



## PLANNING APPLICATIONS COMMITTEE

Report by Director of Development and Regeneration Services

Contact: Ms L Scully Phone: 0141 287 6053

**ITEM 1 (k)**

29th November 2011

**APPLICATION TYPE** Full Planning Permission

**RECOMMENDATION** Grant Subject to Condition(s) and S75

**APPLICATION** 06/02431/DC

**DATE VALID** 11.08.2006

**SITE ADDRESS** 78 Smithycroft Road Glasgow G33 2RQ

**PROPOSAL** Erection of flatted residential development with associated access, landscaping, parking and retaining features.

**APPLICANT** Beshouse Residential Properties Limited  
181 Templepatrick Road  
Ballyclare  
BT39 0RA

**AGENT** Montgomery Forgan Associates  
Eden Park House  
Cupar  
Fife  
KY15 4HS

**WARD NO(S)** 18, East Centre

**COMMUNITY COUNCIL LISTED** 02\_050, Gartcraig

**CONSERVATION AREA**

**ADVERT TYPE**

**PUBLISHED**

**CITY PLAN** Residential

### SECOND SUPPLEMENTARY REPORT

#### Planning History

Members will be aware that a planning application for 78 Smithycroft Road was presented at the Planning Applications Committee on 29 May 2007, for a residential development comprising 36 flats (reference 06/02431/DC).

The Planning Committee determined to grant planning permission for the above application, subject to conditions, and a legal agreement governing an off site provision towards open space/recreation.

While the proposal included communal garden areas for the flats, it did not incorporate any recreational greenspace within the site. In these circumstances, policy RES 3 of City Plan 1 allowed the provision of recreational greenspace off-site, or on land owned by the Council via a financial contribution. In this instance, the developer agreed a contribution of £57,600.

The applicant details changed and the rights of the application were assigned to Beshouse Residential Properties Limited. The Section 69 Agreement had not been signed and therefore no permission had been issued.

A supplementary report was put to Committee on 14 June 2011 as a result of a change in financial circumstance. The current applicant advised they were unable to make the RES 3 contribution of £57,600 which it is claimed, would threaten the economic viability of the proposal. In light of this, they proposed a 'claw back' provision, allowing for a Section 75 Agreement with provision for a proportional contribution upon completion of the development should the scheme prove more profitable than originally anticipated. Committee determined to grant permission subject to the contribution paid upon completion of development by way of a revised legal agreement.

Since the Supplementary Report was determined in June 2011, however, the applicant has submitted further elevations for consideration, which were considered to be a material change to the application. The changes are the introduction of a hipped roof with flat top section. By introducing this, it significantly reduces the maintenance issue with the current design, which has front to back valley gutters in five different locations. The amount of render on the elevations has also been reduced as per Condition 06 of the original report.

Re-neighbour notification of the neighbours was carried out advising of changes – no further representations have been received as described above.

Committee are therefore asked to note this change in roof profile and grant consent subject to the following conditions and advisory notes and to the conclusion of a Section 75 Agreement as described above.

## CONDITIONS AND REASONS

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

L(-)0001 Revision E,  
L(-)0002 Revision B,  
L(-)0003 Revision B,  
L(-)0004 Revision C,

as qualified by the undernoted condition(s), or as otherwise agreed in writing with the Planning Authority, unless superseded by the following drawings:-

10003(11)001C  
10003(00)001A  
10003(00)002A  
10003(00)005A  
10003(00)100D  
10003(00)101D all received 16 September 2011.

**Reason:** As these drawings constitute the approved development.

02. The developer shall provide adequate lighting in all parking courts and along pedestrian footpaths and shall make arrangements for the future maintenance of same.

**Reason:** In the interests of pedestrian safety.

03. The parking space(s) shall be used only for the parking of private cars and not for the parking of commercial vehicles.

**Reason:** In order to safeguard residential amenity.

04. A detailed drawing showing the bin store and boundary enclosure shall be submitted to, and approved by, the Planning Authority prior to the commencement of works.

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

05. External materials shall be stone, render, aluminium/timber panels and concrete tiles. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture. Written approval shall be obtained before the materials are used on site.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

06. Notwithstanding the approved plans, the render on the north elevations of Blocks A and B is not approved. Revised details reducing the extent of render in order that it is not the dominant material on these elevations shall be submitted to the Planning Authority for approval before works commence.

