Item 2

7th March 2017

PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Mr I Briggs Phone: 0141 287 6051

APPLICATION TYPE	Full Planning Permission
RECOMMENDATION	**Grant, subject to conditions, and S69 Agreement.**

APPLICATION	15/02699/DC	**DATE VALID**	23.11.2015
SITE ADDRESS	29 Shakespeare Street Glasgow G20 8TH		
PROPOSAL	Conversion of former school building to form 29 flatted dwellings and erection of 56 flatted dwellings, with associated access, parking and landscaping.		
APPLICANT	Spectrum Properties (Scotland) Ltd Strathclyde Business Centre 120 Carstairs Street GLASGOW G40 4JD	**AGENT**	Jewitt and Wilkie Architects 38 New City Road GLASGOW G4 9JT
WARD NO(S)	15, Maryhill/Kelvin	**COMMUNITY COUNCIL**	02_117, Wyndford And District
CONSERVATION AREA	n/a	**LISTED**	n/a
ADVERT TYPE	n/a	**PUBLISHED**	n/a
CITY PLAN	Residential and Supporting Uses.		

CONSULTATIONS / REPRESENTATIONS

CONSULTATIONS

The following external consultations have been requested, and may be summarised as follows:

Land and Environmental Services (Public Health): No objection, subject to standard conditions controlling noise from associated plant and equipment, and details of refuse and recycling arrangements.

Land and Environmental Services (Waste and Recycling): No objection.

Land and Environmental Services (Biodiversity): No objection. The Bat Survey carried out by Acorna Ecology Ltd is considered thorough, and identifies bat roosts within the former school building. Clearly an SNH licence is required, and appropriate mitigation is detailed in a Bat Protection Plan in the report.

Land and Environmental Services (Contaminated Land): No objection. The applicant has submitted a Ground Investigation Report dated Nov 2016, carried out by Johnson Poole & Bloomer. The report identifies risks posed by chemical contamination and gas emissions. Given that the remediation measures will require an extensive capping layer and gas protection measures, a remediation strategy detailing the remedial measures will be required and this should be submitted to the Council prior to work starting on site. On completion of the development a verification report will be required.

Scottish Water: No response received. The applicant intends to connect surface and foul water drainage to Scottish Water infrastructure, and has provided documentation confirming that Scottish Water has agreed in

principle to accept all surface water run-off from the development into the public combined sewer, subject to suitable on-site attenuation. A separate application for connection to Scottish Water's infrastructure will be required.

Scottish Environment Protection agency (SEPA): No objection.

The Coal Authority: No objection, subject to suspensive condition requiring an intrusive site investigation, and appropriate remediation.

REPRESENTATIONS

This application has been neighbour notified twice, due to material changes made to the detailed design of the proposal during the application process. The material change was the enlargement of the site boundary to include a small parcel of land directly to the east of the garden of the former janitor's house in the northern corner of the site.

A total of 177 addresses were notified on each occasion. All valid representations submitted up to and including the second notification expiry date of 02 August 2016 have been considered. Multiple representations from the same person have been considered, but are only counted as one representation.

There have been 196 individual representations to the application, as well as 2 petitions containing approximately 563 and 2050 signatures respectively. The letters of representation include 2 neutral representations, and 194 objections. The two petitions object to the proposals. Of the 194 objections, 173 are 'form letters'.

The representations include objections from Cllr John Letford, Cllr Martin Rhodes, Cllr Franny Scally, Bob Doris MSP and Patrick Grady MP. Organisations that have made objections include Shakespeare Street Youth Club, East Park School and West End Nursery.

Numerous points have been raised in the letters of objection. Some of these relate to how the proposal relates to specific policy criteria. These policy specific issues are addressed in the main assessment of the application. The other main areas of objection are:

- The site contains an area of greenspace that shouldn't be built on.
- The proposal is contrary to the Maryhill Town Centre Action Plan, which states that part of the site should be sensitively developed into a local park and growing space.
- The proposed development would result in an unacceptable loss of trees and biodiversity.
- The proposed development would have detrimental impacts on the residential amenity of surrounding properties.
- The proposed development would have detrimental impacts on traffic movements and car parking.

The key reasons for objection are summarised in greater detail in the Assessment and Conclusions section below, and are accompanied with appropriate comments.

One local resident has submitted neutral comments generally welcoming the proposed development, but raising concerns about too much car parking provision within the development.

SP Energy Networks has submitted a letter that states it has no objection to the proposals, but advises that SP Distribution have high and low voltage cables and a substation in the vicinity of the proposals. The company advises that it reserves the right to protect and/or deviate apparatus/cables at the applicant's expense. A suitable advisory note is recommended.

BACKGROUND INFORMATION

The application site is owned by Glasgow City Council, but has been declared surplus. It is important to note that the council's roles as the planning authority and as the landowner are separate. The commercial arrangement between the council and the applicant is not a material planning consideration.

The site comprises the former Shakespeare Street primary school building and playground, as well as an area

of brownfield land to the south east, and an area of public open space to the south. The school building and playground site was originally marketed separately by City Property on behalf of Glasgow City Council, with a closing date of 06 December 2012. This closing date was extended to 31 January 2013, but no offers were received.

The site was re-marketed along with the adjacent parcels of land by City Property in 2014. This allowed a larger developable area which increased potential residential unit numbers on site. A successful closing date was held on 2 October 2014 with two offers being received. The applicant, Spectrum Properties (Scotland) Ltd, was ultimately successful in this process.

The original proposals submitted on 03 Nov 2015 did not acknowledge or properly address the loss of public open space on site. However, the applicant has subsequently engaged with DRS, and has submitted amended proposals. As discussed below, these revised proposals are considered to result in an improved development proposal which addresses these particular issues.

During the processing of this application, Scottish Ministers have issued a Direction under Regulations 31 and 32 of the Development Management Regulations 2013. The Direction has been made "in the light of the proposal's potential impact on the loss of valued open/green space". Before determining the application the Council is required to send relevant details to Scottish Ministers for their consideration. This Direction does not commit the Scottish Ministers to calling in any such application, but it does reserve their right to intervene.

SITE AND DESCRIPTION

The application site is within the Maryhill/Kelvin Ward, and extends to approximately 0.88 hectares. It is bounded to the north west by Shakespeare Street, to the north east by Hathaway Street, to the south by Shanks Street, and to the south east by Shortridge Street. The site is also bounded to the east by West End Nursery and Scottish Squash Rackets Club (fronting onto Malloch Street), and by a two storey building containing Class 4 office units (fronting onto Hathaway Street). Bounding the northern corner of the site is the former janitor's house: a single storey bungalow and garden.

Surrounding Area

The land use in the immediate area includes residential, retail, small business and community uses, and the site is covered by the 'Residential and Supporting Uses' policy principle in City Plan 2. The buildings in the immediate area include traditional red sandstone tenements on Hathaway Street and Shakespeare Street, modern tenements on Shakespeare Street, and a mix of low rise industrial and residential buildings to the south and east of the application site. The scale and massing of surrounding buildings varies from single storey to four storeys. Maryhill Shopping Centre (including a Tesco superstore) is approximately 50 metres to the north, beyond Shakespeare Street.

There are no nearby listed buildings which would be affected by the proposals, and the site is not within a conservation area. The Glasgow West Conservation Area boundary extends to 12 Amsfield Street, which is approximately 35 metres to the south west of the application site boundary. Due to the street layout and orientation of buildings, it is not considered that the site has a significant impact on views into and out of the conservation area.

The site is in a 'high accessibility' zone for public transport, being in close proximity to Maryhill Road, which is a main arterial route into the City and a Quality Bus Corridor. High accessibility zones are described in City Plan 2 (DG/TRANS 3) as having a high standard of public transport with minimum waiting times and with little impact from service disruptions. High accessibility zones are defined as follows:

- Buses 12+ per hour with 400m catchment
- or Trains 6+ per hour with 600m catchment
- or Subway 12+ per hour with 600m catchment.

Existing Site

The application site incorporates three separate parcels of land, namely the former Shakespeare Street primary school building and playground, an area of brownfield land (approx. 2550 sq m) to the south east, and an area of public open space (approx. 2260 sq m) to the south. The area within the current site boundary has previously been occupied by a quarry, a brick works and spoil heap, mine shafts and most recently by a school and related buildings.

The school building was last used by the Council as an Adult Training Centre, but has been vacant since 2012. Due to the historical development pattern a disjointed and piecemeal urban form has been created. The school grounds are partitioned by a high brick perimeter wall, and are entirely hard surfaced and sterile. The brownfield site in the north east corner has no clear function, and its unkempt appearance currently blights the adjacent Hathaway Street. The public open space to the south of the site functions as a passive recreation space and a through-route for local residents. However it does not benefit from good passive supervision from surrounding properties, and its design is rudimentary and lacks enclosure.

The 3-4 storey school building (built 1913-1915) is unlisted, though it is a fine example of early twentieth century civic architecture and makes a significant and positive contribution to the local townscape. While the stonework appears to be in relatively good condition, there has been some water ingress from the roof due to lead stripping. The building has been included on the 'Buildings at Risk' register, and is described as being in fair condition, with a Moderate category of risk. The register includes the following description:

U-plan red sandstone Glasgow Board School with overhanging eaves. Slated roofs. Panel to Front Elevation with "School Board of Glasgow Shakespeare Public School". Slightly advanced outer bays with parapets incorporating chimney stacks. Single storey, flat roofed entrances for boys and girls on North and South elevations. Three long windows to front elevation suggest a double-height hall to the interior. Low stone boundary with railings to front elevation, brick boundary walls to other elevations.

There is a brick built flat-roofed boiler house to the eastern corner of the rear elevation, which it is proposed to remove as part of the proposals. The former playground is entirely hard surfaced, and there are low quality brick shelters to the east of the main building, which would also be removed. A bat survey carried out in June 2016 identified two roosts within the school building, and appropriate mitigation is detailed in a Bat Protection Plan in the survey report.

With reference to historic OS mapping, the remainder of the site, including the area of public open space, has previously been occupied by three buildings. Two of these buildings are labelled as 'Central Kitchen' on the 1980s OS mapping, and all three buildings were apparently demolished at some point in the 1980s.

An area of public open space (approximately 2260 sq m as defined on the open space map) was created on the corner of Shanks Street and Shortridge Street around this time. The space is predominantly grassed, with a central tarmac area and a network of tarmac footpaths meandering through. There are also trees within this space (discussed below). In the central area there are three benches, and two small concrete elephant statues. This part of the site is identified as 'Amenity Greenspace – Housing' in Glasgow's Open Space Map, and it currently provide opportunities for passive recreation for local residents. The paths demonstrate a public right of way through the site from Shakespeare Street to Shortridge Street.

The remainder of the site between Hathaway Street and Malloch Street (approximately 2550 sq m) is brownfield land with patchy grass cover which is used informally by local residents for dog walking. There are also trees (discussed below). This part of the site is identified as a 'site not affecting protected open space' in Glasgow's Open Space Map.

The application has been supported by a Tree Survey Report, which records 13 mature trees within the site boundary including white poplar, sycamore, and Swedish whitebeam. None of these trees have statutory protection. The landscaping proposals are discussed in detail below.

