



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Regeneration and the Economy

Contact: David Russell Phone: 0141 287 6034

Item 3

22nd October 2019

APPLICATION TYPE	Full Planning Permission		
RECOMMENDATION	Grant Subject to Condition(s) and S75		
APPLICATION	19/02110/FUL	DATE VALID	10.07.2019
SITE ADDRESS	Site Formerly Known As 31 Dunblane Street Glasgow		
PROPOSAL	Erection of student accommodation, access and associated works, to include demolition of existing building - Retrospective application under Section 42 of the Town and Country Planning Act to vary Conditions 08, 09 & 16 of planning permission 17/03469/DC to incorporate changes to materials.		
APPLICANT	Soller One Limited 30-34 New Bridge Street LONDON EC4V 6BJ	AGENT	Iceni Projects Limited Ian Gallacher 177 West George Street GLASGOW G2 2LB
WARD NO(S)	10, Anderston/City/Yorkhill	COMMUNITY COUNCIL LISTED	02_033, Dundasvale (Inactive)
CONSERVATION AREA			
ADVERT TYPE	Affecting a Conservation Area/Listed Building Bad Neighbour Development	PUBLISHED	26 July 2019
CITY PLAN	Residential		

REPRESENTATIONS/ CONSULTATIONS

6 letters of representation objecting to the development were received from members of the public within the designated period for public comments. The grounds of objection are as follows;

- 1) The application involves changing from the approved buff sandstone to an inferior cladding finish.
- 2) The developer has already used the inferior cladding material on site and is applying for consent after it is already up
- 3) The cladding is not in keeping with the character and special interest of the neighbouring listed buildings
- 4) The Council should be using its enforcement powers and insisting on replacing the cladding with the approved materials.
- 5) The building is unattractive and overshadows surrounding buildings of significant architectural value.
- 6) The lack of consequence for the developer failing to comply with conditions 08 and 09 make me wonder what the purpose of planning legislation is. Allowing this change to stand sets a very worrying precedent.

- 7) The change to the appearance of the building and materials was most probably done with the primary aim of lowering installation times and costs.

The grounds of objection are considered under material considerations later in this report.

The application was published on the weekly list of planning applications on the 19th of July 2019 and advertised in the Glasgow Evening Times on the 26th of July 2019.

SITE AND DESCRIPTION

SITE

The application site is a currently under construction student accommodation development occupying the entire street block bounded by Dunblane St, Milton Street, Larbert Street and McPhater Street. The site formerly contained a two-storey brick warehouse building which had been utilised for commercial off-street car parking since 2006.

To the immediate west of the site across Larbert Street are the Category B listed Glasgow Piping Centre (Formerly the Cowcaddens Free Church and Hall, c. 1872) and the Category A listed Scottish Ambulance building (Skinner, Bailey & Lubetkin, 1966-1970). To the south is an area of open space on the south side of McPhater Street, maintained by Glasgow City Council and also the corner of the Matrix building (7 storeys). To the west lies the Category A listed 'Ozalid's' building (William James Anderson, 1892- 1895), in use as residential accommodation and the 4th Quarter residential development constructed in 2002. To the north lies Cowcaddens Fire Station. In the wider area, the busier streets of Port Dundas Road, Cowcaddens Road, Garscube Road and the M8 motorway define a discrete area of the city with a variety of land uses and differences in built form.

DESCRIPTION

The current application under Section 42 of the Act has been submitted to vary two of the conditions on planning permission 17/03469/DC. The purpose of the variation application is to change the approved principal elevation material from natural sandstone masonry to a composite stone rainscreen cladding panel.

PLANNING HISTORY

15/02692/DC - *Erection of student accommodation, access and associated works, to include demolition of existing building.* **VW** Application was withdrawn in September 2016 at the request of the applicant as they were aware that the planning authority did not support the proposal.

16/02346/DC - *Erection of student accommodation, access and associated works, to include demolition of existing building.* - Application approved subject to conditions and completion of a s75 agreement by the Glasgow City Council Planning Applications Committee on the 7th February 2017, decision subsequently issued on the 10th of July 2017.