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

07. The parking court shall be finished in pavements. Details of all surface treatments shall be submitted to the Planning Authority for approval before works commence.

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

08. A scheme of landscaping including boundary treatment(s) and details of trees and other features which are to be retained, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of works on site.

**Reason:** In order to protect the visual amenity of the surrounding area.

09. All landscaping including planting, seeding, turfing and hard landscaping as contained in the approved details shall be completed by the end of the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner. All landscaping shall be maintained in the approved form.

**Reason:** In order to protect the visual amenity of the surrounding area.

10. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Planning Authority gives written consent to any variation.

**Reason:** In order to protect the visual amenity of the surrounding area.

11. A maintenance management schedule for the landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any works. The landscaping shall be maintained in accordance with the approved management schedule.

**Reason:** In order to protect the visual amenity of the surrounding area.

12. All retained trees on site shall be protected by a satisfactory method to be agreed in writing with the Planning Authority before any work commences on site. The agreed method of protection (as set out in BS5837/1991) shall be maintained on site until completion of all works in the vicinity of the trees.

**Reason:** In order to protect the visual amenity of the surrounding area.

13. 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 (NRC) 35 between the hours of 0700 hours and 2200 hours and Noise Rating Curve (NRC) 25 at all other times.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

14. All mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

15. Light from the use of the facility shall not give rise to:

- a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%
- b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)
- c) A "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each source in the potentially obtrusive direction out of the area being lit.)

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

16. No construction work shall take place on site until a series of tests for ground contamination have been carried out in accordance with a method approved by the Planning Authority and the recommendations published by the Department of the Environment. No construction work shall be started until remedial work considered necessary by the Planning Authority as a result of these tests has been carried out and the ground has been made safe.

**Reason:** To ensure the ground is suitable for residential development.

17. Details of proposed surface water drainage shall be submitted to the Planning Authority for approval before works commence.

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

18. Proposed vehicular and pedestrian access and/or egress shall be sited and constructed before the use of the premises commences.

**Reason:** In the interests of traffic safety at the locus.

19. The car parking area(s) shall be suitably hard surfaced with car parking spaces (each space measuring 2.5m x 5.0m) clearly delineated on the ground and maintained in good condition. The car parking area shall be formed before the use of the premises commences. That area shall not thereafter be used for any purpose other than the parking of vehicles.

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

20. The car parking spaces shall be fitted with a lockable bollard. Details shall be submitted and have the written approval of the Planning Authority before works commence.

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

21. Vehicle and pedestrian access shall be via a footway crossing. An amended scheme allowing for the minimisation of the separate 2 metre footway shall be submitted to the Planning Authority for written approval before works commence.

**Reason:** In the interests of traffic safety at the locus.

22. Details of glazing on the external stairwells, work to the existing wall and gateway feature, new boundary wall, retaining wall and other perimeter treatments, shall be submitted to the Planning Authority for written approval, which is to be obtained before work commences.

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

**ADVISORY NOTES TO APPLICANT**

01. 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 affect this development.
02. It is recommended that the applicant should consult with Scottish Water concerning this proposal in respect of legislation administered by that organisation which is likely to affect 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 is advised that the decision notice hereby attached should be accompanied by docketed plans.
05. 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.
06. Future residents will not be eligible to purchase a resident's on road parking permit, should these be introduced in line with Council policy.
07. The developer is encouraged in the delivery of this scheme to have a local employment policy to maximise employment opportunities for local residents and skill seekers.

**ADVISORY NOTES TO COUNCIL**

01. This proposal requires that docketed plans should accompany the decision notice in the case of this application.
02. The completion of a satisfactory Agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 is a pre-requisite to the issue of planning permission by the Planning Authority. Please consult the Planning Authority regarding the detailed terms of the Agreement.

*for* Executive Director of Development and Regeneration Services

DC/LAS/(H)  
15/11/2011

## COPY OF PREVIOUS SUPPLEMENTARY REPORT

### Planning History

Members will be aware that a planning application for 78 Smithycroft Road was presented at the Planning Applications Committee on 29 May 2007, for a residential development comprising 36 flats (reference 06/02431/DC).

