

**WEST DUNBARTONSHIRE COUNCIL****Report by the Chief Officer – Regulatory and Regeneration****Planning Committee: 30 March 2022**

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**DC21/211/FUL: Residential development comprising of 81 dwellings with associated access, parking, landscaping, open space and drainage on land surrounding Craigend House, Cardross Road, Dumbarton**

**1. REASON FOR REPORT**

- 1.1** This application relates to a proposal classified as Major Development. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATIONS**

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

**3. DEVELOPMENT DETAILS**

- 3.1** The application relates to land which was formerly occupied by St Michael's Primary School and Notre Dame Convent, situated to the south of Cardross Road, Dumbarton. After many years of disuse the site has become derelict and overgrown, and all buildings have been demolished, including the former Notre Dame Convent chapel, which was delisted in October 2016. The former convent and part of the school were also listed buildings but had to be demolished because of damage arising from a series of malicious fires. The main vehicular access to the development site is from Havoc Road with the existing access at Cardross Road being used only as an emergency access, where pedestrians and cyclists will be able to access the development from Cardross Road along the existing tree lined avenue.
- 3.2** To the north and east of the site are the rear of residential properties whilst to the west is Havoc Road at a lower level. To the south, Brucehill Inland Cliff Local Nature Conservation Site and Havoc Meadows Local Nature Conservation Site and the Craigend House convent, which will be accessed from Havoc Road now. The site is separated from the Havoc playing fields by a cliff edge which ensures that the new development will be situated at a significantly higher level than the adjoining land to the south. Beyond the playing fields to the south is the River Clyde which is designated as a Ramsar, Inner Clyde Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The Helensburgh to Glasgow railway line passes under

the site in two tunnels from which it emerges into a cutting that separates the site from the Westfield cul-de-sac to the north-west. A structure containing air shafts for the tunnels is located in the north-eastern corner of the site. In total, the site extends to 4.9 hectares, with levels rising and falling gently across the site.

**3.3** Full planning permission is sought for 81 residential units for sale comprising a mix of semi-detached and detached houses. The development comprises of a range of dwelling sizes as detailed below

- 14 – 3 bed semi-detached houses
- 56 – 4 bed detached house
- 11 – 5 bed detached houses

**3.4** The proposed development will provide 11 different house types which reference different house types and features found in the surrounding area with all houses being 2 storey in height. The site has been split into 3 character zones which will reflect the variety of typologies, streets and spaces surrounding the site. Materials being proposed including facing brick, hardieplank, render and dark grey flat and red pan roof tiles.

**3.5** The developable area of the site is driven initially by the topography and landscape features of the site. A significant area of open space, located primarily at the north end of the site on either side of the access road, which will be available for use by residents. In addition, there will be a landscaped square in the centre of the site in order to create a focal point within the development. The avenue from Cardross Road leading into the site is lined by trees which are protected by a Tree Preservation Order. Recently the Council confirmed a Tree Preservation Order (TPO WDC13,2021) which applies to an area of woodland located on the southern edge of the site and covering the cliff edge and cliff top area of Brucehill Cliffs between Havoc Road and Craighend House. This preserved area will provide high quality recreational and amenity area for future residents and the wider general public.

**3.6** The site has been subject to a number of planning applications over the years. Outline planning permission for residential development on the southern part of the site was granted on appeal in 1994 (ref. DB1974) and was renewed in 1997 (WP97/169). Outline planning permission for residential development on the balance of the site (excluding the southeast area) was sought in 2002 and granted in 2006 (DC01/448). DC09/212 for the erection of 86 dwellinghouses and conversion of chapel into 4 flats was granted consent in January 2010, however was never implemented.

3.7 Supporting technical information includes a Design and Access Statement, Planning Statement, Pre application Consultation Report, Transport Assessment Report, Ecology Report, Tree Survey, Tree Constraints Plans, Arboricultural Impact Assessment and Tree Protection Report.