17/03469/DC - *Erection of student accommodation, access and associated works, to include demolition of existing building - amendment of Condition 01 of planning permission 16/02346/DC to incorporate proposed changes to design.* - Application approved under delegated powers on the 21st June 2018. Section 42 proposal involved an increase in rooms (from 286 beds up to 301 beds), internal and external alterations, reduction in musical practice rooms and an increase in rooftop amenity spaces.

18/00173/EN - *Alleged Breach: Conditions* – Pending consideration.

18/00209/EN - *Alleged Breach: non-implementation of substantive conditions* – Pending Consideration

Work commenced on site in April 2018, in breach of permission 16/02346/DC, and two enforcement cases were opened following complaints from residents and a local ward member (Baillie Christie Mearns) regarding potential breaches of permission that had taken place on site (18/00173/EN & 18/00209/EN). In July 2018, whilst works still carried on in breach of permission 16/02346/DC, the applicant requested that the discharge of condition process relate to the works set out in application 17/03469/DC instead as that was the application they were now actually progressing on the ground. Whilst the work carried out on site is in breach of both permissions, direct action has not been taken by the planning authority as, rather than shut down a large development site, DRS sought to try and resolve the breaches through ongoing correspondence. At time of writing, the majority of outstanding condition information has been received and most of the pre-suspensive conditions for application 17/03469/DC now discharged.

Two of the suspensive, pre-commencement conditions which have not been discharged, and which are the focus of this application are conditions 08 and 09. Those conditions read as follows;

- 08.** *External materials shall be natural sandstone masonry, cream facing brick (colour-matched mortar), bronze metallic PPC aluminium panels, aluminium-framed glazed curtain walling and aluminium-framed windows. A full-size sample panel of the elevation materials shall be erected for the inspection of the planning authority and written approval for the panel design shall be obtained prior to the commencement of works on site. The approved sample panel shall be erected prior to the commencement of above-ground construction works and remain in place throughout construction. Samples of the other external materials shall be submitted and approved in writing by the planning authority. Written approval shall be obtained before any materials are used on site.*

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

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 surrounding area*

- 09.** *Prior to the commencement of works on site detailed drawings at a scale of not less than 1/50 shall be submitted for the written approval of the Planning Authority in respect of the block size, joint sizes, coursing pattern and construction method of the elevations to be finished in natural stone. The submitted drawings shall also indicate the cill and reveal details proposed for windows within the stonework.*

Reason: *In order that the works do not detract from the appearance of the building.*

With regards to condition 08, the first time the planning authority were invited to view a sample panel on site was on the 28th of February 2019, over 10 months after works commenced on site. The first information DRS received regarding Condition 09 followed on the 7th of March 2019. DRS planning staff noted that rather than a natural sandstone masonry the applicant was actually proposing a composite panel for a rainscreen cladding system. After raising this issue with the applicant in April the applicant were advised that they considered their proposed material to comply with the requirement of the condition. At that time DRS planning staff arranged to visit the sample panel on site to inspect the material proposed. Upon arrival on site on the 3rd of May 2019 to view the sample, DRS staff found that the material had already been ordered and was piled up on site awaiting installation. The applicant was then advised in writing and at several subsequent meetings that the cladding system was not a natural sandstone masonry block, had not been approved, did not meet the requirements of the condition and that they needed to submit an application to vary the approved materials. The applicant sought to challenge this interpretation of the planning permission, even instructing legal representatives to write to the Council, however they finally agreed on the 4th of July 2019 to submit such an application. This application to vary the wordings of conditions 8 & 9 to facilitate use of the rainscreen cladding system was subsequently submitted on the 10th of July 2019.

Following a warning from GCC that they were doing so at their own risk, the applicant has continued with the installation of the unapproved cladding system on site and, at time of writing, are nearing completion on the external cladding of the building.

