

REPORT OF HANDLING FOR APPLICATION 20/02676/FUL

<p>Item 3</p> <p>23rd May 2023</p>

ADDRESS:	Site At Standburn Road/ Auchinairn Road Glasgow
PROPOSAL:	Erection of residential development (12no. units), associated landscaping and car parking.

DATE OF ADVERT:	6 November 2020
NO REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>In total 10 representations were received all of which were objections to the proposal. 9 objections were submitted by local residents' in addition to one from Councillor Cannon.</p> <p>Issues raised include the following:</p> <ul style="list-style-type: none"> • Loss of greenspace as designated under City Development Plan policy CDP 6 and IPG 6; • Negative impact on wildlife; • Possible access issues regarding land already owned by the existing homeowners • Poor design; • Overlooking into neighbouring properties. <p>All the above points of objection have been taken into consideration in the determination of the application and will be discussed within this report.</p>
	<p>Scottish Water</p> <p>Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:</p> <p><i>Water Capacity Assessment</i></p> <p>Scottish Water has carried out a Capacity review and we can confirm the following:</p> <ul style="list-style-type: none"> • There is currently sufficient capacity in the Balmore Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. <p><i>Waste Water Capacity Assessment</i></p> <ul style="list-style-type: none"> • This proposed development will be serviced by Dalmarnock Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations <p>Scottish Environmental Protection Agency (SEPA)</p> <p>Initial objection received by SEPA - We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.</p> <p>We require further information regarding the watercourse crossing, including the type of crossing proposed and the dimensions of the structure. It should be demonstrated that the footbridge is able to convey a 1 in 200-year design flow.</p>
PARTIES CONSULTED AND RESPONSES	

	Following discussions with the applicant on 6 th Jan 2022 SEPA removed their objection to the application on the grounds of flood risk.
PRE-APPLICATION COMMENTS	A pre-application meeting was held in Glasgow City Council Planning Offices following the withdrawal of previous planning application 19/00878/FUL. It was explained to the applicant that any loss of protected open space would have to be justified against City Development Plan Policy CDP 6 and IPG 6.

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
STRATEGIC DEVELOPMENT PLAN POLICIES	NOT APPLICABLE
CITY DEVELOPMENT PLAN POLICIES	<p>The following City Development Plan Policies and Guidance are applicable when assessing this proposal:</p> <p>CDP 1 & SG 1 – The Placemaking Principle; CDP 2 – Sustainable Spatial Strategy; CDP 5 & SG 5 – Resource Management; CDP 6 & IPG 6 – Green Belt & Green Network; CDP 7 & SG 7 – Natural Environment. CDP 8 & SG 8 – Water Environment; CDP 10 & SG 10 – Meeting Housing Needs; CDP 11 & SG 11 – Sustainable Transport; & CDP 12 & IPG 12 – Delivering Development.</p>
OTHER MATERIAL CONSIDERATIONS	<p>The applicant has previously tried to justify development on the land due to a Section 50 Legal Agreement in place which safeguarded the land for development as a bus terminus, however this land was only safeguarded for a limited number of years.</p> <p>Following advice from Glasgow City Council Legal department:</p> <p><i>Paragraph ONE (d) of the original S50 provides that if the terminus hasn't been completed or if no consent has been granted to the adjoining subjects by 2 Feb 2014 the terms of the clause (ie the requirement to reserve and convey the site to the Council for the terminus) will be deemed to be discharged.</i></p> <p><i>If you look at entry 2, the discharge registered in 1997, this provides that the planning permission for the adjoining subjects as detailed in clause ONE (c) of the original S50 has been obtained and so the Council discharged the obligations in the original S50 agreement subject to the owner providing an area sufficient for a light transit stop not exceeding 90 sq m (as indicatively shown tinted brown on the title plan). So in effect the terms of clause ONE of the original S50 Agreement continue to apply until the 2 Feb 2014 date referred to above but only in relation to an area of 90 sq metres (which appears to be an area of the size of the area shown coloured brown on the title plan but not necessarily that exact area).</i></p>

	<p><i>In short therefore, I would advise that the obligations re the pink area came to an end at some point prior to the registration of the discharge on 6 Aug 1997. The obligations re an area the size of the brown area came to an end on 2 Feb 2014.</i></p> <p>Taking the above into consideration the Sec 50 legal agreement that once went with the land is no longer a material consideration or justification for development on the land.</p>
REASON FOR DECISION	V02 - Reason to Refuse - does not meet DP The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

