

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 23rd October 2019

DC19/096: Residential development (Amendment to DC10/065/FUL with change of house type and associated roads and landscaping) at the former Allied Distillers Site, Castle Road, Dumbarton by Turnberry Homes.

1. REASON FOR REPORT

- 1.1** The application constitutes a major development and 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 conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site relates to an area of land on Castle Road, Dumbarton which forms part of a wider, consented residential development site. The site extends to approximately 1.98 hectares in area with the land itself vacant and cleared for development.
- 3.2** Planning Consent was granted for 235 residential units (to be delivered in 3 phases) for the wider site in May 2010 (DC10/065/FUL) comprising of a mix of housing and flats. A planning consent for an amendment to the housing mix and relocation of the open space within Phase 1 and Phase 2 of the site was subsequently approved in 2016 (DC16/065). This included the substitution of 42 proposed townhouses with a range of terrace and semi-detached properties. The overall number of units within the site as a result of this permission reduced to 226 dwellings in total. Construction work started on site in 2016 and the development is now currently progressing with the majority of the Phase 1 and 2 properties on Castlegreen Street now completed. The current proposals relate to Phase 3 which is the most southern portion of the wider consented site.

- 3.3** The application seeks to reconfigure elements of the Phase 3 layout and design in order to allow it to better integrate with the consented and implemented changes for Phase 1 and Phase 2 granted in 2016. The 106 flatted units arranged in 3 distinct continuous linear blocks are proposed to be replaced by a mixture of 16, two storey semi-detached and terraced houses and 83 four and four/five storey pavilion flatted blocks. The design and material palette of the buildings is also being altered, with a mix of brick and render for housing to match those in Phase 1 and 2, and full brick elevations for the flatted buildings. As a result of these changes the number of units in Phase 3 will be reduced from 106 units to 99 units.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service, Environmental Health Service, Historic Environment Scotland (HES) and West of Scotland Archaeological Service (WOSAS) Glasgow Airport and Scottish Natural Heritage (SNH) have no objections to the proposed development.

5. REPRESENTATIONS

- 5.1** There is one representations received in support but requires clarification on the following :
- Requirement to consider Policy G13 and G14 of the Proposed Local Development Plan.
 - Limited green space provision within the proposed site layout for Phase 3.
 - Requirement to provide allotments, growing space or a community garden through this phase of development.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** West Dunbartonshire Local Plan 2010 (Adopted)
Policy GD1 seeks to ensure that all development is of a high quality of design and respects the character and amenity of the area. Policy R2 specifies the open space provision required for all development and would allow the request of payment of a financial contribution where appropriate. Whilst no formalised open space provision is proposed as part of this development, this has been addressed through the previous planning consents granted for this site. This is located in Phases 1 and 2 of the wider site and the provisions afforded exceed the minimum requirements of the policy.

- 6.2** Policy BE4 and Policy BE5 respectively aim to ensure that all development where applicable protects and enhances cultural and built heritage including listed buildings and scheduled monuments. Policy E2A and Policy E2B are also applicable noting the sites proximity to a Natura and Special Protection Area (SPA) offset to the southern site boundary. The proposals, comply with all of the relevant policies contained in 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** The consideration of policies DS1, GE2, GN3, BE2 and BE3 with regards to design quality, green networks and infrastructure, cultural heritage and habitat networks and protected species are similar to that of the Adopted Plan. Policy DS1 in particular seeks to ensure design quality in housing and that housing is suitable for a mix of occupants rather than a specific demographic.
- 7.3** The Residential Development: Principles of Good Design Guidance applies to all developments of more than 3 units and has been addressed in terms of the proposed design and site layout. The proposal complies with all the relevant policies contained in the Proposed Plan and is assessed fully in Section 7 below.
- West Dunbartonshire Local Development Plan (LDP2) Proposed Plan
- 7.4** On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.
- 7.5** Similarly to policy DS1 of Proposed Plan 1, Policy CP1 seeks to ensure that housing is of high quality, adaptable and is designed to be suitable for a mix of occupants. It also indicates that all 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).

The Residential Development: Principles of Good Design Guidance also applies for LDP2.

7.6 Policies CP1, CP2, GI2 and ENV1 are similar to the design, green network and nature conservation policies of the Adopted and Proposed Plan 1 policies albeit that Policy GI2 sets a higher open space standard to that of the adopted Local Plan and Local Development Plan1. It is considered that within the context of the wider development, it accords with the 'Our Green Network' Planning Guidance.