The Planning Committee determined to grant planning permission for the above application, subject to conditions, and a legal agreement governing an off site provision towards open space/recreation.

While the proposal included communal garden areas for the flats, it did not incorporate any recreational greenspace within the site. In these circumstances, policy RES 3 of City Plan 1 allowed the provision of recreational greenspace off-site, or on land owned by the Council via a financial contribution. In this instance, the developer agreed a contribution of £57,600.

The following, details the specifics of the payment required under the terms of RES 3:-

Units 36 x 2 bedroom,

Amenity Greenspace Requirement: 288 square metres or £24,000,

Children's Play: 202 square metres or £16,800,

Outdoor Sport: 202 square metres (formal 144 and informal 58) or £16,800 (formal £12,000 and informal £4,800).

### Proposal

Since this time, the applicant details have changed and the rights of the application have been assigned to Beshouse Residential Properties Limited. The Section 69 Agreement has not been signed to date and therefore no permission has been issued.

As a result of a change in financial circumstance, the current applicant has advised they are unable to make the RES 3 contribution of £57,600 which it is claimed, would threaten the economic viability of the proposal. In light of this, they have proposed a 'claw back' provision is made, allowing for a Section 75 Agreement with provision for a proportional contribution upon completion of the development should the scheme prove more profitable than originally anticipated.

Policy RES 3 of City Plan 1 stated that the sum of the financial contribution associated with recreational greenspace provision may be negotiable where developers can provide evidence that the viability of development would otherwise be prejudiced.

Montgomery Forgan Associates, on behalf of the current applicant, have provided supporting information including a development appraisal which indicates a potential 1.11% profit for the site, as of December 2010. A request has therefore been made to Glasgow City Council, on the grounds of economic viability of the development, for the RES 3 payment to be deferred and only payable upon the development becoming more profitable.

It has been requested that, should the scheme be more profitable than as forecast (i.e. 1.11%) a proportional claw back of the reduction will be paid. It is proposed that an open book approach is adopted, as the means by which the profitability and therefore any proportional clawback can be validated.

The following statement detailing the successive change in circumstance and the applicant's current situation has been provided by the agent in support of this request:-

*“Developer Statement:-*

- *This site was purchased by Carmarthen Developments Ltd in or around 2007. Following the submission and consideration of a planning application for a flatted development (06/02431/DC), in a report to Committee, the Council approved the application subject to a payment in lieu of the on site provision of open space.*
- *The upfront payment of £57, 600 under s69 agreement was agreed by Carmarthen Development Ltd in early 2007.*
- *No further action was pursued by Carmarthen Developments Ltd*
- *In January 2009, Carmarthen Developments Ltd went into liquidation.*
- *Beshouse Residential Properties Limited took on the site amongst others from the liquidators. The funding agreement for this included my Beshouse Residential Properties Limited’s personal guarantee.*
- *Beshouse Residential Properties Limited wants to implement this draft permission but cannot given that the scheme is not viable (refer to attached viability statement) given the previously agreed RES 3 contribution.”*

The proposed development is welcome given it will allow a vacant site to be regenerated, enhancing the vitality of the surrounding area. The site has lain in a semi-vacant, semi-derelict condition for a number of years blighting this part of Smithycroft Road and its redevelopment will assist significantly in the regeneration and renewal of this part of the city. On the basis of the supporting evidence provided, it is recommended that the applicant enter into a Section 75 Agreement that allows the Council the right to recover any reduction, should the development prove to be more profitable than originally anticipated.

**S75 Agreement**

The S75 legal agreement would state that once all houses are completed and sold, the applicant would be required to submit their final accounts (open book) for the development. The accounts would detail the following:-

*Land price;*

*Actual development costs (including abnormals);*

*Actual sales income; and*

*Actual profit*

Based on this submission, the Council would then assess the level of contribution that should be applied to the development (up to the full amount £57,600 if necessary). As there appears to be such a tight profit margin associated with this development, in this instance, it is accepted that no up-front payment would be requested.

