



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Mr A Dale Phone: 0141 287 6016

ITEM 2 (e)

12th June 2012

APPLICATION TYPE Full Planning Permission

RECOMMENDATION Grant Subject to Condition(s) and S75

APPLICATION 10/03061/DC

DATE VALID 21.01.2011

SITE ADDRESS Site At 65-77 Otago Street Glasgow

PROPOSAL Erection of residential development and associated landscaping: Potentially contrary to Development Policy Principle DEV 11 Greenspace of City Plan 2

APPLICANT Otago Street Developments Ltd
C/o Idpartnership Scotland
95 South Woodside Road
Glasgow
G20 6NT

AGENT Idpartnership Scotland
95 South Woodside Road
GLASGOW
G20 6NT

WARD NO(S) 11, Hillhead

COMMUNITY COUNCIL LISTED 02_022, Hillhead

CONSERVATION AREA Glasgow West

ADVERT TYPE Affecting a Conservation Area/Listed Building
Contrary to Development Plan
Contrary to Development Plan
Affecting a Conservation Area/Listed Building

PUBLISHED 18 February 2011

CITY PLAN Residential

REPRESENTATIONS/ CONSULTATIONS

The application was advertised as affecting a Conservation Area and as being potentially contrary to the development plan on 18 February 2011. This resulted in 593 letters of objection being received. Amended plans were submitted and the application was re-neighbour notified and re-advertised on 11 November 2011 and a further 203 objections were received. The changes to the scheme saw the external elevations altered and the relocation of one block of flats. Therefore, the vast majority of the objections raised prior to the amended submission are still relevant. Objections have been received from Councillor Wardrop, Patrick Harvie MSP, Sandra White MSP, Alan Reid MP, Jo Swinson MP and Alistair Carmichael MP. Hillhead Community Council and Woodlands and Park Community Council have also submitted objections.

Numerous points have been raised in the letters of objection. Many of these relate to how the proposal relates to specific policy criteria. These policy specific issues are addressed in the main assessment of the application. Below are the other material planning objections.

Along with the representations a conservation area appraisal was prepared by MAST architects and Friends of Glasgow West which carries out an in-depth appraisal of the application site and its surrounding area. It presents positive and negative existing features along with features that contribute to the lane's distinctive character.

A 3,535 name petition was submitted against the current proposal. The full petition dates from the earlier application which was withdrawn but includes 139 signatories that were made subsequent to the current application was made valid.

The points of objection raised the following points:-

DESIGN

- The design, scale, materials and fenestration of the proposal is inappropriate.
- The materials of timber and zinc are not longlasting.
- The height of the adjacent Unite building should not be used as justification for an equally tall building.
- Otago Lane has never had development of this size and parts of it have never accommodated development at all.

RESIDENTIAL AMENITY AND DEVELOPMENT LAYOUT

- Proposal would generate noise and disturbance and will lock in noise generated by existing extractor fans serving commercial premises on Gibson Street.
- The refuse area for existing units in Otago Lane is not accommodated in the new development.
- Bin stores are not properly screened from Otago Street flats.
- It is an environmental risk to have one large waste disposal point rather than five separate ones.
- The level of private / communal amenity space is inadequate and this is not compensated by the proximity to Kelvingrove Park.
- It is misleading to state that the grassed area will provide a community facility when the current space is already used by children.
- The amenity space of the UNITE building will be overlooked, enclosed and overshadowed.
- 24 refuse bins are proposed for the entire development but that is the number already available for the existing Block A alone.

ENVIRONMENT DESIGNATIONS

- Part of the development is located on land designated in the Glasgow Open Space Map as Green Corridor and will make the corridor functionally discontinuous.
- The habitat report survey was undertaken when no migrating birds would have been on site which reduces its validity and does not take account of all protected species.

PARKING, ACCESS AND TRAFFIC

- Blocks D and E would remove the only access flats and commercial properties on Gibson Street have to maintain the rear of their property which is also the only emergency evacuation route to flats.
- The access is not sufficient for all prospective vehicles gaining access while emergency vehicles will not have access to Blocks D and C.

- Access to existing flats will be restricted during any construction works.
- Servicing existing commercial units and unloading for existing flats will be far more difficult.
- As there is no footway on the lane it will be more dangerous for pedestrians with the increased traffic that will be generated by the development.
- There is insufficient visibility for larger vehicles coming onto Otago Lane from the car park.
- Removing existing spaces and adding 49 new houses will increase traffic congestion, demand for parking and pressure on existing stretched public transport.
- Parking and traffic has altered since the opening of Hillhead Primary School and this has not been taken into account in relation to the Traffic Statement.
- Existing development in the vicinity is well served yet this still generates considerable parking and traffic demands. Despite having a parking permit it is already difficult to find a parking space, additional permits for new residents would worsen the situation.
- The swept path of the refuse vehicle passes right in front of a close exit which is unsafe.

