Access would be by way of an extension to the cul-de-sac which serves the 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 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. The approved number of units within the Helenslee House conversion has been increased from 8 to 13 (DC08/224). Permission DC10/199 amended the 11 unbuilt detached house plots to allow 14 houses, and permission DC10/245 further amended the outstanding consent to 12 houses and a block of 12 flats. Most recently, in February 2013 permission DC12/211 further increased the number of detached houses in the south western corner of the site to a total of 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 block of flats at the south west corner of the site. Instead of the single 3½ storey block of 12 flats (4 two bedroom and 8 three bedroom), approved by amended permission DC10/245, the current application seeks to change the layout and building types to provide 24 smaller flats (6 one bedroom and 18 two bedroom) in two 3 storey blocks. The two blocks would be of similar design but would be handed to mirror each other. The south elevations of the buildings looking over the River Clyde would feature large balconies. There would be a parking courtyard with space for 36 vehicles, the position of which has been chosen to minimise impact upon existing mature trees. The flats would use similar finishing materials to the other new houses nearby, particularly those approved by permission DC12/211. The proposed materials would include stone, white drydash roughcast, timber, slate grey roof tiles, UPVC windows and black UPVC downpipes and gutters.

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).

5. REPRESENTATIONS

- 5.1** Fourteen representations have been received from local residents, all of whom object to the proposal for reasons which may be summarised as follows:
- High density/small flats would not be in keeping with the pattern of development in the surrounding development or the wider Kirktonhill Conservation Area, and will detract from its appearance and character;
 - Too many flats for the site, resulting in overdevelopment and the development appearing cramped and crowded;
 - Contrary to local plan policies on design and impact on area;
 - Negative impact on value of neighbouring houses;

- Detrimental impact on trees which are subject to a tree preservation order, and on nature conservation interests;
- Insufficient parking for the flats and it will spill onto the adjoining street;
- Development will result in additional traffic on the cul-de-sac which the access road which was not designed to serve so many units;
- Increased traffic will cause disturbance and access problems; and
- Development will not address the existing dereliction of the listed Helenslee House or existing security problems on 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 and aims to ensure that there are no adverse affects on the amenity of surrounding buildings, and that the development reflects 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 in part of the grounds of a listed building and 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 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

Principle of Development

- 7.1** The principle of residential development on this site has been established by the existing permissions, and the current application relates only to increase in the number of flats and the associated changes to the design. The current proposal involves a larger number of smaller flats than those which were previously approved, and there have been objections to the principle of this

from some neighbours. The original intention for the Keil School development was that it would comprise only very large properties, although this intention has already been watered down somewhat by allowing slightly smaller (but still large) detached houses and a limited number of 2 and 3 bedroom flats in order to reflect the realities of the current housing market. It must be acknowledged that the proposed provision of a larger number of 1 and 2 bedroom flats does represent a significant departure from the original concept for the Keil School development; however this change in itself is not considered to be inappropriate subject to the design of the proposed flats being appropriate.

Design and Appearance

- 7.2** Although the number of flats would increase from that previously approved, due to the flats being smaller the increase in their total footprint would not be much larger than the permitted scheme. Instead of being a single large block, the flats would be split into two blocks in order to reduce the bulk of the buildings and to better reflect the character of the neighbouring development of large detached properties. The new flats would reflect the styling and materials which have now been approved for the adjacent houses, although the large riverfront balconies on the rear elevations which were a feature of the previous design would be retained. Overall, it is considered that the design and appearance of the proposed new buildings are attractive and appropriate for this sensitive location within the conservation area.

- 7.3** The road layout at the end of the cul-de-sac has already been amended by the recent permission for the revised houses, but the position of the proposed flats within the site and their relationship with the road would be generally similar to what was previously approved. The flats would be situated in the centre and west of the site, with car parking along the eastern boundary and wrapping around the north-eastern corner of the closest block of flats. The overall plot is slightly larger than that for the previous permission, which allows a larger area of amenity space to be provided, as well as additional parking spaces. The proposed layout is considered to be appropriate, and it is not considered that the proposal would constitute overdevelopment of the site.

