



## PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Regeneration and the Economy

Contact: Alan Shand Phone: 0141 287 8633

**Item 1 (c)**

10th March 2020

**APPLICATION TYPE** Full Planning Permission

**RECOMMENDATION** Grant subject to conditions

<b>APPLICATION</b>	19/03370/FUL	<b>DATE VALID</b>	12.11.2019
<b>SITE ADDRESS</b>	Site On Corner Of Queens Park Avenue/ Crosshill Avenue Glasgow		
<b>PROPOSAL</b>	Erection of detached dwellinghouse - renewal of planning permission 16/02744/DC.		
<b>APPLICANT</b>	Mr Sultan Mehmood 21 Crosshill Avenue Glasgow G42 8BZ	<b>AGENT</b>	Framed Estates Ltd Per Sheenagh Gray Suite 2.6, Storage Vault 1 MacDowall Street Paisley Renfrewshire PA3 2NB
<b>WARD NO(S)</b>	08, Southside Central	<b>COMMUNITY COUNCIL LISTED</b>	02_097, Crosshill & Govanhill
<b>CONSERVATION AREA</b>	Crosshill		
<b>ADVERT TYPE</b>	Affecting a Conservation Area/Listed Building  Affecting a Conservation Area/Listed Building	<b>PUBLISHED</b>	17 January 2020
<b>CITY PLAN</b>			

### REPRESENTATIONS/ CONSULTATIONS

7 letters of representation were received, with 6 objecting to the proposal and 1 neutral. The main points can be summarised as follows:

- Loss of green space to hard landscaping and associated impact on wildlife;
- Detrimental impact of hard landscaping on the character of the conservation area;
- The building foundations and runoff from hardstanding would compromise the health of the mature trees along the boundaries with Crosshill Avenue and Queens Park Avenue due to its proximity to the root systems;
- The proposed dwellinghouse design is not in keeping with the Victorian properties adjacent and nearby, and would be detrimental to the character of the surrounding conservation area;

- The proposed dwellinghouse may impact the residential amenity of tenements opposite in terms of daylight, view and privacy;
- *Drainage Impact Assessment has not been undertaken in relation to previous consents, and the development poses risks in relation to localised surface water flooding as a result of the amount of hard landscaping;*
- Nuisance from construction noise and traffic;

### Consultations:

Scottish Water – No objection

Coal Authority – No objection following submission of a Coal Mining Risk Assessment.

## SITE AND DESCRIPTION

The application site is a plot of land associated with, and to the side of, 21 Crosshill Avenue. The site sits to the south of Crosshill Avenue and west of Queen's Park Avenue. This is within a designated residential area of Ward 8, Southside Central. It also sits within the Crosshill Conservation Area. The site is within a Coal Authority High Risk area with respect to historic shallow mine workings.

The proposal is to erect a detached two storey and attic villa, faced in natural stone with a natural slate roof replicating the appearance of surrounding properties. The detached dwellinghouse will closely match the building line of the properties in Queens Park Avenue to the southwest of the application site boundary. Access to the site is taken from an existing 3.6m access on Crosshill Avenue and off-street parking will be provided for three cars within the site.

The principle of the development has been established as being acceptable via previous consents, originating from 2004. The current application seeks the renewal of planning permission granted under decision 16/02744/DC (*Variation of planning condition 01 of planning consent 15/02650/DC: Variation of condition 01 of planning consent 14/01941/DC to facilitate the installation of 3 new windows and erection of garage to side of dwelling house, to facilitate the erection of a single storey extension to the rear of dwellinghouse*).

## POLICIES

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where an application is made under the Planning Acts, it shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The two main issues to consider in the assessment of this application are:-

- whether the proposal accords with the Development Plan; and
- whether any other material considerations have been satisfactorily addressed.

In respect of (a), the Development Plan comprises the Glasgow and Clyde Strategic Development Plan and the City Development Plan. There are no specific policies of relevance to the application proposal in the Strategic Development Plan. The following policies in the City Development Plan are considered relevant to the assessment of the application:

CDP 1 - The Placemaking Principle  
 CDP 2 - Sustainable Spatial Strategy.  
 CDP 5 - Resource Management  
 CDP 9 - Historic Environment  
 CDP 11 - Sustainable Transport  
 SG 1 - Placemaking  
 SG 5 - Resource Management  
 SG 9 - Historic Environment  
 SG 11 - Sustainable Transport

## ASSESSMENT AND CONCLUSIONS

This application seeks a renewal of an existing permission. The City Development Plan Policy context has not changed considerably for this type of application and there are no material considerations which outweigh the Policy considerations or the previous decision.