GENERAL

- The existing community garden on the site would be lost.
- The improvements to landscaping and public usability of the site do not need to rely on development actually taking place.
- The Geo-environment assessment is incorrect, the land remediation is out of date and the structural safety of the site is unknown. Recommended investigation works should be carried out prior to determination of the application.
- It would not be safe to undertake any excavation of the river bank.
- How will blocks C and D and the existing wall to the River Kelvin be maintained.
- There is evidence of erosion to the river bank at Eldon Street Bridge due to the Unite building. This proposal will further narrow the Kelvin's width increasing the force and effect of erosion upon the river banks.
- Does the FRA take account of recent floods or climate change?

SEPA	–	No objection subject to conditions
SNH	–	No objection subject to conditions
Scottish Water	–	No objection
LES Public Health	–	No objection subject to conditions
LES Cleansing	–	No objection subject to conditions

SITE AND DESCRIPTION

SITE

The application site is formed by an existing block of flats at 65-77 Otago Street along with the land to the rear which is occupied by the car parking and landscaped amenity space and serves the flats. The application site extends east from Otago Street to the River Kelvin, which forms its eastern boundary, incorporating the steep river bank situated at the southern end of the eastern boundary and a brick retaining wall which abuts the river at the north end of the site boundary. The application site also includes Otago Lane which leads off Otago Street immediately past the southern gable of 77 Otago Street and continues east through the site to the top of the river bank. The site extends southwards at the eastern end of the lane incorporating an existing external seating area which serves an adjoining Class 3 Tea Shop located on the edge of the site. At this point the site extends down the river bank to the edge of the River Kelvin.

The site area extends to 0.53 hectares and is roughly wedge shaped with the widest portion at the southern end and the eastern boundary tapering westwards as it follows the line of the River Kelvin.

The existing flats occupying 65 – 77 Otago Street are four storeys to the front (Otago Street) and five to the rear incorporating basement level garages. The block is finished in two tones of brick with a natural slate roof. The car parking area immediately behind the flats incorporates 33 parking spaces along with the bin stores serving the flats. There are a further 18 garages in the basement level of the flats. All 51 spaces currently serve the flats on Otago Street and are accessed via a fob system and a security gate.

A landscaped amenity space set between the car parking and the river edge contains numerous mature trees along with footpaths and grassed areas. This continues to the retaining wall abutting the river. To the south of this space, mature trees and vegetation continue down the slope toward the river's edge.

Otago Lane, which occupies the southern portion of the site, is finished in traditional stone setts and has a slight bend before it terminates adjacent to the top of the river bank. A pedestrian footway leads down the northern side of the lane abutting the gable end of 77 Otago Street. This footway continues to the access point into the car parking area set behind the flats. The lane widens out at its eastern end incorporating parking spaces set in more modern brick setts. There is a small electricity sub-station situated within the residents' car park.

The site is bounded to the west by Otago Street which is occupied predominantly by three and four storey blonde sandstone tenement blocks. There is one red sandstone tenement to the north of the application site. The north-east site boundary is formed by the River Kelvin, beyond which is the northern portion of Kelvingrove Park which incorporates the car park serving Kelvinbridge Subway Station. Along the southern boundary, facing onto Otago Lane is a row of two storey mews properties containing three shops and a class 3 teashop and a total of 6 residential flats above. The residential accommodation at first floor level is divided between the front (facing Otago Lane) and rear of the mews building and in-between this is a communal garden courtyard area. Fenestration is predominately to the front and rear facing either onto the lane or the communal courtyard although there is a window on the gable of a rear unit which faces towards the river and adjacent building. A further single storey commercial building, which also opens out onto Otago Lane, is situated at the western end of the mews.

To the east of the mews and still on the south boundary of the application site is a large block of student accommodation (Unite building) which occupies the site of a former tenement block facing Gibson Street. This building extends into what would have been the backcourt serving the former tenement meaning that it projects northwards along the edge of the River Kelvin. This building, located at the corner of Gibson Street and the river, was erected with a higher datum than the adjacent tenements and retains this height as it continues along the river frontage to its northern edge abutting the application site.

The wider area is characterised by traditional tenement development while Kelvingrove Park and a recently erected Primary School are situated on the south side of Gibson Street.

