

WEST DUNBARTONSHIRE COUNCIL

**Report by the Acting Director of Housing, Regeneration
& Environmental Services (Housing & Regeneration Services)**

Planning Committee: 6 December 2006

PLANNING APPLICATION REPORT

APPLICATION NUMBER: DC06-143

PROPOSAL: Erection of flatted development of 16 units with associated parking

SITE: Dunclutha
Parkhall Road, Clydebank.

APPLICANT: Carronvale Homes Ltd

AGENT: Machin Associates, 30 Ludgate, Alloa, FK10 1DS

WARD: 4

DATE REGISTERED: 11/7/06

PUBLICITY:

Category	Published	Expiry	Publication
Neighbour Notification	20/7/06	3/8/06	Clydebank Post

REPORT:

A. SITE DESCRIPTION

The application site is approximately 0.27 hectares in area and slopes down from Parkhall Road towards Dalmuir Golf Course which also borders the north of the site. To the south and west of the site are two storey residential properties with an area of public open space on the opposite side of Parkhall Road. The site was previously the location of a detached villa.

The existing ground levels are generally level adjacent to Parkhall Road before sloping down to the west boundary.

The site contains a number of trees covered by a Tree Preservation Order. There are mature trees within the Golf Course where it borders the site.

B. DEVELOPMENT DETAILS

Permission is sought for the erection of 16 flats, the widening of the existing vehicular access onto Parkhall Road and 27 car parking spaces. The flats would be erected at the west part of the site adjacent to the golf course. This is the lowest level of the site. The flats would be in a general L-shaped block and would be 2 and 3 storeys high. The flats would be stepped to take account of the change in levels across the site.

The external finishing materials would be facing brick and render with Western Red Cedar cladding proposed for the upper part of the elevations. Grey panelling would be used on the shallow roofs.

It is also proposed to carry out earthworks to alter the ground levels in order to provide a more gradual slope across the site.

C. DEVELOPMENT PLAN POLICIES

The site is identified in the Clydebank Local Plan as being within the existing residential area. 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 provides standards that will be expected within new residential development to ensure high quality in terms of shape, form, layout and materials used.

The site is also covered by a Tree Preservation Order and Policy E3 aims to protect these trees.

The site is identified in the West Dunbartonshire Local Plan (consultative draft) as a housing opportunity site with a notional capacity of 12 units.

D. CONSULTATIONS

British Airports Authority	The development could conflict with aerodrome safeguarding unless conditions are attached to any consent requiring a method statement to be submitted detailing how birds (particularly gulls) would be prevented from roosting/nesting on the roofs.
Scottish Natural Heritage	There are trees that could potentially be used as roosts for bats and recommends conditions to ensure that any trees that are to be felled are surveyed for the presence of bats by a suitably qualified person.

E. REPRESENTATIONS

31 letters of objection have been received from nearby residents. The grounds of objection refer to the proposal being out of character with its surroundings; resulting in over-development of the site; inappropriate density; being in close proximity to a conservation area; the development will result in the loss of trees; there will be an increase in traffic and there is a shortage of parking in the area. Comments were also made regarding the proposal's proximity to the Greenbelt; inappropriate design; litigation implications for golfers from stray golf balls; waste water connection difficulties; water run-off resulting in problems elsewhere and the possibility of a bat colony nearby. The possibilities of future building expansion and nuisance from security lights were also raised.

F. ASSESSMENT

Land Use Policy

The application is required to be assessed in terms of the Development Plan and other material planning considerations. The site has been vacant for approximately 20 years and the proposal to develop the site for residential purposes would in principle be acceptable subject to appropriate design, density and layout. The proposal would be consistent with Policy H5 of the Clydebank Local Plan as the surrounding area is predominantly residential and the proposal to erect residential units would be in character with the locality. In addition the site is identified in the draft local plan as a housing opportunity site and is also considered to accord with Policy H2.

Urban Design

The site is located at the edge of the existing built up area of Parkhall with Dalmuir Golf Course located to the west and 2 storey residential properties to the south and east. These properties are set at a lower level to the site and the 2 storey element of the proposal development would be closest to the neighbouring houses at Overtoun Drive and Clark Street with the 3 storey element along the north boundary with the Golf Course. Mature trees provide a backdrop to the site onto the golf course. Only the upper part of the 2 storey element and the upper 2 floors of the 3 storey proposal will be visible from Parkhall Road. It is considered that the scale of the development is appropriate for this location and its relationship to the neighbouring properties is acceptable because the proposed buildings are sufficiently far enough away from them as to not affect their amenity by way of overshadowing or loss of privacy. There are not any windows that would result in overlooking to the neighbouring properties. The nearest windows are approximately 30 metres from the nearest adjoining property and there is also a tree belt in between.

Roads Services has examined the proposal and has not raised any objections to the position of the vehicular access off Parkhall Road and are satisfied with the number of parking spaces associated with the development.

It is considered that the form and layout of the development is acceptable and the major elements of the proposal are sufficiently far enough away from neighbouring properties to respect their amenity. In addition the orientation of the proposed block to the neighbouring properties also assists in amenity being respected.

