

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 25 September 2013

DC13/085: Erection of residential development at Castle Road, Dumbarton by Denny's Homes.

DC13/086: Construction of a new access road, footpath and associated drainage at Castle Road, Dumbarton by Denny's Homes.

1. REASON FOR REPORT

- 1.1** This report relates to two applications for planning permission which raise issues of local significance. Under the approved scheme of delegation they therefore require to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** That the Committee indicate that it is **Minded to Grant** approval of matters specified in conditions (DC13/085) and full planning permission (DC13/086) and to delegate authority to issue these decisions to the Planning and Building Standards Manager subject to: (a) the satisfactory conclusion of a Section 75 Planning Obligation concerning the integration of the development into any future redevelopment of neighbouring sites; (b) the conditions set out in Section 9; and (c) such other conditions as may arise from the outstanding consultations with the Environmental Health Service.

3. DEVELOPMENT DETAILS

- 3.1** Both applications relate to land within the curtilage of Dumbarton Football Club's stadium on Dumbarton waterfront. The stadium site is bordered by a partially completed housing development to the north, the River Leven to the west, Dumbarton Rock and the 'A' listed Dumbarton Castle to the south, and a vacant site which is subject to a current application for housing on the opposite side of Castle Road to the east. All current access to the site is by way of Castle Road, although in the future pedestrian and emergency vehicle links along the riverside through the adjacent housing site are intended. The applications propose to develop the vacant land between the stadium and the neighbouring housing development to the north for residential purposes.
- 3.2** Planning permission in principle has previously been granted for residential development on two separate parcels of land located within the stadium grounds (decision DC09/184). The current proposals therefore comprise an application for approval of reserved matters to provide details of the previously approved new dwellings, along with a separate application for full planning permission to build associated roads and drainage infrastructure which is outwith the boundary of the permission in principle.

- 3.3** The approval of matters specified in conditions application relates to two separate parts of the site. The first is a strip of land along the west side of Castle Road to the north of the stadium, on which it is proposed to erect 5 detached, 2 storey houses with driveways onto Castle Road. These houses would broadly replicate the style and density of the existing new houses on the neighbouring development site immediately to their north. The second site is the north western corner of the stadium site, adjacent to the River Leven and an as yet unbuilt section of the neighbouring housing development. On this site it is proposed to build two blocks of four storey flats, containing a total of 32 two-bedroom flats. One block would front the river, whilst the second would be positioned behind it. Along the edge of the River Leven a walkway would be formed, which would incorporate flood defences and which would connect with similar planned infrastructure on the neighbouring site to provide a pedestrian and emergency access route to the town centre. Due to contamination and flood risk, some landraising will be required, similar to that undertaken at the adjacent residential development. Finishing materials for houses and flats would primarily consist of white render and grey stone detailing, with grey concrete roof tiles, white uPVC window frames and black uPVC rainwater goods.
- 3.4** As the site for the flats is remote from the existing road network, the separate application for full planning permission (DC13/086) proposes the upgrading of the existing access track around the side of the stadium to a proper road standard. The road would connect with Castle Road adjacent to the proposed new houses. The upgraded road would include a footpath and permit access to the parking areas associated with the new flats, whilst continuing to permit vehicular access around the stadium. The application also includes the provision of a sustainable urban drainage system (SUDS) attenuation pond in the area between the new houses and flats.

4. CONSULTATIONS

- 4.1** Historic Scotland has no objection to the proposed houses fronting onto Castle Road and it is considered that the impact of the proposed four-storey blocks of flats will not represent a significant additional adverse impact on the setting of the castle.
- 4.2** West Dunbartonshire Council Environmental Health Service has not submitted final comments at the time of writing, as the submission of further information from the applicant relating to contaminated land, noise and dust control measures was awaited. However, subject to this information and to suitable conditions it is not anticipated that there will be any objection to the proposal.
- 4.3** West Dunbartonshire Council Roads Service has no objection to the development subject to conditions, but notes that various alterations to the detailed roads design may be necessary as part of the Roads Construction Consent process.
- 4.4** Scottish Natural Heritage does not object to the proposal subject to pollution controls and restrictive working between September to April inclusive.

- 4.5** Scottish Water and the Scottish Environmental Protection Agency have no objections to the proposals.