SITE HISTORY

Historically, much of the application site has been developed at some stage with structures covering most of the site since the early 20th Century. Much of river bank was occupied by a large single storey structure with an undercroft to the river side. Historic Ordinance Survey Maps show one structure or another on river bank up until the early 1980's. It is also recorded that a garage and adjacent bakery building extended back from Otago Street into the site up until the 1980's. The buildings fronting onto Otago Street were two and three storeys in height, although due to the falling levels within the site the elevation presented to Otago Lane and the River Kelvin were three and four storeys high.

In 1988 planning permission was granted under reference 1057/88 for the erection of 89 flats throughout the current application site with a four storey block fronting Otago Street, a six storey block fronting the River Kelvin and a four storey block facing Otago Lane. A subsequent Committee report states that the site was cleared in 1989 and consolidation works were carried out in relation to former mine workings. This, it was considered, represented the implementation of the 1988 permission meaning that that permission would not lapse. Other than these operations no further works appear to have taken place relative to the 1988 permission.

A further application was approved in 1997 which was for the brick finished flats and parking / landscaping area that currently occupies 65 – 77 Otago Street. This development contains 48 flats.

In 2009 an application was submitted for a residential development, however the application was withdrawn as it was considered invalid. Following pre-application consultation procedures a new application (ref 10/01228/DC) was submitted in 2010 which involved the refurbishment, partial demolition and extension of the existing block at 65 – 77 Otago Lane and erection of a new block of flats on the north side of the lane and two blocks facing on to the river on either side of the lane. That scheme involved a total of 142 units (albeit this incorporated the existing 48 flats on Otago Street) along with 6 commercial units at ground floor level within the lane. Following neighbour notification this application was withdrawn by the applicant.

PROPOSAL

After withdrawing the previous scheme the applicant has now submitted a proposal to erect three residential blocks accommodating a total of 4 townhouses and 45 flats. When first submitted the scheme showed red sandstone as the predominant external material. However, amended drawings were submitted which form the current proposal. These involved external alterations to the building including a change to red brick as the predominant material and one of the proposed blocks being moved further north along the bank of the River Kelvin.

In terms of the proposal now under consideration, the first block, which is situated on the north side of the lane, incorporates a terrace of 4 townhouses and an adjoining unit of 6 flats. The townhouses are three storeys high with pitched roofs and incorporate large dormer windows in the top floor which are set predominantly below eaves level. The townhouses have private rear gardens incorporating refuse storage areas. The portion of the block accommodating the flats is three storeys high with a flat roof. The townhouses and flats all take their primary access point from the frontage to the lane. This block is identified as **Block B** by the applicant and for consistency the block titles identified by the applicant will be used in this report. For the avoidance of doubt 65 – 77 Otago Street has been identified as **Block A**, however, there are no physical proposals relating to these units.

The second block (**Block C**) is proposed to be set into the sloping bank of the Kelvin with its main frontage facing onto the river. This would be located to the north of the point where Otago Lane terminates. This block is five storeys in height and would accommodate 19 flats. As this would be excavated into the river bank the rear (west) elevation of the basement level would face out onto a retaining wall with ground levels aligning just above the finished floor level of the floor above. The block would have a flat roof with the top floor recessed from the south to create a terrace area. The top level is to be finished in zinc cladding while the primary external material will be red brick.

Block E and Block D are connected to form one block and share the same point of access off Otago Lane. However they are titled separately to reflect the difference in their relative forms. Block E is situated on the south side of Otago Lane adjacent to the eastern gable of the existing mews property and aligns with the building line set by front wall of the mews'. At its point nearest the existing mews the block has a relatively shallow footprint meaning it has approximately half the depth of the adjacent mews building. As the block projects further away from the mews, towards the river, it widens to incorporate the site's full width where it abuts Block E. Block D has a total of 4 storeys and has a pitched roof proposed to be finished in concrete tiles. Again the primary external material is red brick. The application includes a 1.3 metre wide passageway leading between the mews and Block E which leads to a small courtyard area which would be enclosed to the north and east by Block D / E. Fenestration is shown to the elevation overlooking Otago Lane and to the rear overlooking the small courtyard. There is no internal access leading to the courtyard.

Block D continues east of Block E and extends down river bank where its east elevation sits approximately 3 metres from the edge of the River Kelvin. The elevation to the lane continues the line set by Block E and the mews. The block has 7 storeys as it presents to the lane but 8 storeys where it returns to face the river due to the change in levels at the river bank. The top floor, which has a flat roof, is to be finished in zinc cladding and is recessed on the river elevation to accommodate a terrace set behind a parapet wall. A small terrace is shown adjacent to the courtyard behind block E which is accessed via a bedroom at basement level.