#### 4. CONSULTATIONS

4.1 Scottish Water and Transport Scotland has no objection to the proposed development.

4.2 Network Rail have no objection to the proposal subject to suitable conditions regarding fencing around the perimeter of the tunnel air shafts and a construction method statement.

4.3 West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to hours of working, dust, railway noise, vibration and contaminated land.

4.4 West Dunbartonshire Council Biodiversity Officer has no objection to the proposal subject to an engineers report confirming no detriment to the integrity of the Brucehill Inland Cliff, a Biodiversity Action Plan being drawn up and implemented, any tree loss being kept to the minimum and to suitable landscaping and replanting being undertaken to provide biodiversity enhancements on site.

4.5 West Dunbartonshire Council Roads Service has no objection to the proposals on road safety or flooding grounds.

#### 5. REPRESENTATIONS

5.1 A total of 231 letters of representation have been received including 209 objecting to the development including Silverton and Overtoun Community Council, Dumbarton West Community Action Group, Lennox Heritage Society and a Ward elected member. A number of contributors have submitted a second representation following re-neighbour notification and being advised of amended plans and the figure reflects this. Where a contributor has made more than one representation, these still only count as one representation. The full versions of each representation are available on the electronic planning file for the application and available for public viewing but for the purposes of this report, they have been summarised below:

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##### Environment

- The proposed development will destroy the trees which provide habitat for wildlife;
- The development will lead to erosion of the cliff;

- There will be a loss of wildlife;
- Potential impact on air quality/ increased pollution;
- The site is already prone to flooding;
- The proposed development should be accompanied by an EIA;
- Development should take place on brownfield land ahead of greenfield land;
- The latest plans are lacking in sufficient detail as there is no structural engineers report confirming that the cliffs will not be damaged by the installation of the SUDS facility;
- A significant Scots Pine tree will be removed. There is only one of two on the site and it contributes greatly to the treeline along the south side of the site. Its loss cannot be accepted;
- Tree number 418 is not identified in the correct location and its removal is unacceptable. Tree 206, a mature sycamore with a life expectancy of over 40 years is scheduled to be removed with no explanation;
- The planting outlined in the submission includes Sea Buckthorn and it is not native to Scotland and is considered an invasive species. The landscaping must be sympathetic to the local area and the proposed Local Nature Reserve to the south.

#### Residential Amenity

- It will lead to an increase in noise and disruption from construction noise;
- Increased dust and dirt caused by construction;
- The proposed development will have an impact on privacy of neighbouring houses;
- The development will result in the loss of an area of green space used by local residents;
- It will have an impact on the health and wellbeing of the community;
- Loss of views to the Clyde.

#### Design and Layout

- Overdevelopment of the site and the houses too close together;
- There are no flats on the site which was part of the original plans for the site and the design is not in keeping with the surrounding area;
- Concern over the location of the SUDS pond;
- Concern over the lack of open space;
- A private playground will be constructed only for access by the children of new residents;
- A wall is being built separating the residents of Brucehill from the new development;
- The number of houses should be reduced to c.80 with more green space retained.

#### Traffic and Transport

- Increased traffic congestion on Cardross Road;

- Impact of traffic at the entrance of Brucehill and Havoc Road and local footpath networks;
- Incorporate a road connecting up with Brucehill and onto Cardross Road;
- Concern there is only one road into and out of the development;
- Hazardous parking will have a negative impact on local emergency services;
- The removal of the footpath leaving no accessible entrance to Clydeshire from Firthview Terrace, Brucehill;
- There should be a road via Brucehill through the new build into Cardross Road.

#### Infrastructure

- Concern over stretched health care services and education services

#### Heritage

- The removal of the iconic chapel statues with no mention of these statues being gifted to the local community;
- The demolition of the listed Notre Dame Convent Chapel/ the Chapel should be renovated;
- Implications of the development on Havoc Hole (Wallace's Cave).

#### Housing Need

- There is no affordable housing as part of the proposed development;
- There is no requirement for further houses in Dumbarton;
- The development discriminates against social housing residents and those with disabilities who wish to purchase a private house.

