

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 8 December 2021

DC21/268/FUL: Re-instatement of partially collapsed boundary wall with gabion basket retaining wall and railings on top at 2 and 4 Williamson Avenue, Dumbarton

1. REASON FOR REPORT

- 1.1** The application raises issues of local significance and objection 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 condition set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site includes a retaining wall running along the curtilage of no. 2, 4 and 6 Williamson Avenue and includes the properties of no. 2 and 4 as well as associated garden ground. The existing retaining wall is a mix of stone and brick construction. To the North of the site, other residential properties can be found, to the South there is the remaining part of retaining wall which abuts Williamson Avenue, to the west is a grassed area, Meadow Road and the open space area known as the 'Common' and to the east Williamson Avenue and tenement buildings. The application proposes a re-instatement of the partially collapsed boundary wall with gabion basket retaining wall and railings placed on top of the proposed wall at the property located at 2 and 4 Williamson Avenue, Dumbarton.

- 3.2** The need for these works arose following the collapse of the existing retaining wall which occurred on 23 November 2020. As a consequence, the proprietors of nos. 2, 4 and 6 Williamson Ave were forced to evacuate their homes immediately on the direct instruction of the Council's Building Standards Service due to concern caused by the proximity of the

aforementioned properties to the collapsed wall and the potential for further slippage. The Supporting Statement submitted with the application, indicates that the occupants of no. 6 have since returned to their home, while the proprietors of nos. 2 and 4 remain in temporary alternative accommodation.

3.3 The planned works will consist of the following:

- New gabion basket retention built off ground level to the west face of the collapsed boundary wall (designed by structural engineer) to form permanent retention, projecting 2m from the existing retaining wall. It would measure 45m in length, 2m in height at the northernmost point and 2.4m in height at the southernmost point, in both cases to the height of the existing wall (all measurement approximate);
- New railing of approximately 1.1m in height to be installed at the top of the boundary wall reinstatement.

4. CONSULTATIONS

4.1 None.

5. REPRESENTATIONS

5.1 Four objections have been received in response to the application. The main grounds of objection are summarised below:

- The proposed works are incomplete and could jeopardise the road, the flats and the repair itself;
- The proposed plans are only adequate for a portion of the wall and would not protect the structure of the road within Williamson Avenue; instead, the plans should consider the entirety of the wall and not take the piecemeal approach which will further degrade the integrity of the remaining structure;
- Concern over ground disturbance and vibration as a result of the proposal leading to further failure of the remaining wall, affecting the adjacent private garden ground, public path and the road at the southern part of Williamson Ave and Meadow Road below it;
- Concern as a section of the wall not covered by the application partially failed ca. 2018, which was followed by the issuing of Dangerous Building Notice by the Council's Building Standards Service at the time; since then no repairs have been undertaken;
- Ongoing displacement of residents of the affected properties, risk to the remaining properties and their inhabitants at the southern end of Williamson Ave;

- Objection to the use of gabion baskets due to concern over their visual impact and being not in keeping with the streetscape and creating a prominent negative visual impact on the adjacent area of open space.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy H5 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas at all times. The proposal should be considered against the criteria of the need to reflect the character of the surrounding area in terms of scale, density, design and materials as well as the requirement to avoid overdevelopment which would have an adverse effect on local amenity, access and parking or would be out of scale with surrounding buildings.
- 6.2** The proposal complies with the policies of the adopted local plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Policy BC4 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas.

The proposed development is assessed against the LDP1 Proposed Plan in Section 7 below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.3** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18th December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of these applications is affected by the Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 7.4** Policy H4 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas which reflects the requirements of Policy H5 of the Adopted Plan and Policy BC4 of the Proposed Plan.

Principle of Development

- 7.5** The proposed re-instatement of the partially collapsed boundary wall with gabion basket retaining wall and railings placed on top of the proposed wall is considered to be acceptable. The proposed development will address the structural and visual results of the November 2020 collapse and provide the works required by Council's Building Standards Service. It will also enable the return of the inhabitants of the above properties to their respective homes and bring the residential properties affected back into use. It is also noted that the proposal will not result in any limitations on access to the adjacent footpaths and roads, thus limiting the residential amenity impact. The principle of the development is therefore considered to be acceptable.