### CDP 1 – Placemaking

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

### SG 1 – Placemaking Part 2, Residential Layouts

The following guidance, relevant to the erection of a single dwellinghouse, is provided:

Residential Layouts should:

- take a design-led approach towards aspect and orientation to maximise daylight and sunlight, reduce energy use, and prevent overlooking and loss of privacy, particularly when providing balcony and/or garden spaces (see RDG, Page 60 and the BRE 'Site Layout Planning for Daylight and Sunlight');
- make appropriate provision for refuse and recycling storage areas;
- wherever possible, retain all significant trees on sites, unless removal is necessary, e.g. for good arboricultural reasons;
- ensure that all new homes do not have upper rooms, balconies etc which directly overlook adjacent private gardens/backcourts.

**Additional standards** - Houses should provide:

- usable private garden space large enough to serve various domestic functions;
- parking provision to satisfy SG11 - Sustainable Transport and Car Parking Provision and Car Parking Layout guidance in the RDG and garages and/or driveways sufficient for household needs: and
- adequate privacy for residents. Habitable rooms should be protected from public areas by privacy zones as required in the RDG. Habitable windows should be suitably separated from habitable windows in other properties to protect privacy while respecting development context.

**Comment:** The land currently associated with 21 Crosshill Avenue is a large (double) plot and is the largest plot in the vicinity. As such, by dividing the plot and building a new dwelling, both plots remain of an adequate scale and a typical size for the area. As established under previous decisions, the proposal will not significantly impact upon privacy, daylight or sunlight to adjacent properties and an appropriate level of parking, access and amenity space has been provided.

It is proposed to retain all significant trees within the site. Conditions are recommended to ensure that the proposed building would not adversely impact the health of the existing mature trees which contribute to the biodiversity of the area and the character and appearance of the Crosshill Conservation Area.

### CDP 2 - Sustainable Spatial Strategy

This states that the council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable city. In doing so, the Council will support new development proposals that, among other things:

- Utilise brownfield sites in preference to greenfield sites;
- Prioritise the remediation and reuse of vacant and derelict land;
- Contribute to the development of vibrant and accessible residential neighbourhoods;
- Support higher residential densities in sustainable locations;

- Protect and enhance the integrity and character of the city's historic and natural environment.
- Protect and enhance the function and integrity of the Green Belt and contribute towards the development of an integrated green infrastructure;

**Comment:** In summary, the proposed development is considered to comply with this policy in so far as the proposed development will help strengthen the residential character of the area and the proposal will, through landscaping, integrate into the site's surroundings.

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

CDP 5 and SG 5 Resource Management aim to ensure that new developments minimise their energy requirements to reduce costs and greenhouse gas emissions and help ensure certainty of supply in the future. New developments require to meet Gold Level Compliance plus 20% Low and Zero Carbon Generating Technologies (LZCGT).

**Comment:** The proposed dwellinghouse was approved under previous development plans which presented less specific requirements for energy efficiency. Whilst it is not considered that the requirements of the current development plan should be disregarded, given the history of approvals the requirement for Gold level plus 20% LZCGT could be addressed by a suspensive condition to require a Statement on Energy to demonstrate how the development will incorporate low and zero-carbon generating technologies to achieve this standard.

#### **CDP 9 and SG 9 - Historic Environment**

These aim to protect, preserve and enhance the City's historic environment and heritage assets in line with Scottish Planning Policy and Scottish Historic Environment Policy. SG 9 contains detailed guidance for properties in conservation areas.

Proposals for new development in, or affecting the setting of Conservation Areas, must: preserve and enhance the special character and appearance of the area and respect its historic context; be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment; protect significant views into, and out of, the area; retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and retain trees which contribute positively to the historic character of the area.

**Comment:** The development as proposed would preserve and enhance the character of the surrounding Crosshill Conservation Area, by infilling a missing piece of townscape with a dwellinghouse of suitable scale, massing, form and high quality traditional materials, subject to compliance with conditions.

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

CDP 11 and SG 11 Sustainable Transport promote more sustainable patterns of transport and travel as part of the transition to a low carbon economy. Consequently, new development should maximise the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.

For residential development, SG 11 sets a minimum cycle parking standard of 1 space per unit and a minimum of one car parking space per dwelling. Passive electric vehicle charging provision is required for 100% of car parking spaces in new residential developments.