## 5.2

There are also 22 representations in support of the proposed development and their comments are summarised below:

- The area needs regeneration and has been subject to anti-social behaviour and flytipping over the years;
- The site is an eyesore and a new development will be beneficial to the Sisters and the wider community;
- It will bring new people into the area and improve the local economy;
- The present occupants of Craigend House – Carmelite community have been highly impacted by anti-social behaviour;
- There will be compensational tree planting and a local access from Brucehill to Havoc;
- The historic Havoc cave is not affected by the proposals;
- The play area will be open to the public.

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

### West Dunbartonshire Adopted Local Plan 2010

- 6.1** The site is identified as a housing site under Policy H1 and a Listed Building opportunity but as explained earlier the building is no longer listed. A large area of open space to the south of the site is identified as Local Nature Conservation Site. Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. Policy H4 sets out standards expected of residential development, requiring high quality design in the range of house types and sizes and in terms of form, layout and materials. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area.
- 6.2** Policy R2 specifies the open space provision required for all developments. Assessment of open space requirements has been undertaken against the more updated “Our Green Network” Planning Guidance (2015) in Section 7 below.
- 6.3** Policy T1 and T4 requires sites to be integrated with sustainable travel. Policy E4 requires to protect trees covered by Tree Preservation Orders and Policy E5 relates to trees and requires new development proposals to consider impacts on trees and incorporate suitable tree planting. Policy E3A requires development proposals should not have an adverse effect on the integrity or character of a local nature conservation site. Policies F1 and F2 aims to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SUDS drainage infrastructure. 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 Plan (LDP2) Proposed Plan

- 7.1** The modified LDP2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council’s most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.
- 7.2** Policy H2 identifies this site for housing. Policy CP1 seeks to ensure that housing is of a high quality, adaptable and is designed to be suitable for a mix of occupants. It indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive,

adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming).

**7.3** Policy GI 2, GI 4, ENV1, ENV4, ENV5 and ENV6 are similar to the green network, built heritage, tree, water environment and flooding policies of the Adopted Local Plan albeit that Policy GI 2 sets a higher open space standard to that of the adopted Local Plan. Policies CP2 requires the integration and consideration of green infrastructure from the outset of the design process through to its maintenance and stewardship of the resource.

**7.4** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transport and Policy CON4 sets out a need for all developments to install sufficient broadband provisions. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process, whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use. It is considered that the proposals comply with the above policies as discussed below.

#### Principle of Development

**7.5** The proposed development is appropriate within the surrounding context of residential development given it is bounded to the north west and north and east by residential development. The site lies within the urban area of Dumbarton and it is identified as a housing site within both the adopted local plan and LDP 2 Proposed Plan, and has a long history of previous residential permissions on the site. The proposal will involve the redevelopment of a brownfield site and it represents a long-standing part of the Council's established housing land supply. Overall the principle of residential development is acceptable.

#### Layout and Design

**7.6** The proposed development will provide a series of house types which reference materials, detailing and features found in the local vernacular and surrounding housing. The site has been split into 3 character zones designed to reflect the variety of house typologies, streets and spaces surrounding the site:

- The River Edge – incorporates properties facing south and west overlooking the River Clyde. These properties will be seen on approach to the site and from the public open space spaces to the south of the site. Principle materials will reference a “Scottish Coastal Aesthetic “using off-white render and red pantile concrete tiles. These properties relate to the materiality of those on Firth View Terrace.
- The Residential Area – comprises a mixed material palette of off-white render mixed with mid grey and red flat profiles concrete roof tiles reflective of the residential developments which bound the site.

- The Avenue - relates to the existing buildings on Cardross and Havoc Road reflecting a formal character, with the principle palette comprising buff coloured brick, with dark grey flat profile roof tiles

The proposed new homes will also feature a range of energy saving and low and zero carbon generating technologies including the use of photovoltaic panels on all dwellings in compliance with LDP policies SUS1 and DC7. The proposed density and layout of the development is considered to be acceptable. The overall form of development has largely been dictated by the shape and topography of the site, the position of its access, and by the railway tunnels which cannot be built over as well as the woodland TPO. The land above the railway tunnels will be retained as open space, which will provide an attractive area of landscaping at the entrance to the site and will contain a play area of natural play equipment.