Since this application was determined, policy RES 3 of City Plan 1 has been superseded and strengthened by policy ENV 2. The site was acquired by Beshouse Residential Properties Limited following liquidation of the original applicant. Whilst the provisions of policy ENV 2 relating to determination of additional costs is relevant, this is an application originally considered under policy RES 3 of the City Plan which is a material consideration. In accepting the uniqueness of this case and the developer's arguments in connection with this particular site, the Service does not consider that the current ENV 2 policy has been weakened or any precedent set.

Committee are therefore asked to note this change in circumstance and subsequent requirement for a revised agreement and grant consent subject to the following conditions and advisory notes, and to the conclusion of a Section 75 Agreement as described above.

**CONDITIONS AND REASONS**

01. The development shall be implemented in accordance with drawing number(s):-  
L(-)0001 Revision E,  
L(-)0002 Revision B,  
L(-)0003 Revision B,  
L(-)0004 Revision C,  
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. The developer shall provide adequate lighting in all parking courts and along pedestrian footpaths and shall make arrangements for the future maintenance of same.  
**Reason:** In the interests of pedestrian safety.
03. The parking space(s) shall be used only for the parking of private cars and not for the parking of commercial vehicles.  
**Reason:** In order to safeguard residential amenity.
04. A detailed drawing showing the bin store and boundary enclosure shall be submitted to, and approved by, the Planning Authority prior to the commencement of works.  
**Reason:** To enable the Planning Authority to consider this/these aspect(s) in detail.
05. External materials shall be stone, render, aluminium/timber panels and concrete tiles. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture. Written approval shall be obtained before the materials are used on site.  
**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.
06. Notwithstanding the approved plans, the render on the north elevations of Blocks A and B is not approved. Revised details reducing the extent of render in order that it is not the dominant material on these elevations shall be submitted to the Planning Authority for approval before works commence.  
**Reason:** To enable the Planning Authority to consider this/these aspect(s) in detail.
07. The parking court shall be finished in pavements. Details of all surface treatments shall be submitted to the Planning Authority for approval before works commence.  
**Reason:** To enable the Planning Authority to consider this/these aspect(s) in detail.
08. A scheme of landscaping including boundary treatment(s) and details of trees and other features which are to be retained, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of works on site.  
**Reason:** In order to protect the visual amenity of the surrounding area.
09. All landscaping including planting, seeding, turfing and hard landscaping as contained in the approved details shall be completed by the end of the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner. All landscaping shall be maintained in the approved form.  
**Reason:** In order to protect the visual amenity of the surrounding area.

10. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Planning Authority gives written consent to any variation.

**Reason:** In order to protect the visual amenity of the surrounding area.

11. A maintenance management schedule for the landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any works. The landscaping shall be maintained in accordance with the approved management schedule.

**Reason:** In order to protect the visual amenity of the surrounding area.

12. All retained trees on site shall be protected by a satisfactory method to be agreed in writing with the Planning Authority before any work commences on site. The agreed method of protection (as set out in BS5837/1991) shall be maintained on site until completion of all works in the vicinity of the trees.

**Reason:** In order to protect the visual amenity of the surrounding area.

13. 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 (NRC) 35 between the hours of 0700 hours and 2200 hours and Noise Rating Curve (NRC) 25 at all other times.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

14. All mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

15. Light from the use of the facility shall not give rise to:

- a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%
- b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)
- c) A "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each source in the potentially obtrusive direction out of the area being lit.)

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

16. No construction work shall take place on site until a series of tests for ground contamination have been carried out in accordance with a method approved by the Planning Authority and the recommendations published by the Department of the Environment. No construction work shall be started until remedial work considered necessary by the Planning Authority as a result of these tests has been carried out and the ground has been made safe.

**Reason:** To ensure the ground is suitable for residential development.

17. Details of proposed surface water drainage shall be submitted to the Planning Authority for approval before works commence.

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

18. Proposed vehicular and pedestrian access and/or egress shall be sited and constructed before the use of the premises commences.

**Reason:** In the interests of traffic safety at the locus.

19. The car parking area(s) shall be suitably hard surfaced with car parking spaces (each space measuring 2.5m x 5.0m) clearly delineated on the ground and maintained in good condition. The car parking area shall be formed before the use of the premises commences. That area shall not thereafter be used for any purpose other than the parking of vehicles.