	COMMENTS
PLANNING HISTORY	<p>The site has been subject to a number of planning applications. The two most recent on our Uni-form system are:</p> <ul style="list-style-type: none"> • 17/03464/DC - Erection of residential development (12no. units), associated landscaping and car parking: contrary to City Development Plan SG6/IPG6 Green Belt and Green Network – WITHDRAWN • 18/00325/PPP - Erection of a two storey detached dwelling with in-curtilage parking and private amenity space – WITHDRAWN • 19/00878/FUL - Erection of residential development (12no. units), associated landscaping and car parking. – WITHDRAWN
SITE VISITS (DATES)	Various site visits throughout assessment most recent being April 2022.
PROPOSAL	<p>At its core, this development proposes the erection of 12 dwellinghouses for the private market.</p> <p>The applicant proposes a mix of 6 two storey 3 bed semi-detached dwellinghouses and 6 detached 4 bedroom dwellinghouses.</p> <p>In addition, the applicant proposes 12 in curtilage vehicular parking spaces in addition to 3 on street visitor parking spaces, bin storage facilities and areas of landscaping.</p> <p>ACCESS:</p> <p>Both pedestrian and vehicular access to the site is proposed off the existing cul de sac on Beckfield Walk. Transport Planning have expressed concerns over this access as there is a section of land which may belong to either the original developer or the landowners and without their permission to cross would render this access unachievable. Following discussions the section of land is owned by Avant Homes who the applicant has since notified.</p> <p>A separate pedestrian only access has been provided for onto the existing footway at Hillhead Road / Standburn Road providing access north towards the Aldi Supermarket.</p> <p>MATERIALS:</p> <p>In terms of proposed materials, the application proposes the following:</p> <ul style="list-style-type: none"> • Buff split faced stone; • Buff smooth cast stone • Off-white roughcast render • Concrete grey roof tiles • Windows, doors and gutters to be upvc; • 1800mm high timber fence boundaries to rear of properties. <p>The proposed materials are typical of this style of development and are deemed acceptable at this location.</p> <p>AMENITY</p> <p>In terms of amenity provision, the site provides a generous area of general amenity on the southern section of the site. In total 4,175sqm of general amenity provision is being provided within the red line boundary in addition to 67 sqm of children play, 148 sqm of informal sport and 113 sqm of allotments. If this site were a brownfield development the amenity provision would be considered to be generous, however given that the whole site is protected open space further consideration needs to be given to the loss of open space as a result of the development. This is assessed later in the report under Policy CDP 6 and IPG 6.</p>

	<p>DENSITY</p> <p>In terms of density, the site is located within an outer urban area of base accessibility. Lower densities will, generally, be appropriate in the Outer Urban Area, where development proposals should be informed by the prevailing plot size in the vicinity where a clear pattern exists. Policy states that within the outer urban area sites within base accessibility should be developed to no more than 50DPH. The site measures approx. 0.83ha this equates to a density of 15 DPH. In terms of density the proposed development is deemed to be acceptable.</p>
<p>ASSESSMENT UNDER CDP1 & SG 1</p>	<p>This policy states that, in order to be successful, new development should aspire to achieve the six qualities of place as defined in SPP, and reinforced by Creating Places and Designing Streets. These are:</p> <ul style="list-style-type: none"> • 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. <p>This development if approved would not meet the principles of good placemaking due to the loss of a publicly available open space which would be to the detriment of existing residents and the wider community.</p>
<p>ASSESSMENT UNDER CDP 2</p>	<p>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:</p> <ul style="list-style-type: none"> • 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; <p>The above proposal will result in the loss of a greenfield 'site' and will not result in the reuse of vacant and derelict land (as discussed under Policy Assessment CDP 6 and IPG 6). In addition to the above the proposal will not protect or enhance the function and integrity of the cities green infrastructure as it will result in the loss of a protected amenity open green space.</p> <p>Taking all the above into consideration the proposal is considered to be contrary to City Development Plan Policy CDP 2 – Sustainable Spatial Strategy.</p>
<p>ASSESSMENT UNDER CDP 5 & SG 5</p>	<p>All new build development is required to be supported by a Statement on Energy, in order to ensure that the development is designed to reduce the need for energy.</p> <p>The applicant has submitted a Statement on Energy that has been reviewed and deemed acceptable by the Councils Energy Officer.</p> <p>The applicant has provided a statement on energy that demonstrates an understanding of the CDP5 requirement and shows that they will meet it through improved fabric and passive measures, use of gas combi boilers, PV and flue gas heat recovery to achieve a 49.1% reduction in carbon due to LZCGT.</p>

**ASSESSMENT
UNDER CDP 6 & IPG
6**

This site is identified as “6.31 Amenity Greenspace - Housing” on the Council’s open space map, part of a larger open space which stretches, either side of a burn, to the east from this point to the urban edge. Amenity space is protected, as open space, by policy CDP6 of the City Development Plan

IPG6: Green Belt & Green Network has been approved by Committee as non-statutory Interim Planning Guidance to support policy CDP6 of the plan until such times as SG6 has been approved. Part 4 of IPG6 deals with the protection of open space and sets out how any application on open space should be assessed. Para 4.2 of IPG6 reiterates the strong presumption in favour of the retention of amenity space.

