



## Planning Applications Committee

Report by  
Executive Director of Neighbourhoods, Regeneration and Sustainability

**Item 2 (a)**

18th June 2024

Contact: Neil Moran Phone: 0141 287 8684

**Application Type** Full Planning Permission

**Recommendation** Grant Subject to Conditions and S75

<b>Application</b>	<a href="#">23/03108/FUL</a>	<b>Date Valid</b>	15.12.2023
<b>Site Address</b>	Site Formerly Known As 10 Kelbourne Street Glasgow		
<b>Proposal</b>	Erection of student accommodation (Sui Generis) with associated ancillary development.		
<b>Applicant</b>	Kelvin Properties Limited Per Mr Andrew Duncan 4 Berkeley Street GLASGOW G3 7DW	<b>Agent</b>	Porter Planning Ltd. Per Teri Porter 39 St Vincent Street GLASGOW G1 2ER
<b>Ward No(s)</b>	15, Maryhill	<b>Community Council</b>	02_023, North Kelvin
<b>Conservation Area</b>		<b>Listed</b>	
<b>Advert Type</b>	Bad Neighbour Development  Affecting a Conservation Area/Listed Building	<b>Published</b>	12 January 2024
<b>City Plan</b>	Residential		

### Representations/Consultations

Scottish Water – No objection.  
Coal Authority – No objection subject to advisory notes.

There were 47 objections, including from Patrick Grady MP, North Kelvin Community Council and members of the public, and 11 letters of support from members of the public. The points of objection and support are summarised below:

#### Objections

- Impact on Play Park
- Loss of Daylight & Privacy
- Loss of Trees
- Flood Risk
- Density
- Scale
- Design
- Ground Conditions
- Demand

- Traffic and Parking
- Affordable Housing
- Antisocial behaviour
- Construction

### Support

- Demand
- Create a vibrant community
- Scale
- Existing planning consent
- Passive surveillance of the park
- No risk of congestion
- Support for business

### **Site History**

The application site has a planning history for its former church use, the below is the planning history since that use ceased:

14/00175/DC	Demolition of church building. – <b>Grant</b>
20/02110/FUL	Erection of flatted residential development (39no. units) and associated parking. – <b>Deemed Refusal</b>
20/00062/LOCAL	Erection of flatted residential development (39no. units) and associated parking. – <b>Allowed subject to conditions and S75</b>
21/03226/FUL	Erection of flatted residential development (10no units). – <b>Refused</b>
22/03218/FUL	Erection of flatted residential development (7no units). – <b>Withdrawn</b>

### **Site and Description**

The application site consists of an area of cleared land, formerly North Kelvinside Church and rear hall. The site is located on the north side of Kelbourne Street to the west of Queen Margaret Drive, bounded to the north and east by Hotspur Street Play Area. The site is in Ward 15, Maryhill.

The proposal is to erect a 134 bed purpose built student accommodation (PBSA) development. The exterior remains substantially unchanged from the flatted residential development granted planning permission by the Local Review Committee, reference 20/00062/LOCAL, with the building being of 5/6/7 storeys and occupying the same footprint, leaving a 2.2m to 3.4m set off to the boundary with the park. The exterior would be predominately in brick, with stone and metal cladding detailing.

The proposed PBSA development would have at ground floor, a student entrance lounge on the corner of Kelbourne Street and Queen Margaret Drive, reception & delivery store, staff offices, and an internal communal refuse store. At sixth floor a gym, sky lounge & study area, and a games room. Externally, a communal roof terrace on the fifth floor and a second roof terrace on the 6<sup>th</sup> floor. Each bedroom has a space allocated for cycle parking.

### **SPECIFIED MATTERS**

Planning legislation now requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee report. The remainder of the information, and a response to each of the points to be addressed, is detailed below.

#### **A. Summary of the main issues raised where the following were submitted or carried out**

##### **i. an environmental statement**

Not applicable

**ii. an appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994**

Not applicable

**iii. a design statement or a design and access statement**

A Design Statement has been submitted.

**iv. any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding)**

A Design Statement, Daylight, Sunlight and Overshadowing Assessment, Preliminary Ecological Appraisal, Landscape Design Report, Arboricultural Implications Assessment and Arboricultural Method Statement, Energy Strategy, Transport Statement, Flood Risk Assessment, Drainage Assessment, Report on Site Investigation, Purpose Built Student Accommodation Need Assessment, and a Student Management Plan.

**B. Summary of the terms of any Section 75 planning agreement**

A Section 75 legal agreement to secure a financial compensation of £107,312. Reason to compensate for qualitative loss of outdoor play and loss of trees under NPF4 Policy 21 Play, recreation and sport and City Development Plan Policy CDP 7 and Supplementary Guidance SG 7 Natural Environment. Compensation to be spent on play, hard, soft landscaping and replacement tree planting within the Hotspur Street Play Area.

The section 75 legal agreement is also required to ensure that:

- future occupiers of the development are full-time students engaged in a course of study at an institution of higher or further education;
- the use of the premises as student accommodation shall operate for a minimum period of 40 consecutive weeks of the calendar year;
- the premises is managed as a single entity;
- no part of the accommodation shall be sold off separately; and
- there is an effective management and maintenance regime.

**C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32**

These Regulations enable Scottish Ministers to give directions

**i. with regard to Environmental Impact Assessment Regulations (Regulation 30)**

Not applicable

**ii.**

**1. requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)**

Not applicable

**2. restricting the grant of planning permission**

Not applicable

**iii.**

**1. requiring the Council to consider imposing a condition specified by Scottish Ministers**

Not applicable

**2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.**

Not applicable

## Policies

### **National Planning Framework 4 (NPF4) Policies**

Policy 1. Tackling the climate and nature crises  
Policy 2. Climate mitigation and adaptation  
Policy 3. Biodiversity  
Policy 7. Historic assets and places  
Policy 9. Brownfield, vacant and derelict land and empty buildings  
Policy 12. Zero waste  
Policy 13. Sustainable transport  
Policy 14. Design, quality and place  
Policy 15. Local living and 20 minute neighbourhoods  
Policy 16. Quality homes  
Policy 21. Play, recreation and sport  
Policy 22. Flood risk and water management  
Policy 23. Health and safety

### **City Development Plan Policies**

CDP 1 & SG 1 – Placemaking  
CDP 2 – Sustainable Spatial Strategy  
CDP 5 & SG 5 – Resource Management  
CDP 7 & SG 7 – Natural Environment  
CDP 8 & SG 8 – Water Environment  
CDP 9 & SG 9 – Historic Environment  
CDP 10 & SG 10 – Meeting Housing Needs  
CDP 11 & SG 11 – Sustainable Transport  
CDP 12 & IPG 12 – Delivering Development

### **Other Material Considerations**

Flood Risk Assessment and Drainage Impact Assessment: Planning Guidance for Developers (2011)

## Assessment and Conclusions

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 requires that where an application is made under the Planning Acts, it shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition, under the terms of Section 64 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997, the Council is required to pay special regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.

The issues to be taken into account in the determination of this application are therefore considered to be:

- a) Whether the proposal accords with the statutory Development Plan;
- b) Whether the proposal preserves or enhances the character and appearance of the Glasgow West Conservation Area;
- c) Whether any other material considerations have been satisfactorily addressed.

In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan (CDP) adopted 29th March 2017.

In order to assess (a) and (b) the proposal must be considered against the following policies of NPF4 and the City Development Plan.

### **NPF4**

**Policy 1 Tackling the Climate and Nature Crises** is an overarching policy which encourages, promotes and facilitates development that addresses the global climate emergency and nature crises. When considering all development proposals, significant weight will be given to the global climate and nature crises.

**Policy 2 Climate Mitigation and Adaptation** is another overarching policy which encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Developments should be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and be designed to adapt to current and future risks from climate change.

**Comment:** The application site is a brownfield site and the proposal is for the development of an energy efficient purpose built student accommodation development and includes the creation of landscaped roof spaces that would provide for biodiversity enhancements and conditions are proposed to ensure their ongoing contribution to tackling the nature crisis. The application is supported by a Flood Risk Assessment and Drainage Impact Assessment which takes into account the most recent SEPA advice regarding factoring for climate change.

**Policy 3 Biodiversity** intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

**Comment:** The application site is a brownfield site and the proposal is for the development of a purpose built student accommodation development which includes the creation of landscaped roof spaces that would provide for biodiversity enhancements. The scheme also includes areas of biodiverse green roof to contribute towards the enhancement of biodiversity value of the site. Swift and bat boxes are proposed to the brick elevations, the exact location of these would require to be subject of a condition to ensure details of the precise locations are provided.

Subject to conditions, the proposal would ensure biodiversity gains are implemented.