The proposal incorporates a parking area at the rear of 65-77 Otago Street. This would have a total of 13 spaces set in a row opposite the existing garages in the basement level of the Otago Street flats. This would be accessed off Otago Lane between the northern gable end of Block B and the rear of 77 Otago Street. To the east of the parking area would be an area of amenity space incorporating a grassed communal space and new tree planting. Landscape planting is proposed along the river edge in front of Block C. The river bank between Block C and Block D is to be excavated in order to provide flood attenuation storage. This will involve a shallow terrace leading to a 5 metre high retaining wall situated at the end of Otago Lane. It is proposed to plant five trees within this space along with further planting along the river frontage.

The proposed accommodation consists of:-

One bed flats	-	10,
Two bed flats	-	20,
Three bed flats	-	15,
Four bed townhouses	-	4,

The existing electricity substation is shown as being retained within the proposed landscaped area. Between the parking and landscaped area is a linear refuse and recycling space serving the entire development.

As the proposal involves the relocation of part of the adopted turning head into the existing parking the applicants will need to promote a stopping up order.

POLICIES

DEV 2 RESIDENTIAL
DEV 11 GREEN SPACE

DES 1 Development Design Principles
DES 3 Protecting and Enhancing the City's Historic Environment
DES 12 Provision of Waste and Recycling Space

RES 1 Residential Density
RES 2 Residential Layouts
RES 4 Barrier Free Homes
RES 6 Residential Development in Lanes and Gardens
RES 7 Car Free Housing

TRANS 4 Vehicle Parking Standards
TRANS 2 Development Locational Requirements

ENV 1 Open Space Protections
ENV 2 Open Space and Public Realm
ENV 4 Sustainable Urban Drainage Systems
ENV 5 Flood Prevention and Land Drainage
ENV 6 Biodiversity
ENV 7 National, Regional and Local Environmental Designations

SPP
GCC Conservation Area Appraisal

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

A screening opinion was carried out to establish whether an EIA would be required under file reference 11/00363/DC. It was concluded that no EIA was necessary.

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

Not applicable

iii. a design statement or a design and access statement

A design and access statement was submitted in support of the application and was amended following the submission of amended drawings. This investigates how the proposal has evolved and the design rationale for the proposal in relation to its setting within the Conservation Area. This looks at design, scale, materials, transport and refuse/recycling arrangements.

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)

A traffic assessment was submitted along with a flood risk assessment which was amended following consultation with SEPA.

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

An agreement is required relative to ensuring a contribution from the developer in respect of the provision or improvement of off-site amenity space to overcome any deficit identified on site. This has been identified as £74,055.

A further agreement relates to the provision of three shared car parking spaces and formation of a car share club for residents of the scheme and clarification that the scheme is to be advertised as car-free and that residents of the new development will not be able to apply for a parking permit within the Controlled Parking Zone.

C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32

These Regulations enable Scottish Ministers to give directions

- i. with regard to Environmental Impact Assessment Regulations (Regulation 30)

Not applicable

- 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 to the condition and that it will either imposed or need not be imposed.

Not applicable.

ASSESSMENT AND CONCLUSIONS

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the determination of this application to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

The application site is covered by two Development Policy Principle (DPP) designations. The vast majority of the site is covered the DPP DEV 2 which is the Residential Policy Principle and all proposed development is located within this designation. The application site boundary is also shown to marginally extend into the DPP DEV 11 Greenspace Policy Principle designation which starts at the edge of the River Kelvin. The only works that would take place at that location are tree removals and landscaping works on the bank of the river.

Development Policy Principle DEV 2 Residential covers the city's housing districts and the supporting uses including areas of green/open space. The Council shall support proposals which enhance residential amenity, improve access within an area and preserve and enhance townscape, landscape and green network provision. The general principle of residential development is consistent with the designation. The more specific issues of residential amenity and impact upon townscape and landscape are more appropriately assessed against the specific policies identified later in this report.

Development Policy Principle DEV 11 Green Space identifies the large areas which are covered by the policy designation (such as the River Kelvin) but also notes that smaller areas of green / open space within the Residential DPP also contribute to the city's green network. DEV 11 states that there is a strong presumption in favour of the retention of all public and private green/open space. Given that the works potentially affecting the actual Greenspace designation (River Kelvin) are limited to landscaping and do not involve any structure, it is considered that there would be no breach of the DEV 11 policy principle designation. The impact of the proposed tree removals, landscaping and impact upon the existing greenspace within the remainder of the site shall be assessed against the relevant Environment policies considered later in this report.

Policy DES 1 Development Design Principles aims to promote new development which is designed and constructed to contribute positively towards the creation of high quality environments and sustainable places, in support of the Plan's vision. The policy identifies numerous criteria which are generally cross-referenced to the relevant City Plan 2 policies which are to be assessed later in this report. In respect of the design context there is overlap between the policy criteria in policy DES 1 and **DES 3 Protecting and Enhancing the City's Historic Environment** so it makes sense that the assessment is simultaneous. The other DES 1 criteria are considered in relation to the relevant policies below.