Existing Ground Conditions

The Coal Authority has advised that underground coal mining has taken place at shallow depth beneath the application site. Two recorded mine entries are located within the application site: a coal shaft, and an ironstone shaft. The coal shaft has previously been filled and capped, though further intrusive investigations will be

required to ensure that these treatment works are adequate in terms of ensuring stability of the site for the proposed use. There is an ironstone shaft (ref: 257668-011) within the playground to the east of the building. This shaft is untreated and potentially poses a significant risk to stability at the site. Intrusive investigation and treatment works will be required to ensure that the risks posed by this feature are appropriately addressed.

The submitted Ground Investigation Report has established that there is ground contamination on the site, and that remedial measures are needed. The remediation measures will require an extensive capping layer and gas protection measures. A remediation strategy detailing the remedial measures will therefore require to be submitted for approval prior to work starting on site. On completion of the development a verification report will be required.

POLICIES

Glasgow and the Clyde Valley Strategic Development Plan (2012)

Glasgow City Plan 2 (2009). The following City Plan Policies are considered relevant to this application:

DEV 2 Policy Principle	-	Residential and Supporting Uses
DEV 11 Policy Principle	-	Green Space
DES 1	-	Development Design Principles
DES 2	-	Sustainable Design and Construction
DES 4	-	Protecting and Enhancing the City's Natural Environment
DES 12	-	Provision of Waste and Recycling Space
RES 1	-	Residential Density
RES 2	-	Residential Layouts
RES 4	-	Barrier Free Homes
RES 9	-	Retention of Traditional Sandstone Buildings Outside Conservation Areas
ENV 1	-	Open Space Protection
ENV 2	-	Open Space and Public Realm Provision
ENV 4	-	Sustainable Urban Drainage Systems (SUDS)
ENV 5	-	Flood Prevention and Drainage
ENV 6	-	Biodiversity
ENV 8	-	Trees, Woodlands and Hedgerows
ENV 12	-	Development of Brownfield Sites and Contaminated Sites
ENV 15	-	Energy
TRANS 4	-	Vehicle Parking Standards
TRANS 6	-	Cycle Parking Standards

OTHER MATERIAL CONSIDERATIONS

Scottish Planning Policy (SPP) (2014)
Proposed Strategic Development Plan 2016 (Clydeplan)
Modified City Development Plan (CDP) November 2016
Maryhill Town Centre Action Plan (August 2011).

PROPOSAL

It is proposed to convert the school building to form 29 residential flats, and to erect two new blocks containing residential flats fronting Hathaway Street (Block 2, 24 flats) and Shanks Street (Block 3, 32 flats). The residential buildings are set within a thoughtfully landscaped site which provides a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. Footpaths through the site (linking Hathaway Street, Shakespeare Street and Shortridge Street) provide a high level of permeability, while an off-street parking area for 63 cars is accessed from Shortridge Street.

As indicated in the Accommodation Schedule, there is a mix of 1, 2 and 3 bedroom flats, and it is understood that these are intended for private sale.

Accommodation Schedule		Unit Types				Unit Total per floor	Unit Total in building
		1no. Bedroom (1no. Double Bed)	2no. Bedrooms (1no. Double Bed + 1no. Single Bed)	2no. Bedrooms (2no. Double Beds)	3no. Bedrooms (3no. Double Beds)		
School (Building 1)	Ground Floor	10	1	2		13	29
	First Floor	1		4	2	7	
	Second Floor	3		3	3	9	
New Build (Building 2)	Ground Floor			6		6	24
	First Floor			6		6	
	Second Floor			6		6	
	Third Floor			6		6	
New Build (Building 3)	Ground Floor	2		6		8	32
	First Floor	2		6		8	
	Second Floor	2		6		8	
	Third Floor	2		6		8	
Totals		22	1	57	5	**85**	

Former School Building

Minimal external alterations are proposed in order to refurbish and convert the existing building to form 29 residential flats (7 of which are duplex). It is intended to upgrade or replace the existing windows on a like-for-like basis with double glazing units. All external doors are to be replaced in timber doors in the style of the originals.

Stone, slate and rainwater goods are proposed to be repaired where required on a like-for like basis. The applicant has advised that any new stone will be kept to an absolute minimum, with the majority of works to the stone being a light brushing of the outer face to remove debris and loose material. Suitable conditions can be attached to control these works and safeguard the historic character of the building. It is also proposed to attach a suitable condition to control the design and placement of external fittings such as flue vents.

It is proposed to erect two bin storage shelters to the east (rear) elevation of the school building. These are single storey, of a rectangular footprint, and to be constructed in facing brick with a hipped pitched roof in natural slate.

With regards to the internal layout, the existing accesses and stair cores would be retained, and vertical internal partitions do not affect the existing windows. Due to challenges of converting a historic building, 17 of the flats are single aspect. Some further clarification is required in relation to the second floor mezzanine plan. It appears

that the floor plates will interrupt the windows on these plans. Further details of any spandrel panels on the elevations will need to be clarified and controlled through a suspensive condition

New Buildings

The two new-build blocks are four storeys in height (approx. 13.9m) and are simple and restrained in their design. They incorporate a shallow mono-pitched roof hidden behind a brick parapet. A red/brown facing brick is the predominant material to elevations, with all glazing stacked vertically and subdivided by dark grey spandrel panels to match the window frames. The base of each block is defined by a precast concrete string course, with brick soldier courses defining the floorplates at 2nd and 3rd floor level. Anodised pressed metal panels are used to enlarge and articulate the voids, and (with the exception of the west elevation of Block 2) recessed balconies are incorporated into the gable elevations.

All flats are dual aspect, and have direct access to front and rear of the building via a common close.

Block 2

Four storey building fronting Hathaway Street, with the building line set back 1.7m from the heel of the footway, behind a low boundary wall. The 24 two bedroom flats are accessed from 3 no. stair cores (2 flats on each landing; 8 flats to a close).

Block 3

Four storey building fronting Shanks Street, with the building line set back 1.7m from the heel of the footway, behind a low boundary wall. There are 26 two bedroom flats and 6 one bedroom flats, which are accessed from 4 no. stair cores (2 flats on each landing; 8 flats to a close).

Landscaping and Car Parking

It is proposed to form a vehicle access from Shortridge Street for servicing and off-street parking. A total of 63 parking spaces are proposed, including 4 wide bays for disabled users. This equates to a 74% parking standard for the proposed development.

A comprehensive landscaping scheme has been submitted, which demonstrates a series of well-considered public, semi-private and private spaces, including predominantly hard-surfaced civic spaces and circulation routes complimented by soft landscaped green spaces. The soft landscaping extends around both the existing school building and the new residential blocks. The new residential blocks have rear garden areas of between 4.5m and 9m in length which are enclosed by a low boundary wall hedge and tree planting. It is intended to remove parts of the existing boundary wall around the playground area

Pathways through the site provide pedestrian connections between the public roads of Hathaway Street, Shakespeare Street and Shortridge Street, and ensure a good level of permeability.

The applicant has identified three key amenity spaces within the development (see also drawing 3139/P/202-B 'Site Plan showing suggested areas for ENV 2 calculation'):

Site A, at the corner of Shakespeare Street and Shanks Street is conceived as a public civic space, providing a new location for the existing elephant structures. The area also includes the retained white poplar tree and seating areas. The space acts as a visual marker for pedestrian movement through the site from Shakespeare Street to Shortridge Street. The space is suitable for passive recreation, and provides a total useable amenity area of 502 sq m.

Site B is to the south of the former Janitor's House, and is bounded by Hathaway Street provides a further public space. This includes a further pedestrian link from Shakespeare Street with an avenue of trees, leading to an equipped children's play area. Around the enclosed children's play area there is further hard landscaping incorporating seating areas, which is suitable for passive recreation. The children's play area is 120 sq m. The areas surrounding the children's play are 343 sq m and 79 sq m, with other areas of landscaping buffers discounted as amenity space. The total useable amenity area is 542 sq m.

Site C is a large semi-private garden to the west of the existing school building. This is intended primarily for the residents of the development, and the garden is enclosed by a perimeter hedge to signify the privacy of the space. The proposals provide an apple orchard and a grassed area with seating, Provision for emergency clothes drying is also indicated within this area, which provides a total useable amenity area of 887 sq m.

In addition to these spaces, the proposals include landscaping works to the pedestrianized section of Hathaway Street to the north of Block 2. The proposals for this area includes hard landscaping as well as planting of five street trees.

The loss of the existing public open space, and the acceptability of the proposed mitigation will be discussed in detail below with reference to policy ENV 1 – Open Space Protection.

Trees

Redevelopment of the site would result in the removal of ten existing trees. The majority of the trees are small ornamental trees or self-seeded. Removal of a group of white poplars on the eastern boundary, and a single white poplar on the south-west boundary of the existing school site, represents the most significant of the tree loss. However, the Tree Survey Report advises that white poplar is a species that is prone to profuse suckering, often resulting in disruption to tarmac and other hard surfacing. The root systems are vigorous, and branch structure is brittle and prone to breakage. The Tree Survey advises that white poplar is not well suited to the built-up urban environment.

Two trees are proposed to be retained: a white poplar (tag 8677) on the corner of Shakespeare Street and Shanks Street, and a Sycamore (tag 8678) within the public open space, adjacent to the existing school boundary wall. These trees are assessed as being in good condition, with the white poplar having a strong upright crown form. The remainder of the trees are assessed as 'Fair' or 'Poor' condition, but these are affected by the development proposals. Significant tree planting is proposed as part of overall site landscaping. 31 no. Hornbeam trees and 11 Lime trees are proposed (26 standard size, and 16 extra heavy standard size). In addition, 8 apple trees and 4 crab apple trees are proposed to form an orchard area within the semi-private garden to the rear of the school building. Including the two retained trees, there will be a total of 56 trees within the landscaping proposals. There will therefore be a substantial net increase in tree cover within the site.

OTHER STATUTORY CONSIDERATIONS

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

With respect to The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 this application is considered to fall within the description of 'Housing Development'. The application site area is approximately 0.88 ha and more than 50 residential units are proposed. On this basis, the proposal represents 'Major' development where, prior to lodging of this application, the applicant was required to undertake pre-application consultations in accordance with Section 35(a) and (b) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The applicant held a public consultation event at Maryhill Burgh Halls on 16th July 2015 between 11am and 6pm. This meeting was notified by a letter dated 12 June 2015 to the four local Councillors, Maryhill and Summerston Community Council, Central Maryhill Community Council and Maryhill Burgh Halls Trust. The meeting was also advertised in the Evening Times on Friday 03 July 2015. The format of the meeting was a display of the proposed development, with an informal presentation between 17:00 and 18:00. The applicant advised that information leaflets, comments forms and feedback would be provided.

Unfortunately there were no attendees at the public consultation event. As no comments or requests for more information were received at either the public meeting or during the consultation period, no feedback or additional information was issued by the applicant. A pre-application consultation report has been provided, outlining the consultation measures undertaken and how this exercise has informed the planning application, as required by Section 35(c) of the Act. It is considered that the applicant has complied with the aforementioned legislative requirements.

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

The proposal has been screened under the EIA Regulations, being 'Schedule 2' (urban development project over 0.5 hectares). It is not considered to constitute EIA development, and any potential environmental impacts of the development can be properly assessed and mitigated through the planning application process.

Other 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.

A report on Bat Surveys carried out by Acorna Ecology Ltd May-August 2016 has been submitted. This report describes a survey of potential roosting locations in the former school building. The report has been reviewed and is considered thorough. The report identifies bat roosts within the former school building. Clearly an SNH licence is required, and appropriate mitigation is detailed in a Bat Protection Plan in the report.

iii. A Design Statement or a Design and Access Statement.