**Policy 7 Historic Assets and Places** aims to protect and enhance the historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, built form and layout; context and siting; quality of design and suitable materials.

Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting are retained.

**Comment:** The site is outwith but immediately adjacent to the Glasgow West Conservation Area, the boundary of which is the mid-point of the adopted road along Kelbourne Street. Development of the site would have the potential to impact on the character and appearance of the Conservation Area.

The application site is a relatively small corner site which has an existing planning consent, see Planning History above, which has informed the layout, scale and design of the proposal. The proposed development replicates the footprint, height and massing of the consented residential development, with the main alterations being to infill recessed balconies to form the student flats and alterations to the ground floor to remove the car park entrance and to form a reception and resident's lounge.

The proposed materiality and colour palette has been developed to respond to the red sandstone tenements within the Glasgow West Conservation Area adjacent in contemporary materials appropriate for the modern design of the proposal. The exterior would be predominately in brick, with stone at ground floor and upper floors in horizontal banding to respond to datums in the surrounding area, and metal cladding at upper floors adjacent to windows. The materials have been selected to maintain similar red tones to the adjacent tenements. Conditions would be required to ensure the final specifications, and samples would be assessed on site prior to approval for use.

The proposal is not considered to have a negative impact upon the Glasgow West Conservation Area, nor nearby listed buildings and their settings.

**Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings** seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, reducing the need for greenfield development. Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings will be supported. Development proposals for the reuse of existing buildings will be supported. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

**Comment:** The application site is a vacant brownfield site which has been vacant since the demolition of the former church hall approximately 10 years ago. The proposal would result in a sustainable re-use of the vacant brownfield site.

**Policy 12 Zero Waste** aims to ensure that development is consistent with the waste hierarchy.

- a) Development proposals should seek to reduce, reuse, or recycle materials in line with the waste hierarchy;
- b) Development proposals will be supported where they:
  - i) reuse existing buildings and infrastructure;
  - ii) minimise demolition and salvage materials for reuse;
  - iii) minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
  - iv) use materials with the lowest forms of embodied emissions; and use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
  - i) provision to maximise waste reduction and waste separation at source, and
  - ii) measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

**Comment:** The proposal, for the erection of purpose built student accommodation, will generate waste when occupied and a central internal bin store is proposed which includes space for the range of GCC recycling bins in addition to the waste bin and space for future recycling storage should the City Council adapt the recycling arrangements. This internal store is located adjacent to the main reception to assist the management of collection.

**Policy 13 Sustainable Transport** encourages, promotes and facilitates developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where they:

- i) Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii) Will be accessible by public transport, ideally supporting the use of existing services;
- iii) Integrate transport modes;
- iv) Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v) Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi) Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii) Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii) Adequately mitigate any impact on local public access routes.

Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

**Comment:** The application site is in an area of below base accessibility to public transport within the North Kelvin & North Woodside restricted parking zone. The site is landlocked with no proposed vehicular access. A service bay on street is indicated on Kelbourne Street, however that would require

separate consent from the Roads Authority. In accordance with NPF4's support for development proposals which are ambitious in terms of low/no car parking, the development of car-free purpose built student accommodation in this location is supportable.

The proposal includes a cycle parking space in each bedroom for the residents of the development accessed from the ground floor by the lift, which is considered to be appropriate for the nature of the development.

**Policy 14 Design, Quality and Place** encourages well-designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be supported where they are consistent with the six qualities of successful places: healthy; pleasant; connected; distinctive; sustainable; and adaptable.

**Comment:** The detailed design of the building is considered elsewhere within the report. The proposal is considered to deliver the six place making principles, having been designed to address both the opportunities and constraints of the site to deliver an active use on the site and a high quality building in terms of architecture, materiality and energy efficiency.

**Policy 15 Local Living and 20 Minute Neighbourhoods** promotes the application of the Place Principle and creating connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably walking, wheeling or cycling, or using sustainable transport options.

**Comment:** The application site is within a ten minute walk of the Botanic Gardens, two town centres, two bus corridors and a subway station. Glasgow University's Gilmorehill Campus is an approximate 15 minute walk from the application site. The site is located in close proximity to various uses including employment, shopping, food and drink, health, education, and green space. This includes local access to sustainable modes of transport and safe, high-quality walking, wheeling and cycling networks.

**Policy 16 Quality Homes** encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. Policy notes that this could include homes for people undertaking further and higher education.

**Comment:** Whilst Policy 16 generally relates to market housing, the overarching intentions of the policy are applicable to the proposed development. The proposed building has been designed to ensure that the floor plates are adaptable to changing needs. As assessed within the report below, there is considered to be a fundamental requirement for the provision of new student accommodation within Glasgow.

It should be noted that Policy 16 introduces a requirement for market housing developments to include 25% affordable housing, based upon need in the local area informed by the local development plan. Though related to market housing rather than purpose-built student accommodation, for information - at the moment, the local development plan has established a position that affordable housing should be met through the Strategic Housing Investment Programme and that viability implications have meant that it would not be appropriate to introduce an affordable housing policy. Therefore, for the time being, it is not appropriate for the Council to apply the 25% requirement.

**Policy 21. Play, Recreation and Sport** aims to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate.

**Comment:** The proposal is located in close proximity to the northern boundary with the Hotspur Street Play Area, known locally as the 'Happy Children's park'. The scale of the proposal in close proximity to the boundary was raised in pre-application discussions and a sunlight assessment was requested.

This assessment demonstrates that there is a portion of the play park which would not receive a minimum of 2 hours sunlight on the spring equinox, an area with equipped play which would be significantly negatively impacted by the proposal. Other areas would also have a reduction in sunlight which would impact on the enjoyment of these spaces.

The applicant has, in response, highlighted the existing planning consent for the site and the Local

Review Committee (LRC) decision in 2021. That LRC decision notice states the following:

“The impact of the development on the adjacent play parks was discussed and it was felt that the financial contribution required for open space provided an opportunity to invest in the play park that would mitigate against any concerns. Committee were satisfied that the issues raised in relation to the impact on the play park and transport could be dealt with by condition.”

As addressed below under CDP 10 and CDP 12, the amenity requirements of purpose built student accommodation are calculated differently to mainstream residential and, unlike the previously approved development for the site, this student accommodation proposal is meeting the full amenity requirement. The applicant has offered financial compensation for the qualitative loss of play and the loss of trees, see CDP 7 below, which has been deemed an acceptable figure to compensate the play area.

The proposal would result in a qualitative loss to the existing children’s play park and would offer compensation for this loss.

Subject to a legal agreement and conditions, the proposal is considered to comply with Policy 21.

**Policy 22 Flood Risk and Water Management** aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals should not increase the risk of surface water flooding to others, or itself be at risk. All rain and surface water shall be managed through sustainable urban drainage systems which should form part of and integrate with proposed and existing blue-green infrastructure.

**Comment:** The flood risk and water management strategy is considered within the report below. The applicant has provided a Flood Risk Assessment and details of the proposed surface water drainage strategy which have been self-certified, independently checked and has met the requirements of NRS Flood Risk Management subject to conditions. These conditions are proposed in the list of conditions below. Scottish Water have not objected to the connection of the proposal to the public water mains.

**Policy 23 Health and Safety** protects people and places from environmental harm, mitigates risks arising from safety hazards and encourages development that improves health and wellbeing. Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals that are likely to raise unacceptable noise issues will not be supported.

**Comment:** The proposed development includes a mix of internal and rooftop external amenity spaces. The proposal offers opportunities for exercise, growing spaces and relaxation spaces which will benefit the mental health of future residents.

The use, as purpose built student accommodation, on a main road in an area defined by tenemental properties, is not a use that would raise unacceptable noise issues. The proposed development would, through the Building Warrant process, meet the Scottish Building Regulations and therefore be designed to minimise suicide risk.

In conclusion, the proposal is considered to fully comply with the relevant NPF4 policies.

#### City Development Plan

##### **CDP 1 – Placemaking & SG 1 – Placemaking**

This Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels.

In order to be successful, new development should aspire to achieve the six qualities of place as defined in Scottish Planning Policy, and reinforced by Creating Places and Designing Streets. These are:

- It is distinctive;
- It is safe and pleasant;
- It is easy to move around and beyond;
- It is welcoming;
- It is adaptable; and
- It is resource efficient.



### Residential Development

Whilst SG 1 Section 2 '*Residential Development*' relates to mainstream residential development rather than purpose-built student accommodation, SG 10 Meeting Housing Needs (expanded upon within the report below) directs applicants to the guidance on flatted development contained within SG 1 which will be applied to all proposed student accommodation developments – in terms of design, privacy, sunlight and daylight.