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

20. The car parking spaces shall be fitted with a lockable bollard. Details shall be submitted and have the written approval of the Planning Authority before works commence.

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

21. Vehicle and pedestrian access shall be via a footway crossing. An amended scheme allowing for the minimisation of the separate 2 metre footway shall be submitted to the Planning Authority for written approval before works commence.

**Reason:** In the interests of traffic safety at the locus.

22. Details of glazing on the external stairwells, work to the existing wall and gateway feature, new boundary wall, retaining wall and other perimeter treatments, shall be submitted to the Planning Authority for written approval, which is to be obtained before work commences.

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

#### ADVISORY NOTES TO APPLICANT

01. 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 affect this development.
02. It is recommended that the applicant should consult with Scottish Water concerning this proposal in respect of legislation administered by that organisation which is likely to affect 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 is advised that the decision notice hereby attached should be accompanied by docketed plans.
05. 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.
06. Future residents will not be eligible to purchase a resident's on road parking permit, should these be introduced in line with Council policy.
07. The developer is encouraged in the delivery of this scheme to have a local employment policy to maximise employment opportunities for local residents and skill seekers.

**ADVISORY NOTES TO COUNCIL**

01. This proposal requires that docketed plans should accompany the decision notice in the case of this application.
02. The completion of a satisfactory Agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 is a pre-requisite to the issue of planning permission by the Planning Authority. Please consult the Planning Authority regarding the detailed terms of the Agreement.

*for* Executive Director of Development and Regeneration Services

DC/RCO/(H)  
02/06/2011

## COPY OF ORIGINAL REPORT TO DEVELOPMENT APPLICATIONS COMMITTEE

### REPRESENTATIONS/CONSULTATIONS

L.E.S. (Environmental Health) - No objection, conditions.

L.E.S. (Roads) - No objections, conditions.

The application has generated two letters of objection, based on the following grounds:-

1. The development overlooks existing residential properties, breaching privacy and compromising daylighting.
2. The proposals for extra parking will result in problems with traffic safety, especially with children and will increase pressures for parking in the area.
3. The development is not in keeping with the existing houses in the area.
4. The construction of the development will result in noise disturbance to the detriment of existing residential properties.

### SITE AND DESCRIPTION

The application site is located to the south of Smithycroft Road in Riddrie. The site is bounded by housing to the south and to the north. To the east, the site is bounded by a two-storey office building. Within the northern part of the site there is a vacant garage. The site is largely flat, with an embankment rising five metres at the rear of the site, rising to the level of the houses adjacent to the south. The site measures approximately 0.4 hectares.

It is proposed to erect a residential development comprising 36 flats, all two-bedroom. The development comprises two blocks of flats on Smithycroft Road, one four-storey and the other three-storey. Another three-storey block is provided within the site. The development provides 100% car parking, situated within a rear courtyard accessed off Smithycroft Road. The proposed materials include : stone, render, aluminium and timber cladding and concrete tiles. The existing wall fronting Smithycroft Road will be retained, but at a reduced height, with entrances formed to the flats.

Planning permission (02/00381/DC) for a residential development comprising 26 flats on part of this site was approved in 2002. This application differs in that it applies to a larger site area, incorporating 90 Smithycroft Road, the former garage.

### POLICIES

Glasgow City Plan 2003.

- |     |         |   |   |
|-----|---------|---|---|
| (a) | DEV 2   | - | Residential Development Policy Principle. |
| (b) | RES 1   | - | Residential Density.                      |
| (c) | RES 2   | - | Residential Site layout.                  |
| (d) | RES 3   | - | Residential Greenspace.                   |
| (e) | RES 16  | - | Bin Stores.                               |
| (f) | TRANS 4 | - | Vehicle parking Standards.                |

- (g) DES 1 - Reinforcing Local Character.
- (h) DES 2 - Urban Design.
- (i) DES 3 - Building Design and Materials.

## ASSESSMENT AND CONCLUSIONS

Section 25 of the 1997 Planning Act requires the Council to determine this application in accordance with the provisions of the Development Plan, unless materials considerations indicate otherwise.