A Design and Access Statement was submitted in support of this application

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).

- Flood Risk Assessment
- Drainage Statement
- Tree Survey
- Ground Investigation Report
- Bat Survey Report

B. Summary of the terms of any Section 69 or Section 75 Planning Agreement

The applicant is required to enter into a legal agreement to satisfy the terms of policy ENV 2. When developers are unable to meet the full provision of open space on site 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. The required sum associated with this is £79,789. The applicant has agreed that this sum will be secured through a section 69 legal agreement.

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 to this application.

ii. 1. Requiring the Council to give information as to the manner in which an application has been dealt with.

Scottish Ministers have made a Direction under Regulations 31 and 32. The Direction has been made "in the light of the proposal's potential impact on the loss of valued open/green space".

Before determining the application the Council is required to send relevant details to Scottish Ministers for their consideration. This Direction does not commit the Scottish Ministers to calling in any such application, but it does reserve their right to intervene.

2. Restricting the grant of planning permission.

As discussed in 1. above, the Direction requires Scottish Ministers to be notified prior to final determination of this application.

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.

ASSESSMENT AND CONCLUSIONS

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the Act) require 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.

The main issues in the assessment of this application are considered to be:-

(a) whether the proposal accords with the Development Plan;

(b) whether any other material considerations, including the Maryhill Town Centre Action Plan and letters of representation, have been satisfactorily addressed.

1) THE DEVELOPMENT PLAN

The Glasgow and the Clyde Valley Strategic Development Plan was approved in May 2012 and Glasgow City Plan 2 was adopted in December 2009. Consequently, weight must be given to the emerging Development Plan, which is the Strategic Development Plan 2016 (Clydeplan) and the City Development Plan (CDP).

The Clydeplan was submitted to the Scottish Ministers for examination in May 2016 with a Reporter appointed on 1 July 2016. The CDP was modified in November 2016, following the Reporter's recommendations published in June 2016, and the modified CDP will be adopted on 29 March 2017. Given the age of the adopted Local Development Plan and the imminent adoption of the CDP, particular weight should be afforded to the modified CDP.

There are considered to be no policies within the approved or proposed Structure Plan which have a direct bearing on this application. Within the City Plan 2, the policies outlined below are considered relevant to the assessment of the application:

The application site is within an area covered by the **DEV 2 – 'Residential and Supporting Uses'** Policy Principle. The areas designated 'Residential and Supporting Uses' include the City's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space.

The Council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision. Proposals which impact on green/open space, as defined on the Council's Glasgow Open Space map should be assessed in the context of policies **DEV 11: Green Space** and **ENV 1: Open Space Protection**. These policies advise that all green/open space areas (regardless of their size or purpose) are functionally important elements of Glasgow's green infrastructure. There is a strong presumption in favour of the retention of all public and private green/open space. Policy ENV 1 sets out criteria for making exceptions to development of open space, and this is assessed below.

As discussed in relation to ENV 1 below, the proposed on-site mitigation for the loss of the protected amenity space is considered reasonable. With regard to the above, the general principle of residential development on this site is consistent with the DEV 2 designation. The more specific issues of residential amenity and impact upon townscape and landscape are more appropriately assessed against the specific policies below.

The proposal also requires to be considered/assessed against the following policies:

DES 1 Development Design Principles
DES 2 Sustainable Design and Construction
DES 4 Protecting and Enhancing the City's Natural Environment
RES 9 Retention of Traditional Buildings Outside Conservation Areas

DES 1 aims to promote new development which is designed and constructed to contribute positively towards the creation of high quality environments and sustainable places, in support of the Plan's vision. The policy identifies numerous criteria which are generally cross-referenced to the relevant City Plan 2 policies which are to be assessed later in this report. In respect of the design context there is overlap between the policy criteria in policies DES 1, DES 2 and DES 4 and RES 9 so it makes sense that the assessment is simultaneous. The other DES 1 criteria are considered in relation to the relevant policies below.

In respect of policies DES 1, DES 2 and DES 4 and RES 9 the key assessment criteria can be summarised as

- Demonstrate the highest standards of urban design which respects context, setting, local townscape and landscape character;
- reflect a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;
- reflect high quality contemporary design, where appropriate, which is imaginative, innovative and sympathetic to local traditions, and which creates a strong sense of place;
- protect significant views into, and out of, the area and important public views of vistas and landscape features;
- retain and improve traditional sandstone buildings;
- retain all existing open space, whether public or private, and trees which contributes positively to the historic character of the area;
- have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form and architectural styles, provides shelter, creates local identity and promotes biodiversity;
- enhance landscape characteristics where they have been weakened and need improvement, and create new landscapes where there are few existing facilities;
- protect existing biodiversity features, compensate for any unavoidable loss and enhance/add to biodiversity;
- make best use of sustainable design and construction techniques, e.g. in the use of materials, siting, orientation, water recycling and renewable energy.

Objections have been received, stating that the proposal does not comply with these design policies by virtue of destruction of existing greenspace, unacceptable loss of existing mature trees, and inappropriate design of the new residential blocks, which have been described as 'brutal' and 'like prison blocks'; lacking quality and vitality. In addition it has been claimed that the proposals will erode the integrity of the local townscape and green network, that there is too much hard landscaping and that the proposed paved areas are unnecessarily wide.

Comment: The application site incorporates three separate parcels of land. As discussed above (Existing Site, page 4), due to the historical development pattern a disjointed and piecemeal urban form has been created. Site consolidation has allowed the applicant to present a comprehensive urban design response which resolves these existing weaknesses. The resultant residential buildings are set within a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. The landscaping proposals improve and enhance the setting of the existing school building, and successfully unify the traditional and contemporary architectural styles within the development.

As discussed above, the unlisted former school building is a fine example of early twentieth century civic architecture, and it makes a significant and positive contribution to the local townscape. It is considered that the retention and sensitive conversion of this 'at risk' building to residential use is a significant benefit, and reflects the Council's strong preference that traditional sandstone buildings should be retained and improved wherever possible (see policy RES 9). Safeguarding conditions are proposed to ensure that external repairs and alterations are carried out with traditional materials in accordance with building conservation best-practice, and that internal partitions are designed and detailed sympathetically to minimise their external visual impact. It is also recognised that the design and siting of external vents, flues and any other similar fixings has the potential to affect the special character of the building. Where reasonably practical it is expected that all requirement for vents, flues and similar fittings shall be accommodated via rising internal service ducts which terminate at roof level. A suitable safeguarding condition is proposed.

The two new residential blocks are a modern interpretation of the traditional residential tenement form in the area. They are sensitively sited in relation to the original school building, and are subservient in their scale and massing. Block 2 provides much needed containment to Hathaway Street. Block 3 activates Shanks Street and Shortridge Street, and provides passive overlooking of the proposed civic open space on the corner of Shakespeare Street and Shanks Street. It is recognised that the simplicity of the design of the new blocks will require high quality detailing in order to achieve an appropriate level of design quality. It is considered appropriate to require that the window reveals of the new blocks should be at least one brick deep (215mm) to bring sufficient depth and modelling to the elevations, and that further details of the anodised metal panels are submitted, showing their detailing and further articulation. More generally, samples of all finishing materials will be required to enable the Planning Authority to consider these aspects in detail, and ensure an appropriately high standard of materials.

Footpaths through the site (linking Hathaway Street, Shakespeare Street and Shortridge Street) provide a high level of permeability. The footpaths have a minimum 2m width and are tree lined, which provides a generous civic quality to these spaces, and underlines their public function. The proposed footpath between Shakespeare Street and Shortridge Street is considered to preserve the existing public right of way through the site.

The proposed public space on the corner of Shakespeare Street and Shanks Street (Site A) provides a focal point for the relocation of the elephant statues (which have become a local landmark), while the retention of two mature trees and installation of seating areas and soft landscaping results in a well-designed space for passive recreation. The proposed equipped children's play area to the northern corner of the site, and surrounding benches, soft landscaping and tree planting (Site B) is a welcoming civic space which provides further passive recreation as well as a safe play area for younger children, which is currently lacking in the area. The other private and semi-private garden spaces provide an appropriate setting and defensible space for the residential blocks, and will offer a good level of amenity to the residents of the development.

The existing site has no environmental designations, though there are 13 mature trees. As discussed above, the proposed landscaping scheme would retained retain two existing trees, and there will be a total of 56 trees within the landscaping proposals. There will be a substantial net increase in tree cover and an increase in tree species diversity within the site, as well as shrub planting and laurel hedges. It is considered that the proposals will make a positive net contribution to the biodiversity in the area; providing additional opportunities for bird nesting and foraging. In order to protect nesting birds during the construction phase, a safeguarding condition is proposed to ensure that the required felling or cutting back of trees, scrub or bushes shall be undertaken

outside the main bird breeding season (March-July inclusive), unless a survey by a suitably experienced surveyor has shown that no nests, in use or being built, could be damaged, destroyed or obstructed.

With respect to sustainable design and construction, Section 7 of the new building regulations ensure all new buildings have to achieve significant sustainable/thermal efficiencies which are significantly more onerous than the previous EcoHomes assessment referenced in policy DES 2. The applicant has advised that through further design development, consideration will be taken on the best way to achieve these targets, which may involve the introduction of roof mounted solar panels. Indicative locations have been shown on the current site plan (see attached drawing 3139/P/201 Rev K). A suitable condition is recommended requiring the applicant to consider different options for micro-renewable and low carbon technology in the development, and provide details of these prior to works commencing on site.

In summary, the proposal for comprehensive redevelopment of this site is considered to generally comply with these Design Policies, and would represent a significant improvement in the urban planning of this site, to the benefit of the surrounding area.

DES 12 – Provision of Waste and Recycling Space

This policy aims to ensure that appropriate and well-designed provision is made within all new development for waste storage, recycling and collection, all to assist the Scottish Government to meet its waste management targets.

Comment: All flats have access to purpose built external bin stores. LES Cleansing has been consulted, and is satisfied with the proposed storage and servicing arrangements. The proposal is considered to comply with this policy.

RES 1 – Residential Density

This policy aims to ensure that all new development provides an appropriate urban scale and townscape form in order to consolidate and/or enhance the traditional urban structure and create high quality sustainable, new environments. RES 1 advises that, within the inner urban area, density may vary from a minimum of 30 dwellings per hectare (DPH) to a maximum of 100 DPH in base accessibility locations, whilst higher densities will be expected in high accessibility locations, dependent on local townscape considerations.

Comment: The application site is located within the Inner Urban Area, and is in an area of 'high' accessibility to public transport. The proposed development has 85 units in a site area of approx. 0.88 ha. This equates to 97 DPH. The urban scale and townscape form of the development has been assessed in relation to the Design policies above, and is considered appropriate and sympathetic in relation to the existing townscape form. The proposal is therefore considered to comply with this policy.

RES 2 – Residential Layouts

This policy aims to provide high quality residential environments that minimise environmental impacts and create neighbourhoods and buildings that are attractive to live in. RES 2 states that all residential layouts should:

- take account of the space and design requirements of the required SUDS scheme

Comment: This is discussed in relation to policy ENV 4 below.

- make provision for refuse and recycling storage areas

Comment: This is discussed in relation to policy DES 12 above.