In respect of policies DES 1 and DES 3, the key assessment criteria can be summarised as

- preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area;
- be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;
- reflect high quality contemporary design, where appropriate, which is imaginative, innovative and sympathetic to local traditions, and which creates a strong sense of place;
- protect significant views into, and out of, the area and important public views of vistas and landscape features.
- retain all existing open space, whether public or private, and trees which contributes positively to the historic character of the area.

Ensuring new development relates to the character of an area and its historic context is a central aim and the importance of this relationship is amplified in Conservation Areas where the historic setting and plan form should be respected. The development now proposed has been through a rigorous process of assessment with various iterations of the scheme presented for consideration. Throughout this process the contextual relationship has been stressed continually both in terms of appearance and residential amenity. The scheme now being considered essentially involves three distinct buildings, each of which must respond to an immediate and wider context particularly in respect of form and location.

Block B is intended to reintroduce development to the north side of the lane which had existed on site prior to the current car parking area. In terms of historical context and plan this is considered to be justified as it would serve to reflect the lane's historic more intimate character. Through discussions with officers the block has been brought closer to the lane's edge to reinforce the sense of enclosure along the lane which would have existed previously. This enclosure, while not as narrow as when the garage was on the site, is still considered to have a positive impact upon the character of the lane and is a significant design gain.

The block's height has been reduced, from original submissions, to three storeys and employs dormer windows to the townhouses and a flat roof to the flats to reduce the sense of mass. Nevertheless the resulting building is higher than the existing mews across the lane. At its western gable the applicant's drawings show the existing mews has an eaves height of 5.8 metres and ridge height of 8.5 metres while at the adjacent point on the lane Block B has respective heights of 7.1 metres and 10.6 metres (the flats are set at 8.5 metres tall). While block B is taller than the existing mews it also remains clearly subordinate to the scale of tenements on Otago Street as would be expected of mews type development. This hierarchical relationship is further reinforced by the dropping levels as the site projects towards the river. It is important to note that the Glasgow West Conservation Area Appraisal identifies Otago Lane as one of the light industrial lanes of the west end and notes that the scale of development in these lanes is larger than in the more residential lanes.

Block D/E acts as a bookend to the Unite building which fronts onto Gibson Street and the River Kelvin by continuing the large scale and mass along the river frontage before retuning onto the lane's southern side where the rising river bank reduces its overall size (though not relative height). As the block continues along the lane it then reduces to four storeys, acting as an interface between the larger form facing the river and the smaller existing mews on the south side of the lane.

In terms of context the introduction of Block D/E presents issues in respect of building so close to the river edge and in terms of the substantial height of the building and how this impacts upon townscape. In respect of the block's location it is important to consider existing and historic context. Immediately south on the river frontage, the Unite building clearly runs along the river edge and this replaced a tenement building which previously abutted the river edge, albeit this did not extend so far north along the river bank. Further south, the tenement flats on Westbank Quadrant follow the line of the river, although these are separated by a narrow road and the river edge is contained by a steep retaining wall. Perhaps the most telling contextual cue comes from historic maps which, until the mid 1980's show a solid frontage of development onto the river edge along the full width of the application site. This evidence shows that there is an historic precedent for development in close proximity to the river edge.

The height of the block as it faces on to the river is only slightly lower than the adjacent Unite building and this has been a major point of objection. Initially the block had been reduced to sit more than one storey below the adjacent student accommodation. However, following the latest revision of the drawings the applicant's architect increased the height again to 8 storeys facing onto the river and 7 as it returns to the higher ground level of the lane. In terms of townscape this is clearly a prominent insertion which will be a significant departure from the current tree lined river bank. In terms of context, the massing is clearly a reference to the adjacent Unite building.

It is important to note that the current proposal was presented to the Glasgow Urban Design Panel(GUDP) who welcomed the massing arrangement and were convinced by the architect's argument that the height was necessary to complete the block containing the Unite building before returning to respond to the lower building's on the actual lane. The argument promoted relies on the development along the river frontage being considered as continuing the perimeter block that also runs along Gibson Street; with the perimeter block enclosing the lower scale development which fronts onto the lane. It is considered that this argument is well reasoned given that there are already large buildings at the top of the river bank both upstream and downstream of the application site. The GUDP supported this interpretation in stating that the river elevation should be considered as a public frontage and the scale of development should reflect this status.