The site falls within a Residential Development Policy area. Consequently the proposal accords with the Development Plan in land use policy terms.

Other material considerations include:-

- **RES 1 Residential Density**

Although the density of 86 dwellings per hectare is above the maximum density of 75 for this location, the City Plan allows exceptions for schemes of outstanding design quality. Given the changes made to the proposal, especially the elevational changes to Smithycroft Road, Heritage and Design has no objections to the appropriateness of the development at this location. The applicant has also submitted a Supporting Statement that addresses the RES 1 issue.

- **RES 2 Residential Site Layout**

The initial submission contained a number of privacy and amenity failures, with windows of habitable rooms within five metres of footpaths and insufficient rear garden depth. The applicant has overcome these problems by re-positioning the buildings and entrance points, deleting footpaths and re-configuring internal layouts. Consequently, the development no longer has issues with privacy or amenity.

- **RES 3 Residential Greenspace**

While the proposal includes communal garden areas for the flats, it does not incorporate any recreational greenspace within the site. In these circumstances, the policy allows the provision of recreational greenspace off-site, or on land owned by the Council via a financial contribution. In this instance, the developer has agreed a contribution of £57,600.

- **RES 16 Bin Stores**

The development incorporates two bin storage areas within the rear courtyard, which accords with policy. Nonetheless, a condition will control the location of bin storage areas, in order to better serve the three blocks.

- **TRANS 4 Vehicle Parking**

The development incorporates 36 car parking spaces, or 100%. While the City Plan requires 125%, this is considered acceptable for an inner-city type housing development, as each unit has a parking space. Given that the site has "high accessibility" to public transport, with good access to frequent bus links, the applicant deleted additional parking spaces to provide more amenity space for residents in an improved courtyard.

- **DES 1 – 3 Character, Design, Materials**

The development will present an attractive frontage to Smithycroft Road. While the four-storey block matches tenement buildings within the immediate area, the three-storey block is similar in height to the office building to the west of the site. The applicant has revised the design to incorporate the principal means of access from Smithycroft Road. In addition, the now stone wall and retained boundary wall is articulated to provide entrances to flats. The proposal now incorporates canopies that further enhance the front entrance. Although the development uses a high number of quality materials, namely stone, render and aluminium/timber panels, a condition will ensure that render is not the dominant material on the Smithycroft Road elevation, in accordance with the City Plan.

In terms of the grounds of objection, the following comments are offered:-

1. The applicant has amended the proposal and the development no longer contains any breach of privacy or amenity; RES 2 above addresses this.
2. Land Services (Roads) has no objection to the development. In addition, the applicant has reduced parking provision to 100% and given over more space to amenity.
3. The applicant has changed the design of the proposal, which now accords with the City Plan design policies; DES 1-3 above addresses this.
4. Noise caused by construction is generally governed by other legislation.

To conclude, the revised proposal now conforms with the City Plan and creates a more meaningful relationship between the new build and the street frontage. Consequently, the development is of sufficient quality and it is recommended that planning permission be granted, subject to conditions and Section 69 Agreement.

## CONDITIONS AND REASONS

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

L(-)0001 Revision E,  
L(-)0002 Revision B,  
L(-)0003 Revision B,  
L(-)0004 Revision C,

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. The developer shall provide adequate lighting in all parking courts and along pedestrian footpaths and shall make arrangements for the future maintenance of same.

**Reason:** In the interests of pedestrian safety.

03. The parking space(s) shall be used only for the parking of private cars and not for the parking of commercial vehicles.

**Reason:** In order to safeguard residential amenity.

04. A detailed drawing showing the bin store and boundary enclosure shall be submitted to, and approved by, the Planning Authority prior to the commencement of works.

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

05. External materials shall be stone, render, aluminium/timber panels and concrete tiles. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture. Written approval shall be obtained before the materials are used on site.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

06. Notwithstanding the approved plans, the render on the north elevations of Blocks A and B is not approved. Revised details reducing the extent of render in order that it is not the dominant material on these elevations shall be submitted to the Planning Authority for approval before works commence.

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

07. The parking court shall be finished in pavements. Details of all surface treatments shall be submitted to the Planning Authority for approval before works commence.