- wherever possible, retain all significant trees on sites, unless removal is necessary, e.g. for good arboricultural reasons;

Comment: This is discussed in relation to the Design policies above. There will be a substantial net increase in tree cover and an increase in tree species diversity within the site, as well as shrub planting and laurel hedges. It is considered that proposed tree removals have been fully justified, and that the landscaping proposals will

make a positive net contribution to biodiversity in the area, including providing additional opportunities for bird nesting and foraging.

• and have roads designed to the standards of Planning Advice Note (PAN) 76: New Residential Streets.

Comment: Not applicable to this development.

In addition RES 2 states that all homes should:

• have large areas of clear glazing and, wherever possible, orientate with main rooms facing south/west, in order to minimise energy use.

Comment: All habitable rooms have generous levels of clear glazing. The new blocks have aspect to the north east – south west which is a sensible orientation that reflects the surrounding street pattern.

With regards to the school building conversion, the existing footprint constraints has resulted in one of the single bedroom flats on the ground floor having single aspect to the north east. Notwithstanding, this unit benefits from generous glazing, and is considered acceptable on this basis.

• have no adverse impact on existing or proposed neighbours, in terms of overlooking, loss of privacy, daylight, or sunlight, and not have upper rooms, balconies etc. which directly overlook adjacent private gardens/backcourts.

Comment: Wherever possible, a minimum of 18m should be provided between habitable room windows directly facing windows in buildings on an adjacent site. Block 3 achieves minimum 18m window to window distances with the surrounding properties. However, the window to window distance between the north elevation of Block 2 and the Hathaway Street tenement flats opposite is only 17m. The architects have advised that Block 2 can be set back the required 18m without compromising the general layout. It is therefore recommended that a condition be attached requiring a minor amendment to the layout to achieve a minimum 18m window to window distance.

The proposed layout is generous and open, and ensures that there are no adverse impacts on the daylight or sunlight received to adjacent buildings either within or outwith the development.

• provide usable communal private garden spaces as “backcourts”. This is in addition to the requirements of policy ENV 2: Open Space and Public Realm Provision.

Comment: The proposal provides good quality useable external private garden space within the development.

• make outside provision for clothes drying, in areas screened from public view and not subject to excessive overshadowing.

Comment: External emergency clothes drying areas are indicated in the large semi-private garden area to the rear of the school building. A suitable condition is attached requiring further details of this provision.

• Ideally all flats should have dual aspect (where single aspect is proposed developers will require to show that the amenity enjoyed is similar, if not better than that of dual aspect flats in a similar location

Comment: All new flats within the development have dual aspect. Due to the challenges of converting a historic building, 17 of the flats are single aspect. However, these flats have generous glazing and good space standards. On balance the proposed single aspect flats are considered to provide a good level of amenity to residents.

With reference to the above, the proposal is generally considered to comply with this policy, subject to safeguarding conditions.

RES 4 - Barrier Free Homes

This policy aims to provide a range of housing suitable, or readily adaptable for mobility impaired residents. In larger sites a minimum of 10% of new homes should be wheelchair standard, or readily adaptable to wheelchair standard.

Comment: The applicant has confirmed that flat layouts have been designed with the current technical standards in mind and as such provide space for enhanced apartments etc. As such 10% of the flats in the development will meet these requirements.

ENV 1 - Open Space Protection

This policy aims to ensure that areas of formal and informal open space are protected from inappropriate development, in order to maintain or enhance the quality of life, health, well-being and amenity of the communities they serve and also promote sustainability and biodiversity.

Objections have been received, stating that the proposal does not comply with this policy by virtue of the unacceptable loss of existing Protected Open Space, and the lack of adequate compensation within the proposals for what is described as 'a coherent and long established public park' that is well used by local people for play and passive recreation.

Policy ENV 1 states that that where exception is made for development on open space within categories 1 to 6, the development should:

- either be directly related to the current use(s) of the open space or better serve local community needs by the provision, in the local area, of an area of equivalent, or higher quality open space, to directly replace the type of open space that would be lost (this will require the developer to consult with the local community using consultation methods agreed with the Council);
- comply with the requirements of policy ENV 2: Open Space and Public Realm Provision (see below);
- provide for appropriate habitat creation, landscape treatment and subsequent maintenance of the retained or newly created open space (see Design Policies above); and
- not have a negative impact on the connectivity of the green network and/or distribution of open space within the surrounding area or prejudice any site covered by an Environmental Designation (see policy ENV 6 – Biodiversity below).

Comment: As discussed above, the site includes an area of public open space (approximately 2260 sq. m as defined on the Open Space Map). This is identified as 'Amenity Greenspace – Housing'. The existing space functions as a passive recreation space and a through-route for local residents. However due to its location it does not benefit from good passive supervision from surrounding properties, and its design is rudimentary and lacks enclosure.

The acceptability of the proposed on-site mitigation is a key issue. The Scottish Planning Policy (June 2014) provides relevant guidance on this:

"230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes."

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality."

For the purposes of assessing the proposed mitigation for loss of the existing public open space, it has been established that a total of 1044 sq. m (i.e. 502 + 343 + 120 + 79 sq m) of useable amenity space (located at Sites A and B) is available for public use (refer to drawing 3139/P/202-B 'Site Plan showing suggested areas for ENV 2 calculation'). A further 887 sq. m of semi-private open space (site C) is primarily intended for use of residents within the development, and has therefore been discounted for the purposes of this assessment.

As discussed above in relation to the Design policies, Sites A and B provide well designed civic spaces for passive recreation, as well as a safe play area for younger children. While the overall amount of open space has

reduced (from 2260 to 1440 sq m), the proposed spaces are better located and designed than the existing space, and will benefit from passive supervision from surrounding buildings. With respect to their function, the spaces provide an improved environment for passive recreation compared to the existing space, and also provide an equipped children's play area, which is currently lacking in the area. While the quantity of public open space has reduced, the quality and function of the proposed spaces is considered to represent an improvement.

As discussed above, the applicant has carried out a consultation exercise as part of the pre-application consultation requirements for this application. Regrettably this did not result in any community engagement. Following submission of the planning application, the Department raised the issue of protected open space directly with the architects, and there have been a series of discussions which subsequently resulted in the submission of amended proposals. During this process, the architects reviewed the letters of objection from interested parties, and attempted to address the concerns raised about loss of protected open space within the amended proposals. They also wrote to one objector who had written an extensive letter of objection, and tried to engage them in this review process. However, no response was received. The objector has subsequently advised that he saw no point in meeting with the developer because he objected to any building on the protected open space.

Despite the lack of direct engagement with local residents, the applicant has demonstrated that the views of local residents have been considered in their proposals for on-site mitigation. As discussed, the mitigation is considered acceptable, and the development is therefore considered to comply with this policy.

ENV 2 - Open Space and Public Realm Provision

This policy aims to ensure that new development contributes to improving the City's environment through the provision and maintenance of high quality open spaces and areas of public realm that are well designed, accessible, safe and available for community use. The primary aim of the policy and associated guidance is to ensure that residents of new development have access to a range of quality open space. For the purposes of this policy all useable amenity space within Sites A, B and C has been considered. The children's play area is 120 sq. m, while the remainder of the amenity space (1,811 sq. m) is counted as general amenity (refer to drawing 3139/P/202-B 'Site Plan showing suggested areas for ENV 2 calculation').

Existing Open Space Facilities

In terms of amenity space, the proposal has one park (Ruchill Park) within the 400 metre threshold specified in the policy. However, using the methodology agreed for assessment of amenity space, the level of provision in this area is still considered deficient.

In relation to children's play facilities, there are no play areas within 300 metres of the site. The level of provision is therefore deficient.

In terms of outdoor sport, this area is deficient in provision for both formal and informal sport.

Assessment

Policy ENV 2 states that…"Where a relative shortage (either in quantity or quality) of any of the open space categories set out in the policy has been identified through an audit (having regard to the distance thresholds set out in DG/ENV 2), or where the proposed development could lead to such a shortage, the developer will be expected to meet the policy's entire requirement for those categories within the development site. If it is demonstrated (to the satisfaction of the Council) that this is not feasible, then part (or in exceptional circumstances all) of the requirement may be met by an equivalent financial contribution.

Amenity

With reference to the DG/ENV 2 methodology, the amenity provision for this area of Maryhill is considered to be deficient and as such, the developer would be expected to provide the entire amenity obligation on-site. The site obligation for this proposal is 612 square metres.

The areas of amenity value for this proposal are restricted to Site A (502 sq m) Site B (343 + 79 = 422 sq m) and Site C (887 sq m). Some other areas identified by the applicant as amenity provision are not considered to demonstrate sufficient function, and are therefore not policy compliant.

The proposed layout offers a combined 1,811 square metres of amenity on-site provision from a requirement of 612 square metres resulting in an excess of amenity provision. As such the provision is acceptable in principle and no financial contribution will be required subject to additional detail being supplied.

Allotments/Community Gardens

In terms of provision for allotments/community gardens, this may be met by means of a financial contribution of £6,120.

Children's Play

The children's play provision in this area is also considered deficient and as such, the developer would be expected to provide some if not all of the requirement on-site. The site obligation for this proposal is 428 square metres.

The applicant has designed the layout to make an allowance for children's play area (120 sq m) to be incorporated within this proposal. The provision of formal equipped play areas is acceptable. However, given the space area is less than the requirement the proposal is left with a shortfall of 308 square metres.

Given the above, the remaining requirement may be met by means of a financial contribution, which can be calculated as follows:

Equivalent financial contribution x (remaining obligation/total obligation); or

£42,840 x (308 square metres / 428 square metres) = £30,829

The developer should provide detailed drawings to show the design, layout of spaces, equipment and location of any seating and any other features etc. that are to be incorporated within the proposal.

Outdoor Sport

In relation to outdoor sport it is considered unfeasible to meet these requirements on site. This element of the ENV 2 requirement may be met by means of a financial contribution, which has been calculated at £42,840 (£30,600 formal £12,240 informal).

ENV 2 - Overall Conclusions

The proposed on-site amenity provision is considered acceptable, but does not fully meet the ENV 2 amenity space requirements. The remaining requirement may be met by means of a financial contribution of £79,789. The applicant has advised that they are satisfied to enter into a S69 legal Agreement with the Council to secure this contribution.

The proposal is therefore considered to comply with this policy.

ENV 4 – Sustainable Drainage Systems SUDS

This policy aims to ensure satisfactory measures are provided for the management and safe disposal of surface water run-off.

The applicant has provided documentation confirming that Scottish Water has agreed in principle to accept all surface water run-off from the development into the public combined sewer, subject to suitable on-site attenuation. A safeguarding condition is proposed to require approval of the finalised drainage proposals, including details of the on-site surface water attenuation, prior to development commencing on site.

The proposal is considered to comply with the broad aims of this policy, subject to an appropriate safeguarding condition.

ENV 5 - Flood Prevention and Drainage

This policy aims to safeguard development from the risk of flooding and to ensure new development does not have an adverse impact on the water environment, does not materially increase the probability of flooding elsewhere and does not interfere detrimentally with the storage capacity of any functional flood plain (see Definition) or associated water flows.

The applicant has submitted a Flood Risk Assessment (FRA) by terrenus land & water (dated 01 April 2016). This advises that the site is at little to no risk from fluvial flooding and at low to medium risk of surface water flooding according to the Scottish Planning Policy flood framework. The FRA concludes that the proposed development is feasible and is in broad accordance with the principles of the Scottish Planning Policy.

The findings of the FRA have been considered by the Department, and are considered satisfactory. SEPA has also been consulted, and makes no objection to the proposal. The proposal is therefore considered to comply with this policy.