Glasgow's high density housing principally takes the form of tenements and high rise blocks. Tenements are the archetypal Glasgow built form and have played a significant role in the historical development of the City, its memories and in the way communities live and interact. Glasgow's tenements are ingrained in the physical character of the City and the social life of its citizens. Tenements help to create a strong sense of place and they give Glasgow a clearly defined identity, with their height, density, materials, façade articulation and distinctive courtyard form.

While many tenements were demolished in the 1960s, their cultural significance and the merits of their housing provision are now widely recognised and supported. The City's traditional sandstone tenements should be, wherever possible, be retained. Where these have fallen into disrepair, they should wherever possible, be repaired and brought back into use. Creative modern interpretation of the tenement is welcomed, especially where height, façade articulation and materials respond to the City's existing outstanding tenemental areas in innovative and contemporary ways.

The Placemaking priorities for High Density Housing Character Areas are:

- a) Providing high quality community facilities and levels of amenity;
- b) Creating vibrant communal open spaces that seek to foster a sense of custodianship and encourage the adaptability of grey open space;
- c) Promoting development of an appropriate density; and
- d) Integrating public transport and active travel connections

These priorities will contribute towards reinforcing the sense of community within high density areas. By promoting a range of community amenities and improving links, the aim is to reactivate these areas and reconnect them to other parts of the City.

Layouts should:

- a) take a design-led approach towards aspect and orientation to maximise daylight and sunlight, reduce energy use, and prevent overlooking and loss of privacy, particularly when providing balcony and/or garden spaces (see the BRE 'Site Layout Planning for Daylight and Sunlight');
- b) make appropriate provision for refuse and recycling storage areas;
- c) wherever possible, retain all significant trees on sites, unless removal is necessary, e.g. for good arboricultural reasons;
- d) have roads designed to the standards set out in RDG;
- e) incorporate a SUDS strategy to take account of the space and design requirements of the required SUDS scheme; and
- f) ensure that all new homes do not have upper rooms, balconies etc which directly overlook adjacent private gardens/backcourts.

Additional standards for flatted developments include developments:

- a) provide usable communal private garden spaces as "backcourts". Design and layouts should ensure privacy, particularly for ground floor residents; and
- b) where a site's configuration or particular characteristics limits the ability to provide private garden space, then developers will be expected to:
  - i. provide creative alternative solutions (e.g. shared roof garden, usable balconies); and
  - ii. bring forward mitigation measures to improve internal amenity (e.g. more generous room sizes).
  - iii. make outside provision for clothes drying, in areas screened from public view and not subject to excessive overshadowing.

In terms of privacy and aspect in relation to flatted development, the following guidance applies:

- a) Ideally all flats should have dual aspect (where single aspect is proposed developers will require to show that the amenity enjoyed by the flats is similar, if not better than that of dual aspect flats in a similar location. This will include consideration of the flat's outlook);
- b) privacy is also important to the rear of flats, where ambient noise levels are lower. Habitable rooms, therefore, should be set back from public or common footpaths or areas of open space, parking or waste storage (this could be secured, for example, by the formation of private garden space between habitable rooms and any such use); and
- c) flatted development, built on existing street frontages, should maintain established building lines and window patterns. Where there is no established building line, development should be set

back from the pavement to ensure privacy for ground floor habitable rooms.

**Comment:** The application site is a relatively small corner site which has an existing planning consent, see Planning History above, which has informed the layout, scale and design of the proposal. The proposed development replicates the footprint, height and massing of the consented residential development, with the main alterations being to infill recessed balconies to form the student flats and alterations to the ground floor to remove the car park entrance and to form a reception and resident's lounge.

The nature of the revised proposal, as purpose built student accommodation, requires access to shared common amenities and therefore requires internal corridors not found in mainstream residential flatted blocks. This requires a large number of single aspect flats within the proposal, however this is compensated by access to the shared common amenity spaces internal to the development and the shared roof terraces.

The site is bounded by the park to the north and west and by Queen Margaret Drive to the east. The nearest residential properties are those on the south side of Kelbourne Street, which are 17.6m from the site boundary and the proposed student accommodation is set back 2m from the footway. The nearest window to window distance would be 19.6m and therefore sufficient to ensure there would be no loss of privacy.

The applicant has provided a day and sunlight assessment using a baseline condition of a mirrored massing of a tenemental property to that on the southern side of Kelbourne Street, as set out in the BRE guidance. This demonstrates that there would be windows of properties on Kelbourne Street, Oban Drive and Queen Margaret Drive that would fail the Vertical Sky Component (VSC) test should the site be developed to a mirrored massing of a tenement.

There are further windows on these streets which fail the VSC test when the current proposal is considered. The reduction in light to the majority of these windows would not exceed 20% and so would not be noticeable. The exception are two windows on Queen Margaret Drive where the VSC test is failed and the difference would exceed 20% and so would be noticeable. These windows serve the common close (21% reduction) and are a secondary bedroom window (20.1%).

Taking into consideration the alternative mirrored baseline and that the noticeable impact would be to a secondary window and to a non-habitable space, the proposal is not considered to have an unacceptably negative impact on existing residential amenity in terms of daylight.

#### Detailed Design

SG 1 Section 5 '*Detailed Design*' – '*Building Materials*' stipulates that all new development, depending on the nature and scale of the development, will be expected to:

- a) Employ high quality facing and roofing materials that complement and, where appropriate, enhance the architectural character and townscape quality of the surrounding area;
- b) Use robust and durable materials that fit their context and are capable of retaining their appearance over time and in Glasgow's climate; and
- c) Acknowledge the local architectural and historic context through the use of appropriate materials.

When specifying cladding materials, consideration must be paid to the overall visual effect of the façade and its impact on the surrounding context. Poorly specified facades can appear flat and dull in comparison to Glasgow's well-articulated historic architecture. As such, a high level of design sophistication will be expected. Proposals should:

- a) avoid flat and visually dull facades, especially in areas of sensitive architectural urban form;
- b) acknowledge and respond to the existing datums, courses and proportions found in the surrounding built environment; and
- c) acknowledge and harmonise with the range of textures and tones in the surrounding buildings and streetscape.

**Comment:** The proposed materiality and colour palette has been developed to respond to the red sandstone tenements within the Glasgow West Conservation Area adjacent in contemporary materials appropriate for the modern design of the proposal. The exterior would be predominately in brick, with stone at ground floor and upper floors in horizontal banding to respond to datums in the surrounding area, and metal cladding at upper floors adjacent to windows. The materials have been selected to maintain similar red tones to the adjacent tenements.

Conditions would be required to ensure the final specifications and samples would be assessed on site prior to approval for use.

#### Waste Storage, Recycling & Collection

SG 1 Section 7 '*Waste Storage, Recycling and Collection*' stipulates that all new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applicants must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.

**Comment:** The application includes dedicated internal space for waste and recycling storage at ground floor level accessed via a service access to the south of the building. Arrangements will be put in place to ensure regular collection from this area.

The proposal accords with the relevant criteria of policies CDP 1 and SG 1.

#### **CDP 2 – Sustainable Spatial Strategy**

This policy provides a spatial representation of The Plan's strategy, with a strong emphasis on placemaking, health and wellbeing, and sustainability. To achieve the aim of the policy, it is recognised that intervention is required in some areas of the City. The Policy therefore highlights that Spatial Supplementary Guidance will be prepared for these priority areas in accordance with the Sustainable Spatial Strategy.

The Council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable City. In doing so, the Council will support new development proposals that utilise brownfield sites in preference to greenfield sites and will support higher residential densities in sustainable locations.

The application site is not within an area identified for spatial supplementary guidance. The proposed site is brownfield and the proposal is for a higher density student residential development but as identified in the assessment against CDP 1 & SG 1, the site is in a sustainable location.

The proposal is in accordance with CDP 2 and the Sustainable Spatial Strategy.

#### **CDP 5 – Resource Management & SG 5 – Resource Management**

Policy CDP5 Resource Management requires all new developments to be designed to reduce the need for energy from the outset. This can be done through careful siting, layout and design and should make the best use of energy efficiency techniques and materials.

All new domestic and non-domestic developments are required to make use of low and zero carbon generating technologies in order to contribute to meeting greenhouse emission targets and to meet the appropriate sustainability level. In order to achieve this, a range of low and zero carbon generating technologies may be implemented. A Statement on Energy will be required to support all applications to which this policy applies

A Statement on Energy (SoE) has been provided demonstrating that the intention is to meet Gold Hybrid of the three options to meet the requirements of SG 5. The stated intention is to use photovoltaics and air source heat pumps which would result in a 66% reduction in carbon due to the use of renewables.

This has met the requirements of the first stage of the Statement on Energy process and therefore requires to be conditioned to ensure it is updated as the technical detail of the Building Warrant progresses through to completion.