7.7 The Dumbarton Development Strategy supports the protection of Dumbarton Castle and its setting, requiring consideration of the impact of the proposal on the Castle setting. More specifically, Dumbarton Policy 7: Dumbarton Castle requires adjacent developments to preserve key views of the rock face and a need for any development to recognise, protect and, where appropriate, enhance the setting of the Castle through the design and layout.

Principle of Development

7.8 The principle of housing on this site has already been established with the previous permissions on the site and support from the Adopted Local Plan and Proposed Local Development Plans. This current application seeks to revise the layout for the southern part of the site to allow it to more effectively relate to the other parts of the site. Given the principle of residential development is already established, consideration is therefore given in this instance as to whether the revised design and proposed house types is acceptable.

Site Layout

7.9 The reconfiguration of the layout and the substitution of house types to remove the continuous, linear rows of flatted blocks and replace them with a series of smaller pavilion type blocks (of a similar height) is considered to represent a design improvement which will help to open this section of the site up and improve visual links and connections with the nearby Public Open Space, Castle Rock and the Clyde Estuary. The introduction of these segmented pavilion blocks along the shorefront and Castle Road edge also allows the opportunity to create greater visibility from the development out over the Public Open Space and Clyde Estuary whilst at the same time improving pedestrian permeability through increased connectivity with the path network at the southern end of the site.

7.10 The inclusion of detached two storey housing has now been continued into Phase 3 with these house types now extending down Castle Road along with a block of terraced dwellings. These proposed two storey houses will create a more natural and complimentary transition between

houses and flats moving through the phases of development within the site. The original centralised spine road, with a full length vista through the site has been retained from the original layout, along with the 'book-end' arrangement formed by the positioning of the flatted blocks at either side of Castlegreen Street. Overall, the proposed layout and positioning accords with the relevant provisions of the adopted Local Plan and Proposed Local Development Plans with respect to density and layout design.

Building Design and Appearance

7.11 The new/revised flatted blocks are designed in a more contemporary manner than when compared to the earlier phases which were designed to be more in-keeping with the existing tenement properties on Castlegreen Street. The housing will be finished with a mix of cast stone and render to match those houses already built on site in Phases 1 and 2 of the wider development. The flatted blocks will adopt a change of palette, with grey toned facing brick introduced on the elevations. In terms of roof design, the flatted blocks will be mono-pitch with the ridge predominantly to the main elevations. They will be finished generally by a single-ply membrane finish slate grey in colour. For the proposed housing, the roofs are to be gabled ended with ridges running parallel to the front elevation street. The roofs are to be slate grey tile finish.

7.12 The changes proposed to the appearance of the buildings, in particular the flatted blocks are acceptable and respond to those within the wider locality. The more muted material palette adopted compliments those properties either built or under construction within Phase 1 and Phase 2 of the wider site and ensures continuity throughout the varying phases of development.

7.13 Whilst the site is in close proximity to Dumbarton Rock and Castle, HES have offered no objections to the proposals and outlined their support for elements of the scheme, welcoming the changes in building materials and the principle of the replacement of the flatted blocks with a mixture of lower scale housing smaller, segmented and more open pavilion style blocks which create more space within the site. On balance, the proposed changes are considered to allow this phase of the development, in particular the flatted blocks to have a less imposing impact and influence upon the Rock and Castle and the proposals are compliant with the applicable policies in this regard.

Open Space Provision

7.14 The open space provision layout agreed as part of the wider development shows for an area of an open space in the centre of the site (within the Phase 2 section) in the form of a communal garden/ equipped play area which is currently under construction. In addition, there was a substantial

area of open ground to the south of the site. This open space is not affected as part of the current proposals for Phase 3. Cognisance requires to be given to the fact that this site forms part of a wider consented scheme, and noting the open space provisions provided more broadly throughout the development site, it is not considered that any further open space provision is required as part of these particular proposals for Phase 3.