5. REPRESENTATIONS

- 5.1** Four representations have been received in relation to application DC13/086. Two of these representations also state an objection to DC13/085, and in practice all four objections raise issues relevant to both applications. Their grounds of objection can be summarised as follows:

- The site is an important location within Dumbarton and this proposal will result in an unsatisfactory and compromised development;
- The proposal would constitute a piecemeal development which would inhibit the satisfactory future development of the football stadium site;
- The location of the middle block of flats is not acceptable as they do not properly integrate with neighbouring developments;
- Development of this site would represent a missed opportunity given its location next to the River Leven and Dumbarton Castle. A properly planned development which enhances the setting and location is required;
- The site is not large enough for the number of flats proposed, which are being squeezed onto land surrounding the stadium;
- The proposed height of the flats at 4 storeys is too high;
- The plans do not accurately reflect the house types that have been constructed on the adjoining site;
- The flats will be very close to the football stadium and the amenity of the new residents will be adversely affected by floodlights and noise;
- Existing stadium parking areas will be occupied by the development, thus causing football match parking to spill onto surrounding streets, with resultant congestion and inconvenience for residents;
- The supporting information is inaccurate as it states that matches are only played on Saturdays, whereas midweek/evening matches could impact on the amenity of the new flats due to noise and general disturbance;
- The location of the central block of flats would impact on privacy and overshadowing at nearby housing;
- Use of the new access road will cause disturbance at existing residential properties and detract from the amenity of the area;
- The proposal is contrary to the local plan which was in place when adjoining residential properties were purchased; and
- The proposed access road is affected by the position of the pitch and as a result, will be narrow, have tight bends and will not be a suitable access should the remainder of the site ever be redeveloped.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is identified as part of the football stadium site, where Policy R7 seeks to retain the site for stadium purposes. Proposals for non-stadium related uses will be considered against a number of criteria, including:

- Compatibility of the proposed use with surrounding uses;

- Requirement for a replacement football stadium located within the Dumbarton area;
- Impacts on the historic environment, infrastructure, transport and flood risk; and
- Need for high quality of design and a layout which is be compatible with the Dumbarton Waterfront Design Framework.

These issues are discussed in Section 7 below, and it is considered that the proposals satisfy the aforementioned criteria and complies with policy R7.

- 6.2** Policy RD1 encourages the use of brownfield land for residential development, subject to the provision of satisfactory residential environments. Policy GD1 requires the development to employ a high quality design and respect the character and amenity of the surrounding area. Policy H4 sets out standards and assessment criteria for new housing developments. Policy E3A requires that development does not adversely affect local nature conservation sites. Policy BE2 requires that developments respect the setting, character and appearance of listed buildings whilst Policy BE5 indicates that development which adversely affects a scheduled ancient monument will not normally be permitted. These policies are discussed in Section 7 below, and it is considered that the proposal complies with all the relevant policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire LDP Proposed Plan

- 7.1** The site is identified as part of the football stadium site, but Dumbarton Football Club has indicated an aspiration to develop a new stadium on another site. Policy BC1 reserves any redevelopment of the football stadium site for housing development, where this would comply with the residential design guide. In our Changing Places section it indicates that careful consideration must be given to the layout and design of the site as the site is in a sensitive location adjacent to Dumbarton Castle and the River Leven. Any residential proposal for the site should be in accordance with a masterplan which covers the whole football stadium site and should ensure that a riverside walkway is provided which provides access to adjacent developments and Dumbarton town centre.
- 7.2** Policy DS1 of the proposed plan also requires any development to contribute towards creating successful places by having regard to the relevant criteria of the six qualities of a successful place. These criteria include distinctiveness, safe and pleasant environments, accessibility, housing designed to be suitable for a range of occupants, resource efficient and welcoming developments which create an attractive and active street frontage. These criteria are discussed below, and it is considered that the proposal complies with the proposed plan.
- ### Principle of Development
- 7.3** Planning permission in principle for development of these sites for housing and flats has already been granted and whilst full planning permission is also sought for road and drainage infrastructure works which are outwith the permission in principle's boundary, these works are necessary in order to implement that permission. The objectors have rightly referred to the

undesirability of piecemeal development of this important site, but this issue was considered at the time of the permission in principle and it was determined that the site was capable of being developed in a satisfactory manner without it prejudicing the potential wider redevelopment of the stadium site in the future. It is therefore considered that the suitability of the site for a development of this nature and scale has already been established.