Dangerous Wall

- 7.6** Following the collapse of the wall in November 2020 the Council's Building Standards service issued a Dangerous Building Notice under Sections 29 & 30 of the Building (Scotland) Act 2003 confirming that the properties (no. 2 and 4) are unsafe, could not be occupied, and requiring the proprietors to repair and reinstate retaining wall between garden of No.2 and No.4 Williamson Avenue, Dumbarton and provide structural shoring to area of collapse to avoid possible movement to surrounding ground. To comply with the terms of the Dangerous Building Notice, the proprietors of the application property instructed emergency repair works comprising of the formation of a temporary access road and hardstanding to enable the delivery of plant and materials, and further the supply and spreading of type 1 hardcore laid and compacted to create an 'angle of safe repose' to prevent further slippage. The temporary works were supervised by an independent engineer.
- 7.7** Due to the proximity of adjacent properties and the need to prevent further slippage during reinstatement, following the required topographical survey, drainage survey and ground investigation it became apparent to the applicant's structural engineers that it would not be possible to reinstate the wall to the boundary line as it was prior to the collapse. Instead, any remedial solution would involve encroachment onto the 'Common' by at least 2m. The supporting statement indicates that proposed solution of gabion baskets will minimise the extent of temporary support required in the form of vibration driven sheet piling, which, given the proximity of the adjacent properties, may structurally affect the existing house foundations of nos. 2 and 4 Williamson Ave. Further support is offered by the remaining part of the affected wall.

Design and Visual Impact

- 7.8** The proposed gabion baskets are functional in character and their shape and finish is dictated by the engineering considerations resulting from the collapse of the wall they will be replacing. The proposed railing to be placed on top of it is also of predominantly functional character and it is reflective of the existing arrangement where a very similar railing can be found at the top of the existing wall. As stated in the Supporting Statement, alternative methods of repair of the structure could potentially lead to further damage to the wall and more importantly affect the structural stability of the adjacent residential properties, already deemed to be unsafe for habitation. The existing retaining wall is a mix of stone and brick and whilst it would be preferable to replace the collapsed wall with a new stone wall, this is not realistic given the comments of the structural engineer, cost and availability of similar stone. The proposal is considered to be less favourable visually than for example a stone wall which may relate better to the existing streetscape, however the immediate need is to secure the structural integrity of the remaining retaining wall and the need to protect the adjacent properties as well as the human impact on the residents of nos. 2 and 4.
- 7.9** Objectors have raised concerns that the visual impact of the structure on the streetscape will be negative and will not fit with its surroundings, particularly when viewing the site from the area known as the 'Common' looking east. It is noted that the finish of the proposal differs to that of the wall which collapsed, however the retaining wall along its entirety has different finishes – stone, brick and precast concrete. Although the construction of gabion baskets differ from what is presently or previously there, it is considered to be acceptable treatment in the overall context of the area and complies with Policy H4 of LDP 2 Proposed Plan 2. The applicant has agreed to provide landscaping to reduce visual impact and a planning condition requiring the submission of detail of soft landscaping is recommended. It is considered that the evidence provided with the application confirms that alternative options have been carefully considered and are not viable under the current circumstances.
- 7.10** Concerns over the structural soundness of the proposal and its impact on the site, the adjacent properties and nearby roads and footpaths as well as the historic collapse of the adjacent part of the wall are noted and have been considered by the applicant in the Supporting Statement provided with the application. Matters to do with the engineering aspects of the proposal will be considered by the Council's Building Standards Service as well as historic enactment of building controls.
- 7.11** The ongoing displacement of residents of the affected properties, while not a strict planning matter, is deemed to be a consideration. Noting the

prolonged displacement to temporary accommodation experienced by most of the proprietors affected by the November 2020 retaining wall collapse and the various impacts of this predicament on the directly affected individuals and the wider community, it is considered that the proposal will result in the enhancement and protection of residential amenity of the area.

8. CONCLUSION

- 8.1** The proposed development will address the various impacts of the retaining wall collapse and bring back into use residential properties while also removing the temporary structures laid in place to secure the site and prevent access to it. The solution, while different in appearance when compared to the structure in place, will have its visual impacts softened and will have a managed impact on the character of the local area.

9. CONDITIONS

- 1. Prior to the commencement of the development on site, details of screening in the form of soft landscaping to be located between the proposed wall and Meadow Road shall be submitted for the further written approval of the Planning Authority and thereafter implemented as approved.**

Peter Hessett

Chief Officer – Regulatory and Regeneration

Date: 8th December 2021

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Appendix: None

Background Papers:

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 1 Proposed Plan;
4. West Dunbartonshire Local Development Plan 2 Proposed Plan.
5. Representations

Wards affected: Ward 3 - Dumbarton