- 7.7** The layout would ensure that there were no unacceptable overlooking or privacy issues for the proposed or existing homes, whilst creating an open and attractive residential environment. The density of the development is in keeping with the surrounding development form and achieves open space and amenity requirements and meets the principles and requirements of the Council's Residential Development Design Guidance. Overall, it is considered that the layout, density and design of development are appropriate for this site.

#### Trees, Landscaping and Open Space

- 7.8** The Brucehill Cliffs Tree Preservation Order (TPO WDC13, 2021) applies to an area of woodland located on the southern edge of the site, and covering the cliff edge and cliff top area of Brucehill Cliffs, between Havoc Road and Craighend House. The Tree Preservation Order includes a mixture of predominantly broadleaved trees, with a significant number of mature and large specimens present. The trees form a high quality area of woodland that is prominent in local and wider views, from Havoc Road to the West, Havoc Fields to the South and from within the former convent site. Due to their close relationship with the clifftop environment, the trees make a very significant contribution to the visual amenity and landscape character of the area. The cliff, trees, plus 'Wallace's Cave/Havoc Hole' set within the cliff, together form a significant local landmark and popular cultural and recreational feature within Dumbarton. They also have a biodiversity value as an area of mature woodland that forms an integral part of the clifftop habitat at Brucehill, which itself is designated a Local Nature Conservation Site for both its ecological and geological importance. Although it is not recorded as such, a number of species present are indicators of ancient woodland. It is also considered that the trees are an important feature that contribute to the character and biodiversity of the adjacent proposed Local Nature Reserve at Havoc Fields, and that the loss of trees could impact on the setting of the Reserve. The Tree

Preservation Order means that the preservation of trees is a material consideration in the assessment of the application.

**7.9** During the consideration of the application there have been extensive discussions regarding the proposed development and its relationship with the adjacent trees and woodland protected by the above TPO. The presence of the TPO does not mean that no trees will be lost through the development but that the significant trees are preserved and the character of the woodland maintained. As a result the housing layout has been amended whereby the curvation of the main access road and housing plots have been shifted away from the TPO and towards the north. This has resulted in the TPO areas to the south east and south west largely remaining intact and the preservation of all Category A and B trees. These changes have resulted in the loss of 4 houses and the number of houses has been reduced to 81 units from the previous 85 units.

The trees which currently form the avenue from Cardross Road are located on either side of the existing access road into the site and are protected by a Tree Preservation Order (TPO) due to the contribution that they make to the character of the surrounding area. As this is only to be used as an emergency access the majority of the trees along the access will be unaffected.

**7.10** In order to minimise the impact of the proposed tree loss, a condition would be attached to the planning consent requiring that the trees identified for removal are marked on site and the proposed buildings and road pegged out with the aim of retaining identified trees for retention and to minimise tree loss. The works will be also overseen and supervised by Arboricultural Clerk of Works. It is also necessary to ensure that suitable replanting is undertaken that will not only enhance the development but also maintain the future amenity of the surrounding area.

**7.11** The amount of open space and landscaping of the site is generous and promotes a green infrastructure approach as advocated by Policy CP2 and G12 of LDP2. A total of 17, 886sqm public open and amenity space is being provided, which exceeds the policy requirement. The landscape strategy has been designed to maximise green infrastructure through the retention of existing landscape features including trees and hedgerows complimented by new planting. A landscape character zone strategy has been established with five zones identified. Zone 1 being the Avenue, Zone 2: the River Edge, Zone 3: The Gateway, Zone 4: Informal Open and Zone 5: Residential Area. The areas of open space over the railway tunnel adjacent to Cardross Road will provides an attractive, green space with informal planting, incidental play and meadow planting to promote biodiversity and amenity value. This area will include an accessible, fun and engaging natural play space which would be in keeping with the

character of the area and available to not only residents but the wider area. The landscape framework will provide an attractive and diverse setting for a high quality residential development and promotes biodiversity and the principles of “Our Green Network” guidance.