Trees and Landscaping

- 7.4** 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. This was permitted by the previous permissions, which allowed removal of many of the trees but required retention of many of the best examples in order that these could be integrated into the new development. For the current application the site has been resurveyed, and no additional trees require to be removed. The six existing mature trees which remain on the site will all be retained, and the layout of the buildings and parking area has been designed to minimise the impact on these trees. A condition is proposed requiring that suitable fencing be put in place during construction to minimise the risk of damage. The proposal would therefore have no greater impact on the trees or associated wildlife than the previously approved scheme. A condition could also be

imposed requiring that the wider landscaping of the site be agreed with the Council in order to ensure that this is of a suitably high quality.

Access and Parking

- 7.5** Access to the site is by way of the new cul-de-sac, and whilst the number of units has increased since the first part of the cul-de-sac was completed the road infrastructure is quite capable of accommodating the increased level of traffic. It is acknowledged that there would be more vehicle movements along the cul-de-sac, and that it will not be quite as quiet as some existing residents may previously have anticipated, however the actual level of traffic would be well within normal levels for a residential street and it is not considered that the proposal would cause any significant disturbance or traffic problems.
- 7.6** Parking for 38 cars would be provided within the site, with much of the car parking being sited unobtrusively behind one of the retained trees. The Roads Development Guide specifies 37.2 spaces for a development of this scale. The proposal would thus comply with the Council's parking standard and it is not considered that the proposal would give rise to any significant on-street parking problems.

Helenslee House

- 7.7** 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 relatively good condition and the housing market was buoyant. However, Helenslee House has remained vacant and has gradually fallen into a state of disrepair, and significant damage having been caused by fire and vandalism. The lack of progress on converting Helenslee House has occurred because of the recession, which has undermined the viability of the development. This is a matter of concern, as it is obviously important that Helenslee House be restored and returned to use.
- 7.8** The original permission linked the conversion of Helenslee House to the construction of the last ten of the large new houses then proposed, but as the size and value of the outstanding units is reduced this has the effect of undermining the condition. The recent permission DC12/211 therefore increased the link between the completion of the conversion and the commencement of the new houses from the last 10 to the last 11 new units (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 3 of the new detached houses adjacent to the application site). That condition relates only to houses and does not cover any of the flats.
- 7.9** Although the previous permission did not link the flats to the restoration of Helenslee House, it is considered that in view of the significant increase in unit numbers which the present application involves it should be linked to the listed building, and this has been the subject of discussions between officers

and the applicant. The applicant has stated that linking the occupation of the final flat(s) to the completion of the Helenslee House restoration in the same manner as was employed for the new houses would undermine the viability of the development, and that in practice it would not be possible to finance the construction of new flats containing units which could not be sold immediately. The applicant has also explained that current bank lending practices are such that the total amount of debt which is permitted on the whole development is capped at a level which is not sufficient to allow the Helenslee House conversion to be carried out concurrently with the construction of the new flats. They also state that it is not possible to develop Helenslee House before the new-build properties because the conversion is a particularly expensive part of the development (being a single large building which must be completed before any of the units within it can be sold) and before this can be financed it is necessary to reduce the outstanding debt from the purchase of the site and the provision of infrastructure. In practice, this can only be achieved by building and selling the remaining new properties (including the new flats but not including the last 11 houses). The applicant has stated that they remain committed to converting Helenslee House as the income from selling its flats is essential to their financial strategy for the site. The building is to be re-surveyed in the light of the most recent fire damage, and a revised application for conversion into flats will be submitted in due course.

7.10 It is therefore proposed to link the second of the two new blocks of flats (i.e. the additional 12 units) to a staged programme of works on Helenslee House which would concur with the applicant's intentions. The proposed link would be as follows:

- No work to commence on the second block of 12 flats until a programme of works for the first phase of the restoration of Helenslee House has been agreed with the Council. The first phase would comprise securing the building, any works necessary to ensure its physical integrity, and making it wind and watertight (in a manner which would require to be agreed);
- No unit in the second block may be occupied until the aforementioned first phase of works on Helenslee House is completed;
- Additionally, no work on these 12 flats would be allowed to commence until a financial appraisal demonstrating that the full conversion of Helenslee House will be commercial viable had been submitted to the Council. The applicant will provide a letter from the parent company confirming that the necessary financial authorisations are in place to undertake and complete the conversion.