During consideration of the application, and as a result of material changes carried out on site by the applicant which further vary from the approved design, it is now also necessary to amend the condition 16 of planning permission 17/03469/DC

- 16.** *Detailed design drawings showing the finalised dimensions and materials of the following aspects of the proposal shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of this aspect of the works;*

- Entrance doors
- Brick wall and metal railings on Larbert Street
- Safety railings around roof gardens
- Roof terrace layouts
- Ventilation proposals for the plant room
- Metal railings around the roof terraces.

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 surrounding area*

The applicant intends to replace the approved Brick wall and metal railings on Larbert Street with a metal fence along the boundary instead. DRS Planning understand that the works have already taken place on site.

This section 42 application, if approved will therefore regularise the situation with regards to the outstanding breaches of condition 08, 09 and 16 of planning permission 17/03469/DC and provide the applicant with a new permission for the works they have actually implemented on site.

SPECIFIED MATTERS

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

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

- i. an environmental statement

Not required. Screening opinion (15/02143/DC) issued September 2015.

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

Not applicable

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

Nothing submitted.

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

Not applicable

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

Should committee choose to support the application, the developer would be required to enter into a binding s.75 legal agreement to ensure that the flats will not be sold or rented as mainstream housing. The process for Section 42 applications often involves a new S75 agreement that obliges the owners to honour the original extant S75 for the previous permission.

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 required. See Screening Opinion [15/02143/DC](#)
- ii. 1. requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31).
Not applicable.
2. restricting the grant of planning permission
Not applicable.
- iii. 1. requiring the Council to consider imposing a condition specified by Scottish Ministers
Not applicable.
2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered the condition and that it will either be imposed or need not be imposed.
Not applicable.

POLICIES

CDP 1 – The Placemaking Principle
SG1 – The Placemaking Principle
CDP 9 – Historic Environment
SG 9 – Historic Environment

ASSESSMENT AND CONCLUSIONS

Sections 25 and 37 of the Planning Act require that planning applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act places a duty of care on the Planning Authority in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In terms of this application therefore, the determining issues are considered to be:

- i) whether the proposals accord with the provisions of the Development Plan, and

- ii) whether the proposals are appropriate having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- iii) whether material considerations warrant a departure from the development plan.

i) **DEVELOPMENT PLAN POLICY CONSIDERATIONS**

In respect of i), the Development Plan consists of The Glasgow and the Clyde Valley Strategic Development Plan 2012 and the adopted Glasgow City Plan 2 2009. The policy impacts are outlined below.

The Glasgow and the Clyde Valley Strategic Development Plan May 2012

Comment: The proposal does not present any Strategic Development Plan policy issues.

The Glasgow City Development Plan 2017

Policy CDP 1 – The Placemaking Principle aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. It advises that in order to be successful, new development should aspire to achieve the six qualities of place as defined in draft Scottish Planning Policy, and reinforced by Creating Places and Designing Streets.

- *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.*

CDP 1 also advises that the associated supplementary guidance SG1 (Currently IPG 1) will provide guidance to promote the overarching Placemaking Principle, specifically it offers guidance on Building Materials.

Supplementary Guidance SG1 (IPG 1) – The Placemaking Principle offers the following guidance which is applicable to this development proposal;

Building Materials

5.2

The variety of materials, colours and textures seen throughout the City's built environment contributes to the overall character and attractiveness of Glasgow's commercial and residential districts, as described in SG 1 - Placemaking, Part 1. All new development will be expected to respect and enhance Glasgow's existing identity and character through its overall design, the choice of materials and the way in which these materials are used.

5.3

It is expected that all new development, depending on the nature and scale of the development, will:

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

5.4

It is expected that when specifying the materiality of a new development, consideration will be paid to:

- a) *microclimatic issues, with particular thought as to how the visual appearance of a development will be affected over time;*
- b) *mitigating the negative visual impact that air pollution can have on facing materials;*
- c) *the lifespan and maintenance of the chosen materials;*
- d) *ensuring that a development acknowledges and responds to the materials of the surrounding townscape and the hierarchies of streets and spaces. Proposals should harmonise with the prevailing materiality of the surrounding built environment.; and*
- e) *ensuring that the specified materials do not detract from the visual amenity of existing buildings and the surrounding environment.*

5.5

Depending on the scale and size of a proposal, the reasoning behind the selection of materials should be set out in a design statement.