Proposed Houses on Castle Road

- 7.4** The proposed houses fronting Castle Road would replicate the layout of the existing modern houses located fronting Castle Road to the north of the site, and would be broadly similar in design and character to these properties. They do not have any impact upon the stadium's existing access or parking, and they do not appear to impose any significant restriction upon future redevelopment of the stadium site should the football club relocate. The new houses are therefore a logical extension of the development along Castle Road, and do not raise any particular technical or design issues.

Proposed Flats and New Access Road

- 7.5** On the other hand, the proposed new flats adjacent to the River Leven do present significant design challenges because of their isolation from existing development and the awkward shape of and means of access to their site which is dictated by the presence of the stadium. As the objectors have noted, the proposed access road skirting the perimeter of the stadium would be unlikely to be suitable for retention as part of a properly designed redevelopment of the stadium site. Furthermore, when viewed in isolation it is not immediately obvious how the two blocks of flats might relate to a future street layout for the rest of the stadium site. These difficulties were foreseen at the time of the planning permission in principle, which featured a generally similar indicative layout to that now proposed, but which was granted subject to the following condition:

18. *The indicative layout shown on Drawing No. 6902/005 Rev B is not approved as part of this consent. Any details submitted under condition 1 above should be for a maximum 32 flatted units and five detached units on the site, and the development shall accord with the Dumbarton Waterfront Design Framework and Design Guide in terms of siting, design and materials.*

- 7.6** The applicant has sought to address this by submitting a design statement and indicative layouts for the wider stadium site, showing how the proposed flats might be incorporated into a future redevelopment of the football ground. The positioning of the two blocks of flats, with the rear block being positioned at an angle to the riverfront block, is intended to maximise the views of the River Leven from the balconies. There is potential to use these two blocks, together with the approved but as yet un-built block of flats on the site to the north, to frame an irregularly shaped square with links to the waterfront on either side of the front block. The applicant accepts that the proposed access road around the side of the stadium would be unlikely to be retained if the stadium was ever redeveloped, and the positioning of the two blocks of flats would be compatible with a new road leading straight from Castle Street to the river edge using the same or a slightly modified junction onto Castle Road. This wider layout is merely indicative, as there are no immediate plans to redevelop the football stadium site and any such proposals would depend

upon the football club being able to build a replacement stadium elsewhere in the town. However, it is considered that the indicative layout does demonstrate that the proposed new development would be capable of being incorporated into a future layout.

Integration with Future Development

- 7.7** Whilst the proposed layout is considered satisfactory in its own right, it will require to be properly integrated with future development of housing on the neighbouring site to the north, and also with any future redevelopment of the stadium should the football club ever relocate, and this is likely to require some alterations to roads and open spaces areas. It is desirable to avoid creating legal or ownership problems which would impede future development or result in unsatisfactory piecemeal development of this important site. Particular changes which may be required in the future include the following:

- Linking of the public space/parking area between the two blocks of flats with the waterfront open space in the site to the north;
- Possible removal or reconfiguration of the open space immediately to the south of the riverfront block of flats to tie in with future road/footpath alignments;
- Stopping up and removal of the “dog leg” road around the side of the stadium, and its replacement with a more suitably aligned road should the stadium be redeveloped;
- Alterations to the access to the car parking area for the rear block of flats.

- 7.8** The Football Club, as owners of the site, recognise that piecemeal development which would not fit in with future redevelopment of the whole stadium site would be undesirable and would also erode the value of the overall site. In order to enable these future alterations to take place should the need arise, it is recommended that a planning obligation be employed, specifying that the “dog leg” road will be replaced as part of any redevelopment of the stadium site, and including provisions for future alterations to the landscaping, access and parking areas where these are required in order to integrate the site into future development of neighbouring land.

