

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Planning Committee: 22nd January 2020

DC19/169: Formation of a plot for a single house with associated access, parking and garden ground at land at Dillichip Loan, Bonhill by Mr John Burleigh.

1. REASON FOR REPORT

- 1.1** The application is subject to objections including a representation from a Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1** The application site relates to an area of land situated immediately off Dillichip Loan, Bonhill which is accessed by and directly feeds off Main Street, Bonhill. This road provides access to the land associated with the application site but also Diageo Whiskey Bond warehouses which are located at the termination of the road to the west of the site. The land associated with the site extends to approximately 0.15 hectares. The applicant owns a significantly larger area of ground which extends to the west of this application site, however this does not form part of the application site. The site itself is brownfield and historic records show that it previously accommodated a group of tenement buildings which provided accommodation for workers of the former Dillichip Dye Works factory which was located nearby to the site. Since these have been demolished the site had lay vacant and undeveloped.
- 3.2** The site is neighboured to the north by Dillichip Loan Road and thereafter residential properties, to the east by residential properties and to the west and south by grassland and woodland. The site is now grassed and comprises of both scrub and bracken coverage. There are a number of trees within the site including most notably along the southern and eastern side boundaries respectively.
- 3.3** Planning permission in principle for a single house is sought on the site. The details indicate that the vehicular access is to be taken direct from Dillichip Loan and indicatively show the footprint for a single house, an internal driveway and the general parking arrangements. No details of the specific

design, scale, layout, size or appearance of the house have been included at this stage.

- 3.5** In support of the application, alongside the proposed site plan, an Ecology Assessment /Survey and Traffic Survey Report have been included.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service and West Dunbartonshire Council Environmental Health Service have no objections to the proposed development subject to conditions.

- 4.2** SEPA, Scottish Water and West of Scotland Archaeological Service have no objections to the proposed development.

5. REPRESENTATIONS

- 5.1** Three letters of representations have been received, objecting to the application including one from Bonhill and Dalmonach Community Council. A summary of the points raised are as follows:

- Removal of pavements outside the application site at the junction of Main Street will impact and affect road users and pedestrian safety.
- Objection to road widening at junction of Dillichip Loan from the adjacent Main Street.
- Concern regarding the applicants removal of trees within the site without permission.
- Impact of removal of trees on wildlife habitat within the site.
- Issues with historic flooding within the site which has not been addressed or considered as part of this application.
- Potential for a larger development comprising of more residential units as opposed to a single plot.
- Objection to applicant setting fires and illegal dumping on the site and surrounding area.
- Concern regarding ownership of access road and ongoing maintenance arrangements.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. In this regard the principle of development on this historic brownfield site and location is supported by the local plan. Policy H4 sets out standards expected of residential development, requiring high quality design in terms of form, layout and materials. Policy H5 and GD1 seeks to ensure that all new

development is of a high quality of design and respects the character and amenity of the area including residential amenity.

- 6.2 Policy R2 specifies the open space provision required for all developments. Policies F1 & 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.
- 6.3 Policy E1 and E3A relates to the biodiversity when considering the impacts of development and is relevant noting the sites proximity to a designated nature conservation site. Policy E5 relates to trees and requires new development proposals to consider impacts on trees and incorporate suitable tree planting.
- 6.4 The proposal complies with all 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 Policy DS1 seeks to ensure a high design quality all development including expectations for housing. Policy DS2 sets out the settlement strategy for the Council and dictates that the most sustainable locations for new development are within existing towns and villages (the urban area), particularly where it re-develops vacant and derelict land.
- 7.3 The site is located within the settlement of Bonhill in a residential area and policy BC4 is applicable which supports the principle of residential development at such locations, provided there is no adverse impact on neighbouring amenity or character of an area. The principle of development is supported by this policy and this is considered further in section 7 below.
- 7.4 The consideration of policies DS6, DS7, GN3 and GN5 with regards to, flooding and drainage, contamination matters and protected species and trees are similar to that of the Adopted Plan.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.5 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.