Technical Matters

- 7.15** Parking associated with the blocks has been revised to facilitate the new layout and these are now predominantly accommodated through private courtyards to the rear of the blocks. The overall parking levels within the site meet with the Council's parking standards.
- 7.16** Modest variations to the road network within the site have been proposed, however as previously outlined the primary spine road arrangement is consistent with the original scheme. The road network will link directly to that already established as part of Phase 1 and Phase 2 and there are no additional accesses proposed as part of this particular application. The Council's Road Service has no objections to the proposed development on these grounds.
- 7.17** SEPA and the Council's Environmental Health have no objections respectively to the proposed development subject to applicable planning conditions previously attached to the original consent being re-attached where relevant. SNH have no objections subject to the re-imposition of conditions protecting the Special Protection Area to the South of the site.

8. CONCLUSION

- 8.1** The proposed amendments to the layout, house types and design of housing are considered acceptable and complement and relate to the existing phases of development and are in keeping with both the Clyde shore waterfront location and the Dumbarton Rock and Castle.

9. CONDITIONS

- 1. Prior to the commencement of development on site exact details and specifications of all proposed external materials of the proposed dwellings and flatted blocks, shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.**

- 2. Prior to the commencement of development on site details of the design and location of the bin stores, cycle storage, street furniture and lighting shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.**
- 3. Prior to the commencement of development on site full details of the design and location of all walls and fences to be erected on site shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.**
- 4. Prior to the commencement of development on site full details of all hard surfaces shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.**
- 5. The approved landscaping scheme as shown on approved drawing 424.15.01a 'Landscape Proposals' shall be implemented no later than the next appropriate planting season after occupation of the first property within Phase 3. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.**
- 6. Prior to the commencement of development on site a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority. The details shall comply with Advice Note 3 and Note 8 'Potential Bird Hazards from Amenity Landscaping' and 'Building Design'. The submitted plan shall include details of:**
 - Full details of soft and water landscaping as well as the species, number and spacing of trees and planting within the site.**
 - Management of building including details for the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds.**

The Bird Hazard Management Plan shall be implemented as approved at a timescale to be agreed with the Planning Authority. It shall remain in force for the life of the development and no subsequent alterations to the plan shall take place unless firstly approved in writing by the Planning Authority in consultation with Glasgow Airport.

- 7. No lighting, between the months of September to March inclusive, shall illuminate foreshore areas of the inter-tidal habitat or the Inner Clyde Special Protection Area (SPA) from the development site.**
- 8. During the full construction period of Phase 3 the following shall be carried out on site during September to April (inclusive):**
 - a) Any piling undertaken shall use the Continuous Helical Displacement (CHD) method or another method for which the specified maximum noise is no greater than CHD, or does not produce significant impulse/impact noise.**
 - b) Static plant and machinery shall be sited in the northern portion of the Phase 3 site where possible and plant/machinery should be suitably enclosed and/or silenced in accordance with the maximum measures described in BS5228 (1999: Part 1). Details of their exact location should be submitted and approved by the Planning Authority prior to any works on Phase 3 commence and shall be implemented as approved.**
- 9. The existing acoustic and visual screen fence located and present along the southern boundary of the application site and as implemented as part of the fulfilment of Condition 27 of planning consents DC10/065/FUL and DC16/065 shall be retained and maintained in its current position throughout all development activities taking place between the months of September to April inclusive. No alterations or modifications to its layout or design/arrangement shall be undertaken unless otherwise agreed in writing by the Planning Authority.**
- 10. During the period of construction work on site, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:**
 - Mondays to Fridays: 0800-1800**
 - Saturdays: 0800-1300**
 - Sundays and Public Holidays: No working**
- 11. During the period of construction, piling works shall be carried out between the following hours and at no other time unless otherwise approved in writing by the Planning Authority:**

- **Mondays to Fridays: 0800-1800**
- **Saturdays: 0800-1300**
- **Sundays and Public Holidays: No working**

- 12. No piling works shall be carried out within the development site until a method statement has been submitted to and approved in writing by the Planning Authority. This shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.**
- 13. Prior to the commencement of development on site, a noise impact assessment shall be submitted to and approved in writing by the Planning Authority. This noise assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from Dumbarton Football Ground and the nearby commercial/industrial units located to the east of the development using appropriate assessment criteria. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use. The noise impact assessment measures shall be prepared by a suitably qualified person.**
- 14. Further to condition 13 above, no residential unit shall be occupied within Phase 3 until such time as the approved noise attenuation measures relating to that unit have been completed to their finished standard and these shall be retained thereafter.**
- 15. Prior to the commencement of development on site, a noise control method statement for the construction period shall be submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the**

approved method statement unless otherwise agreed in writing by the Planning Authority.