5.7

On listed buildings, in conservation areas and in areas of sensitive urban character, particular care will require to be taken regarding choice of materials.

5.8

Some materials are more likely to suffer from adverse weathering like staining. Where this might be the case, architectural detail drawings may be sought. On larger or more prominent schemes, sample panels may need to be constructed for approval. This purpose of this is to demonstrate how the proposed building materials fit together.

5.10

When specifying cladding materials, consideration must be paid to the overall visual effect of the façade and its impact on the surrounding context. Poorly specified facades can appear flat and dull in comparison to Glasgow's well-articulated historic architecture.

5.11

A high level of design sophistication will be expected. Proposals should:

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

5.13

The character and history of Glasgow expresses itself physically through the materiality of its architecture. The honesty of materials is, therefore, an important consideration when assessing a proposal, particularly in areas of important townscape quality.

5.14

Synthetic materials have been found to inadequately replicate the characteristics of the materials they seek to emulate and as a consequence have a poorer appearance. The use of synthetic materials will be considered on a case by case basis and their appropriateness will be assessed against:

- a) *the extent of use;*
- b) *their prominence on the building; and*
- c) *the street setting.*

5.15 The following sets out in more detail the Council's technical expectations for facades and roofing:

Stone

Sandstone contributes greatly towards the City's character and identity and it has been used effectively to help integrate modern buildings into historic areas. Natural sandstone will be the preferred main external building material on developments in Conservation Areas and in areas where sandstone is the main prevailing building material. This is particularly important on public facing façades and secondary facades visible from the public realm. It is expected that new development will acknowledge coursings, block size and proportions in order to harmonise with

the existing built context.

Cast Stone and Concrete

When compared to the tonally rich natural stone seen across the City, cast stone can appear to be visually monotonous in comparison, due to its uniformity. This effect can become more apparent over time as typically it will weather in a more uniform way than similarly specified stone. The use of cast stone and concrete will be acceptable where their uniform and monolithic appearance is deemed appropriate. This will be dependent on the urban context and the design of the project. Proposals will be assessed on a case by case basis.

It will be expected that measures will be taken to avoid adverse weathering, streaking, staining and the build-up of dirt. Such measures include:

- a) architectural details which control the water run-off from façades in ways which enhance the weathering characteristics;*
- b) the specification of the surface finish; and*
- c) the inclusion of sealants to the surface.*

Comment: This section 42 application proposes replacing the natural sandstone masonry approved under application 17/03469/DC with a composite stone cladding panel. Although not set out in detail on either the application form or drawings, from correspondence with the agent the new material proposed is confirmed as TI Aerolite composite rainscreen cladding panels to be supported on a frame of secondary/tertiary steelwork. The panels comprise a 5mm outer veneer (formed in some form of cast stone), epoxy bonded on to a 15mm natural granite backing panel and reinforced with fiberglass mesh. The applicant's proposal is to use this as the principal elevation material for the development rather than the natural sandstone masonry approved under applications 16/02346/DC & 17/03469/DC. Established city development plan policy states that *Natural sandstone will be the preferred main external building material on developments in Conservation Areas and in areas where sandstone is the main prevailing building material.* As such, planning permission 16/02346/DC and 17/03469/DC already secured the preferred material in policy terms so any change to an alternative must be viewed as a less comfortable fit in terms of established policy. The planning authority asked the applicant for information on the TI Aerolite material, case studies of where else it has been used (either in the City, central Scotland or indeed the UK) and information on how the material performs over time however this information was not received with the application submission. As such, DRS cannot state with confidence how the composite cladding panel will perform over time or in the Glasgow climate. When considering the application site and the varying building materials in the existing vicinity, the biggest concern is how the material will compare and contrast when viewed beside the National Piping Centre buildings on McPhater Street. The composite stone cladding panels proposed are considered against section 5.15 of the above guidance.