Block C has been set further back from the river edge than originally proposed while its height has been reduced to 5 storeys on the elevation facing the river. It has also been moved further north along the river bank with the intention of creating a more open terminus to the lane creating a greater sense of space next to the river. The proximity to the river edge is considered to be justified along the same arguments for the location of Block D. Again the height has had to reflect the public face to the river while reconciling the relationship with the proposed three storey Block B immediately to the west on the lane. It is considered that the block now proposed achieves a good balance of fitting in with its context.

In terms of design and materials the applicants have simplified the form and palette from what was originally submitted. The predominant material is red drag faced brick which has replaced the originally proposed sandstone. The applicant has taken this approach in an attempt to reflect the traditional building materials found in the lane and further north on the river frontage in the industrial warehouse building on Otago Street. This is considered to be an appropriate approach to materiality which has received support from the GUDP. It should be noted that this is consistent with the Glasgow West Conservation Area Appraisal which recognises that red brick tends to be the predominant material in the light industrial lanes in the vicinity.

Timber screens are proposed in selected areas (window returns or in gable panels) which provide some more articulation to the brick façade. The roofs which are pitched roofs are proposed to be finished in fibre cement tiles. This is not considered to be a suitably high quality material and a slate finish can be required by condition should the proposal be supported. The recessed top floors of the flatted units are to be finished in a standing seam zinc which is considered to be an acceptable material in the conservation area and will express a more lightweight construction to crown to largest buildings. The flat roofs over the flats in Blocks B, C and D are to be green sedum roofs which is considered to be acceptable.

The elevational form of the blocks facing onto the river has taken cues from historic industrial warehouse style development with large windows set with deep reveals intended to emphasize the solidity of the buildings. The window proportions are well matched to the scale of the buildings and are all articulated by balconies. Block B has taken a contemporary approach to the mews form again employing large deep recessed windows to harmonise with the larger proposed blocks but retain a regular fenestration pattern which reflects that found in the wider area. Planters at ground level create a distinction in private space but still allow the intimate sense of space that is currently missing.

The lane itself is to be finished re-using existing cobbles and new cobbles to match which should provide a high quality finish. This will be subject to agreement with LES relating to the adoption of the lane. Block C has been moved to the north to extend the space at the river end of the lane which is considered to be a positive step allowing views out to the river and across to the park.

Inevitably there is a degree of overlap between protecting open space and trees that make a contribution to the Conservation Area and the protection of important views. It has been shown above that the vast majority of the application site had previously been developed and that this set the historic context for the current proposals. However, it is also the case that the river bank and landscaped amenity space is currently undeveloped open space which contains several trees. Therefore, the test of compliance comes down to whether these features contribute positively to the Conservation Area and whether their removal would harm any views into or out of the Conservation area or any important public views of vistas or landscape features.

The river bank and coverage of trees do make a significant contribution to the conservation area during Spring and Summer months being prominently visible both from the Kelvin Walkway on the opposite side of the river and from Gibson Street Bridge. It is considered that the removal of these would result in a noticeable change to the character and appearance of this immediate part of Conservation Area. The applicant's landscape statement and visual appraisal acknowledges this stating that there would be a high impact on both views. It should be noted that the removal of trees would not have a significant impact upon views of the site from Kelvinbridge as they are currently screened by closer trees in the north portion of Kelvingrove Park.

The positive contribution of the space and trees along the river side is reduced by the existence of non-native species trees within the river bank which, as the Glasgow West CAA notes, contribute only limited landscape value. Along with this, much of the lower portion of the river bank is covered by giant hogweed towards the edge of the river. More significantly, during the winter months when the trees are not in leaf, the river bank is left quite bare and is usually in poor condition as a result of fly-tipping and the accumulation of general litter. Nevertheless, these negative impacts are not considered to significantly dilute the positive contribution the bank has on the Conservation Area during the summer months.

In terms of views the removal of the trees will affect immediate views from the Kelvin Walkway and from Gibson Street bridge. Of these the Walkway is most significant because at this point the full width of the site is clearly visible, whereas the view from Gibson Street is more of a partial view of a wider panorama overlooking the entire river setting. At the portion of walkway directly opposite the site, the impact of the proposal will be most visible where the frontages of Blocks C and D and a retaining wall between will replace existing trees. However, this impact will be softened by new planting between the blocks and to the north along with the landscaping in front of the two blocks at the base of the river bank. Importantly the impact upon the overall Conservation Area is minimised because the loss of trees will only affect a relatively localised view.

A longer view of the site is possible from the eastern and western ends of Kelvinbridge. At this point the rear of the tenements on Gibson Street and the Unite building are visible above the existing tree line. While the removal of trees from the site would be screened from this point, block D will be visible above tree line and will rise above the ridge height of the flats on Gibson Street. The primary impact will be to screen the existing north elevation of the Unite building which is finished entirely in zinc with a single vertical strip of fenestration. However, this would not have a significant impact upon the wide panorama available from Kelvinbridge and will be absorbed into the wider vista of roof tops and groups of trees.