ENV 6 - Biodiversity

This policy aims to protect and enhance Glasgow's habitats and species.

Objections have been received, stating that the proposal does not comply with this policy by virtue of the loss of existing trees and planting on-site, and the consequent loss of biodiversity and erosion of the integrity of the green network.

Comment: Land and Environmental Services Biodiversity Officers requested a Bat Survey to investigate the potential for bat roosts within the school building. The Bat Survey carried out by Acorna Ecology Ltd is considered thorough, and identifies bat roosts within the former school building. Clearly an SNH licence is required, and appropriate mitigation is detailed in a Bat Protection Plan in the report.

The Council attaches great importance to open spaces in the City as part of the wider Green Network. As discussed above, the site has no environmental designations, and does not form part of a green corridor. There are 13 mature trees on site. As discussed above, the proposed landscaping scheme would retained retain two existing trees, and there will be a total of 56 trees within the landscaping proposals. There will be a substantial net increase in tree cover and an increase in tree species diversity within the site, as well as shrub planting and laurel hedges. It is considered that the proposals will make a positive net contribution to the biodiversity in the area, including providing additional opportunities for bird nesting and foraging. In order to protect nesting birds during the construction phase, a safeguarding condition is proposed to ensure that the required felling or cutting back of trees, scrub or bushes shall be undertaken outside the main bird breeding season (March-July inclusive), unless a survey by a suitably experienced surveyor has shown that no nests, in use or being built, could be damaged, destroyed or obstructed.

With regard to the above, the proposal can make a positive net contribution to biodiversity in the area, and will support rather than erode the wider Green Network. The proposal is therefore considered to comply with this policy, subject to safeguarding conditions.

ENV 8 - Trees, Woodlands and Hedgerows

This policy aims to protect trees, woodlands and hedgerows from inappropriate development.

Objections have been received, stating that the proposal does not comply with this policy by virtue of the unacceptable loss of mature trees, and the inadequacy of replacement planting.

Comment: There are no protected trees on site, and no hedgerows. As discussed above in relation to the Design Policies, and with reference to the submitted tree survey and landscaping plans, the proposed landscape works and tree replacements are considered to more than compensate for the loss of the existing trees on site. Laurel hedges are proposed as boundary treatments through the development, which will provide additional habitat and foraging opportunities for wildlife.

The proposal is considered to comply with this policy.

ENV 12 – Development of Brownfield Sites and Contaminated Sites

The aim of policy ENV 12 is to encourage the reuse of brownfield land and ensure that redevelopment of former industrial and other potentially contaminated sites addresses any on-site contamination.

As discussed above, the area within the current site boundary has previously been occupied by a quarry, a brick works and spoil heap, mine shafts and most recently by a school and related buildings. The applicant has submitted a Ground Investigation Report dated Nov 2016, carried out by Johnson Poole & Bloomer. The report identifies risks posed by chemical contamination and gas emissions. Given that the remediation measures will require an extensive capping layer and gas protection measures, a remediation strategy detailing the remedial measures will be required and this should be submitted to the Council prior to work starting on site. On completion of the development a verification report will be required. Suitable safeguarding conditions are proposed.

The Coal Authority has advised that underground coal mining has taken place at shallow depth beneath the application site. Two recorded mine entries are located within the application site: a coal shaft, and an ironstone shaft. The coal shaft has previously been filled and capped, though further intrusive investigations will be required to ensure that these treatment works are adequate in terms of ensuring stability of the site for the proposed use. There is an ironstone shaft (ref: 257668-011) within the playground to the east of the building. This shaft is untreated and potentially poses a significant risk to stability at the site. Intrusive investigation and treatment works will be required to ensure that the risks posed by this feature are appropriately addressed. Suitable safeguarding conditions are proposed.

The development is considered to comply with this policy insofar as it would result in the remediation and re-use of brownfield land with abnormal ground conditions and contamination.

ENV 15 - Energy

This policy aims to reduce the carbon footprint of the City's buildings through energy efficient design, increased renewable energy generation and use of low and/or zero carbon technologies.

With respect to sustainable design and construction, Section 7 of the new building regulations ensure all new buildings have to achieve significant sustainable/thermal efficiencies which are significantly more onerous than the previous EcoHomes assessment referenced in policy DES 2. The applicant has advised that through further design development, consideration will be taken on the best way to achieve these targets, which may involve the introduction of roof mounted solar panels. Indicative locations have been shown on the current site plan (see attached drawing 3139/P/201 Rev K). A suitable condition is recommended requiring the applicant to consider different options for micro-renewable and low carbon technology in the development, and provide details of these prior to works commencing on site.

The proposal is therefore considered to comply with this policy, subject to safeguarding conditions.

TRANS 4 - Vehicle Parking Standards

This policy aims to ensure vehicle parking provision supports sustainable transport objectives. In locations where space is restricted, (e.g. tenemental areas), the availability/provision of on-street parking can be taken into account in supply calculations for residential development, particularly for visitor parking. All such provision should be in marked bays and this may require the Council to promote a Traffic Regulation Order, at the developer's expense.

Wherever possible, every effort should be made to minimise the impact of on-street parking for safety reasons and to reduce visual impact in residential areas. On-street parking, however, will be considered where integral to the design of a development (e.g. to achieve traffic calming) as outlined in Planning Advice Note (PAN) 76: New Residential Streets. It will also be considered for certain development types where off-street parking may be neither practical nor feasible, e.g. tenemental infill, terraced housing and the retention of a listed building. The availability of on-street parking, however, cannot be guaranteed indefinitely and the Council retains the right to introduce controlled parking zones.

The basic minimum standard for parking provision is:

- 1 allocated space per dwelling for residents; and
- An addition 0.25 unallocated spaces per dwelling for visitors.

Objections have been received stating that there is too much parking provision in the development and claiming there is ample on-street parking in the area. Conversely, other objectors have stated that there is not enough parking provision within the development proposals, and that the existing on-street parking provision is barely adequate.

Comment: The proposal is for 85 flats, and 63 off-street parking spaces. This equates to only 73% parking provision, which is significantly below the basic minimum standard of 125% parking advised by TRANS 4. The immediately surrounding streets are not currently covered by a Traffic Regulation Order, which reflects the existing availability of on-street parking.

The following justifications can be made for the reduced level of off-street car parking within the development:

- The site is in a high accessibility area for public transport, and is adjacent to Maryhill Town Centre which provides a wide range of local services within walking distance. There are excellent sustainable travel alternatives to car travel.
- The development is within a tenemental area, and involves the conversion of an unlisted building which is considered a fine example of early twentieth century civic architecture and makes a significant and positive contribution to the local townscape.
- The proposed development density is considered appropriate for this inner urban area, and is of a similar density to existing housing in the area.
- The provision of additional surface car parking within the development site would unacceptably reduce and compromise the landscaped amenity areas, to the detriment of residential amenity. Other car parking solutions (e.g. basement or underground car parking) are very unlikely to be financially viable for this development.
- There appears to be on-street parking capacity in the surrounding streets (particularly Shanks Street, Shortridge Street and Malloch Street) though there are currently no marked bays. Should on-street parking congestion become an issue in the future, the Council could introduce a Restricted Parking Zone in the area to control it. The proposed development meets the other locational requirements for car free housing (as per RES 7 - Car Free Housing).

In summary, while the proposed off-street parking levels are below the 125% minimum standard advised by policy, it is considered that the foregoing represents a strong justification for accepting a reduced level of provision for this development. It is recommended that a condition be attached requiring that the spaces be allocated to specific flats. In addition, a condition is recommended requiring the preparation of a residential travel pack for each dwelling prior to occupation; a draft pack shall be submitted to the Planning Authority for approval; the pack should include maps detailing the location of public transport stops, timetable and estimated journey times, walking / cycle routes to key destinations and health benefits of walking / cycling.

Given the above, the proposed level of car parking provision is considered justified, and complies with the overarching aim of this policy to promote sustainable travel.

TRANS 6 – Cycle Parking Standards

This policy aims to ensure minimum levels of safe, sheltered and secure cycle parking are provided in new development in order to support sustainable transport objectives. The recommended provision new residential development is 1 space per unit.

Comment: The proposed site plan indicates provision of external bike shelters for in appropriate locations for 86 bicycles (i.e. just over 100% provision). The proposal is therefore considered to comply with this policy, subject to a safeguarding conditions controlling the detailed design of the shelters.

2) OTHER MATERIAL CONSIDERATIONS

These include the emerging Development Plan, the Maryhill Town Centre Action Plan, and third party representations.

Emerging Development Plan

As discussed above, there are considered to be no policies within the approved or proposed Structure Plan which have a direct bearing on this application.

City Development Plan (CDP) as modified.

The Proposed City Development Plan (CDP) has been subject to examination by reporters appointed by Scottish Ministers, who reported in June 2016. The Council has accepted the recommended changes to the Plan, and it is anticipated that the modified CDP will be adopted on 27 March 2017.

The CDP consists of high level policies (in line with Scottish Government guidance), with statutory Supplementary Guidance providing further information or detail in respect of these policies. This Supplementary Guidance is currently being prepared.

The following policies are considered particularly relevant to the application assessment:

CDP 1 - The Placemaking Principle

This policy states that, in order to be successful, new development should aspire to achieve the six qualities of place as defined in SPP, 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.

As discussed above in relation the relevant City Plan 2 design policies, the proposals are well-considered and will offer a positive comprehensive regeneration of the site. There is a clear intent to establish character and a contextually defined and varied sense of place. Considerable analysis has produced a response that works within the constraints of the site and avoids conflict with adjacent land uses, while creating distinctive areas within the development, a good level of permeability, and consideration to outlooks and relationships to the surrounding townscape.

Suitable safeguarding conditions are recommended. With respect to the above, the proposal is considered to comply with this policy.

CDP 2 (Sustainable Spatial Strategy) states that 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, among other things:

• Utilise brownfield sites in preference to greenfield sites;
Comment: This is a brownfield site.
• Prioritise the remediation and reuse of vacant and derelict land;
Comment: Areas of the site are currently vacant and derelict, and the whole site requires remediation to prepare it for the proposed development.
• Contribute to the development of vibrant and accessible residential neighbourhoods;
Comment: As discussed above in relation to CDP 1 and the design policies in City Plan 2, the proposed development is considered to demonstrate these qualities.
• Support higher residential densities in sustainable locations;
Comment: The site is in sustainable location, and as discussed in relation to policy RES 1 'Residential Densities', the urban scale and townscape form of the development is considered appropriate and sympathetic in relation to the existing townscape form.
• Protect and enhance the function and integrity of the Green Belt and contribute towards the development of an integrated green infrastructure;
Comment: The site is not within Green Belt.

• Provide for the development and expansion of the multi-functional green/blue network; and
Comment: The landscaping proposals are considered to improve the biodiversity value of the site. There are no water features proposed.
• Protect and enhance the integrity and character of the city's historic and natural environment.
Comment: As discussed above in relation to the City Plan 2 design policies, the site is not within a conservation area, and there are no listed buildings near the site boundary. The landscaping proposals are considered to improve the biodiversity value of the site

In summary, the proposed development is considered to comply with this policy.