Policy CDP 9 – Historic Environment aims to ensure the appropriate protection, enhancement and management of Glasgow's heritage assets by providing clear guidance to applicants. It states that the Council will assess the impact of proposed developments and support high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interest of its listed buildings. The Council is unlikely to support development that would have a negative impact upon the historic environment.

Supplementary Guidance SG 9 – Historic Environment sets out specific guidance on development affecting the setting of listed buildings and properties in conservation areas. It states;

2.148

Where a Listed Building forms an important visual element in a street, any development within that street should be considered as being in the setting of the building. The desirability of preserving and enhancing the setting of existing Listed Buildings and the character of the Conservation Area will always be primary considerations when considering new development. This includes how new development may affect townscape and streetscape.

Comment: Whilst not in a Conservation Area, this site is bordered by two category A listed buildings and the Category B listed National Piping Centre. Whilst the other listed buildings are not natural sandstone, the elevation formed by the National Piping Centre buildings on McPhater Street is built in natural stone and there will therefore be a direct comparison on this elevation between the natural stone listed buildings and the composite cladding panel proposed by the applicant. In the Committee Report for application 16/02346/DC, the report noted that “*The use of natural stone, a high quality material appropriate in the context of the surrounding townscape, is another improvement to the scheme and, suitably detailed, will result in a high quality building which is sympathetic to local traditions and creates a strong sense of place*”. The report also states that “*the developer has specifically amended their proposal to take more cognisance of the adjacent listed buildings ... the change in materials to natural sandstone both reflects the character of the National Piping Centre and forms specific elements within the overall massing to dialogue with the listed buildings that they face*”. The rest of the building remains as consented under application 17/03469/DC. Whilst natural stone is the preferred (and approved) material, the composite rainscreen cladding panels proposed are not considered unacceptable in this location. The impact of the proposed material on the McPhater Street Elevation is the most prominent comparison with a listed building, and whilst there remain uncertainties about how the material will perform in the medium to long term, on balance the use of the rainscreen cladding system on the 3 elevations proposed is not considered to detrimentally impact upon the special interest and setting of the adjacent listed buildings.

ii) PLANNING (LISTED BUILDING AND CONSERVATION AREAS)(SCOTLAND) ACT 1997

Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act places a duty of care on the Planning Authority in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Comment: The impact upon the 3 surrounding listed buildings has been considered above. The proposed development is not considered to detrimentally impact upon the buildings themselves, nor their settings and it does not adversely impact upon their special interest.

The applicant is seeking full planning permission for Erection of student accommodation, access and associated works, to include demolition of existing building – Retrospective application under Section 42 of the Town and Country Planning Act to vary Conditions 8 & 9 of planning permission 17/03469/DC to incorporate changes to materials.

iii) MATERIAL CONSIDERATIONS

In respect of ii) letters of representation may be material considerations in the determination of the application. In total 6 letters of representation objecting to the development were received from members of the public within the designated period for public comments. The grounds of objection are as follows;

1. The application involves changing from the approved buff sandstone to an inferior cladding finish.

Comment: DRS Planning agree that the proposed cladding is not as desirable a finish when compared to the approved natural sandstone masonry however it has been concluded that, on balance, it is acceptable in this context.

2. The developer has already used the inferior cladding material on site and is applying for consent after it is already up

Comment: The developer has installed the material without consent and in full knowledge that they were doing so “at risk”. The pending enforcement cases are discussed earlier in this report. If the material has to be removed, the cost will be borne by the developer not the planning authority.

3. The cladding is not in keeping with the character and special interest of the neighbouring listed buildings

Comment: DRS Planning would agree that the proposed material does not have as positive an impact upon the surrounding listed buildings as the natural sandstone masonry approved by the Planning Applications Committee in February 2017 (16/02346/DC) however DRS are of the view that the impact upon the settings of the surrounding listed buildings is not unacceptable.