The architecture utilises low pitched roofs with a range of external materials which are sympathetic to and in character with the surrounding area. It is considered that the design of the buildings is imaginative and relates to the topography of the site.

Other Material Considerations – External Materials and Landscaping

The applicant has indicated a range of external materials including white render with blue facing brick panels for the external walls with high quality Western Red Cedar proposed to clad the upper elevational areas. A dark grey roofing material is proposed for the shallow pitched roofs and it is considered that this mix of materials provides an appropriate blend for this location.

Other Material Considerations-Tree Preservation Order

A tree survey accompanied the application and the applicant has assessed the condition of each tree and made recommendations for the removal or retention of trees. This survey has been examined and its conclusions are agreed with. Trees would mainly be removed along the north boundary with the golf course as well as 2 dead elm trees. The Monkey Puzzle tree is to be retained.

Other Material Considerations – European Protected Species

While no evidence of a bat colony has been found on the site, Scottish Natural Heritage have requested that various measures are taken during the removal of any dead or damaged trees which could be used by bats. Such matters can be conditioned on any consent issued.

Other Material Considerations – Previous Appeal Decision

A previous application to erect 25 flats on the same site was refused in June 2004 and was subsequently dismissed at appeal by the Scottish Ministers in January 2005. The previous scheme included 4 storey flats as well as a separate block fronting onto Parkhall Road.

The Scottish Executive Enquiry Reporter identified a number of concerns which led to his decision that the proposal was unacceptable. He did emphasise that collectively the items of concern made the development unacceptable. However he did indicate that a much more restrained flatted development on the site would be appropriate and the individual items of concern could be addressed through an amended proposal.

He emphasised that the appeal did not fail on account of road safety concerns or on account of the level of traffic generation that would be involved, nor did it fail on account of design criticisms. He did not suggest that the site should only be developed with a tiny handful of conventional houses or that the density of immediately neighbouring development should be matched precisely.

His concerns related to the possible overpowering effect of the gable of the nearest building to neighbouring houses at 5 Clark Street and Overton Drive. The height of the gable was to be 13.0 metres however the current proposal reduces this height to 9.5 metres at its highest point. Concern over vehicular disturbance from proposed car parking bays and the proximity of proposed bin stores and related refuse vehicles to the nearest neighbouring houses was also raised. In the current proposal the bin stores are positioned to the north of the site, away from neighbouring properties and 22 of the 27 proposed parking spaces are also located within the northern part of the site. The Reporter also had concerns that the residents of the new flats may complain about lack of daylight resulting from the trees bordering the golf course and the site's western boundary. The proposal has one leg of the blocks in a different orientation.

It is considered that the proposal now addresses the Reporter's concerns as a result of the number of units being reduced, storey heights being reduced and a visual unity to the design of the blocks.

Other Material Considerations-Representations

With regard to the objections received to the application the matter of accommodating the proposal on site without having a detrimental effect on the amenity of those adjacent to it in terms of overdevelopment, scale, design, character, traffic safety, car parking requirements, and loss of trees has already been addressed above.

The objections received in relation to the effect that the proposal may have on the Greenbelt and Dalmuir High Conservation Area are not relevant. The site is not in the Greenbelt or the Conservation Area. There are trees on the boundary of the site with the golf course that will provide a backdrop to the Greenbelt.

The effect from water run-off from the hard surfacing proposed and the installation of an adequate waste water connection were also voiced as matters of concern. A Sustainable Urban Drainage System should be incorporated within the drainage design and this requirement may be attached as an appropriate condition. The developer will also have to seek consent separately from Scottish Water to connect to the public water supply and sewerage systems.

Litigation against golfers who may hit stray golf balls onto the proposed development and the possible existence of a bat colony on the site were also raised as matters of concern. It is not considered that any fencing is required

because of the alignment of the golf course and a suitable fence would be a substantial engineered structure that would be very close to the proposed flats. Scottish Natural Heritage has no objections to the development but recommends that various measures were taken during the removal of any dead or damaged trees which could be used by bats.

Concerns over additional buildings being added to the site at a later date are not material to the application as any such proposal would be subject to an application for planning consent and assessed at that time. In addition security lights are not proposed as part of this development.

G. CONCLUSION AND RECOMMENDATION

The site has been vacant for approximately 20 years. The proposed development would re-use this vacant brownfield site and the layout, density, design and relationship to the neighbouring properties of the development are considered to be acceptable and appropriate at this location. It is considered that the development accords with the development plan.

It is recommended that planning permission be granted subject to the following conditions.