CDP 6 (Green Belt and Green Network)

City Plan 2 policy ENV1 'Open Space Protection' aims to ensure that open space is protected from inappropriate development, and provides mitigation criteria for assessing development affecting protected open space. Similarly, policy CDP 6 supports "the retention, as open space, of the categories of open space specified and shown on Figure 14 (and identified on the Council's Open Space Map*), together with the Green Belt and those spaces protected through Policy CDP 7: Natural Environment (see Figure 15), as the core elements and links in the Green Network. These, and other smaller-scale green infrastructure elements of the Green Network, need to be taken into account in the design of new development. Development that is likely to adversely impact on the existing Green Network will be resisted unless it includes appropriate mitigation, as detailed in associated Supplementary Guidance." (Proposed Plan, page 44).

CDP 6 relies on the PAN 65 map in protecting the PAN 65 categories identified on Figure 16. These categories include: amenity space; sports areas and natural/semi natural greenspace. As discussed, the Open Space Map identifies part of the site as 'Amenity Greenspace - Housing'. The protected open space on the site is therefore protected by this policy, unless its loss can be suitably mitigated. The acceptability of the proposed mitigation has been considered in depth in relation to City Plan 2 policy ENV 1 - Open Space Protection, and is considered acceptable.

In summary, the proposed development is considered to comply with this policy.

The Supplementary Guidance (SG) to support CDP 6 is currently being prepared, and has not been subject to public consultation. It is therefore of limited weight at this time. Notwithstanding, in support of this SG the Department has been conducting a quality, quantity and accessibility audit of the following four types of publicly usable open space across the City as the basis for the development of a new Open Space Strategy and Open Space Standards:

- Parks and gardens
- Amenity open space
- Children's play areas
- Multi use Games areas.

These four typologies have been selected as being the most 'publicly usable' categories of open space. Other PAN 65 typologies such as outdoor sport areas and allotments will also be subject to future audits to inform the Supplementary Guidance, but these are not currently available.

The level of accessibility from people's homes to those publicly usable open spaces which were part of the survey has been assessed using the GIS based Network Analyst software. Network Analyst was been expanded and adapted in-house for this analysis to give real time actual walking distances between postcode addresses and points of entry into open spaces. This has been done across the City. A specific analysis of availability of 'publicly useable' open space for the Shakespeare Street vicinity has been carried out by the Department to inform the assessment of this application, and is summarised below. The methodology is significantly different from the ENV 2 methodology, and for this reason reaches different conclusions:

1. Background

In 2013/14, over 1000 spaces were assessed under the following four PAN65 typologies: parks & gardens, amenity open space (residential >0.3ha), children's play areas and MUGA's. These 4 typologies were selected as being the most publicly usable categories of open space. A threshold of >0.3ha was set for amenity open

space (residential) in order to reasonably manage the number of spaces being assessed and because 0.3ha was deemed to be a minimum sized space where a range of public uses can safely be enjoyed.

In March 2016, the Scottish Government set a new National Indicator for the percentage of adults within a 5 minute walking distance of their local green space (the aspiration being 100%). This is in keeping with GCC's new proposed open space standard which requires all new residential development to be within a 5 minute walk/400m of a publicly usable open space. Open space being defined by GCC as green space, blue space and grey space.

2. Assessment of Shakespeare Street Site Vicinity

Being less than 0.3 ha, the on-site amenity open space was not assessed as part of the audit. There are 3 open spaces falling into the 4 assessed PAN 65 typologies situated within a 5 minute walk/400m real time walking distance of the site. These have been quantity, quality and accessibility assessed.

2.1 Quality & Quantity Assessment Summary

Within a 5 minute walk/400m of Shakespeare Street the following quality assessed open spaces are found:

Site Name	**Typology**	**Quality Weighting**	**Study Area**	**Ref Number**	**Area (sq m)**
Hotspur Street	Play Area	A (Dark Green)	West End	186	1973.03
River Kelvin Walkway	Park	C (Amber)	West End	19	52184.62
Oran Street	Amenity Open Space	C (Amber)	West End	62	4504.66

The Quality Weighting is explained as follows:

Quality Weighting	Explanation
A (Dark Green)	Fit for purpose/function
B (Light Green)	Good features and characteristics
C (Amber)	Some features & characteristics
D (Red)	Limited features and characteristics

The existing residential properties in the vicinity of the Shakespeare Street site therefore have access within 400m/ a 5 minute real time walk to an A rated play area (Hotspur Street), a C rated linear Park (River Kelvin Walkway) and a C rated amenity open space (Oran Street).

As part of the forthcoming open space strategy action plan, actions will be identified to improve the standard of existing open spaces where quality improvements are necessary. This could include looking at the River Kelvin Walkway and the amenity open space at Oran Street. The open space audits were a snapshot in time assessment so for the purposes of this report, internal discussion with colleagues at LES indicates that there has been no change to the C rated sites since their initial assessment and there is continual improvement to the A rated Botanic Gardens and close monitoring of the A rated play area at Hotspur Street.

The Shakespeare Street vicinity is therefore connected within a 5 minute walk/ 400m distance to three different publicly useable open spaces, which is in keeping with the Scottish Government's new National Indicator for the percentage of adults within a 5 minute walking distance of their local green space. Notwithstanding, two of these open spaces are only of C (Amber) quality, demonstrating scope for improvement. The Shakepseare Street site is also highly accessible within a 5 minute walk/ 400m distance to a range of local amenities such as public transport (bus), Town Centre retail provision and local services.

3.0 Conclusion

This analysis provides some additional information about the existing accessibility and quality of amenity spaces in the area surrounding the Shakespeare Street site, and highlights a need to improve existing amenity spaces at Oran Street and the River Kelvin Walkway.

CDP 10 - Meeting Housing Needs

This policy seeks to maintain a 5 year supply of effective housing land at all times and to deliver sufficient new housing to address housing needs in Glasgow. Such a supply is required by the SDP and by Scottish Planning Policy (SPP). The CDP examination identified a shortfall of over 20,000 houses in the proposed plan's provision for the period 2015-2020, when considered against the housing requirement in the 2012 SDP. The reporters recommended that the council carry out an early review of the plan in order to identify sufficient housing land to meet this shortfall.

This application site was not included in the CDP Housing proposals, and may be considered a 'windfall' site in this regard. This proposed residential development on a brownfield site in a sustainable location has the potential to make a contribution to addressing the significant shortfall in the effective housing land supply for 2015-2020. This is considered a strong material consideration in favour of the application proposal.

The proposal is therefore considered to comply with this policy.

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

<u>The Maryhill Town Centre Action Plan</u>

The Maryhill Town Centre Action Plan (TCAP) was approved by the City Council's Executive Committee on 19th January 2012 and remains a material consideration for proposals affecting the area.

The TCAP at Page 31 sets out a Vision to create a vibrant town centre serving Maryhill. Page 32 outlines a series of supporting goals and these include providing a coherent, connected public realm in the area – of both greenspace and streetscape. The Action Plan (Section 5) is described as a 'series of targets and ideas' (page 33): i.e. opportunities recommended for further consideration. As such these are not firm proposals.

One of the physical ideas (page 33) is "encourage community use of open space (part derelict) between Hathaway St + Malloch St; e.g. community planting, mountain biking". The southern hub recommendations (page 47) include "potential development brief" for this part of the site, while the area of protected open space has a proposal for "New Park: waste ground sensitively developed into local park and growing space". The TCAP makes no specific reference to the school building and grounds.

Comment: The Maryhill TCAP's overall vision and goals have not changed and these ambitions remain in place. The opportunity to improve the 'elephant garden' open space has not progressed, due to a lack of available resources.

At the time of the TCAP's publication, the school building was still in use as an Adult Training Centre, and a more comprehensive development opportunity was not envisaged. With respect to the proposed development, site consolidation has allowed the applicant to present a comprehensive urban design response which resolves the existing disjointed and piecemeal urban form.

The resultant residential buildings are set within a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. The landscaping proposals improve and enhance the setting of the existing school building, and successfully unify the traditional and contemporary architectural styles within the development. While the quantity of public open space has reduced, the quality and function of the proposed spaces is considered to represent an improvement. It is considered that the proposed development makes a positive net contribution, and is consistent with the overall vision for the area set out in the TCAP.

REPRESENTATIONS

There have been 196 individual representations to the application, as well as 2 petitions containing approximately 563 and 2050 signatures respectively. The letters of representation include 2 neutral

representations, and 194 objections. The two petitions object to the proposals. Of the 194 objections, 173 are 'form letters'.

The representations include objections from Cllr John Letford, Cllr Martin Rhodes, Cllr Franny Scally, Bob Doris MSP and Patrick Grady MP. Organisations that have made objections include Shakespeare Street Youth Club, East Park School and West End Nursery.

Numerous points have been raised in the letters of objection. The points raised in relation to specific policy criteria are discussed in detail above. The other key reasons for objection are summarised below with appropriate comments. For clarity, the objections have been grouped into themes.

Objections to the loss of Protected Open Space

- Market viability is not a material consideration to drive planning approval, and the Council has not demonstrated that the Elephant Park is required for market viability.

Comment: The proposed development has been assessed on its planning merits, and is considered to comply with the existing and emerging Development Plans. Evidence of market viability is not considered necessary to justify approval of this planning application. Site consolidation has allowed the applicant to present a comprehensive urban design response which resolves the current disjointed and piecemeal urban form. The resultant residential buildings are set within a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. While the overall amount of open space has reduced (from 2260 to 1440 sq m), the proposed spaces are better located and designed than the existing space, and will benefit from passive supervision from surrounding buildings. With respect to their function, the amenity spaces provide an improved environment for passive recreation compared to the existing space, and also provide an equipped children's play area, which is currently lacking in the area. While the quantity of public open space has reduced, the quality and function of the proposed spaces is considered to represent an improvement.

Notwithstanding, it is clear that there are some significant abnormal costs associated with the proposed development. These include costs associated with conversion of the existing school building, treating the existing ironstone mineshaft, and remediating the ground contamination. The school building and playground site was originally marketed separately by City Property on behalf of Glasgow City Council, with a closing date of 06 December 2012. This closing date was extended to 31 January 2013, but no offers were received. The site was successfully re-marketed along with the adjacent parcels of land by City Property in 2014. This allowed a larger developable area which increased potential residential unit numbers on site. It is far from clear that a reduced site area including the school building and land by Hathaway Street would be attractive to potential developers.

- Object to the relocation of the concrete elephants.

Comment: The relocation of the concrete elephants has been sympathetically considered within the proposed landscaping scheme.

- The existing park, with a south westerly aspect is ideally suited to its use, and I see no convincing case for any significant reconfiguration.

Comment: The space is a consequence of historical land-use patterns rather than thoughtful urban planning. The public open space to the south of the site functions as a passive recreation space and a through-route for local residents. However it does not benefit from good passive supervision from surrounding properties, and its design is rudimentary and lacks enclosure. While the overall amount of open space has reduced (from 2260 to 1440 sq m), the proposed spaces are better located and designed than the existing space, and will benefit from passive supervision from surrounding buildings. With respect to their function, the spaces provide an improved environment for passive recreation compared to the existing space, and also provide an equipped children's play area, which is currently lacking in the area. While the quantity of public open space has reduced, the quality and function of the proposed spaces is considered to represent an improvement.

- Having seen the popularity and success of community growing spaces elsewhere in the City, I would be keen to see growing spaces fully factored into this scheme.

Comment: The development includes an orchard area for the residents within the development.

- The elephant park is the only level access green space in the local area, and its loss would be detrimental to the local community.