**Comment:** It is required that the proposal for a single dwelling should incorporate one off-street parking space within the curtilage of the site. In respect of this application, it is proposed to incorporate three off-street parking spaces within the site and vehicular access shall be taken from Crosshill Avenue via an existing 3.6m wide access. The proposal is considered to comply with CDP 11 and SG 11, subject to compliance with conditions.

The site has been identified as being within a Coal Authority High Risk area with respect to historic shallow mine

workings. The Coal Authority objected initially and requested a Coal Mining Risk Assessment which was duly submitted and assessed by the Coal Authority as competent. On this basis, the objection was withdrawn subject to the imposition of suitable conditions, requiring intrusive site investigations, and should any risks be identified, remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, prior to commencement.

## MATERIAL CONSIDERATIONS

In respect of b), consultation responses and letters of representation may be material considerations in the determination of the application.

### Letters of Representation

7 letters of representation were received, with 6 objecting to the proposal (1 neutral). The main points can be summarised as follows:

- *Loss of green space to hard landscaping and associated impact on wildlife;*

**Comment:** No site constraints or impacts have been identified with regard to protected species. The application site is within a designated residential area and does not form part of an area of greenspace or green belt, nor is the site subject of any environmental designations. Given this, the proposal is not considered to detrimentally impact on greenspace provision or wildlife habitats.

- *Detrimental impact of hard landscaping on the character of the conservation area;*

**Comment:** Landscaping detail appears to have been provided under previous consents and was deemed to be acceptable. Regardless, as this drawing does not appear to be held on record, and did not relate to the most recent consent subject to renewal hereby, a condition is recommended to ensure submission of suitable details.

- *The building foundations and runoff from hardstanding would compromise the health of the mature trees along the boundaries with Crosshill Avenue and Queens Park Avenue due to its proximity to the root systems;*

**Comment:** It is acknowledged that no survey information has been provided regarding the root protection zones of the mature boundary trees. Therefore, conditions are recommended to ensure that all trees on site are survey and suitably protected where required.

- *The proposed dwellinghouse design is not in keeping with the Victorian properties adjacent and nearby, and would be detrimental to the character of the surrounding conservation area;*

**Comment:** The design and materials proposed have been fully assessed (including revisions and upgraded materials as requested) under previous applications and are considered to meet the requirements of the development plan, subject to compliance with conditions.

- The proposed dwellinghouse may impact the residential amenity of tenements opposite in terms of daylight, view and privacy;

**Comment** The proposal will not significantly impact upon privacy, daylight or sunlight, as established under previous consents. The right to a view is not a material planning consideration.

- *Drainage Impact Assessment has not been undertaken in relation to previous consents, and the development poses risks in relation to localised surface water flooding as a result of the amount of hard landscaping;*

**Comment:** The proposed development does not require Flood Risk or Drainage Impact Assessment as it does not breach City Development Plan (SG 8 – Water Environment) development thresholds (5 or more dwellings or a new building of 250 square metres ground floor area).

- *Nuisance from construction noise and traffic;*

**Comment:** This is beyond the remit of planning. It is recommended that the applicant is advised to consider registering the site with the Considerate Constructors Scheme.

The submitted objections raise a range of issues. However, each of these concerns are deemed either to be resolved by conditions or are not sufficient to warrant refusing the application. On this basis, it is considered that content of the letters of objection are outweighed by the proposal's overall compliance with policy and there would be no reason to depart therefrom.

## CONCLUSION

As established by previous consents, the proposal is compliant with development plan guidance relating to new dwellings and development in conservation areas. The proposal will not significantly impact upon privacy, daylight or sunlight to adjacent properties and an appropriate level of parking, access and amenity space has been provided. The development as proposed would preserve and enhance the character of the surrounding Crosshill Conservation Area by infilling a missing piece of townscape with a dwellinghouse of suitable scale, massing, form and high quality traditional materials, subject to compliance with conditions.

The imposition of additional conditions relating to the protection of the existing trees on site is recommended in this instance to ensure that concerns about the potential impact of the development on their long term health are addressed.

Subject to compliance with conditions the proposed development is considered acceptable and it is therefore recommended that planning permission is granted subject to the undernoted conditions. Whilst many of these conditions were discharged in relation to a previous approval of a largely identical proposal (15/02650/DC) it is considered appropriate, for clarity and given the elapsed time, to reattach these conditions to allow the relevant matters to be reassessed by the planning authority.