- 7.6** Similarly to policy DS1 of Proposed Plan 1, 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).
- 7.7** Policy H4 requires development to protect, maintain or enhance the residential character and amenity of existing residential areas.
- 7.8** Policy ENV1, ENV4, ENV5, ENV6 and ENV9 are similar to the tree, flooding and contaminated land policies of the Adopted and Proposed Plan 1 policies. Policy ENV9 is of particular relevance in this instance noting the history of the site and surrounding area and 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.

Principle of Development

- 7.10** The principle of a single house at this particular location is acceptable as the site forms part of an existing residential area. Furthermore, there are no environmental protections or designations on the site which would directly prohibit or conflict with the acceptability of a house at this location.
- 7.11** The location of the plot is acceptable with the development of this site representing a natural continuation of the residential street pattern for the area and complimenting and balancing those houses present at Dillichip Gardens across the other side of Dillichip Loan. With regards to the layout shown on the proposed site plan, whilst only indicative, this does demonstrate that the application site is comfortably capable of accommodating a single house. The consideration of the detailed design, scaling and layout of the house and all associated plot features would be assessed as part of a prospective detailed application for approval.
- 7.12** Noting the general house types and styles within the locality, planning conditions are recommended restricting the permission to a single house and setting out a requirement for the height of any such house to be no larger than one/one a half storey in scale.

Technical Matters

- 7.13** Noting the site history and the proximity of the former Dillichip Dye Works to the application site, the Council's Environmental Health Service have requested planning conditions be imposed regarding site investigation reports and potential remediation and mitigation measures. These would be submitted as part of any detailed application and Environmental Health would review these at this time.

- 7.14** With regards to flooding and drainage matters, SEPA and Scottish Water have advised that they have no objections and there are no identified significant flooding constraints on the site. Details requiring drainage arrangements for the development can be addressed by condition and assessed at the detail stage.
- 7.15** WOSAS have reviewed the archaeological records available for the site and have advised that noting the former buildings and the nearby dye works (which date back to circa 1870) they have confirmed that there is a reasonable chance of unearthing unrecorded remains during construction. They have requested an archaeological watching brief be carried out and this matter can be addressed through condition.

Parking, Road and Traffic Matters

- 7.16** Indicatively an access road and parking arrangements for the proposed house have been shown on the proposed site plan provided with this directly feeding off of Dillichip Loan. This is considered acceptable and that the access to the site would be able to meet the appropriate standards.
- 7.17** Whilst objections have been made to the removal of the sections of pavements as well as the widening of the adjacent public road and its re-surfacing, the Council's Roads Service have no objection to any of these works taking place. The Council's Road Service has assessed the development including the proposed access and junction upgrades to the adopted section of public road as well as the submitted traffic survey and have advised that they have no objections to the principle of development subject to appropriate conditions.

Ecology and Tree Considerations

- 7.18** An Ecological Survey concludes that whilst the site is in close proximity to Dillichip Grasslands which is a designated 'Local Nature Conservation Site', the site itself consists mainly of disturbed ground and has limited ecological value. It also states that there are no protected species resident on site or adjacent to the site at the time of the assessment. Notwithstanding the above, a condition is proposed requiring an updated Ecology Report to be provided at the detailed application stage to confirm that on-site circumstances have not changed since the previous assessment.
- 7.19** Whilst representations have expressed concerns that trees have been removed on site prior to the submission of the application, there is no designations on these specimens which would prohibit their removal from a planning perspective. Notwithstanding this, as per the recommendation in the Ecological Survey, conditions can be included to ensure the protection of the remaining trees on the northern and eastern boundary as part of the development unless justification is provided for their specific removal through an additional tree survey report.

Other Matters Raised in Representations

- 7.20** Further points have been raised in representations including a concern that the applicant is seeking permission for a larger residential development of up to 14 units and issues in terms of the applicants activity of setting fires on the site and the dumping of waste material both on the site and surrounding land. The application is for one house and if approved permission would be granted for one house only. In terms of the setting of fires and dumping of waste material, this has been previously addressed by the Council's Environmental Health Service and this site continues to be monitored by them.

8. CONCLUSION

- 8.1** It is considered that the principle of a single house at this location is in compliance with the requirements of the applicable policies of both the adopted and proposed local plans and would be an acceptable use of the site.