4. The Council should be using its enforcement powers and insisting on replacing the cladding with the approved materials.

Comment: Two pending enforcement cases regarding failure to abide by planning conditions are open against the site. One was opened following a complaint from a local resident and another following a complaint by Bailie Christie Mearns (18/00173/EN & 18/00209/EN). The Council has not utilised its enforcement powers to date on this site. The pending cases are discussed in the planning history section above.

5. The building is unattractive and overshadows surrounding buildings of significant architectural value.

Comment: The view of DRS Planning is that natural sandstone masonry would have been a more appropriate material for the elevations. The scale and massing of the building is unchanged from previous approvals and the impact of the proposed material change on the surrounding listed buildings has been considered above.

6. The lack of consequence for the developer failing to comply with conditions 08 and 09 make me wonder what the purpose of planning legislation is. Allowing this change to stand sets a very worrying precedent.

Comment: The planning authority has powers to ensure that unauthorised development is removed or regularised. In this instance, following the breach of planning permission, the developer belatedly submitted an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As Amended) to seek approval for their chosen material rather than that which was formally approved. If they do not obtain permission for this change, the next step would be to consider enforcement proceedings using the powers bestowed upon the Council as Local Planning Authority. The questions regarding Council procedure and any wider precedent that an approval would be not material considerations with regards to this proposal however the planning authority would note that, similar to planning applications, each enforcement situation is assessed on its own individual merit and appropriate action taken.

7. The change to the appearance of the building and materials was most probably done with the primary aim of lowering installation times and costs.

Comment: Whilst it is correct to state that one of the main advantages in using a rainscreen cladding system is that it is significantly quicker to build than erecting natural stone masonry blockwork, this service cannot speculate on the motivations of the applicant.

CONCLUSIONS

The preferred material under City Development Plan Policies CDP 1 and CDP 9 is natural sandstone masonry and this was what was approved under applications 16/02346/DC and 17/03469/DC. The composite stone rainscreen cladding panels that the applicant has subsequently erected on the buildings are, compared to the approved masonry, a reduction in the material quality of the finished building and one which has been implemented on site without the benefit of planning permission. Regrettably, DRS are now being asked to make a recommendation when the building is almost complete, rather than at the design stage. The process for potentially changing the elevation material to natural stone at this stage would likely involve numerous planning and enforcement appeals and a long drawn out legal process. Given the conclusion that the proposed cladding system will not unacceptably impact upon the setting and character of adjacent listed buildings, an evaluation has to be made as to whether pursuing removal of the material from the building is expedient in this instance. Such a decision then also has to be weighed against the consequences of allowing a developer to set aside the requirements of their planning permission.

After careful consideration and given that the impact upon the surrounding listed buildings is considered acceptable, on balance, approval of this application is recommended.

CONDITIONS AND REASONS

01. The applicant shall submit a Statement on Energy as set out in Section 07 of Supplementary Guidance SG 5 - Resource Management of the Glasgow City Development Plan 2017. The Statement on Energy shall explain the key energy efficient design measures being implemented and shall include the information required by Section 7.2 of the above policy. The Statement on Energy shall be approved in writing by the planning authority prior to the commencement of works on site and the energy efficient measures, technologies and mitigation put forward in the approved statement shall thereafter be implemented as approved.

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

Reason: To ensure that the development is in accordance with the aims of Policy CDP 5 - Resource Management of the Glasgow City Development Plan

02. 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 other than that required to carry out remediation.

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

03. Before any work on the site is begun, an assessment of the impact of emissions to air from or associated with the development, including associated road transport, construction and demolition, carried out by a method agreed by the planning authority shall be submitted to and approved in writing by the planning authority. The assessment report shall make reference to the standards and objectives of the National Air Quality Strategy. Where the development is assessed as having an adverse impact on local air quality, including that of any Air Quality Management Area, mitigation measures shall be specified in the report. The approved mitigation measures shall be completed before the use of the development commences.