BOX 1 of IPG 6 sets out the open space values that should be considered. We would expect a full justification against these criteria before the open space could be considered for development. In this instance, I consider that this proposal will require to be justified against the following criteria in particular:

- criterion a) in providing good access to open space for local people

Council Comment:– There is an informal access point into the space from Beckfield Grove that it is generally open to the pavement along Hillhead Road- as such it may well be being used by local people for dog walking and other purposes;

- criterion b) in contributing positively to the setting, character or appearance of the area –

Council Comment: The site offers amenity greenspace for the surrounding residential properties.

- criterion c) the value of the open space for nature conservation/biodiversity –

Council Comment: there are no nature conservation designations on the site however the site is constrained by a protected species (Water Voles)

- criterion d) the value of the open space terms of the connectivity and/or functionality of the Green Network;

Council Comment: this area is part of a wider “corridor” that runs along the burn to the east and out into the wider countryside. The corridor is likely to have value for biodiversity and the movement of species as stated above.

- criterion e) in terms of other important green infrastructure functions in particular flood management;

Council Comment: Flood risk and drainage discussed in Assessment Against CDP 8 & SG 8 of this report.

- criterion i) as an important open space to the local community

Council Comment: the views of the local community should be canvassed before any decision on the development of this amenity space should be made.

Evidence that the proposal can be justified against these criteria (and the others of BOX 1 of IPG6) is required before an exception to the principle of open space protection, as set out in CDP6, can be made.

Council Comment: The applicant has submitted a Green Network Justification Report prepared by Bryce Associates in support of the proposed development. This has been reviewed by Development Plan Open Space Officer.

Development Plan Response to Justification Document:

The site constitutes part of a wider green corridor that contains the burn and extends, eastwards, into the green belt. IPG6 Table 1 recognises that green corridors, including "all rivers and other watercourses", form part of the green network (as does protected open space). It is considered that the development of the northern part of this site for housing would be contrary to part 2 of IPG6 in that it would fragment the green network.

The declaration of Climate and Ecological emergencies by the Council in 2019, leading to the production of the Council's Climate Plan earlier this year (Action 36: "the city will ensure that habitat connectivity, biodiversity corridors and active travel network enable better connectivity of people and nature across the city") has strengthened the case against development on green corridors and the green network, as has the production of the draft NPF4 and its emphasis on the delivery of nature networks.

Given its role as part of the green network and the value placed on it by local residents (as evidenced in the submissions made in response to this proposal), the Council's is that this proposal cannot be justified as an exception to open space policy when considered against part 4 of IPG6. On the basis of the above, Development Plan would recommend that the application is refused

In summary, this site is protected open space and the applicant has not made a case for why the presumption against development on open space should be set aside in this instance.

Para 4.3 of IPG 6 states that there may be some circumstances in which the Council will permit development on this type of open space, including where:

- the open space has little open space value when considered against the relevant criteria of BOX 1/Figure 1. In such circumstances, the Council will expect a contribution towards mitigating the loss of this open; or

Council Comment: When considered against the criteria of BOX 1 / Figure 1(above) the open space is considered to be of value.

- the proposal would be directly related to the current use(s) of the open space and would not adversely impact on its functions; or

Council Comment: The proposal does not directly relate to the open space designation.

- the proposal would be brought forward in conjunction with a proposal for an equivalent, or higher quality, new open space to replace that being lost. The replacement space should be in an acceptable location which would better serve local needs; or

Council Comment: There is no evidence of a replacement open space being proposed.

- it is to be developed in accordance with an approved masterplan that provides for a redistribution of open space to be delivered in line with this IPG and that provides equivalent or enhanced functionality (BOX 1, 2a);

Council Comment: There is no masterplan for the redevelopment of this area that provides for a redistribution of open space of equivalent or enhanced functionality.