## CONDITIONS AND REASONS

01. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

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

02. Where the findings of the intrusive site investigations (required by condition 1 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

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

03. Following implementation and completion of the approved remediation scheme (required by condition 2 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

04. For the avoidance of doubt, the use of reconstituted stone as the primary external finishing material, is hereby not approved as part of this application. External materials shall be natural stone facings and natural slate roof. Samples and/or further details 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: To safeguard the character of the surrounding conservation area.

05. Before any work on the site is begun, details of the location, extent, design and appearance of the proposed close boarded timber fence, gates and all other boundary treatments shall be submitted to and approved in writing by the planning authority.

Reason: To safeguard the character of the surrounding conservation area.

06. Before any work on the site is begun, details of the location, materials, colour and design of the proposed rainwater goods (including guttering and downpipes) shall be submitted to and approved in writing by the planning authority.

Reason: To safeguard the character of the surrounding conservation area.

07. Before any work on the site is begun, details of the materials, colour and design of the proposed windows and doors shall be submitted to and approved in writing by the planning authority.

Reason: To safeguard the character of the surrounding conservation area.

08. All rooflights, hereby approved shall be low profile 'Conservation Style' and prior to development, details of the exact location, materials, colour, design and specification of the proposed rooflights shall be submitted to and approved in writing by the planning authority.

Reason: To safeguard the character of the surrounding conservation area.

09. The applicant shall submit full details of the proposed front garage door. This door shall be constructed using a traditional design and shall utilise timber as its primary material. Details shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

Reason: To safeguard the character of the surrounding conservation area.

10. Before development commences on site a Statement on Energy (SoE) shall be submitted to and approved in writing by the planning authority.

The SoE shall analyse the energy and CO<sup>2</sup> savings that can be achieved in the development by utilising energy efficient design, practice and technologies. It shall demonstrate how the development will incorporate low and zero-carbon generating technologies to achieve at least a 20% cut in CO<sup>2</sup> emissions and the 'Gold' sustainability label, or better, as per the Building Standards Technical Handbook Section 7: Sustainability.

The development shall thereafter be constructed in compliance with the approved SoE. Formal confirmation of the constructed development's compliance with the SoE, carried out by a suitably qualified professional, shall be submitted to and approved in writing by the planning authority before the development/the relevant part of the development is occupied

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

11. 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.

12. Vehicular access shall be taken via a dropped kerb footway crossing in accordance with Figure 10.16 of the Glasgow City Council Roads Development Guide.

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

13. No loose surface material shall be used on the first 2 metres of the driveway(s) from the front boundary of the curtilage.

Reason: To keep the road free of such material in the interests of pedestrian and vehicular safety.

14. Any access gates shall open inwards only.

Reason: To ensure that gates do not obstruct pedestrian or vehicle movement or create a safety hazard.

15. Before any work on the site is begun full details of any tree works shall be submitted for the written approval of the Planning Authority, including the submission of an Arboricultural Impact Assessment, method statement, design details of hard surfacing within the Root Protection Area and an accompanying schedule including information on species, height, canopy spread, base level and condition. A detailed plan shall be submitted which shows the exact location of all existing trees at the site and the location and details of a method of tree protection, to comply with BS 5837:2012 Trees in relation to design, demolition and construction, for the written approval of the planning authority. The approved protection shall be in place prior to the commencement of any work on the site and shall be retained in place until completion of the development.

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

16. Before any work on the site is begun, a detailed plan to comply with BS 5837:2012 Trees in relation to design, demolition and construction, which shows the exact location of all existing trees on the site, including their root protection area (RPA), shall be submitted to and approved in writing by the planning authority. An accompanying schedule shall include information on species, height, canopy spread, base level and condition. The plan and schedule, ie the tree survey, shall also indicate those trees which it is intended to retain and those which it is intended to remove and details of any tree works to retained trees.

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

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

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

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

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

19. 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.

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

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

21. 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.

22. 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.

#### **REASON(S) FOR GRANTING THIS APPLICATION**

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

#### **ADVISORY NOTES TO APPLICANT**

01. The applicant is advised to consider registering the site with the Considerate Constructors Scheme, which aims to improve the image of the construction industry. For further details, please contact the scheme directly. Considerate Constructors Scheme, PO Box 75, Ware, Hertfordshire SG12 0YX. Telephone: 01920 485959 Fax: 01920 485958 Free phone: 0800 7831423 [www.ccscheme.org.uk](http://www.ccscheme.org.uk) email:[enquiries@ccscheme.org.uk](mailto:enquiries@ccscheme.org.uk)

for Executive Director of Development and Regeneration Services

DC/ ALS/  
14/01/2020

## BACKGROUND PAPERS

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