Reason: To ensure that local air quality is maintained.

04. Light from the development 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) "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 the interests of limiting the effects of light pollution on the environment and the users of surrounding developments, and of energy efficiency.

05. 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.

06. Before any work on the site is begun, a noise survey shall be submitted to and approved in writing by the planning authority. The noise survey shall show that acoustic/amplified music from within the proposed development will not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 and 45 dB LA max(fast) at all other times. Where the survey predicts that these levels will be exceeded, mitigation measures to ensure that these levels are met shall be specified in the survey report. The approved mitigation measures shall be completed before the use of the development commences.
- Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.
07. 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.
08. External materials shall be TI Aerolite composite stone rainscreen cladding panels, cream facing brick (colour-matched mortar), bronze metallic PPC aluminium panels, aluminium-framed glazed curtain walling and aluminium-framed windows. A full-size sample panel of the elevation materials shall be erected for the inspection of the planning authority and written approval for the panel design shall be obtained prior to the commencement of works on site. The approved sample panel shall be erected prior to the commencement of above-ground construction works and remain in place throughout construction. Samples of the other external materials shall be submitted and approved in writing by the planning authority. Written approval shall be obtained before any materials are used on site.
- Reason: In order to protect the visual amenity of the surrounding area.
- 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 surrounding area
09. Prior to the commencement of works on site detailed drawings shall be submitted for the written approval of the Planning Authority in respect of the rainscreen cladding system, panel sizes, fixing methods, support structure and backing material. The submitted drawings shall also indicate the cill and reveal details proposed for windows within the rainscreen cladding system. All panel fixings, the backing material and frame shall be coloured and finished to minimise their visibility from the street.
- Reason: In order that the works do not detract from the appearance of the building.
10. 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.
11. Before any work on the site is begun, a programme for the implementation/phasing of the landscaping in relation to the construction of the development shall be submitted to and approved in writing by the planning authority.
- Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.
12. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of

five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

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

13. Samples of the proposed hard landscaping materials will be submitted to and approved in writing by the planning authority prior to the commencement of works on site.

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

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

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

14. Before any work on the site is begun, 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.

15. Safe, sheltered and secure cycle parking shall be provided in accordance with Policy CDP 11 - Sustainable Transport and the associated supplementary guidance SG 11 of the Glasgow City Development Plan. The cycle parking provision will be installed on site prior to the occupation of the development hereby approved.

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

16. Detailed design drawings showing the finalised dimensions and materials of the following aspects of the proposal shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of this aspect of the works;

- Entrance doors
- Metal fence on Larbert Street
- Safety railings around roof gardens
- Roof terrace layouts
- Ventilation proposals for the plant room
- Metal railings around the roof terraces.

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 surrounding area

17. No vents, flues or other such external fittings are approved on the elevations of the buildings without the prior approval of the planning authority. Details of ventilation proposals and a strategy for minimising perforations on the Dunblane Street, McPhater Street and Milton Street elevations shall be submitted to, and approved in writing by, the planning authority prior to the commencement of works on site.

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

18. Clear delineation between the adoptable footway and private paved areas shall be provided by means of a flush heel kerb to the rear of the public footway.

Reason: In the interests of pedestrian safety.

19. Adequate and satisfactory measures to maintain street lighting levels shall be identified prior to the commencement of any work and agreed street lighting levels shall be in place and operational prior to the occupation of any element of the proposed development.

Reason: In the interests of pedestrian safety.

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

20. Details of the layouts for the internal and external amenity spaces, and the facilities to be provided in the completed development shall be submitted to, and approved in writing by, the planning authority. The amenity spaces shall be completed and equipped prior to occupation of the development hereby approved.

Reason: To enable traffic entering the site to drive off the road in the interest of traffic safety.

21. A management statement, outlining the management standards proposed for the accommodation and detailing proposals to stagger the moving in/moving out of students at term times shall be submitted to, and approved in writing by, the planning authority prior to the completion of the development.

Reason: To safeguard the amenity of the surrounding area.