Design of Buildings

- 7.9** The proposed new housing is consistent with existing and approved neighbouring developments in terms of housing layout and mix. The proposed road design includes some elements inspired by the Scottish Government’s Designing Streets guidance, including some unconventional road geometry and elements of shared surface. The proposed houses would have traditional proportions, fenestration and roof pitches, but would be finished in a simple modern style. They would be very similar in appearance to the existing detached houses on Castle Road and are considered to be appropriate for the site. The two blocks of flats would be 4 storey in height, finished with a hipped roof and would feature balconies on the western elevations facing the River Leven. The applicant proposes that the buildings be finished primarily in white render with light grey Forticrete Shearstone walling. In addition, grey stone quoins, cills, heads and mullions, black uPVC rainwater and drainage goods would be combined with grey interlocking roof

tiles. Overall, the appearance of the buildings, including materials, would reflect that of neighbouring buildings and it is considered that they would contribute to creating an attractive residential area.

Historic Environment

- 7.10** The stadium is adjacent to Dumbarton Castle, and it is important that the development does not detract from its setting. The Council's adopted Waterfront Design Framework places considerable emphasis on opening up views of Dumbarton Rock and Castle from the town centre. The applicant has provided a photo-montage showing the development from this direction, which demonstrates that the proposed flats would appear to the side of the rock rather than directly in front of it, and that they would be similar in scale to the waterfront flats approved on the adjacent Turnberry Homes site. It is therefore not considered that the proposal would have a detrimental impact on the setting of Dumbarton Castle, although any future redevelopment of the stadium itself will require careful design to avoid such an impact. The proposed 2 storey houses fronting Castle Road will have a minimal impact on the castle, but as Castle Road is the access to the castle it is important that it be of a suitable character. The proposal would continue the existing line of substantial detached houses on the west side of the street, and would have minimal impact on the character of the street.

Open Space

- 7.11** The most important amenity space would be the riverside walkway, and landscaping adjacent to it. Upon completion of redevelopment of several sites to the north, the walkway would provide a continuous pedestrian route along the river's edge between the town centre and the castle, which is an important aspiration of the Waterfront Design Framework. Other than the riverside area, open space would be provided around the SUDS pond in the central part of the site. It is considered that due to the nature of the development and the high cost of the river front open space, there would not be a requirement for a contribution towards an off-site children's play area.

Infrastructure and Transport

- 7.12** The local road network and other infrastructure have sufficient capacity to accommodate the number of new homes proposed. Part of the land relating to these applications is currently available as overflow car parking, however it is not always required and adequate car parking for the stadium exists elsewhere within the stadium grounds. The loss of this overflow parking area would not have a detrimental impact on the operation of the stadium as it currently exists, however it may limit any future redevelopment or enlargement of the stadium. Roads Services are satisfied with the proposed access and parking arrangements. However, it would be appropriate to impose a condition that no work could be undertaken to construct this development until such time as a separate planning application has been approved and thereafter implemented which reconfigures the existing on site stadium parking to provide a minimum of 224 car parking spaces and 3 coach spaces. This would equate to a ratio of 1 space per 10 seats which is considered acceptable. Once revised parking arrangements are in place, it is considered that traffic for both the stadium and the new dwellings could operate satisfactorily on match days. On match days, it is proposed that a management scheme would be put in place to ensure that stewards restrict access to the parking associated with the flats to guests and their visitors.

Flood Risk

- 7.13** In order to minimise the risk of flooding on site, the measures previously proposed as part of a flood risk assessment submitted with the outline application (DC09/184) have been incorporated into the design and include minimum floor levels and the construction of a flood wall. SEPA have confirmed that they have no objection to the proposal on flood risk grounds subject to the implementation of measures such as the construction of a flood wall as part of the riverside walkway and a minimum ground floor level of 5.58m Above Ordnance Datum (AOD). Development on the floodplain was assessed as part of the outline application (DC09/184) and was considered to be acceptable by SEPA and the Council subject to the above measures. An important secondary function of the proposed riverside walkway is to provide an alternative emergency access route which is above the 1 in 200 year flood plain (which affects some of the existing streets north of Castle Road).

Contaminated Land & Noise Assessment

- 7.14** Due to the site's former use as part of a shipbuilding yard, it has been identified as potentially contaminated land. Whilst some technical information has been submitted, further information is required, particularly in relation to groundwater. Similarly, the proximity of the flats to the football stadium necessitates an assessment of the measures to mitigate noise, and whilst a noise impact assessment has been submitted further clarification of a number of points is required before it can be agreed by the Environmental Health Service. Consequently, final consultations with the Environmental Health Service regarding contaminated land and noise were outstanding at the time of writing, and these will require to be concluded prior to any permission being issued.