In terms of the aims of Policies Des 1 and Des 3, it is considered that the reintroduction of development on the north side of the lane is a positive step that will enhance the immediate vicinity and have a positive impact upon the conservation area. The design, scale and siting of the blocks have sought to take reference from the site's historic context (with the exception of the height of Block D) and have received support from the GUDP. The proposal will result in the loss of an established bank of trees that make a positive contribution to the conservation area, although this will be mitigated to a degree by the new tree planting of native species trees. There will also be an impact upon the views both immediately outside the site and from more distant vantage points but these will not affect any important landmarks or substantially change the existing vista. Overall the impacts identified and mitigation proposed are considered to be acceptable and would not warrant resisting the application.

Policy RES 1 Residential Density sets maximum density levels for residential development dependant on its location within the city. The application site is within the Inner Urban Area as defined in City Plan 2 and is in an area of High Accessibility. The policy does not set a maximum density level for development in such locations. However, the policy does state that in such circumstances density should be guided by location, context and setting, the scale and massing of adjacent buildings and public transport availability.

The site incorporates existing flats at 65 – 77 Otago Street, however discounting these flats and the space immediately behind them from the site density calculation, the density of the remaining portion of the site is approximately 170 units per hectare. When compared with existing development of a similar site area (flats on Bank Street, Cowan Street and Otago Street) the proposal's density figure was marginally less than the density of the existing development. That said, perhaps the true scale of development on the site will incorporate the existing units at 65-77 Otago Street. When these are included in the density calculation (including the relative increase in area) the density figure works out at approximately 194 units per hectare for the entire application site. Again this is very similar to the density of an equivalent sized block at Westbank Quadrant, Otago Street and Gibson Street which works out at 189 units per hectare (excluding the retail units on Gibson Street).

These figures suggest that the density of the proposal is broadly comparable to that of the surrounding area. While there is a distinction in that the application site fronts onto a river on one side, as outlined above it is considered legitimate to still treat this as a perimeter block arrangement. The scale and massing of buildings is considered to respond to that of surrounding high density tenements. While block D is higher, facing onto the river, it takes its immediate context from the adjacent Unite building. Importantly, the site is very well served by public transport with bus routes and Kelvinbridge Subway both within walking distance. On this basis it is considered that the proposal is proportionate to its surrounding context and, therefore, is in accordance with Policy RES 1.

Policy RES 2 Residential Layouts set out various criteria intended to create high quality residential environments and ensure that the amenity of existing and new residents is protected. The proposal satisfies the specific criteria relating to SUDS, provision of refuse and recycling areas and has large glazing oriented to minimise energy use. However, the proposal requires more detailed assessment in respect of other criteria within the policy. The proposal involves the removal of existing trees, although the full assessment of this is carried out against the relevant policy elsewhere in the report.

In respect of useable communal garden spaces blocks B and C are served by the proposed amenity space being formed on the location of the existing car parking area. However, while block D/E will have access to the shared space behind blocks B and C it will not have access to a backcourt as prescribed in the policy. The small courtyard behind block E is not considered to be a realistic amenity space, particularly as it is only accessed directly from the Otago Lane and not via the flats.

The policy does state that where space limits the provision of garden space then developers are expected to provide alternative solutions such as balconies or improve internal amenity through more generous room sizes. Each of the units in block D contain a balcony or terrace to the river. While, the four flats in Block E do not have such space, their proximity to the amenity behind block B is considered to achieve a suitable level of amenity for future residents.

The policy seeks to avoid flats with single aspect. There are nine one bedroom units in Block C with a single aspect. Each flat faces directly onto the River Kelvin and has a balcony serving the bedroom and the living room. The policy states that where dual aspect is not provided it should be demonstrated that the amenity for occupants would not be inferior to that of a dual aspect flat. Given the large windows and their outlook over the river and park beyond along with the provision of a balcony it is considered that the level of amenity provided in each of the units will not be significantly diminished.

The most significant issues in terms of amenity relate to privacy and daylighting. These issues have been raised in numerous objections, particularly from existing residents in Otago Lane and Otago Street. The easternmost townhouse and the flats in block B will be situated directly opposite the existing first floor accommodation in the mews on the south side of Otago Lane. While the proposed windows are recessed in the elevation, the separation across the lane to the first floor residential windows in the mews will be approximately 7.5 metres. It is recognised that this level of separation is limited and does have an impact upon the privacy of existing and future residents. The applicants have sought to address this impact by setting the level of first floor flats lower and second floor flats higher than the first floor windows in the existing mews. It is also proposed to erect 1.1 metre high translucent screens in front of the proposed windows at first and second floor in each of the south elevation windows in Block B. Planting at ground floor level is intended to protect the privacy of ground floor rooms in Block B.