22. Details of all the proposed external rainwater pipework or guttering shall be submitted to, and approved in writing by, the planning authority prior to the commencement of works on site.

Reason: In order that the works do not detract from the appearance of the building.

23. Details of any temporary barricades proposed during the works involved shall be submitted to the Planning Authority for approval and before commencement of work on the barricades and shall be implemented in the approved manner. The barricades shall be painted and/or maintained in good condition and kept free of advertisements.

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

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

24. Details of the proposed drainage design and SUDS (Sustainable Urban Drainage Systems) features shall be submitted and approved in writing by the planning authority prior to the commencement of works on site.

Reason: In the interests of pedestrian and vehicular safety.

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

25. Prior to the commencement of any works on site, the applicant will provide the Planning Authority with written confirmation of Technical Approval or Permission to Connect from Scottish Water, along with a copy of the approved drainage drawings.

Reason: In the interests of pedestrian and vehicular safety.

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

26. Details of the proposed architectural and pedestrian lighting schemes, including the type, dimensions, locations and colour of fittings, cable routes and associated electrical equipment shall be submitted to and approved in writing by the planning authority before any lighting works begin.

Reason: To enhance safety and security during hours of darkness.

Reason: In order that the works do not detract from the appearance of the building.

27. The architectural lighting scheme shall not be switched on outside the following hours:- Monday to Thursday - 1600 or sunset*, whichever is the later, to 0100 Friday to Sunday - 1600 or sunset*, whichever is the later, to 0300 *Sunset as computed for Glasgow on the website of HM Nautical Almanac Office.
- Reason: In the interests of limiting the effects of light pollution on the environment and the users of surrounding developments, and of energy efficiency.
28. Any access gates shall open inwards only.
- Reason: To ensure that gates do not obstruct pedestrian or vehicle movement or create a safety hazard.
29. Door threshold levels shall be on a level consistent with the existing footway levels so as to avoid a tripping hazard and open into the premises.
- Reason: In the interests of pedestrian safety.
30. Acoustic/amplified music from the premises 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.
31. The windows in the two 4th floor cluster flats which overlook the roof terraces shall be constructed using obscured glass (and not applying a film or vinyl to clear glazing) so that the internal circulation space is not visible from the communal roof terrace. The glazing will be complete and in place prior to the occupation of the development.
- Reason: To ensure the privacy of residents whilst allowing daylight into the communal circulation area of the cluster flat.

REASON(S) FOR GRANTING THIS APPLICATION

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

ADVISORY NOTES TO APPLICANT

01. The applicant should arrange for the property street number to be displayed on the premises.
02. Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, to be the subject of an application for express consent.
03. Prior to implementation of this permission, the applicant should contact Development and Regeneration Services (Transport) at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.
04. Although there is a possibility of contamination on all or part of the application site, the planning authority has determined the application only on the basis of information available to it. This does not mean that the land is free from contamination and responsibility for safe development and secure occupancy of the site rests with the developer.

05. The applicants are reminded of the following policies of Land and Environmental Services (Cleansing):
REFUSE CONTAINMENT – It is the responsibility of the developer/owner to purchase the agreed means of refuse containment.
WHEELED BIN REFUSE COLLECTION – Where the developer is planning a wheeled bin method of refuse containment and collection, the conditions governing this system must be complied with, ie that the wheeled bin is presented at/and collected from, the agreed location (kerb side, air space etc) on the advised day of refuse collection by the owner/tenant/caretaker etc.
06. 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.
07. 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.
08. 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.
09. 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.
10. The developer should advise each prospective purchaser that residents in this development will not be eligible to purchase a resident's on-road parking permit, in accordance with the provisions of the existing traffic order.
11. 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.
12. Early engagement should be undertaken with Land & Environmental Services (Roadworks Control) on agreeing a suitable construction methodology / mitigation strategy.

ADVISORY NOTES TO COUNCIL

01. 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.

BACKGROUND PAPERS**PLEASE NOTE THE FOLLOWING:**

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