Subject to conditions the proposal would accord with CDP 5 and SG 5.

#### **CDP 7 – Natural Environment & SG 7 – Natural Environment**

With regard to trees on Council owned land, SG 7 states that Tree Preservation Orders (TPOs) can be made in the interest of amenity and/or where a tree, group of trees or woodland is of cultural or historical significance. It is an offence for any person, in contravention of a TPO, to remove or damage a tree without the consent of the Council.

There is a Council policy to treat trees, woodland and hedgerows, which are on Council owned land, as if they are covered by a TPO. The adjacent area of trees within the play park include 9 trees which would be lost or materially impacted due to the proposed development which are Council owned and as such the trees are treated as if they are covered by a TPO.

Trees, woodland or hedgerows protected by a TPO, or as if covered by a TPO (Council Owned Land), must not be removed without the explicit written consent of the Council. The removal of any tree protected by a TPO, or as if covered by a TPO (Council Owned Land), or serious damage to it, should only occur in exceptional circumstances, for example, where the tree, or part of the tree, is a danger to public safety or is diseased, and only then on the understanding that appropriate replacement planting takes place, with the number, size, species and location of new trees to be agreed with the Council.

NRS Parks Woodlands officer has been consulted who advised that:

*The unacceptably close proximity of the residential building to the park as proposed will undoubtedly lead to our having on-going boundary conflicts as trees and other vegetation continues to grow. In this regard, the proposed replacement tree planting in mitigation may appear ok in the drawings, however in practice due to the very limited space available, even small species of tree will lead to continuous boundary disputes with the new property owners – branch encroachment, leaves, sunlight, insects etc. I'd go as far as to say it would be better not to plant any trees within the Park adjacent to the boundary if the development proceeds in its present form.*

*The present ecosystem services values provided by the existing trees proposed to be removed within the Park, has not been taken into account in the mitigation. Applying the industry standard CAVAT quick valuation method to the tree data contained within the tree report, the existing trees proposed for removal have an estimated combined ecosystem services value of £107,312<sup>1</sup>.*

*Please note that if I've not referred to a Council tree below that is contained in the report, it is because I agree with the Consultant's findings & recommendations and there is no need for mitigation in that case. Mitigation is only being sought where a tree is being lost or in my view will be materially impacted due to the proposed development.*

*Therefore, if the development proceeds as presently proposed then we should look to be properly compensated for the loss of property (trees) & existing ecosystem services levels that will occur. Any sum gained should be ring fenced for replacement tree planting within the city generally given the very limited opportunities within the adjacent park.*

*Finally, and as a general point, the considerable size and scale of the proposed development will in my view materially alter, in a very negative way, the presently positive experience for the many users of the small park located to the north and west of the development site. The development as proposed appears to seek to maximise its available build footprint which will undoubtedly be to the severe detriment longer-term of the well-used and much-loved local park.*

The above comments were provided when consulted on the 2020 planning application, however this consultee's comments were not included in the committee papers for the Local Review Committee who granted planning permission subject to conditions.

The applicant has agreed to this compensation for the loss of Council property, trees, with the compensation to be secured by a legal agreement with the following Heads of Terms:

A Section 75 legal agreement to secure a financial compensation of £107,312. Reason to compensate for qualitative loss of outdoor play and loss of trees under NPF4 Policy 21 'Play, recreation and sport' and City Development Plan Policy CDP 7 & Supplementary Guidance SG 7 'Natural Environment'. Compensation to be spent on play, hard and soft landscaping, and replacement tree planting within the Hotspur Street Play Area.

Subject to this legal agreement and conditions, the proposal would adequately compensate for the loss of the existing trees and would accord with CPD 7 and SG 7.

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<sup>1</sup> CAVAT figure has been updated in April 2024 to reflect the most recent arboricultural report.

## **CDP 8 – Water Environment & SG 8 – Water Environment**

Planning applications of 5 or more dwellings will require to be accompanied by a completed Flood Risk Screening checklist to identify any potential flood risk to the proposal. The Council considers flood risk to be a key consideration which may significantly influence the acceptability, nature, design and capacity of a development.

If any flood risks are identified during the screening exercise, there will be a requirement to carry out a Flood Risk Assessment (FRA) in accordance with supplementary guidance. Where an FRA is deemed necessary, the Council will expect both the FRA to be undertaken and its findings to be incorporated into the proposed development. Where this is not the case, planning permission will not be granted.

The creation of a surface water drainage strategy is fundamentally important to the design development for any new development of 5 or more dwellings. This strategy will set out the key principles of the surface water drainage strategy and demonstrate appropriate spatial planning.

The applicant has provided a Flood Risk Assessment and details of the proposed surface water drainage strategy which have been self-certified, independently checked and has met the requirements of NRS Flood Risk Management subject to conditions.

Subject to conditions, the application has been adequately screened for flood risk and the proposal is in accordance with the surface water drainage strategy of SG 8.

## **CDP 9 – Historic Environment & SG 9 – Historic Environment**

The character of Glasgow's Conservation Areas consists of a variety of elements including a rich mix of architectural styles, dense groupings of buildings, distinctive street patterns interspersed with landmark buildings and historic landscape features. Guidance requires that proposals for infill development in Conservation Areas should maintain or enhance the character and appearance of their historic context by using high quality design and materials. Proposals should reinforce local distinctiveness and historic character and seek to:

- a) Respect the established building lines of the street where this is an identified feature;
- b) Ensure that the scale and massing respects and responds to the existing adjacent properties; and
- c) Harmonise external finishes with those of existing adjacent properties (while natural stone is the preferred option in areas of traditional construction, alternative materials may be acceptable dependent on the quality of the architectural design and the context of its setting).

**Comment:** The site is outwith but immediately adjacent to the Glasgow West Conservation Area, the boundary of which is the mid-point of the adopted road along Kelbourne Street. Development of the site would have the potential to impact on the character and appearance of the Conservation Area.

The application site is a relatively small corner site which has an existing planning consent, see Planning History above, which has informed the layout, scale and design of the proposal. The proposed development replicates the footprint, height and massing of the consented residential development, with the main alterations being to infill recessed balconies to form the student flats and alterations to the ground floor to remove the car park entrance and to form a reception and resident's lounge.

The proposed materiality and colour palette has been developed to respond to the red sandstone tenements within the Glasgow West Conservation Area adjacent in contemporary materials appropriate for the modern design of the proposal. The exterior would be predominately in brick, with stone at ground floor and upper floors in horizontal banding to respond to datums in the surrounding area, and metal cladding at upper floors adjacent to windows. The materials have been selected to maintain similar red tones to the adjacent tenements. Conditions would be required to ensure the final specifications and samples would be assessed on site prior to approval for use.

The proposal is not considered to have a negative impact upon the Glasgow West Conservation Area, nor nearby listed buildings and their settings.

The proposal is considered to be in accordance with CDP 9 and SG 9.

## **CDP 10 Meeting Housing Needs & SG 10 Meeting Housing Needs**

Policy CDP 10 aims to ensure that the City's growing and diverse population has access to a choice of housing of appropriate quality and affordability across all tenures. Additional guidance on Student Accommodation was adopted in October 2021 and supersedes the Student Accommodation section of SG 10. The adopted guidance seeks to ensure the provision of high quality student accommodation in appropriate locations whilst protecting the character and amenity of existing areas. It sets out locational, design and amenity criteria that developments must meet along with other associated guidance.

The Council expects purpose-built student accommodation to provide students with high quality accommodation which provides on-site amenity spaces and communal facilities. Similarly, the Council expects that student accommodation is designed to benefit its surroundings through enhancements to the public realm and public spaces which are accessible to the wider community.

### Locational Criteria

High-quality purpose-built student accommodation that is appropriately located can make a positive contribution to the local environment; supporting regeneration objectives through the renewal of vacant and derelict sites and boosting local populations to sustain facilities and amenities. However, the potential benefits of purpose-built student accommodation must be balanced against any negative impacts arising from significant concentrations that might be harmful to the sustainability of residential communities.

Successful places rely on a strong relationship between the community and its locality. This relationship is strengthened as residents invest in their community and local facilities and services become a point of focus and contact over time. In contrast, because academic study is time-limited, students living in bespoke accommodation are less likely to establish strong relationships with a location. While Student Accommodation often brings positive impacts as described above, there is a risk that an increased concentration of student accommodation in a locality will lead to the erosion of the established community, harming the relationship between the community and place.