9. CONDITIONS

1. Permission is hereby granted for one single house only.
2. No development shall commence until such time as approval of the detailed design of the single house (hereinafter called "the matters specified in conditions") has been granted by the Planning Authority. Any application for approval of matters specified in conditions shall be submitted before the expiration of three years from the date of this planning permission in principle and shall include:
 - a) The overall site layout/internal layout of the plot;
 - b) The orientation, size, height, design and external appearance of the proposed house;
 - c) The means of drainage and sewage;
 - d) Details of the full access arrangements;
 - e) Provisions for car parking;
 - f) Boundary walls/fences to be erected and/or retained;
 - g) Existing and proposed site levels and floor levels;
 - h) Hard and soft landscaping for the site;
 - i) A Tree survey(s) which covers an assessment of the health of the trees, presence of protected species, demonstrates that no damage to trees from the development, or, if trees are to be affected, a suitable mitigation scheme is to be put in place.
 - j) The provision of private open space within the plot to West Dunbartonshire Council's Residential Design Guidance Standards.
3. Notwithstanding the details as indicatively shown on approved drawing 'Proposed Plans (Drawing No. 2019/807/01), the house hereby approved shall be either single storey or one-and a half storey in height and shall be of similar scale and character to the existing houses neighbouring the site on Main Street and Dillichip Gardens respectively. The design and layout shall also include the following features:

- a) The house shall be positioned as such that it is in close proximity to the northern site boundary of the site and demonstrates an active frontage onto Dillichip Loan.
 - b) Car parking shall be provided for 2 cars (or 3 cars if more than 3 bedrooms are provided) and shall comprise a driveway which meets within the relevant roads standards and requirements.
 - c) A driveway accessed by a footway crossing which is designed and provide details which demonstrate conformity to the standards set out the Roads Development Guide.
 - d) Surface water drainage arrangements shall incorporate the principles of Sustainable Urban Drainage Systems (SUDS).
4. Prior to the commencement of development on site, details of the exact construction and material make-up of the shared surface area and proposed junction works (including the removal of pavements) as shown on approved drawing 'Proposed Plans (Drawing No. 2019/807/01)' shall be submitted to and approved in writing by the Planning Authority. These details shall show provision for a 2 metre wide footway to be constructed along the frontage of the development site. Thereafter these road works and upgrades shall be completed in accordance with the approved details prior to the occupation of the house.
5. Further to condition 1 part h) and i) above these details shall include specific measures to protect trees located within and adjacent to the site (including those forming part of the tree belt on the southern elevation of the site). The trees shall be protected during the course of development by the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction', or by such other means of protection as shall be agreed in advance in writing with the Planning Authority. No storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition. Thereafter, the development shall be undertaken in accordance with the approved details.
6. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been 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 the contamination of the site (irrespective of whether this contamination originates on the site).
 - b) An assessment of the potential risks (where applicable) to:
 - Human health
 - Property
 - buildings, crops, livestock, pets, woodland and service lines and pipes
 - Groundwater and surface waters

- Ecological systems
 - Archaeological sites and ancient monuments
- c) An appraisal of remedial options, including a detailed remediation scheme based on the preferred option.
7. No development (other than investigative works) shall commence on site 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.
 8. 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 also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works 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.
 9. During the period of construction, 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
 10. 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 the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472-1: 2008 '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.

11. Prior to the commencement of development on site and notwithstanding the approved 'Ecological Constraints Survey' (Dated: December 2018) an updated ecological survey/assessment shall be submitted to and approved in writing by the Planning Authority. This shall either confirm that the findings and recommendations of the original survey remain valid or alternatively outline further recommendations as required based on current circumstances. Thereafter, the recommendations contained within this updated ecological survey shall be implemented prior to any other work commencing on site and maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
12. 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 (WOSAS).

Peter Hessett
Strategic Lead - Regulatory
Date: 22nd January 2020

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Appendix: None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Scottish Planning Policy (SPP)
6. Consultation responses
7. Representations

Wards affected: Ward 2 (Leven)