#### Ecology

- 7.12** A preliminary ecological assessment (PEA) has been undertaken at the design stage to inform the proposed development and assess any potential impact on protected species. Following this, a number of detailed ecological studies have been undertaken this included additional surveys for bats and breeding birds. The PEA noted that pipistrelle bats use the site for foraging and commuting but no evidence of bat roosts were found in trees during or following the chapel being demolished. There was no evidence of badger, otter, water vole or habitat for breeding amphibians recorded. The PEA makes a range of recommendations to mitigate against any potential impacts of the proposed development and enhance the ecological value of the site and this will be addressed by condition. The proposed development will not have any adverse impacts on ecology and is compliant with Policy E3A of LDP2.

#### Drainage

- 7.13** The drainage has been modelled in detail for the entire development which has resulted in a defined volume for two cellular storage tanks. The two attenuation tanks will be designed by engineers to manage the surface water requirements for the site catchment and the combined storage volumes which has been calculated to allow the necessary attenuation prior to the surface water falling from the development area. The construction methodology for the two tanks has been considered, relative to the road layout which has resulted in the current optimised solution which will avoid the TPO areas and the cliff. Total storage volume is now 1670cu.m compared with the previous estimate of 1150cu.m. One of the attenuation tanks is to be located at the entrance from Havoc Road. The second underground attenuation storage tank is to be located on to the southern boundary formed within an area of rock and therefore will have no impact or requirement to excavate and affect the Scots pine tree. The location of the tank has been selected to avoid the TPO areas and other significant trees on the cliff edge including a notable Scots Pine and will provide a 4metre clearance to the cliff edge. Excavation for the cellular storage tank will involve the removal of 1.85 m of virgin ground comprising topsoil, sand and gravel and then removal of 3.5 m depth of sandstone. The rock will be cut vertically to create a void in which to house the cellular storage tanks and will be contained within 2m of the cellular storage footprint. This will provide a 2m exclusion to the top of the existing cliff profile. The vegetation within this zone and on the existing cliff face will be unaffected by these works. A physical barrier such as close boarded fence should be placed 1m back from the cliff edge to protect

operatives and to prevent access to the site. The excavation will be carried out from the northern side of the proposed tank location thereby there is no impact on the existing cliff face. Additional planting of spiny mix - hawthorn and blackthorn will be proposed along the cliff edge to ensure the ecology of the cliff face is maintained and to prevent access. A further structural engineering survey of the cliff face will be addressed by condition to ensure that the cliff face is not damaged or disturbed due to excavation works. Regarding the long term stability of the underground storage tanks, the excavation will be fully backfilled to existing ground level and the underground storage tanks will be supported on all sides by rock, overlain by well compacted material selected from the site arising's. The ground will be finished in a layer of topsoil and suitably planted.

#### Built Heritage

**7.14** The Chapel was been delisted by Historic Environment Scotland and has now been demolished. The statute of St Joseph from the exterior of the Chapel has been salvaged which lay above the western gable of the Chapel. This feature is now in its final resting place with the Carmelite Sisters. Discussions were held with the Council and the Carmelite Sisters over preserving a frieze from the Chapel and the Cross however the Sisters expressed that they did not wish to preserve this feature.

**7.15** The stone wall and characteristic arch along the avenue from Cardross Road may date from early/mid-19<sup>th</sup> century and although not listed it is worthy of retention and was probably part of the former Clerkhill House estate that previously existed on the site. A condition has been attached to ensure that it is retained and incorporated within the development and that a dilapidation survey is carried out to check the structural integrity and to substantiate its retention. Salvaged stone features from the demolished Notre Dame convent and chapel buildings which are on site will also be used within the future development.