- 16. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site within Phase 3 until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. This scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved in writing by the Planning Authority.**
- 17. No development (other than investigation works) shall commence on site within Phase 3 until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.**
- 18. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.**
- 19. 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 by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.

20. When considered necessary by the Planning Authority a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation shall be submitted to and approved in writing by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed with 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.

21. No development (other than investigative works) shall commence on site within Phase 3 until such time as a revision of the Investigation Report 2015 by Johnson, Poole and Bloomer, is carried out in accordance with the Land Contamination & Development Management Summary Guidance & Checklists and shall be submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:

- a) A detailed site investigation identifying the extent, scale and nature of contamination on the Phase 3 element of the site (irrespective of whether this contamination originates on the site)**
- b) An assessment of the potential risks (where applicable) to:**
 - i) Human health property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes.**
 - ii) Groundwater and surface waters**
 - iii) Ecological systems**
 - iv) Archaeological sites and ancient monuments**
- c) An appraisal of remedial options, including a detailed remediation scheme based on the preferred option.**

- 22. 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 in writing by the Planning Authority prior to any such 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 also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works within Phase 3 (as shown on Drawing No. AL(0)04 – Phase 3 Development Plan) and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.**
- 23. Prior to the commencement of development on site within Phase, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System (SUDS) shall thereafter be formed and maintained on site in accordance with the approved details.**
- 24. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing 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.**
- 25. Prior to the commencement of development on site within Phase 3 details of the programme of works proposed during Spring High Tides shall be submitted to and approved in writing by the Planning Authority. These details shall demonstrate that there will be no works that exceed the current ambient noise levels within the site, except the use of vehicles (excluding plant machinery and heavy vehicles) and hand held non mechanised tools and equipment. The approved works shall be implemented as approved.**

- 26. The development shall be constructed in accordance with the proposed ground levels as shown on Drawing No. 1120 – 130 Rev J ‘Levels Layout’. Any alterations to these levels shall be agreed in writing with the Planning Authority prior to being undertaken and shall be implemented as approved.**
- 27. Prior to the commencement of development on site, details of any works required along the banks of Gruggies Burn shall be submitted to and approved in writing by the Planning Authority. The details shall include protection measures to ensure that any landraising/fencing near to the burn does not have an adverse impact upon wildlife and that appropriate measures are in place to prevent pollution into the watercourse. The approved details associated with these works shall be implemented as approved.**
- 28. Prior to the commencement of development on site, details of the access arrangements to the water course (Gruggies Burn) immediate to the east of the application site for the inspection and maintenance purposes shall be submitted to and approved in writing by the Planning Authority. The approved details associated with these works shall be implemented as approved.**
- 29. Prior to the commencement of development on site, details of the phasing of the road construction of Phase 3 to Phase 1 and Phase 2 shall be submitted to and approved in writing by the Planning Authority. These details shall ensure that:**
- a) Prior to the occupation of any house or flatted property within Phase 3, all roads and footpaths within and serving this phase shall be completed to the level of bottoming and bitmac base course, including the access bell mouth, visibility splays and all turning heads; and**
 - b) Prior to the occupation of the last ten units within Phase 3 (as shown on Drawing No. AL(0)04 – Phase 3 Development Plan), all roads and footpaths within and servicing this phase of development shall be completed to their final specification and adoptable standard.**
- 30. Prior to work commencing on site, full details of the flood prevention measures recommended in the Flood Risk Assessment (FRA) by Dr J Riddell (October 2009), shall be submitted for the further approval of the Planning Authority and shall be completed prior to the occupation of any houses granted by this consent.**
- 31. Notwithstanding the provisions of Classes 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland)**

Order 1992 or any order revoking and re-enacting that order, no development of the integral garages shall take place within any of the plots within Phase 3 (as shown on Drawing No. AL(0)04 – Phase 3 Development Plan) without the benefit of a separate planning permission.

Peter Hessett
Strategic Lead- Regulatory
Date: 23rd October 2019

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Appendix: None

Background Papers:

1. Application forms, plans and supporting documents;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan Proposed Plan (LDP 1);
5. West Dunbartonshire Local Development Plan 2 Proposed Plan (LDP 2);
6. Representations

Wards affected: Ward 3 (Dumbarton)