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

08. A scheme of landscaping including boundary treatment(s) and details of trees and other features which are to be retained, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of works on site.

**Reason:** In order to protect the visual amenity of the surrounding area.

09. All landscaping including planting, seeding, turfing and hard landscaping as contained in the approved details shall be completed by the end of the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner. All landscaping shall be maintained in the approved form.

**Reason:** In order to protect the visual amenity of the surrounding area.

10. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Planning Authority gives written consent to any variation.

**Reason:** In order to protect the visual amenity of the surrounding area.

11. A maintenance management schedule for the landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any works. The landscaping shall be maintained in accordance with the approved management schedule.

**Reason:** In order to protect the visual amenity of the surrounding area.

12. All retained trees on site shall be protected by a satisfactory method to be agreed in writing with the Planning Authority before any work commences on site. The agreed method of protection (as set out in BS5837/1991) shall be maintained on site until completion of all works in the vicinity of the trees.

**Reason:** In order to protect the visual amenity of the surrounding area.

13. 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 (NRC) 35 between the hours of 0700 hours and 2200 hours and Noise Rating Curve (NRC) 25 at all other times.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

14. All mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

15. Light from the use of the facility shall not give rise to:

- a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%
- b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)
- c) A "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each source in the potentially obtrusive direction out of the area being lit.)

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

16. No construction work shall take place on site until a series of tests for ground contamination have been carried out in accordance with a method approved by the Planning Authority and the recommendations published by the Department of the Environment. No construction work shall be started until remedial work considered necessary by the Planning Authority as a result of these tests has been carried out and the ground has been made safe.

**Reason:** To ensure the ground is suitable for residential development.

17. Details of proposed surface water drainage shall be submitted to the Planning Authority for approval before works commence.

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

18. Proposed vehicular and pedestrian access and/or egress shall be sited and constructed before the use of the premises commences.

**Reason:** In the interests of traffic safety at the locus.

19. The car parking area(s) shall be suitably hard surfaced with car parking spaces (each space measuring 2.5m x 5.0m) clearly delineated on the ground and maintained in good condition. The car parking area shall be formed before the use of the premises commences. That area shall not thereafter be used for any purpose other than the parking of vehicles.

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

20. The car parking spaces shall be fitted with a lockable bollard. Details shall be submitted and have the written approval of the Planning Authority before works commence.

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

21. Vehicle and pedestrian access shall be via a footway crossing. An amended scheme allowing for the minimisation of the separate 2 metre footway shall be submitted to the Planning Authority for written approval before works commence.

**Reason:** In the interests of traffic safety at the locus.

22. Details of glazing on the external stairwells, work to the existing wall and gateway feature, new boundary wall, retaining wall and other perimeter treatments, shall be submitted to the Planning Authority for written approval, which is to be obtained before work commences.

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

**ADVISORY NOTES TO APPLICANT**

01. It is recommended that the applicant should consult with Land Services (Roads) at an early stage concerning this proposal, in respect of legislation administered by that Department which is likely to affect this development.
02. It is recommended that the applicant should consult with Scottish Water concerning this proposal in respect of legislation administered by that organisation which is likely to affect this development.
03. It is recommended that the applicant should consult with Environmental Protection Services (Environmental Health) concerning this proposal in respect of legislation administered by that Department which is likely to affect this development.
04. The applicant is advised that the decision notice hereby attached should be accompanied by docketed plans.
05. 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.
06. Future residents will not be eligible to purchase a resident's on road parking permit, should these be introduced in line with Council policy.

**ADVISORY NOTES TO COUNCIL**

01. This proposal requires that docketed plans should accompany the decision notice in the case of this application.
02. The completion of a satisfactory Agreement in terms of S69 of the Local Government (Scotland) Act 1973 and payment of £57,600 to the Council, is a pre-requisite to the issue of Planning Permission by the Planning Authority. Please consult the Planning Authority regarding the detailed terms of the Agreement.

for Director of Development and Regeneration Services

DC/NRU/LRO/1  
23/05/2007

**PLEASE NOTE THE FOLLOWING:**

*Any Ordnance Survey mapping included within this report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to license Ordnance Survey mapping/map data for their own use. The OS website can be found at [www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)*

*If accessing this report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale.*