Comment: The amenity space at Oran Street has level access and is within a 5 minute / 400m catchment of existing residential properties in the immediate area. The public amenity space in the proposed development will also have level access.

• The proposals for publicly useable open space on site relies on making privately owned space publicly accessible, but there are no safeguards to prevent access being denied in future.

Comment: Site C is intended as a private garden area for future residents. Sites A and B are public open spaces, and their detailed design reflects and reinforces this status. It is difficult to envisage how access to these areas could be successfully restricted without significant changes to the design, which would require planning permission.

- Both the Children's Wood and the Elephant Park are used regularly by pupils from East Park School. The loss of green space will reduce their opportunities for outdoor learning by our pupils.

Comment: The proposed development includes public open space provision which has improved quality and function compared to the existing space.

- The proposal is contrary to the Maryhill Town Centre Action Plan (page 47), which states that this land should be sensitively developed into a local park and growing space. The proposals don't allow for this. The purpose of the Maryhill Town Centre Action Plan is to take a strategic view of the needs of the area, and any attempt to circumvent this leads to fragmented and potentially unsustainable development.

Comment: The Maryhill TCAP's overall vision and goals have not changed and these ambitions remain in place. The opportunity to improve the 'elephant garden' open space has not progressed, due to a lack of available resources.

With respect to the proposed development, site consolidation has allowed the applicant to present a comprehensive urban design response which resolves the existing disjointed and piecemeal urban form. The resultant residential buildings are set within a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. The landscaping proposals improve and enhance the setting of the existing school building, and successfully unify the traditional and contemporary architectural styles within the development. While the quantity of public open space has reduced, the quality and function of the proposed spaces is considered to represent an improvement. It is considered that the proposed development makes a positive net contribution, and is consistent with the overall vision for the area set out in the TCAP.

Objections to the design of the proposal

- The proposed paved areas are unnecessarily wide.

Comment: The pathways through the site are designed to signify their public, civic function.

- Existing properties on Shakespeare Street currently have open aspect, and this loss will devalue properties.

Comment: Loss of view and loss of value are not material planning considerations.

- The east-west path through the park is a de facto right of way.

Comment: This is acknowledged in the development proposals, which maintains a good level of permeability through the site.

- Nobody asked for the playground which is proposed.

Comment: As discussed above, the applicant has carried out a consultation exercise as part of the pre-application consultation requirements for this application, and did subsequently attempt to engage one of the most vocal objectors in a design review process. Regrettably this did not result in any community engagement.

Despite the lack of direct engagement with local residents, the applicant has demonstrated that the views of local residents have been considered in their proposals for on-site mitigation. As discussed above, the mitigation is considered acceptable, and the development is therefore considered to comply with this policy. The nearest childrens play area is Hotspur Street, and the ENV 2 assessment identified a detriment of children's play in the immediate area. An equipped children's play area is therefore considered an appropriate part of the proposed amenity space provision.

Other Objections

- The pre-application consultation exercise was inadequate.

Comment: As discussed above, the applicant has carried out a consultation exercise as part of the pre-application consultation requirements for this application, and did subsequently attempt to engage one of the most vocal objectors in a design review process. Regrettably these activities did not result in any community engagement. It is nevertheless considered that the Developer has met the statutory requirements for pre-application consultation set out in Section 35(a) (b) and (c) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Despite the lack of direct engagement with local residents, the applicant has demonstrated that the views of local residents have been considered in their proposals for on-site mitigation.

- The surrounding streets are used as a rat-run at peak times. The proposal will result in increased traffic levels, thus exacerbating this.

Comment: The proposed development is a brownfield site in a high accessibility inner-urban area, which is the preferred location for new residential development. As discussed above in relation to TRANS 4, there appears to be on-street parking capacity in the surrounding streets (particularly Shanks Street, Shortridge Street and Malloch Street) though there are currently no marked bays. Should on-street parking congestion become an issue in the future, the Council could introduce a Restricted Parking Zone in the area to control it.

CONCLUSION

The above demonstrates that the proposed development generally complies with the relevant policies of the Development Plan and the emerging Development Plan. This proposed residential development is considered appropriate for the location and site context.

The application site incorporates three separate parcels of land, and due to the historical development pattern presents a disjointed and piecemeal urban form. Site consolidation has allowed the applicant to present a comprehensive urban design response which resolves these existing weaknesses. The resultant residential buildings are set within a clear hierarchy of distinctive and well-considered public, semi-private and private spaces. The landscaping proposals improve and enhance the setting of the existing school building, and successfully unify the traditional and contemporary architectural styles within the development.

The development will retain and repurpose the existing unlisted and 'at risk' school building, which is considered a significant benefit. It will also remediate a brownfield site in an inner urban high accessibility area which is currently blighted by a legacy of mining and heavy industry. Such sites are the preferred location for new housing, and the development proposal has the potential to make a contribution to addressing the significant shortfall in the effective housing land supply for 2015-2020. This is also considered a strong material consideration in favour of the application proposal.

The proposed landscaping scheme will retain two existing trees, and there will be a substantial net increase in tree cover and an increase in tree species diversity within the site, as well as shrub planting and laurel hedges. It is considered that the proposals will make a positive net contribution to the biodiversity in the area, including providing additional opportunities for bird nesting and foraging. While the quantity of public open space has

reduced on site, the proposed spaces are considered to represent an improvement in both quality and function. The existing concrete elephants will be sensitively relocated within the public amenity space in Site A.

Other material considerations including the Maryhill Town Centre Action Plan, consultation responses and letters of representation have been considered, but do not outweigh the acceptability of the proposal. It is therefore recommended that planning permission be granted subject to the following conditions, and to the applicant entering into a S69 legal agreement with the Council to secure the required ENV 2 financial contribution of £79,789 in lieu of on-site amenity provision.

CONDITIONS AND REASONS

01. The development shall be implemented in accordance with drawing number(s)

P/100 REV A	'Location Plan'
P/101	'Topographical Layout'
P/201 REV K	'Proposed Site Plan'
P/202 REV B	'Site Plan with ENV 2 area'
P/300	'School – Proposed Ground Floor'
P/301	'School – Proposed Ground Floor Mezzanine'
P/302	'School – Proposed First Floor'
P/303	'School – Proposed First Floor Mezzanine'
P/304	'School – Proposed Second Floor'
P/305	'School – Proposed Second Floor Mezzanine'
P/306	'School – Proposed Roof'
P/500	'Proposed West Elevation'
P/501 REV A	'Proposed North Elevation'
P/502 REV A	'Proposed East Elevation'
P/503 REV A	'Proposed South Elevation'
P/310 REV B	'NB - Proposed Ground Floor'
P/311 REV B	'NB - Proposed First Floor'
P/312 REV B	'NB - Proposed Second Floor'
P/313 REV B	'NB – Proposed Third Floor'
P/314 REV A	'NB – Proposed Roof'
P/410 REV A	'NB – Proposed Sections'
P/420 REV A	'NB – Proposed Site Section'
P/510 REV A	'Proposed South Elevations'
P/511 REV A	'Proposed South Elevations'
P/512 REV A	'Proposed South Elevations'
P/220	'Indicative Drainage'
474.01.01a	'Landscape Proposal'
474.01.02a	'Landscape Proposal'
SP-SS-TS-01	'Tree Survey as Existing'
SP-SS-TPP-01	'Tree Protection Plan'

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

Reason: As these drawings constitute the approved development.

02. Before any work on the site is begun, details of any proposed surface water drainage system or any other matters relating to flooding issues associated with any watercourses and the proposed development shall be submitted for the written approval of the planning authority, and approved in writing. Thereafter the approved

drainage scheme shall be implemented in full prior to the occupation of the approved buildings. For the avoidance of doubt all surface water shall be discharged into the Scottish Water combined sewer as agreed.

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

Reason: To enable the Planning Authority to consider this/these aspect(s) in detail.

03. Before any work on the site is begun, a comprehensive site investigation for mineral and geotechnical constraints, informed by rotary drilling to confirm the depth to and condition of the coal seams beneath the site, shall be submitted to and approved in writing by the planning authority. The investigation shall include a risk assessment of all identified constraints. Where the risk assessment identifies any unacceptable risk or risks, it shall include a detailed remediation strategy. The approved remediation works shall be carried out prior to the commencement of development on site other than that required to carry out remediation.

Reason: Because the Coal Authority has identified that the site is located in an area where unrecorded coal mining activity may have taken place at shallow depth, and because the Coal Mining Report submitted by the applicant has identified specific constraints and recommends an intrusive site investigation and remediation strategy as detailed in this condition.

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

04. Before any work on the site is begun, a comprehensive site investigation for ground contamination shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution “The investigation of potentially contaminated sites – Code of Practice” (BS10175:2001). The investigation report shall include a risk assessment of all relevant pollutant linkages, as required by Planning Advice Note PAN 33 Revised 2000 Development of Contaminated Land. Where a risk assessment identifies any unacceptable risk or risks, it shall include a detailed remediation strategy. The approved remediation works shall be carried out prior to the commencement of development on site at each relevant phase other than that required to carry out remediation.

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

05. On completion of the approved remediation works required by conditions 05 and 06, and prior to occupation of the development, a verification report(s) confirming that the works have been carried out in accordance with the approved remediation strategy(s) shall be submitted to and approved in writing by the planning authority.

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

06. 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.

07. Unless otherwise formally agreed in writing with the Planning Authority, external materials shall be:

New build blocks:
- dark red/brown facing brick
- precast concrete stringer course
- dark grey spandrel panels to match window frames
- anodised pressed metal panels

Existing school building:
- Natural stone
- Natural Slate roof
- Windows to match the existing in design, proportions, profile, framing thickness, detailing, method of opening materials and colour.
- Heritage style metal rainwater goods
- All joinery to be painted timber

Samples of all external materials, and appropriate product literature, shall be submitted to and approved in writing by the Planning Authority. This written approval shall be obtained before any materials are used on site. A sample panel of the elevation finishing materials, including mortar joints (where appropriate), shall be erected on site for the inspection and written approval of the Planning Authority. This written approval shall be obtained before any finishing materials are used on site, and the approved sample panel shall remain in place throughout construction.

Reason: To enable the Planning Authority to consider these aspects in detail.

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

08. Repairs to slated roof areas shall be undertaken in natural slate to match the existing.

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

09. Details of the extent of stonework repairs and details of the proposed repair methods shall be submitted to the planning authority in the form of marked-up elevation drawings to a scale of 1:50. No work shall be begun on this element of the development until written approval has been issued.

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

10. Stone repairs shall be carried out using replacement natural stone to match the original stonework in every respect including colour, geological character, texture and coursing pattern. A petrographic analysis of the original stonework and the proposed replacement stone together with samples shall be submitted to and approved in writing by the planning authority before work on this element of the development commences.

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

11. All repointing of exterior stonework shall match the original pointing in every respect including mix of materials, colour and thickness.

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

12. Before development commences on site full details of all external vents, flues and any other similar fixings shall be submitted to and approved in writing by the planning authority. Where reasonably practical it is expected that all requirement for vents, flues and similar fittings shall be accommodated via rising internal service ducts which terminate at roof level.

Reason: In order to safeguard the visual amenity of the properties themselves and the amenity of the surrounding area.

13. Detailed marked-up section and elevation drawings of the following elements shall be submitted to and approved in writing by the planning authority. No work shall be begun on these elements of the development until this written approval has been issued.

a. Detailed drawings of the window reveals of the new-build elevations at a minimum scale of 1:20, showing a depth of reveal of minimum 215mm.
b. Detailed drawings and technical information of the anodised metal panels at a minimum scale of 1:20, showing their detailing and further articulation.
c. Details of the proposed partitions and mezzanine floors within the school building, including any required spandrel panels to existing glazing.