There is no single threshold or methodology to establish whether a concentration of student accommodation is too high and will be harmful to maintaining a sustainable community. However, there are factors that can be considered in assessing a community's capacity to absorb student accommodation without undermining its relationship with place. An area that has a high density residential population and a broad range of supporting uses, facilities and services is likely to generate a stronger relationship between community with a place as there are far more opportunities for social interaction and common points of interest that help define a shared community relationship. On this basis such an area is likely to have a greater capacity to absorb student accommodation without harming the community's cohesion.

Based upon this relationship between place and its capacity for student accommodation, applicants will be required to prepare an analysis of the locality to demonstrate to what extent these characteristics exist. The analysis will be based upon the area of 400 metre walking distance around the site (a typical five minute walking distance), which identifies:

- a) The pattern of density of residential population within the locality;
- b) The cumulative effect their proposal will have upon the proportion of mainstream accommodation and student accommodation populations;
- c) The range of local facilities and mix of uses within the locality, and;
- d) What non-student accommodation facilities the proposed development will introduce to support community integration (see Design Criteria).

This information will serve to inform the assessment of whether the proposal will have a harmful impact on the maintenance of a sustainable community. Where it is deemed that there will be a harmful impact upon a community, applications will not be supported.

### City-Wide Locational Criteria

Along with the assessment of concentration, the Council expects applications for purpose built student accommodation to be in locations with good access to university and college facilities by active travel routes and/or public transport and where the development:

- a) Will not undermine the character and amenity of the surrounding area;
- b) Has good access to shops, services, healthcare, leisure and community facilities; and
- c) Will not place unsustainable pressure on local amenities and facilities due to the density of accommodation proposed.

**Comment:** The application site is not in an area with large numbers of purpose built student accommodation (PBSA) and so would not have a cumulative effect. The introduction of PBSA would not likely undermine the character and amenity of the area in principle.

The location is within walking distance, circa 15 minutes, of the University of Glasgow's Gilmorehill campus. Furthermore, the site is served by public transport to serve campuses within the city centre including the Glasgow School of Art, Royal Conservatoire of Scotland, University of Strathclyde, Glasgow Caledonian University and City of Glasgow College. Within a 400m walking distance, the site benefits from access to a range of services and amenities.

A Student Need Assessment has been submitted with the application. In analysing the pattern of density of residential population within the locality, the surrounding area is dominated by a tenemental built form which is a high density form of housing which gives Glasgow a clearly defined identity. There are traditional town centres to the north and south of the site and adjacent local shopping facilities.

Within the 400m analysis radius, the submitted report finds that:

- The mainstream resident population for the studied area is approximately 6,183;
- There are 1,688 full-time students in the local area, accounting for 27% of the local population;
- Post-development, the 134 student bedspaces proposed would increase the percentage of students in the local area by 2% to 29%.
- The application site is the only PBSA development in the pipeline within the analysis area.

Additional student accommodation can be absorbed within the locality without having a harmful impact upon the maintenance of a sustainable community. The relatively small scale of the site limits the ability of the proposal in delivering commercial ground floor uses to assist in building a relationship between the development and the wider community. Given the small scale nature of the proposal, relative to other purpose built student accommodation sites, this is considered acceptable in this location.

The proposal for purpose built student accommodation in this location is therefore considered to make a positive contribution to the local environment and shall support regeneration objectives. It is not considered to raise harmful impacts upon the existing community.

#### Design Criteria City-Wide

The design of purpose-built student accommodation must respond to its local context and every effort should be made to integrate the layout and building design into the surrounding community. It should also enhance the character of the area. Proposals shall incorporate:

- a) Ground floor uses which are open to all members of the public, such as cafes and other footfall generating uses, subject to the nature of the local environment;
- b) The provision of publicly usable open space, taking the form of enhanced public realm, civic space or parkland;
- c) Built form that is sensitive to the local architectural vernacular and heritage in terms of the arrangement of buildings, their design, height, massing, and materiality;
- d) High-density or high-rise developments will only be acceptable in locations where they are compatible with the existing townscape;
- e) Utilising a whole life approach with flexible floorplates and building design to ensure there is scope and flexibility for adaptation to alternative future uses (which would be subject to permission).

Applicants are directed to additional guidance on flatted residential development, contained within SG 1: Placemaking which will be applied to all proposed student accommodation developments, in terms of design, privacy, sunlight and daylight. Where possible, opportunities to achieve dual aspects should be delivered. Applicants should also demonstrate how their proposal responds to the relevant disability and equalities legislation as well as using analysis of potential demand for accessible accommodation to inform their proposal.

It is expected that applicants will demonstrate how they have engaged with local stakeholders and potential users to illustrate a holistic and responsive approach to the design of their development, as set out in SG1 Placemaking Part 1 The Placemaking Design Process (page 14).

**Comment:** The application site is a relatively small corner site which has an existing planning consent, see Planning History above, which has informed the layout, scale and design of the proposal. The proposed development replicates the footprint, height and massing of the consented residential development, with the main alterations being to infill recessed balconies to form the student flats and alterations to the ground floor to form a reception and resident's lounge. The adaptability of the building design is demonstrated by this change from mainstream residential to purpose built student accommodation.

The relatively small scale of the site limits the ability of the proposal in delivering commercial ground floor uses to assist in building a relationship between the development and the wider community. Given the small scale nature of the proposal, relative to other purpose built student accommodation sites, this is considered acceptable in this location.

### Amenity Criteria

Proposals must demonstrate that:

- a) Depending on the size of the proposal, it provides a mix of accommodation types to meet the varying needs of students including cluster flats, studio accommodation and, where required, family accommodation with appropriate segregation between occupation types;
- b) It will offer suitable, high quality communal facilities, amenity and social spaces along with adequate refuse and recycling facilities as set out in SG1 Placemaking.

Amenity standards for flatted dwellings, as set out in IPG 6 Greenspace and Green Network, will be applied to student accommodation developments. The requirement of student accommodation is 5 sqm of amenity space per bedspace.

In student accommodation developments, the provision of amenity space may be provided as a combination of internal and external amenity spaces. Internal amenity spaces may include study areas, gymnasiums, cinema rooms and social hubs. Unique and creative approaches to the provision of internal amenity spaces are welcomed for the approval of the Planning Authority.

Circulation and reception spaces will not be accepted as contributing to the required provision of amenity space within the development. Internal amenity spaces will only be acceptable where the proportions of the space are fit for communal use and the proposed or potential function and purpose of the space is fully set out to the satisfaction of the Planning Authority.

On-site communal facilities may include laundry, utility and mail facilities. On-site vehicle and cycle parking should be provided in accordance with SG 11: Sustainable Transport (Table 3.1)

**Comment:** The proposed development provides 463sqm of activated rooftop amenity and 207sqm internal amenity with the ground floor entrance lounge and on the sixth floor, with a sky lounge, study, gym and games room. This meets the required 670sqm, providing 5sqm per bedspace, with this requirement met in full onsite.

### Space standards

The Council recognises that Purpose Built Student Accommodation is delivered primarily by private sector commercial developers. Market competition in this sector has resulted in an increasing variety of room types available to students that range in size and amenity. In supporting this range of options, the Council aims to ensure that developers provide a reasonable standard of amenity with respect to minimum room sizes. To achieve this, it is expected that no accommodation will fall below the following space standards:

- a) Study bedroom without ensuite: 10sqm
- b) Study bedroom with ensuite: 13sqm
- c) Studio room for one student with ensuite bathroom and kitchen: 18sqm

**Comment:** The details of accommodation types are provided within the table below. All rooms are studio rooms for one student with ensuite bathroom and kitchen, however the room sizes vary, from 18.3sqm to 24.8sqm, though all rooms achieve the appropriate space standards.

Table 1: Accommodation Schedule

Accommodation Type	Size (sqm)	Bed Spaces
Type A Studio	24.8	10
Type B Studio	18.3	44
Type C Studio	20.9	11
Type D Studio	18.9	47
Type E Studio	24.2	10
Type F Studio	23	11
Type G Studio	21.6	1
Total		134

### Management & Security Criteria

Effective security measures and an operational management plan will help to deliver a safe and secure environment for residents whilst proactively minimising potential adverse impacts on the local neighbourhood. Applications should be supported by a Management and Security Strategy which details:

- a) The general operations and maintenance of the building and site;
- b) Consideration of how the impacts of conduct of occupants will be managed;
- c) Detail of onsite security arrangements for all developments. Larger developments should detail how they will maintain a 24/hour staffing element;
- d) Planned arrangements for the management of waste and how waste management facilities will be provided onsite, in accordance with the requirements in SG1: Placemaking;



- e) Consideration for arrangements for the moving in and moving out of occupants;
- f) Consideration of arrangements to ensure the well-being of residents; and
- g) Evidence of accreditation with relevant bodies such as The Accreditation Network UK/Unipol Code of Standards for Larger Developments not managed or controlled by Educational Establishments.