Natural Heritage

- 7.15** Whilst the site itself does not have any nature conservation designations, it does lie in close proximity to the Inner Clyde Special Protection Area (SPA) and the Endrick Water Special Area of Conservation (SAC). Scottish Natural Heritage has indicated that the Inner Clyde SPA is habitat to an internationally important population of overwintering redshank and that they may be liable to acoustic and visual disturbance during construction. SNH has therefore recommended that there should be no construction work outwith the September to April period. The applicant has indicated a willingness to accept this recommendation as a condition.

8. CONCLUSION

- 8.1** The principle of residential development has already been established and the details of the development would be consistent with the policies of the adopted local plan and the proposed LDP. Whilst it is important to avoid piecemeal development, the proposed layout and road arrangement demonstrates that a satisfactory layout can be achieved which would also be capable of being satisfactorily adapted should the football stadium ever be redeveloped itself. Importantly, a riverside walkway will provide pedestrian access to the town centre and a link with the neighbouring housing development. Whilst some technical consultations are outstanding it is not envisaged that these will raise significant issues which could not be addressed through conditions. There should not be an unacceptable impact

on the Inner Clyde SPA, Dumbarton Rock or Dumbarton Castle. Overall, the proposed developments are considered to be acceptable and can be accommodated on site without having a detrimental impact on the operation of the football stadium or surrounding residential area.

8.2 In order to ensure that the development is properly integrated with any future development of neighbouring sites, it is proposed to require a Section 75 Planning Obligation covering both the application sites and the stadium itself, and addressing the following issues:

- Any future redevelopment of the stadium site to include the provision of a new road access to the flats through the stadium site, the stopping up of the “dog leg” section of road approved by permission DC13/086, and modifications to the access to car parking areas for the flats;
- Any future redevelopment of the stadium site to include reconfiguration or removal of specified areas of landscaping approved under permission DC13/085, should this be necessary to achieve an appropriate layout for the future development;
- Modifications to the area of landscaping to the north of the riverside block of flats shall be permitted as part of development of that site, in order to create a single public space linking the two sites.

9. CONDITIONS

DC13/085

- 01. Exact details and specifications of all proposed external materials, which shall include relevant samples, 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 all hard surfaces shall be submitted for the further written approval of the Planning Authority and implemented as approved.**
- 03. Prior to the commencement of works, full details of the design 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.**
- 04. No unit shall be occupied until the access and vehicle parking spaces associated with that unit have been provided within the site in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking at all times.**
- 05. 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 by 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.**

06. 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 occupation of the first property. The landscaping scheme shall thereafter be maintained in accordance with these details.
07. During the period of construction, no work on the flats (excluding internal fitting out) shall be undertaken during September to April inclusive.
08. The presence of any previously unencountered 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 affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved in writing by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
09. Prior to the commencement of development, details of the management strategy to minimise use of the parking provision for the flats from users of the adjacent football stadium shall be submitted to and approved in writing by the Planning Authority. Such arrangements shall thereafter be implemented as approved prior to the occupation of any of the units hereby approved.
10. Prior to the occupation of the last ten dwellings within the development, the riverside walkway incorporating flood defences shall be completed to its finished standard. Such standard shall be sufficient to ensure that (open completion of connections to the walkway from the neighbouring land to the north) the walkway is capable of being used as part of an emergency vehicular access to the site in the event of a 1 in 200 year flood event.
11. No dwelling shall be occupied until such time as the means of disposal of surface water (which shall be by way of Sustainable Urban Drainage Systems) has been completed in accordance with permission DC13/086, or with such alternative means of provision as may first be approved by the planning authority

DC13/086

01. 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 occupation of the first property. The landscaping scheme shall thereafter be maintained in accordance with these details.
02. 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 by 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.

03. During the period of construction, no work on the drainage pond and access road (excluding the Castle Road junction) shall be undertaken during September to April inclusive.
04. The presence of any previously unencountered 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 affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to and approved in writing by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
05. No development shall commence until such time as details of the future maintenance arrangements for the SUDS infrastructure have been submitted to and approved in writing by the Planning Authority. Such arrangements shall thereafter be implemented as approved.

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Date: 22 August 2013

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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Consultation responses;
3. Letters of representation; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: Ward 3 (Dumbarton)