7.11 Whilst ideally the conversion of the listed building would be brought forward to an earlier phase of the development, the applicant's explanations of the financial constraints which limit the phasing of the development are accepted, and therefore the additional safeguards set out above are considered to be the limit of what can realistically be achieved in the current economic circumstances. It is considered that these measures would make a positive contribution towards securing the restoration of Helenslee House, and they would be a significant improvement over the current situation as the 12 flats previously approved are not linked to the listed building conversion at all. This

new provision would be additional to the separate conditions on other permissions which tie the last 11 new houses to the restoration of Helenslee House.

Anti Social Behaviour

- 7.12** 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. 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. Once properties are built on the undeveloped area this will provide more activity and natural surveillance, thus making the whole site more secure. 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.

8. CONCLUSION

- 8.1** The proposal is part of a wider redesign of the undeveloped southwestern corner of the Keil School site, other elements of which have already been approved by a separate application. This application would replace the 12 flats previously approved with 24 smaller flats. The design and layout of the proposed development are considered to be appropriate for this high amenity location, and the development would not have any a detrimental impact upon the amenity of local residents. Conditions are proposed linking the development to a programme of works on the listed Helenslee House. It is therefore considered that the development is an acceptable amendment to the Keil School development.

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 and fences 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. 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. Such details shall include the provision of protective fencing around trees during construction work.
06. The development shall be undertaken in accordance with the tree protection measures identified in the 'Tree Protection Report' dated 4th 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 flat all roads and footpaths shall be completed to the level of bottoming and bitmac base course.**
- 16. Prior to the occupation of the last flat 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 dwelling 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 shall be provided and maintained at all new road junctions and car park accesses.**
- 19. 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.**
- 20. No work shall commence in respect of the second block of twelve flats (i.e. whichever of the two blocks hereby approved**

that the developer chooses to commence second) until such time as:

- (a) a detailed programme of works for the first phase of restoration of Helenslee House has been submitted to and approved in writing by the Planning Authority. The first phase shall include as a minimum all such works as are necessary to make the building secure, to ensure its physical integrity pending commencement of its conversion into flats, and to secure from the elements those parts of the building which are currently open (by a means to be agreed with the Planning Authority and Historic Scotland); and
- (b) a financial appraisal demonstrating the commercial viability of the completion of the conversion of Helenslee House into flats in accordance with permission DC08/224 (or such alternative permission as may be granted), has been submitted to and approved in writing by the Planning Authority. Such appraisal shall include a letter from the applicant's Parent Company confirming that the requisite financial authorisations are in position to enable the conversion of Helenslee House to take place.

- 21. None of the second block of twelve flats shall be occupied until such time as all of the 'first phase' works agreed under condition 20(a) above have been implemented.
- 22. Prior to the commencement of work on site, full details of the proposed repairs to the stone boundary wall shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved prior to occupation of the last of the flats hereby 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(s). KEIL/200, KEIL/217/SC/100, KEIL/217/SC/009, KEIL/217/SC/100, KEIL/ENG/04-01, KEIL/217/SC/010, KEIL/SC/217/001, KEIL/SC/217/002, KEIL/SC/217/003, KEIL/SC/217/004, APT/D/SC/066/020, APT/D/SC/066/021, KEIL/SC/217/005, KEIL/SC/217/006, KEIL/SC/217/007, KEIL/SC/217/008, KEIL/SC/217/012 & Ground Level Tree Survey.*
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 March 2013

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.
4. Previous Planning applications :DC03/176, DC06/295, DC08/224, DC10/199/DC10/245, DC12/211

Wards affected: Ward 3 (Dumbarton)