**Comment:** A student management plan has been provided which covers the general operations and maintenance of the building, the management of anti-social behaviour and security, waste management, move in and move out arrangements, the suitable accreditation of the intended operator, and arrangements for student well-being. The information submitted is considered to be appropriate for effective security and operation of the property.

#### Statement of Need

It is important that new student accommodation proposals do not lead to an oversupply which could lead to under-performing or vacant accommodation. Therefore, applicants will be required to provide a Statement of Need covering the following aspects:

- a) Evidence of the specific need for PBSA being addressed locally and at city-wide scale;
- b) Information about prospective occupiers including academic status, any specific household requirements or accommodation needs and where appropriate the type of existing accommodation the potential student occupiers are likely to be drawn from;
- c) A recorded increase in student numbers;
- d) Institutional funding available to deliver the proposal; and
- e) University or College support for the proposal.

**Comment:** The Student Need Assessment identifies that Glasgow attracts over 77,000 students across five institutions. These institutions are experiencing strong growth, with a 34% increase in full-time students studying in Glasgow since 2016/17.

In 2022/2023 there were 20,233 purpose-built student accommodation bed spaces available to students in Glasgow. The full time student to bed ratio in Glasgow currently stands at 2.6:1 – indicative of the undersupply being experienced. Based on the modelling within the assessment, the number of students unable to access a bed is expected to increase unless significant investment into new accommodation is delivered.

The Glasgow purpose-built student accommodation pipeline currently stands at 6,175 beds of which 2,767 (45%) have received full planning consent. There are three sites identified as ‘under construction’ estimated to open by 2025 which will add an additional 1,274 beds to the Glasgow offer.

The proposed scheme would deliver an additional 143 rooms to the Glasgow student accommodation offer. Given the demand for accommodation, it will not lead to an over-supply, but would rather assist in addressing the crucial shortfall issues within the student accommodation market.

Not provided in the Student Need Assessment is evidence of institutional funding and University or College support for the proposal. Given the scale of the proposal, relative to city centre schemes on 500-700 bedspaces, and the established track record of the applicant in developments of this scale within Glasgow, the lack of evidence of institutional funding is not considered to be justification for refusal of the scheme.

The location of the site, within a short walking distance of the main campus of the University of Glasgow, and on the main route to their Murano Street student halls, would ensure that the proposal would be attractive to the University of Glasgow to reduce the shortfall in secured bedspaces they can offer to candidates for future academic years.

Should demand for student accommodation reduce in future, the proposal has been designed to be flexible to alternative uses and could be converted to, for example, mainstream residential.

The proposal is considered to be in accordance with the intentions of CDP10 and SG 10.

## **CDP 11 & SG 11 – Sustainable Transport**

Policy CDP 11 Sustainable Transport aims to ensure that Glasgow is a connected City, characterised by sustainable active travel by supporting better connectivity by public transport; discouraging non-essential car journeys; and encouraging opportunities for active travel.

Parking provision for a student accommodation requires to be assessed against the standards set out in SG 11. Student accommodation within base accessibility areas has a minimum car parking requirement of 1 space per 15 students and staff.

The Council supports the development of car free housing on suitable sites. Proposals for car free housing will be considered against the following criteria.

The Council will only be able to control parking in the surrounding area when developments are located well within existing Restricted or Controlled Parking Zones. In order for the policy to apply, developments that are to be car free must, therefore, be located within one of these areas, at least 500m walk from the nearest streets that are not covered by a CPZ or RPZ. Sites must also have high frequency public transport within walking distance; and convenient and safe access (400 metres) to local shops and facilities, including publicly usable open space.

### **Parking/servicing provision**

- a) No parking should be provided within the site for residents, except for limited parking at the site edge for car sharing scheme use.
- b) A servicing bay, large enough for a delivery lorry, should be provided, within the site, at the site edge – depending on location and circumstances, this may require promotion of a TRO to keep it free of service vehicles.
- c) Entry into the site, if required for bin lorries, emergency vehicles, etc., should be by means of an access with a control gate.
- d) Cycle storage should be provided at a rate of at least one space per dwelling. Car-free dwellings with more than one bedroom should provide for additional secure cycle storage at a rate of 0.5 extra spaces per additional bedroom, rounded up to the nearest whole number.

Residents of all new, including car free, housing developments will be excluded from obtaining residents parking permits.

With regard to cycle parking, there is a minimum requirement of 1 space per 2 staff and residents. Cycle parking should always be safe, sheltered and secure.

**Comment:** The application site is in an area of below base accessible within the North Kelvin & North Woodside restricted parking zone. The site is landlocked with no proposed vehicular access. A service bay on street is indicated on Kelbourne Street, however that would require separate consent from the Roads Authority. In accordance with NPF4's support for development proposals which are ambitious in terms of low/no car parking, the development of car free purpose built student accommodation in this location is supportable.

The proposal includes a cycle parking space in each bedroom for the resident's of the development accessed from the ground floor by the lift, which is considered to be appropriate for the nature of the development.

The proposal is in accordance with CDP 11 and SG 11.

## **CDP 12 & IPG 12 – Delivering Development**

Policy CDP 12 aims to ensure that development contributes to a sustainable, economically successful City, through the provision of reasonable infrastructure and facilities that are necessary to mitigate the impact of change on Glasgow's resources, and that are appropriate to both the nature of the development and its location. Through an approach which is informed by a full understanding of the site, and of the potential impact that the development will have, the Council aims to meet The Plan's objectives of: re-shaping Glasgow's employment locations for a changing economy; providing high quality, accessible, residential environments and town centres; connecting to the green network; improving transport provision; finding climate change and drainage solutions for the City; as well as meeting our aspirations for enhanced nature and biodiversity.

Under IPG 12, where developers are unable to make full provision for the open space requirements for the development on land within their control, in accordance with the open space standards, they will be required to enter into a legal agreement with the Council to make a financial contribution towards the enhancement of existing Council open spaces or towards the provision and maintenance of such

facilities on Council land.

**Comment:** In this case, the proposal met the onsite amenity requirement in full.

The proposal is in accordance with CDP 12 and IPG 12.

In conclusion, the proposal is considered to comply with the relevant NPF4 and Glasgow City Development Plan policies. In terms of a) therefore, the proposal is considered to accord with the relevant provisions of the Development Plan.

With regard to b), as assessed within the report above, the proposal is considered to be appropriate with respect to its impact on the character and appearance of the Glasgow West Conservation Area.

In respect of c), with regard to material considerations, there were 47 objections and 11 letters of support. These representations can be summarised and addressed as follows:

#### Letters of Objection

- Impact on play park – The park will be so detrimentally affected by the huge height of the proposed building. It will overshadow the play area and block out the sun. Sunlight will be restricted during the winter, and it is likely that the area of the playpark to the north of the new building designated for older children will be significantly overshadowed at a time when sunshine is most important. In Scotland, kids should get as much sunshine and outdoor time as possible, and this development will take away the opportunity from them.

**Comment:** It is agreed there would be an impact on the play park; however the proposal includes financial compensation for the enhancement of the Hotspur Street Play Area to compensate for the impact from the proposed development.

- Loss of Daylight & Privacy – The loss of natural lighting and privacy to the flats on Kelbourne Street would be a detriment to the area.

**Comment:** The proposal has been assessed against CDP 1 and SG 1 above and the impact of the proposal is not deemed to be sufficiently negative as to justify refusal on these grounds.

- Loss of Trees – The proposal is contrary to CDP 1 & SG 1 because it will lead to the loss of existing mature trees without good Arboricultural reason. It is therefore detrimental to the residential amenity of the proposed building and the wider area.

**Comment:** It is agreed there would be an impact on the existing trees; however the proposal includes financial compensation for the enhancement of the Hotspur Street Play Area to compensate for the loss of trees from the proposed development.

- Flood Risk – The flooding at that end of Kelbourne Street has become increasingly worse in the past year.

**Comment:** The proposal has been assessed against CDP 8 and SG 8, as detailed above, and has been subject of extensive discussions with NRS Flood Risk Management. Following these discussions and amended proposals, the proposal has been adequately screened for flood risk.

- Density – This development would overcrowd the local area, there is no consideration to the surrounding residents putting an additional 134 residents into such a small area.

**Comment:** The proposal has been informed by an existing planning consent which has resulted in the proposed density. The proposed density is not considered adequate grounds to justify refusal of the proposal.

- Scale – The design is inappropriately scaled and 6/7 storeys would tower over the traditional tenement sandstone buildings in the area and block out the sky for neighbours in the surrounding area.

**Comment:** The proposal has been informed by an existing planning consent which has resulted in the proposed scale. The proposed scale is not considered adequate grounds to justify refusal of the proposal.