H. CONDITIONS

- 1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.**
- 2. Prior to commencement of works, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted for the consideration and written approval of the Director of Housing, Regeneration and Environmental Services.**
- 3. Exact details and specifications of all proposed external finishing materials shall be submitted for the further approval of the Director of Housing, Regeneration and Environmental Services prior to any work commencing on the site. Details of the method of colouring/staining the timber boarding on the elevations of the buildings shall also be submitted at this time.**
- 4. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Director of Housing, Regeneration and Environmental Services before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and the extent of any areas of earthmounding, 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.**
 - (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.**
- 5. **The car parking spaces shown on the submitted layout plan (drawing number 1256/1.03E) shall be constructed, surfaced and delineated on the site in all respect before the buildings hereby permitted are brought into use.**
- 6. **Prior to the commencement of the development hereby approved details of the proposed ground levels throughout the site shall be submitted for the written approval of the Director of Housing, Regeneration and Environmental Services. The details shall include the finished floor levels of the proposed buildings and the extent of any under building involved. The levels shall be taken from a Fixed Datum Point which shall be clearly identified on the plans. The proposed levels shall generally accord with the levels shown in cross section on drawing number 1256/1.05. Thereafter the development shall be constructed in accordance with the agreed levels unless otherwise agreed in writing by the Director of Housing, Regeneration and Environmental Services.**
- 7. **During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Director of Housing, Regeneration and Environmental Services, shall be carried out only between the hours of 08.00 and 18.00 Monday to Saturday inclusive and not at all on a Sunday or Public Holiday.**
- 8. **To minimise nuisance in the surrounding area from noise and vibrations, during all construction works the plant and machinery used should be in accordance with relevant Codes of Practice specified in the Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) (Order) 2002 and all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.**
- 9. **Development shall not commence until a method statement has been submitted to the Director of Housing, Regeneration and Environmental Services detailing how birds (particularly gulls) shall be prevented from nesting, roosting or loafing on the**

shallow pitch roofs. Thereafter the agreed method statement shall be maintained in perpetuity.

10. Access into the development should be via a footway crossing designed and constructed to West Dunbartonshire Council Guidelines (fig 10.19).
11. Prior to the commencement of development details of a Sustainable Urban Drainage System shall be submitted and approved by the Director of Economic Planning and Environmental Services.
12. For the avoidance of doubt only the trees identified for removal on drawing number 1256/1.02G shall be removed. The remaining trees and shrubs on site shall not be lopped, topped, felled, lifted, removed or disturbed in any way without the prior written consent of the Director of Housing, Regeneration and Environmental Services.
13. At the same time as the submission of the details referred to in condition 4 above details of the replacement trees shall be submitted for the written approval of the Director of Housing, Regeneration and Environmental Services. These details shall include the species, standard and position of the trees.
14. Should the development hereby approved not commence before May 2007 a repeat bat survey shall be carried out. No development shall commence until the findings of this survey have been agreed in writing with the Director of Housing, Regeneration and Environmental Services in conjunction with Scottish Natural Heritage.
15. The trees which are identified for felling or to have limbs/branches removed shall be removed in sections and shall be carried out from mid March to mid April. In particular the following shall be carried out:
 - i) the felled trees shall be left in situ for 24 hours to allow any roosting bats to leave;
 - ii) a licensed bat surveyor shall be present prior to the felling of trees tagged 277 and 299;
 - iii) where a tree contains a feature(s) with the potential for roosting bats, cuts shall be made above and below the feature and the cut section carefully lowered to the ground and left in situ for 24 hours;
 - iv) any cracks in a tree liable to close during felling shall be wedged open and left for 24 hours;

v) if bats are found during felling then all felling work shall cease immediately and Scottish Natural Heritage shall be contacted for further advice.

16. During all construction works on site, including the provision of services, any excavation works through root areas of the tress shall only be undertaken by hand.
17. All treeworks required shall be carried out in accordance with the submitted Method Statement for tree protection measures along with Drawing No. 1256/1.02F, as approved, as part of this consent.
18. All treeworks required shall be carried out by a qualified arboriculturist and the Director of Housing, Regeneration and Environmental Services shall be notified of the person/company appointed to carry out any works, prior to any development commencing on site.
19. All trees identified for retention on the site shall be fenced off to comply with BS 5837:2005 prior to any excavation taking place on site details of which should be submitted to the Director of Housing, Regeneration and Environmental Services for his approval in writing prior to any development taking place on site and these fences should not be moved or breached throughout the construction period of the site without the prior consent of the Director of Housing, Regeneration and Environmental Services.
20. Any trees which are proposed for removal shall also have their roots removed prior to the planting of any replacement trees.

Irving Hodgson
Acting Director of Housing, Regeneration
And Environmental Services (Housing & Regeneration Services)
Date: 10 November 2006

Wards affected: 4

Appendix: None

Background Papers:

1. Copy of planning application received 24/5/06
2. Copy of amended neighbour notification certificate received 11/07/06
3. Copy of consultation responses from Roads Service received 19/06/06 and 11/07/06.
4. Copy of consultation response from BAA received 30/06/06
5. Copies of 31 letters of objection from nearby residents
6. Copy of tree survey received 04/07/06
7. Copy of bat survey received 18/10/06
8. Copy of consultation response from SNH received 30/10/06
9. Copy of refusal of planning consent DC03/319 and appeal decision dated 05/01/05.

Person to Contact: Sean McDaid, Team Leader, Development Management, Housing, Regeneration & Environmental Services, Council Offices, Clydebank G81 1TG.
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