#### Roads, Access, Parking and Permeability

**7.16** One vehicular access will be provided from Havoc Road to the site serving the 81 units. The vehicular access enters the site just to the south of the bridge over the railway line curving down to the south before running approximately parallel to the south of the site, working with the topography of the site and seeking to create clear development platforms that allow outward looking frontages. Emergency access is proposed from Cardross Road via an upgraded 3.7 m shared surface pedestrian /cycle route with dropped bollards to regulate access. No changes are proposed to the existing junction onto Cardross Road from Havoc Road as the number of proposed houses can be accommodated within the existing junction capacity.

**7.17** A Transport Assessment has been submitted in support of the proposal and concludes that there are no capacity problems on the surrounding road network. The site is well served by public transport with bus routes and Dalreoch Railway Station in close proximity and the site is well connected for sustainable travel options. The level of car parking to be provided is considered to be acceptable by the Council's Roads Service with 2 parking spaces provided for 3 bedroom and 3 spaces for 4 or more bedroom houses. The layout has been designed to maximise site permeability and provides good pedestrian links within the site and beyond. The pedestrian access from Havoc Road provides connections down towards the River Clyde including the large area of open space and Core Path 17. It ensures that a, 'safe, comfortable and attractive...' environment for all will be created and reflects one of the key principles of LDP2 Policy CP1 –Creating Places.

**7.18** An additional footpath is to be provided to the north east of the site, where a historic informal path linking the boundary of the site to Brucehill Road. The path is presently overgrown and not evident to pedestrians on Brucehill Road. This footpath will connect up to the general location of the existing overgrown path which continues up Brucehill Road.

**7.19** Technical Matters

The Council's Environmental Health Service have requested a site investigation report including remediation and mitigation measures. These matters alongside other matters regarding dust mitigation and construction activity and noise from the railway line can be addressed as planning conditions. Surface water will be discharged in to the two SUDS tanks. A full SUDS scheme is to be secured as a condition.

**7.20** The SEPA flood maps do not indicate that the site is at risk of river or coastal flooding with only a very small area to the north of the site at medium to high risk of surface water flooding.

Other Matters raised by Representations

**7.21** The proposed development did not require a full Environmental Impact Assessment and that was confirmed by the Council in March 2021 following the submission of a Screening opinion. A few residents have indicated that the development would have a negative impact on the health and wellbeing of the local community. The development will involve the redevelopment of a vacant brownfield site to provide new housing and highly accessible open space and woodland with new footpath links for cycling and recreation. It will involve well designed streets promoting active travel with a range of house types and enhancing natural surveillance on the site which will make local residents feel safer and discourage crime and vandalism. Over the years, there have been site issues with fly-tipping, anti-social behaviour and vandalism and the residents of Craigend House have experienced this in particular. The new development will reduce the risk

of anti-social behavior whilst providing quality housing and high quality open space and amenity facilities for existing and new residents.

**7.22** Some representations raised the issue of air quality but there are no declared Air Quality Management Areas in the Council area with the development encouraging active modes of travel and within close proximity to Core Paths and the local footpath network as well as being in close proximity to bus stops and Dalreoch Train Station. Residents will be provided with a Travel Plan to encourage the utilization of active travel methods.

**7.23** Issues have been raised regarding education capacity and health care facilities. There are no issues with education capacity as a number of schools are within a short distance of the site together with healthcare facilities. There is no requirement to provide affordable housing as per the policies of the LDP. Tree numbers 418 and 206 are to be retained within the site and will not be felled and the tree plan has been amended to include them.

**7.24** Pre-application Consultation and Elected Member Briefing  
As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to the submission of the application. The applicant has submitted a Public Consultation Report and the Pre Application Consultation website was viewed by local residents and the public 247 times and feedback forms were provided on the website to record comments. Eight feedback forms were received as well as 7 questions. The local Community Councils, MSPs and MPs and Councillors were contacted about the proposal. A statutory notice was published in the local press advertising the public event and submission of the Proposal of Application Notice and additional consultation was undertaken by the applicant. Feedback comments related to the road layout and the need for a secondary access point, the need for open space and trees should be retained and the need for affordable housing.