- Design – The brickwork and the design are unsympathetic to the adjacent conservation area tenements and look out of place.

**Comment:** The proposal has been informed by an existing planning consent which has resulted in the proposed design. The proposed design is not considered adequate grounds to justify refusal of the proposal.

- Ground Conditions – There are subsidence problems on the site which has caused demolition of previous building.

**Comment:** The Coal Authority has not objected to the development, but has recommended safeguarding advisories.

- Demand – There is already student accommodation in Maryhill at the Murano Street Student Village which is less than half a mile away and there is new accommodation getting built in the city centre.

**Comment:** The proposal has been accompanied with a Student Need Assessment which evidences a need in the City for additional student bed spaces.

- Traffic and Parking – The traffic is already dangerous here, particularly on Queen Margaret Drive on those roads, like Kelbourne Street, which give on to/come off it. The parking is also difficult and often overused spaces with private vehicles, delivery lorries and buses having to stop and start around the proposed site. There are a lot of families and children using the roads and pavements to get to school, work and the local amenities, shops etc.

**Comment:** The proposal is within the North Kelvin & North Woodside restricted parking zone and meets the car free policy of CDP 1 and SG 1, while NPF4 provides support for ambitious low or zero car parking developments in areas well served by public transport.

- Affordable Housing – This should be affordable housing for people to buy and live in, rather than more student accommodation.

**Comment:** As addressed above, the local development plan has established a position that affordable housing should be met through the Strategic Housing Investment Programme and that viability implications have meant that it would not be appropriate to introduce an affordable housing policy. Therefore, for the time being, it is not appropriate for the Council to apply a requirement for affordable housing from developers.

- Antisocial behaviour – There is already an increase in noise and litter from students accessing Murano accommodation along Queen Margaret drive. This will increase significantly with 134 student flats. The inclusion of a rooftop terrace in student accommodation will cause an extreme noise nuisance to nearby residents and is unnecessary for provision of the housing

**Comment:** The applicant has provided a Student Management Plan which will ensure minimal antisocial behaviour issues from the proposed development. Antisocial behaviour would be a matter for Police Scotland should the operator fail to apply the management plan.

- Construction – The construction process is going to affect the surrounding properties with traffic, parking and general disruption. The junction from Hotspur Street and Kelbourne Street to Queen Margaret Drive are already busy and difficult enough to get out of particularly when there is traffic, however with further construction traffic, temporary traffic lights and construction works ongoing, this will only increase the risk of a disaster happening at these junctions

**Comment:** The management of the construction period is outwith the control of planning legislation. In this instance the advisory notes regarding noise and vibration are proposed, which are matters controlled by Environmental Health. In the event that a road occupation permit or temporary traffic regulation order are required during construction, these would need to be applied for from NRS Roads.

#### Letters of Support

- Demand – Demand is far outweighing supply within the private rented sector (PRS) in the central belt of Scotland. Much of the demand, certainly in the west end of Glasgow, is from the student

community. The proposed PBSA development is in close proximity to the university, which will appeal to students, and with 134 rooms being proposed, will provide much needed relief to the PRS.

The development of PBSA will play a vital role in helping with Glasgow's "housing emergency" where recently the Council declared it has over 5,200 homelessness cases. Quality PBSA developments such as this help to free up large numbers of private rental apartments for those who need them. The shortage of PBSA beds means many students who could be in PBSA are currently in private rental accommodation and this has caused a spike in rental prices where Glasgow is now witnessing double digit growth. This means many who would desire to go to university and move simply cannot afford to do so.

**Comment:** Noted, as addressed above the proposal would contribute to an identified need for student accommodation.

- Create a vibrant community – The plot of ground on Kelbourne Street has laid vacant for considerable time, and with the development of the new school across the road, coupled with the shops on Queen Margaret Drive, there is potential to make this pocket of the west end, which is a stone's throw from the Botanic Gardens, a really vibrant community.

**Comment:** Noted, as addressed above the proposal would contribute to an identified need for student accommodation in the area.

- NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings – This proposal aligns to many of the aspirations as laid out in NPF4. Specifically, Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) advises that proposals on greenfield sites will not be supported unless the site is allocated for development, or it is explicitly supported by policies in the LDP. On the contrary, sustainable redevelopment of brownfield land is supported.

**Comment:** Noted, as addressed above development of this brownfield site is supportable.

- Scale – The designs are appropriately scaled, use a high quality materiality palette, respond well to its neighbours and surrounding context, and will bring back into use a site that has remained derelict since the demolition of North Kelvinside Church. This will allow the urban frontage of this section of Queen Margaret Drive to be restored for the first time in nearly seventy years.

**Comment:** Noted, as addressed above the proposal would restore an urban frontage to this section of Queen Margaret Drive.

- Existing planning consent – The development aligns with the existing consent on the site in terms of the height and density.

**Comment:** As addressed above the proposal would broadly replicate the footprint, scale and mass of an extant consent.

- Passive surveillance of the park – The proposal should help create extra security for the adjacent park given the development will have external lighting and CCTV.

**Comment:** Noted, the recommendation is to grant planning permission.

- No risk of congestion – No parking is included within the application, so there is no risk of the area becoming too congested.

**Comment:** Noted, as addressed above the proposal would accord with the Development Plan in terms of parking.

- Support for business – The increased population will also help to support many of the independent businesses that are located along Queen Margaret Drive.

**Comment:** Noted, the recommendation is to grant planning permission.

## CONCLUSION

The above demonstrates that the proposed development complies with the relevant policies of the Development Plan, subject to conditions. Other material considerations including the consultation responses and letters of objection have been considered, however these do not outweigh the proposal's accordance with the Development Plan.

On the basis of the foregoing, it is recommended that the application for planning permission be granted subject to completion of a legal agreement and the following suggested conditions.

### Drawings

The development shall be implemented in accordance with the approved drawing(s)

1. (EX)001 P02 Received 15 December 2023
2. (10)001 P02 Received 15 December 2023
3. (21)102 P00 Received 15 December 2023
4. 5882-OOB-ZZ-07-D-L-0001 Received 15 December 2023
5. (21)001 Received 7 March 2024
6. 5882-OOB-ZZ-00-D-L-0001 Received 7 March 2024
7. 5882-OOB-ZZ-05-D-L-0001 Received 7 March 2024
8. 5882-OOB-ZZ-06-D-L-0001 Received 7 March 2024
9. (20)099 P08 Received 3 June 2024
10. (20)100 P08 Received 3 June 2024
11. (20)101 P07 Received 3 June 2024
12. (20)102 P07 Received 3 June 2024
13. (20)103 P07 Received 3 June 2024
14. (20)104 P07 Received 3 June 2024
15. (20)105 P07 Received 3 June 2024
16. (20)106 P08 Received 3 June 2024
17. (20)107 P08 Received 3 June 2024
18. (20)200 P06 Received 3 June 2024
19. (20)201 P06 Received 3 June 2024
20. (20)202 P06 Received 3 June 2024
21. (20)203 P05 Received 3 June 2024
22. (20)204 P02 Received 3 June 2024
23. (20)300 P04 Received 3 June 2024
24. (20)301 P04 Received 3 June 2024
25. (20)302 P04 Received 3 June 2024
26. (20)303 P03 Received 3 June 2024

As qualified by the below condition(s), or as otherwise agreed in writing with the Planning Authority

## Conditions and Reasons

01. External materials shall be brick, with stone and metal cladding. A sample panel of the materials shall be erected for the inspection of the Planning Authority and written approval shall be obtained prior to the commencement of construction works on site. The approved sample panel shall remain in place throughout construction. Samples of the other external materials shall be submitted and approved in writing by the Planning Authority. Written approval shall be obtained before any materials are used on site.

Reason: In order to protect the appearance of both the property itself and the surrounding area

Reason: To safeguard the character of the surrounding conservation area.
02. All external colours shall be approved in writing by the planning authority before they or any relevant materials are used on the site.

Reason: In order to protect the appearance of both the property itself and the surrounding area

Reason: To safeguard the character of the surrounding conservation area.
03. Before development commences on site a Statement on Energy (SoE) shall be submitted to and approved in writing by the planning authority. The SoE shall analyse the energy and CO2 savings that can be achieved in the development by utilising energy efficient design, practice and technologies. It shall demonstrate how the development will incorporate low and zero-carbon generating technologies to achieve at least a 20% cut in CO2 emissions and the 'Gold' sustainability label, or better, as per the Building Standards Technical Handbook Section 7: Sustainability. The development shall thereafter be constructed in compliance with the approved SoE. Formal confirmation of the constructed development's compliance with the SoE, carried out by a suitably qualified professional, shall be submitted to and approved in writing by the planning authority before the development/the relevant part of the development is occupied.