	<p>Taking all the above into consideration the proposal is considered to be contrary to City Development Plan Policy CDP 6 and Interim Planning Guidance IPG6.</p> <p>Vacant Land Register:</p> <p>The site is shown as vacant land on the Vacant and Derelict Land survey 2017. However, having looked at the Scottish Vacant and Derelict Land Survey 2018 Guidance Notes on the Vacant and Derelict Land register, Glasgow City Council note that for a site to be categorised as vacant land it should satisfy all of seven specified conditions, including:</p> <p><i>'It must have previously been developed or, if future development is proposed for previously undeveloped open space, the site should have been prepared in anticipation of this future development (i.e. there should at least have been basic ground preparatory works to create a development platform). If there is any uncertainty about whether a site should be considered vacant or open space, then do not include as a vacant site on the survey'.</i></p> <p>Council Comment: Historic mapping shows that this site has never been developed (it is even referred to as "greenfield" in the Design and Access Statement) and I can find no evidence for ground preparation works having been undertaken.</p> <p><i>It must not be in use (except as temporary open space). If the land appears to be open space or another soft-end use and is being used for the purpose for which it is held in the Development Plan, then do not classify the land as vacant. However, if the land has a clear alternative intended purpose in the Development Plan (for example, development for housing or a plot in an industrial estate) then it may be classified as vacant if it also meets all the other required criteria.</i></p> <p>Council Comment: The site is permanent open space, is not identified as a housing site in the LDP and does not form part of the Housing Land Supply.</p> <p><i>It must have a new use intended for it in the Plan (or via Planning Permission) –</i></p> <p>Council Comment: there is no planning permission for the site and it is not included as a development site in the LDP</p> <p>As such, the Council would consider that the site should not be on the V&DL register and that its identification as vacant land should have little bearing on the determination of this application.</p>
<p>ASSESSMENT UNDEER CDP 7 & SG 7</p>	<p>Policy CDP 7 and SG 7 Natural Environment of the City Development Plan state that there is a presumption against development which would have an adverse effect on a protected species, either directly, indirectly or cumulatively. This may include impact on habitat of a protected species, including fragmentation or isolation, or other activities that result in disturbance.</p> <p>In support of the development the applicant undertook and submitted a Preliminary Ecological Appraisal with the following conclusions:</p> <ul style="list-style-type: none"> • No evidence of protected species were identified within the Site, but the wider area offers potentially suitable habitat to support nesting birds, foraging / commuting bats, otter and water vole. • The habitats within the Site including scattered broadleaved trees, dense scrub and unmanaged grassland offer suitable habitat for several species of nesting birds. Any potential development within the Site is likely to result in an element of vegetation removal which must be undertaken outside of the nesting bird season or have had prior nesting bird checks undertaken by a suitably qualified ecologist.

	<ul style="list-style-type: none"> • There were no structures or trees considered suitable to support roosting bats within the Site, but the habitats within the Site, including scattered trees, riparian corridor and the burn may be utilised by foraging and commuting bats. • The Stand Burn, which intersects the southern end of the Site, offers some suitable habitat for foraging and commuting otter. The burn has very limited potential to support otter resting sites. The Site supports suitable habitat for water vole, both within the terrestrial habitat and along the banks of the Stand Burn. Dedicated water vole surveys of the Stand Burn will be undertaken of the Stand Burn prior to any works commencing on site. • No evidence of invasive, non-native species was found during the survey. <p>The above report has been reviewed by Glasgow City Council Bio-diversity Team and whilst not supportive of the development on designated open space, they are content that if approved mitigation can be put in place to protect biodiversity.</p>
<p>ASSESSMENT UNDER CDP 8 & SG 8</p>	<p>Policy CDP 8 and Supplementary Guidance SG 8 Water Environment aim to aid adaptation to climate change, protect and improve the water environment, support the development of integrated green infrastructure throughout the City, meet the requirements of the Flood Risk management (Scotland) Act 2009 and Scottish Planning Policy 2014 and contribute to the overall reduction of flood risk and make satisfactory provision for SUDS.</p> <p>Flood Risk Assessment:</p> <p>In support of this planning application the applicant submitted a Flood Risk Assessment and all its relevant paperwork to Glasgow City Council Flood Risk Management Team for review:</p> <p>Conclusions:</p> <ul style="list-style-type: none"> • No part of the site lies within the functional flood plain and there is Little to No Risk of flooding to the site from surface water, drainage failure, groundwater, tidal or fluvial water sources. • The proposed finished floor levels of the development lie between 79.7mOD and 83.2mOD which are in excess of 6m above the base of the Stand Burn. The proposed road access lies at around 82mOD. • The development of the site will not have any significant impact upon site neighbours. The design and installation of appropriate SuDS measures will mitigate against any potential increase in surface water runoff from the site as a result of the proposed development. <p>Sustainable Drainage Systems Assessment:</p> <p>In support of this planning application the applicant submitted a Sustainable Drainage Systems Assessment and all its relevant paperwork to Glasgow City Council Flood Risk Management Team for review:</p> <p>Conclusions:</p> <ul style="list-style-type: none"> • The SUDS strategy for the site is designated to both treat and attenuate runoff from the residential roofing on a plot by plot basis within porous paving driveways. The access road and pavements will treat and attenuate in roadside swale sections. • Following treatment and attenuation it is understood that the controlled runoff will be discharged to the Stand Burn in the southeast. A discharge control system will be installed at the downstream end of the system to ensure that surface water discharge from the site does not exceed the existing Greenfield Runoff rate. • The SUDS strategy will provide the minimum one level of treatment satisfying SEPA's Simple Index Tool as well as sufficient attenuation and controlled discharge of the 1 in 200-year (plus 55% climate change) storm event.