**7.25** The application was also presented to a pre application virtual Elected Member Briefing on 15 June 2021. Specific comments were made regarding house types and footpath connections and these have been addressed within the development.

## **8. CONCLUSION**

**8.1** The proposed development of the site for residential purposes is in compliance with both the adopted and proposed local development plans and will result in the redevelopment of vacant brown field site.

The design, density and layout of the development are appropriate and would not have a detrimental impact on the amenity of any adjacent residential properties or the area. The development has been subject to extensive discussions to ensure that the integrity and character of the TPO, the cliff face and the Local Nature Conservation Sites are not detrimentally affected. The proposal will result in a high quality residential development which maximises its coastal and woodland location and which has a very strong biodiversity focus.

## **9. CONDITIONS**

- 1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the dwellings and associated hard landscaping, to include boundary treatments, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved material details and palette.**
- 2. The development hereby approved shall be constructed in accordance with the finished site levels and finished floor levels as shown on approved plans. Any alterations to these finished site and floor levels shall first be agreed in writing with the Planning Authority.**
- 3. Prior to works commencing on the development hereby approved a planting schedule in association with the proposed soft landscape arrangements approved under drawing 'Landscape Strategy Plan'(LN-LP-01a) shall be submitted for the written approval of the Planning Authority. The approved landscaping shall be implemented within timescale to be agreed with the Planning Authority. Any trees, shrubs or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed by the Planning Authority.**
- 4. Further to condition 3 above and notwithstanding the submitted plans the grass area identified as "informal open space" as part of the Landscape Strategy Plan is not hereby approved. Details of an alternative treatment of this area shall**

be submitted and approved by the Planning Authority and it shall be compatible with the woodland TPO area and implemented as approved.

5. Prior to works commencing on the development hereby approved details of the proposed play equipment and maintenance arrangements shall be submitted for the written approval of the Planning Authority. These details shall incorporate the use of natural play equipment. The works shall be installed in accordance with the approved scheme and in a timescale to be agreed and shall thereafter be retained for the lifetime of the development unless otherwise agreed by the Planning Authority.
6. No dwelling shall be occupied within the site until the vehicle parking spaces associated with that house unit have been constructed provided within the site. The aforementioned parking shall thereafter be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
7. Prior to the commencement of development, full details of the foul and surface water drainage system including the 2 surface water attenuation tanks shall be submitted to and approved by the Planning Authority. This shall include a full structural engineering survey and drawings of how the attenuation tanks are to be installed and the impact on the stability of the adjoining cliff and trees. The approved details shall be implemented as approved.
8. Prior to the commencement of development on site, a Site Biodiversity Action Plan shall be submitted to and approved by the Planning Authority. It shall include landscape and habitat design and management, species protection plans and monitoring protocols and shall be implemented within a timescale agreed with the Planning Authority.
9. Notwithstanding the submitted details the trees identified for removal shall be marked on site and the proposed buildings and road pegged out with the aim of retaining identified trees for retention and to minimise tree loss. The works shall be supervised and overseen by Arboricultural Clerk of Works during prestart and during construction works.
10. Notwithstanding the submitted plans and entrance features adjacent to both Cardross Road and Havoc Road shall be provided. Details of the features shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be