Reason: To reduce energy consumption and greenhouse gas emissions by ensuring that the development is designed and constructed to be energy efficient, and utilises cleaner and more renewable sources of energy.

Reason: To enable the Planning Authority to consider this/these aspect(s) in detail.
04. Bird nest boxes or swift bricks, and bat boxes shall be installed to the new building, in accordance with the recommendation in the Preliminary Ecological Appraisal Report date stamped NRS 15 December 2023. Prior to the commencement of works on site details, including proposed locations and timescale for the installation, shall be submitted to and approved in writing by the planning authority. The bird and bat boxes/bricks shall be installed as approved.

Reason: To ensure that the site contributes to the biodiversity of the area.
05. Before any work on the site is begun, a detailed plan which shows the root protection area (RPA), the location and details of a method of tree protection and temporary works, including scaffolding and access routes, to comply with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the planning authority. The approved protection shall be in place prior to the commencement of any work on the site, shall be inspected by the Planning Authority and shall be retained in place until completion of the development.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

06. Prior to the commencement of works on site, a meeting shall be held on site for the inspection by the Planning Authority of all tree protection measures, in order to ensure they have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or as otherwise agreed in writing by the Planning Authority.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

07. During the period of the works on site monthly, inspection reports, prepared by a suitably qualified professionals on Arboricultural matters, shall be submitted to the Planning Authority for written approval. These reports shall deal with the integrity of tree protection measures, any planned and agreed works within the root protection areas (RPA), service works, and any other site access issues that may impact on the trees to be retained.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

08. Before any landscaping works on the site is begun, a maintenance schedule for the landscaping scheme/open space, including a calendar detailing the maintenance of each component of the landscaping scheme and the number of operations within each month, and details of the responsibilities of relevant parties, shall be submitted to and approved in writing by the planning authority.

Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.

09. Before any work on the site is begun, a programme for the implementation/phasing of the landscaping in relation to the construction of the development shall be submitted to and approved in writing by the planning authority.

Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.

10. With the exception of tree works detailed in the approved application, existing trees on the site shall not be lopped, topped, felled or removed without the prior written approval of the planning authority. Details of such trees and the proposed operations on each of them shall be submitted to the planning authority. Any proposals for felling or removal shall include proposals, including a programme, for replacement tree planting.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

11. Prior to occupation of the first unit, a Residential Travel Pack including maps detailing public transport stops, timetables, links to travel website, estimated journey times, walking/cycle routes to key destinations, health benefits of walking / cycling etc. shall be submitted and approved in writing by the planning authority. Thereafter, the approved Residential Travel Pack shall be issued to the occupiers of each unit prior to their occupation.

Reason: In order to promote Sustainable Transport

12. Prior to the commencement of works on site, details of the storage of cycles for visitors shall be submitted to and approved in writing by the planning authority. The approved details shall be implemented before the development is occupied.

Reason: To ensure that cycle parking is available for the occupiers/users of the development.

13. Before work commences on site, details of the proposed drainage design with supporting calculations, SuDS features, outfall structures and connection points to Scottish Water sewers shall be submitted to and approved in writing by the planning authority. The approved details shall be implemented before the development is occupied.

Reason: To minimise the risk of flooding and its adverse effects.



14. Before work commences on site, written confirmation of Scottish Water's approval of the surface water drainage connection to the combined sewer shall be submitted to and approved in writing by the planning authority.

Reason: To minimise the risk of flooding and its adverse effects.

15. Before work commences on site, details of a flood evacuation plan shall be submitted to and approved in writing by the planning authority. Thereafter the recommendations of the flood evacuation plan shall be fully implemented prior to occupation of the development.

Reason: To minimise the risk of flooding and its adverse effects.

16. Before work commences on site, details of the floodable undercroft shall be submitted to and approved in writing by the planning authority. The approved details shall be implemented before the development is occupied. The operator of the development shall ensure that the floodable undercroft continues to provide the required storage and act as a flood flow route for the lifetime of the development.

Reason: To minimise the risk of flooding and its adverse effects.

17. Unless otherwise agreed in writing with the Planning Authority, no development shall commence on site until a comprehensive contaminated land assessment has been submitted to and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. The site is located in or close to a Coal Authority Development High Risk Area and therefore the potential for mine gas must be included within the assessment. The assessment shall be conducted and reported in accordance with current recognised codes of practice and guidance and shall include a risk assessment of all relevant pollutant linkages, as required by Planning Advice Note PAN33 - Development of Contaminated Land. Any potential risks to human health, property, the Water Environment and designated ecological sites shall be determined.

Reason: To ensure the ground is suitable for the proposed development.

18. Where the contaminated land assessment has identified any unacceptable risk or risks (as defined by Part IIA of the Environmental Protection Act 1990), a remediation strategy shall be submitted to and approved in writing by the Planning Authority prior to development commencing on site, and shall thereafter be implemented as approved. The strategy shall set out all the measures necessary to bring the site to a condition suitable for the intended use by removing any unacceptable risks caused by contamination, including ground and mine gas. The remediation strategy shall also include a timetable and phasing plan where relevant.

Reason: To ensure the ground is suitable for the proposed development.

19. Upon completion of the approved remediation strategy, and prior to any part of the development site being occupied, a remediation completion / validation report shall be submitted to and approved in writing by the Planning Authority. The report shall be completed by a suitably qualified Engineer and shall demonstrate the execution and effectiveness of the completed remediation works in accordance with the approved remediation strategy.

Reason: To ensure the ground is suitable for the proposed development.

20. In the event that any previously unsuspected or unencountered contamination is found at any time when carrying out the approved development, it shall be reported to the Planning Authority within one week and work on the affected area shall cease. Unless otherwise agreed in writing with the Planning Authority, no development shall recommence on the affected area of the site until a comprehensive contaminated land investigation and assessment to determine the revised contamination status of the site has been submitted to and approved in writing by the Planning Authority. Where required by the approved assessment, a remediation strategy shall be prepared and agreed in writing with the Planning Authority before work recommences on the affected area of the site. Upon completion of any approved remediation strategy and prior to the site being occupied, a remediation completion / validation report which demonstrates the effectiveness of the completed remediation works shall be submitted and approved in writing by the Planning Authority.

Reason: To ensure the ground is suitable for the proposed development.

21. Unless otherwise agreed in writing with the Planning Authority, no development shall commence on site until all boreholes, probeholes or monitoring wells completed across the subject site are decommissioned. Upon completion of site investigations and gas monitoring and following agreement on the findings of these with the planning authority; the boreholes, probeholes or monitoring wells should be decommissioned (backfilled) and sealed in a manner that prevents them acting as a migration pathway and evidence of this provided to the Planning Authority. Works shall be completed in accordance with Scottish Environment Protection Agency 2014 good practice guidance and BS 8576: 2013.

Reason: To ensure the ground is suitable for the proposed development.

22. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

23. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.

24. All tree works shall be carried out in accordance with the specifications detailed in the Arboricultural Implications Assessment & Arboricultural Method Statement date stamped NRS 15 December 2023, unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

25. Unless otherwise agreed in writing by the Planning Authority prior to its installation on site, the blue/green roof shall use the BauderBLUE STORMcell Biodiverse Green Roof system.

Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.

26. All occupied building spaces shall be placed above the minimum finished floor level of 29.56m mAOD, in accordance with the submitted drawing number (20)100 Rev P08 date stamped NRS 3 June 2024. The substation shall be placed above the agreed peak flood level of 29.26m.

Reason: To minimise the risk of flooding and its adverse effects.

#### **Reason(s) for Granting this Application**

01. The proposal was considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's accordance with the Development Plan.

#### **Advisory Notes to Applicant**

01. Construction and/or demolition work associated with this development should conform to the recommendations/standards laid down in BS5228 Part 1: 1997 "Noise and Vibration Control on Construction and Open Sites". Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 should be employed at all times to ensure noise levels are kept to a minimum.
02. In order to protect local residents' amenity, noise associated with construction and demolition works in residential areas should not occur before 0800 or after 1900 Monday to Friday, and not before 0800 or after 1300 on Saturdays. Noise from construction or demolition works should be inaudible at the site's perimeter on Sundays and public holidays. The planning authority should be notified of necessary works likely to create noise outwith these hours.

03. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).
04. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities
05. The applicant should contact Waste Management & Recycling regarding the collection of bins from the proposed residential development.
06. All servicing of the proposed development will be subject to traffic regulations and existing waiting and loading restrictions and any future amendments to same.
07. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984
08. Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, to be the subject of an application for express consent.
09. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build or maintain this approved development. Such consent should be obtained prior to the commencement of works on site.

for Executive Director of Neighbourhoods, Regeneration and Sustainability

DC/ NMO/01/02/2024

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ndicative Site Location