	Flood Risk management have reviewed both documents and did not raise any objection on flood risk or drainage grounds.
ASSESSMENT UNDER CDP 10 & SG 10	<p>City Development Plan Policy CDP 10 and SG 10 aim to ensure that the City's growing and diverse population has access to a choice of housing of appropriate quality and affordability across all tenures.</p> <p>The site is not identified as a Housing Land Supply Site.</p>
ASSESSMENT UNDER CDP 11 & SG 11	<p>In terms of parking provision, the proposed development is proposing variations of parking arrangements. The majority of parking spaces are the side of the property which accords with certain aspects of Designating Streets guidelines. In terms of parking percentage, the amount of parking provided is considered to be acceptable and stands at 125% 1 space per unit and 3 visitor spaces.</p> <p>In terms of cycle parking, given that all proposed properties are dwelling houses there is an expectation that cycle parking can be accommodated in rear gardens as such there is no requirement for separate cycle parking facilities.</p> <p>In terms of parking provision, the proposal is in line with policy CDP 11 and supplementary guidance SG 11.</p>
ASSESSMENT UNDER CDP 12 & IPG 12	<p>This policy relates to developer contributions for infrastructural requirements relating to open space (for residential development), surface water drainage and flood management, and transport needs, as required by the site and development proposal. This policy is supported by Interim Planning Guidance IPG12 Delivering Development.</p> <p>The following categories including sqm is required to be met where possible:</p> <ul style="list-style-type: none"> • Amenity – 168sqm • Play – 235sqm • Informal Sport – 168sqm • Formal Sport - 403sqm • Allotments - 34sqm <p>If the above categories cannot be met on site a justification should be submitted as to why this cannot be achieved on site. If accepted, then a financial contribution for failure to provide the above as per SG 12 may be accepted.</p> <p>The applicant proposes the following:</p> <ul style="list-style-type: none"> • Amenity – 4175 sqm; • Play – 67 sqm • Informal Sport – 148 sqm • Formal Sport – Not achievable; • Allotments – 113 sqm; <p>The planning authority accept that for many developments provision of formal sports pitches is not achievable as such a financial contribution would be obtained to cover this shortfall. Although the applicant significantly over provides on General Amenity space if the proposal were to be acceptable the applicant would be required to pay £26,641.67 by means of a Section 69 Legal Agreement to make up the shortfall of areas of amenity not provided for on site.</p>
SITE CONSTRAINTS	The site is located within an area of Designated Protected Open Space.
OTHER COMMENTS	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
RECOMMENDATION	REFUSE

Date: 27/04/2022

DM Officer **Paul O'Brien**

Date

DM Manager

REASONS FOR REFUSAL

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The proposal is contrary to CDP 1 & SG 1: Placemaking of the City Development Plan (adopted 2017) by reason of, inter-alia;
 - The proposed design and layout fails to provide a satisfactory response to the site itself and the wider context; &
 - The proposed loss of protected amenity greenspace will impact negatively upon the residential amenity of local residents and the wider community.
03. The proposal is contrary to CDP 2: Sustainable Spatial Strategy of the City Development Plan (adopted 2017) in that the proposal does not accord with the Sustainable Spatial Strategy. The proposal will neither protect nor enhance the function and integrity of the city's green infrastructure as development on this greenfield site will result in the loss of a protected amenity green space.
04. The proposal is contrary to Policy CDP 6 & IPG 6: Green Belt and Green Network of the City Development Plan (adopted 2017) in that the development would be on a protected open space and fails to meet the exemptions to the Council's presumption against development on protected open space. The proposal therefore would adversely affect the function and integrity of the city's green network.