



Glasgow City Council

Planning Local Review Committee

**Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability**

Item 1

29th April 2025

Contact: Sam Taylor Ext: 78654

**20/00076/LOCAL Site adjacent to 49 Sanquhar Road
Erection of dwellhouse**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 3

Citywide: n/a

Local member(s) advised: Yes ☐ No ☒ consulted: Yes ☐ No ☒

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1 BACKGROUND

- 1.1 This application was refused under Delegated Authority on 23 October 2020. An application for Local Review was subsequently submitted by the applicant, and it was considered by the Local Review Committee at the meeting on 16 March 2021. The minute of the meeting noted as follows:

“After consideration, the committee conditionally granted planning permission, subject to the completion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1977.”

- 1.2 The Section 75 agreement relates to the requirement for the applicant to pay a financial contribution for the loss of open space and 18 protected trees on the site.

2 LEGAL AGREEMENT

- 2.1 A draft legal agreement was instructed on 24 January 2022 by Legal Services. It was issued to the applicant's solicitors, with the following terms:

HEADS OF TERMS

Section 75 Agreement subject to a financial contribution of £88,552

Reason: Contrary to CDP6 and IPG6 - Green Belt and Green Network. Compensation required under IPG6 where development approved contrary to guidance. Rate is £300,000 per hectare. Total contribution required £21,610.

Reason: Contrary to CDP7 and SG7 - Natural Environment. Compensation required under SG7 where development approved results in the loss of 18 protected trees located within a Tree Preservation Order. Value of the loss is based on the CAVAT value of the trees lost. Total contribution required £66,942

- 2.2 Since that date, the applicant has not completed the legal agreement, and has not paid the required financial contribution.

3 COMMITTEE CONSIDERATIONS

- 3.1 The Committee decision was to grant planning permission subject to conditions and the completion of a legal agreement. The Committee should note that the requirement to complete the legal agreement has not been met.
- 3.2 The legal agreement is the mechanism by which a planning obligation is secured. Circular 3/2012 sets out the policy tests for planning obligations. These are as follows:
- “necessary to make the proposed development acceptable in planning terms (paragraph 15)

- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - be reasonable in all other respects (paragraphs 24-25)".
- 3.3 Committee should note that, in terms of the first test above, the failure to make the financial contribution as compensation for the loss of open space and protected trees means that the proposed development is not considered to be "acceptable in planning terms".

4 COMMITTEE DECISION

- 4.1 The Committee is advised to consider the following options, given that the applicant has not followed the requirements set out in the Committee's original decision:
- a. Refuse planning permission; or
 - b. Grant planning permission, subject to conditions, but with no legal agreement.

5 ORIGINAL REASONS FOR REFUSAL

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02. The development proposal is contrary to CDP 1: The Placemaking Principle, CDP 2: Sustainable Spatial Strategy, CDP 6: Green Belt and Green Network, CDP 7: Natural Environment, SG 1: Placemaking, IPG 6: Green Belt and Green Network and SG 7: Natural Environment of the Glasgow City Development Plan as specified below, and there is no overriding reason to depart therefrom.

03. The proposal is contrary to CDP 1 and SG 1: Placemaking of the City Development Plan (adopted 2017) in that the proposed development would result in the loss of established communal amenity greenspace which serves the existing residential properties and would fail to respect the natural environment by responding to its qualities and character and encouraging its appropriate use. The proposal is, therefore, detrimental to the residential amenity of neighbouring dwellings and the wider area.

04. The proposal is contrary to CDP 1 and SG 1: Placemaking of the City Development Plan (adopted 2017) in that the proposed development would

result in the loss of existing mature trees without good Arboricultural reason and would fail to meet placemaking principles which the Council seeks to promote in order to deliver high quality residential environments. The proposal is, therefore, detrimental to the residential amenity of the proposed dwellings and the wider area.

05. The proposal is contrary to CDP 1 and SG 1: Placemaking of the City Development Plan (adopted 2017) in that the proposed development would result in the overlooking and an unacceptable loss of privacy to existing neighbouring properties, specifically 21 Ballochmyle Drive. The proposal is, therefore, detrimental to the residential amenity of neighbouring dwellings.

06. The proposal is contrary to CDP 2: Sustainable Spatial Strategy of the City Development Plan (adopted 2017) in that the proposal does not accord with the Sustainable Spatial Strategy. The proposal therefore is detrimental to the regeneration and development of the existing urban area and would not contribute towards the creation of a sustainable City.

07. The proposal is contrary to CDP 6 and IPG 6: Green Belt and Green Network of the City Development Plan (adopted 2017) in that the proposed development would result in the loss of protected Open Space, with a significant adverse impact on the functions of the Open Space. The proposal is, therefore, contrary to the strong presumption in favour of the retention of protected Open Space.

08. The proposal is contrary to CDP 6 and IPG 6: Green Belt and Green Network of the City Development Plan (adopted 2017) in that the proposed development would result in the loss of protected open space which contributes positively to the setting, character and appearance of the area. The site is also valuable for nature conservation/biodiversity, landscape and geodiversity in the area. The proposal is therefore contrary to the strong presumption in favour of the retention of protected open space which makes a valuable contribution to the setting, character, appearance, nature conservation/biodiversity, landscape and geodiversity of the area.

09. The proposal is contrary to CDP 6 and IPG 6: Green Belt and Green Network of the City Development Plan (adopted 2017) in that the development would not be brought forward in conjunction with a proposal for new open space of an equivalent, or higher quality in an acceptable location which would better serve local needs, to replace that being lost.

10. The proposal is contrary to CDP 7 and SG 7: Natural Environment of the City Development Plan (adopted 2017) in that the development would result in the loss of mature trees, with a significant adverse impact on the amenity of the surrounding residential neighbourhood. The proposal is, therefore, contrary to the strong presumption in favour of the retention of trees protected by a Tree Preservation Order.

11. In the interests of proper planning of the area, the application contains insufficient information to allow the application to be properly assessed.

Specifically, the failure to submit a biodiversity (bat) survey for an application site within part of the City's Open Space and Green Network; and no site sections have been provided, demonstrating the proposal's relation to neighbouring properties on Sanquhar Road or Ballochmyle Drive.

Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. n/a

What are the potential equality impacts as a result of this report? no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage. n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: n/a

What are the potential climate impacts as a n/a

*result of this
proposal?*

*Will the proposal contribute to
Glasgow's net zero
carbon target?* n/a

**Privacy and Data
Protection Impacts:**

Are there any potential
data protection impacts
as a result of this report
N

If Yes, please confirm that
a Data Protection Impact
Assessment (DPIA) has
been carried out

6 RECOMMENDATIONS

- 6.1 That Committee consider the content of this report in coming to their decision.