**implemented within a timescale agreed with the Planning Authority.**

- 11. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 12. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 13. The stone wall and arch along the avenue from Cardross Road shall remain intact, unless otherwise agreed with the Planning Authority.**
- 14. Land art stones from the former Notre Dame convent and chapel shall be used throughout the development reflecting the unique history of the site and details shall be submitted to and approved by the Planning Authority before development commences on site and implemented in a timescale agreed by the Planning Authority.**
- 15. The footpath link from the Northeast area to the Brucehill estate shall be reinstated. The location and design of the footpath shall be submitted to and approved by the Planning Authority and shall be provided to the boundary of the application site.**
- 16. Notwithstanding the submitted plans and prior to the commencement of development on site, a 1.8 metre high trespass fence with a maintenance access gate around the perimeter of the tunnel air shafts shall be submitted to the Planning Authority for the further written approval and the development shall be carried out in accordance with the approved details within a timescale agreed with the Planning Authority.**
- 17. No development shall commence on site until a construction method statement which includes plant details, locations and lifting plans within the vicinity of Network Rail infrastructure shall be submitted to the Planning Authority for approval in conjunction with Network Rail and shall be implemented as approved.**
- 18. No development shall take place within the development site as outlined in red on the approved plan 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 Archaeological Service.

19. No development shall commence on site until details for the storage and the collection of waste arising from the development including the location of bin stores and grit bins shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.
20. No development (other than investigative work) shall take place until such time as a comprehensive site investigation completed by a suitably qualified person has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model shall be formalised and these linkages shall be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy/plan shall be submitted to and approved in writing by the Planning Authority and implemented as approved.
21. Remediation of the site shall be carried out in accordance with the approved remediation scheme prior the approved development being brought into use. Any amendments to the approved remediation scheme shall not be implemented unless otherwise approved in writing by the Planning Authority. On completion of the remediation works the developer shall submit a verification report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation scheme and that the works have successfully reduced the risks to acceptable levels.
22. If the remediation plan requires it, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed by the Planning

**Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.**

- 23. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.**
- 24. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works, the developer shall submit a validation report for the approval in writing of the Planning Authority and it shall contain details of the source of the material and associated test results to demonstrate its suitability for use. Thereafter the development shall be undertaken in accordance with the approved details.**
- 25. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of and take into account the following:**
- The impact of the piling on surrounding properties.**
  - Detail any procedures which are required to minimise the impact of noise and vibrations on the occupants of surrounding properties.**

**This statement as submitted shall be prepared by a suitably qualified person and shall take into account the guidance contained in BS6472:1984 'Evaluation of Human Response to Vibration of Buildings'. The piling works shall thereafter be carried out in accordance with the approved method statement until they are completed on site.**

- 26. A noise assessment to determine the impact of rail traffic noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority shall be submitted to and approved by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: "*Technical Advice Note Assessment of Noise*" and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows closed do not exceed 40 dB daytime and 30 dB night-time and the external levels do not exceed 55 dB daytime in any rear garden areas, when measured as  $L_{Aeq,T}$ . The approved scheme for the mitigation of noise shall be implemented prior to the houses being occupied and where appropriate, shall be retained in accordance with the approved scheme.**
- 27. A vibration survey which determines the vibration dose value for properties within 30 metres of the railway track shall be submitted to and approved by the Planning Authority. No dwelling shall be constructed where the applicant cannot demonstrate that there is a low probability of adverse comment from the vibration as prescribed in British Standard BS 6472:1992 – Guide to evaluation of human exposure to vibration in buildings (1-80 Hz). Any recommendations in respect of mitigation measures shall be prepared by a suitably qualified person and implemented as approved.**
- 28. Prior to the commencement of development with the site, details of the location and design of an electric charging points/units and associated ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained as such thereafter.**
- 29. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.**
- 30. Notwithstanding the submitted plans, the number of visitor car parking spaces and their location is not hereby approved. The number of visitor car parking spaces shall be reviewed and reduced in number to provide a more amenity streetscape which**

shall be approved by the Planning Authority and implemented as approved.

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**Peter Hessett**  
**Chief Officer - Regulatory and Regeneration**  
**Date: 30 March 2022**

**Person to Contact:** Pamela Clifford,  
Planning, Building Standards and Environmental  
Health Manager  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** Appendix 1: Location Plan

**Background Papers:**

1. Application forms, plans and documents;
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. West Dunbartonshire Local Development Plan 2 Proposed Plan.
6. 'Our Green Network' Guidance
7. Residential Development Design Guidance

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