Reason: To enable the Planning Authority to consider this/these aspect(s) in detail.

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

area.

14. Before any work on the site is begun, full details (including detailed and accurate scale drawings annotated with relevant features and proposed finishing materials) of the following aspects shall be submitted for the formal written approval of the Planning Authority. See also advisory note 02. Thereafter the development shall be implemented in accordance with these approved details:

    a) The detailed design of the proposed bin storage and bicycle storage enclosures, for a minimum of 85 bicycles.

    b) The emergency drying areas.

    c) A method statement for the careful removal, storage and reinstatement of the existing concrete elephant sculptures within the development site.

    d) The equipped children's play area.

    e) Details of low and/or zero carbon decentralised energy production for the development, informed by a report considering the financial and technical viability of available options.

    Reason: To ensure that these aspects contribute an appropriate level of amenity to residents of the development itself, to ensure that the development is sustainable, and to ensure that the design and materials of the external features safeguards and enhances the site itself and the amenity of the surrounding area.

    Reason: To enable the Planning Authority to consider these aspects in detail

15. For the avoidance of doubt, the existing public right of way through the site between Shakespeare Street and Shortridge Street shall be maintained as indicated on drawing 3139/P/201-K.

    Reason: To ensure that no issues of public right of passage arise.

16. For the avoidance of doubt, the building line of the proposed residential block (Block 2), fronting onto Hathaway Street, shall be set back a minimum of 18m from the front (south) building line of the existing tenement block to the north of Hathaway Street. Before any work on the site is begun an amended site layout drawing shall be submitted to and approved in writing by the planning authority demonstrating the required set back. The development shall thereafter be implemented in accordance with this approved drawing.

    Reason: In order to safeguard residential amenity, by ensuring an appropriate window to window distance between residential properties.

    Reason: To enable the Planning Authority to consider these aspects in detail

17. A comprehensive external lighting strategy for the development shall be submitted, addressing: external amenity areas; car parking areas; public access routes; and architectural lighting for the existing school building itself. Details of the proposed lighting design, including the type, dimensions, locations and colour of fittings, a programme for the implementation/phasing of the lighting in relation to the construction of the development, and details of the future maintenance and management arrangements, shall be submitted to and approved in writing by the planning authority before works commence on site.

    Reason: To enhance safety and security during hours of darkness, and to safeguard the character of the development itself.

18. Before any work on the site is begun, a scheme of landscaping shall be submitted to and approved in writing by the planning authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. All landscaping, including planting, seeding and hard landscaping, shall be completed in accordance with the approved scheme.

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

19. Before any work on the site is begun to implement the approved landscaping, a maintenance schedule for the landscaping scheme/open space, and details of maintenance arrangements, including 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.

20. No felling of trees shall take place until contracts have been placed for the redevelopment of the site in accordance with the current planning permission. Written evidence shall be submitted to and approved in writing by the planning authority before any tree felling takes place.

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

21. Any felling or cutting back of trees, scrub or bushes shall be undertaken outside the main bird breeding season (March-July inclusive), unless a survey by a suitably experienced surveyor has shown that no nests, in use or being built, could be damaged, destroyed or obstructed.

Reason: To ensure that the landscape works do not disturb nesting birds.

22. 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.

23. All building works to the existing school building shall comply with the Bat Protection Plan contained within the Bat Survey Report May-August 2016 by Acorna Ecology Ltd.

Reason: To ensure that these works do not disturb roosting bats.

24. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied.

Reason: To ensure the proper disposal of waste and to safeguard the environment of the development.

25. 63 of the proposed dwellings shall be allocated a particular individual off-street parking space within the development, with the remainder of the properties marketed as car-free. Details of the proposed management arrangements for the car parking area shall be submitted to and approved in writing by the Planning Authority prior to occupation of the first dwelling.

Reason: In order to safeguard the amenity of the property.

Reason: In the interest of traffic safety and to safeguard the amenity of the surrounding area.

26. A residential travel pack shall be provided for each dwelling prior to occupation. A draft pack shall be submitted to and approved in writing by the planning authority. The pack shall include maps detailing the location of public transport stops, timetables and estimated journey times, walking /cycle routes to key destinations, and information about the health benefits of walking and cycling.

Reason: To ensure that sustainable transport outcomes are achieved.
Reason: To ensure that the development is accessible to all in accordance with the principles of inclusive design.

27. Clear delineation between the public (adopted) and private (non-adopted) areas shall be provided by means of a flush heel kerb.

Reason: In the interests of pedestrian safety.

28. Vehicular access shall be taken via a dropped kerb footway crossing in accordance with Figure 10.19 of the Glasgow City Council Roads Development Guide.

Reason: To ensure that the access complies with approved standards in the interests of pedestrian and vehicular safety.

REASON(S) FOR GRANTING THIS APPLICATION

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. 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

02. Prior to implementation of this permission, the applicant should contact Land and Environmental Services (Roads) at an early stage in respect of legislation administered by that Service which is likely to have implications for this development

03. The applicant should consult with Land and Environmental Services (Environmental Health) concerning this proposal in respect of legislation administered by that Service which is likely to affect this development.

04. The applicant should consult Scottish Water concerning this proposal in respect of legislation administered by that organisation which is likely to affect this development. In particular, sustainable drainage systems (SUDS) should be designed and constructed in accordance with the vestment standards contained in "Sewers for Scotland", 2nd edition 2007.

    The applicant is advised that, where drainage systems including SUDS are not vested in Scottish Water, it is the applicant's/developer's responsibility to maintain those systems in perpetuity or to make legal arrangements for such maintenance.

05. SP Energy Networks has submitted a letter that states it has no objection to the proposals, but advises that SP Distribution have high and low voltage cables and a substation in the vicinity of the proposals. The company advises that it reserves the right to protect and/or deviate apparatus/cables at the applicant's expense.

06. 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. The applicant is advised that, where drainage systems including SUDS are not vested in Scottish Water, it is the applicant's/developer's responsibility to maintain those systems in perpetuity or to make legal arrangements for such maintenance.

07. 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.

08. 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.

09. The developer should advise each prospective purchaser that residents will not be eligible to purchase a resident's on-road parking permit if such permits are introduced in line with Glasgow City Council policy.

10. Before the lighting system is installed, the applicant should submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the proposed system will satisfy the requirements of the light pollution condition.

11. Before the use commences, the applicant should, following the testing of the installed lighting system, submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the system complies with its design specification.

ADVISORY NOTES TO COUNCIL

01. A Section 69 Agreement is required between the applicant and the Council to secure the required financial contribution of £79,789 in lieu of on-site amenity provision.

02. Scottish Ministers have issued a Direction under Regulations 31 and 32 of the Development Management Regulations 2013. The Direction has been made "in the light of the proposal's potential impact on the loss of valued open/green space".

Before determining the application the Council is required to send relevant details to Scottish Ministers for their consideration. This Direction does not commit the Scottish Ministers to calling in any such application, but it does reserve their right to intervene.

for Executive Director of Development and Regeneration Services DC/ IAB/ 10/02/2017

BACKGROUND PAPERS

PLEASE NOTE THE FOLLOWING:

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Glasgow City Council
Development and Regeneration
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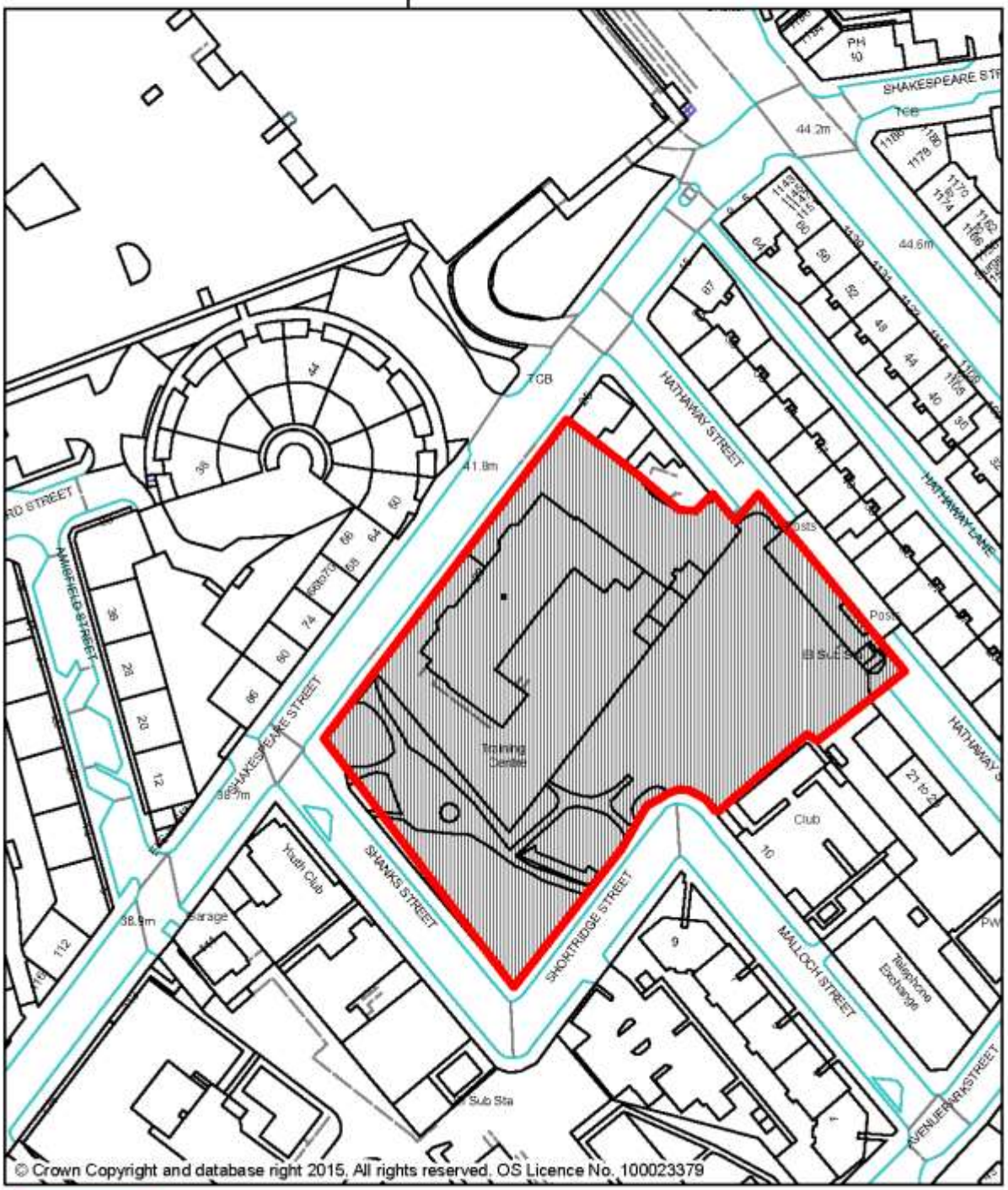
Executive Director: Richard Brown

Reference No: 15/02699/DC

Address:
29 Shakespeare Street, Glasgow, G20 8TH

Scale: 1:1,250

Indicative Site Location **Ward:** 10



Location of Site (for details refer to Report)