The proposed mitigation of a screen will reduce the privacy impact to a degree and could be controlled by condition. However, it is felt that further improvements in the privacy relationship could be delivered through further investigation of the Block B elevation. Therefore any approval should be subject to a condition stating that the elevation of the flats and the townhouse immediately abutting the lane is not approved and no works will commence until an alternative elevation shall be submitted which helps to reduce the loss of privacy that would be experienced by existing residents.

Daylighting is another issue which has generated objection. The policy seeks to prevent new development excessively reducing daylight on an adjacent site and applicants are advised to carry out assessments in accordance with the BRE Site Layout Planning for Daylight and Sunlight guide. It should be stressed that the guide is not intended to be policy and its guidelines should be interpreted flexibly given that natural lighting is one of many factors affecting layout design. The applicants have prepared a daylighting assessment to support the application. This found that a number of existing residential windows would be affected by the proposal. The most affected window would be in the eastern gable of the existing mews and would have its daylight levels reduced significantly by Block D/E. At the moment the window receives a reduced but acceptable level of daylight but the daylight available to the window would be reduced by the development which would have a substantial impact. However, a site visit has established that the window serves a small studio flat which also receives light from a window in its rear elevation along with a rooflight in the north facing slope of the roof. Given that the room is served by two other sources of light it is considered that the loss of daylight affecting the gable window will not have such an impact that would warrant refusing the application.

Other windows are affected to a lesser extent. However, these tend to be windows that are already receiving reduced daylight levels or borrow amenity from the application site. On balance it is recognised that other site criteria should be taken into account in assessing the proposal. In this case the effect on existing windows is not considered to be so excessive that they would warrant refusing the application.

Policy RES 6 Residential Development in Lanes and Gardens states that proposals for residential development in lanes will require to meet various criteria including respecting building lines, retain access for refuse and emergency vehicles, provide amenity space, achieve high quality design, retain existing parking and limit height to 2 storeys.

The proposal is considered to reflect historic building lines, it accommodates access for large vehicles, it provides amenity space for residents and is considered to achieve high quality design reflecting the site context.

The existing mews properties were designated 6 formal parking spaces via condition when the existing development on the site was granted planning permission. In order to accommodate this it is proposed to dedicate six of the proposed spaces to the rear of 65 – 77 Otago Street to the existing units. While these are located further from the existing spaces serving the mews units the distance is not considered excessive and the car parking is well overlooked in terms of security. On this basis the criteria requiring existing spaces to be replaced where necessary is considered to be satisfied. The use of the spaces by the existing units can be controlled by condition.

The height of the proposal exceeds the two storey guide set by policy. As discussed earlier in this report, however, the blocks facing onto the river are considered to form part of the perimeter block facing Otago Street, Gibson Street and the River Kelvin which encloses the lane and properties facing onto it. While Blocks E and C are accessed from the lane it is considered that their primary elevation faces onto the river. Therefore it is not considered appropriate to apply the two storey limit to these.

In respect of block B the accommodation clearly does face directly onto the lane so the two storey limit set by policy is applicable. The block is three storeys tall and incorporates pitched roofs at the western end and a flat roof at its eastern end. The height of the block is greater than the existing mews which sets the Block B's immediate context within the lane. However, by employing reduced floor to ceiling heights the proposed block is not a full storey higher than the mews opposite and is approximately 2 metres higher. Block B has also taken advantage of the dropping levels by stepping down as it projects along the lane towards the river, whereas the existing mews retains a consistent eaves and ridge height. This means that the relative difference in scale reduces as the lane continues towards the river.

Block B does fail to satisfy the policy limiting development in lanes to two storeys. Therefore a judgement must be made as to whether this failure to comply merits refusing the application. Two key factors to be taken into account in making this judgement are that historically there was development of three and four storeys running along the north side of the lane until the mid 1980's and in 1988 planning permission was granted for a four storey development along the north side of the lane. The site history is a material consideration and the height of previous development on the lane should be given proportionate weight when considering the current proposal. Along with these facts it is considered that the difference in height between the proposed block and the existing mews is not so great that the block fails to relate to the scale of the existing mews. Furthermore, the block would be subordinate to the enclosing perimeter set by the tenements on Otago Street and Gibson Street. It should also be recognised that the Council Conservation Area Appraisal does identify that the light industrial lanes like Otago tend to have larger mews development. Taking all of these factors into account it is considered that the failure to satisfy the two storey limit would not present such a significant issue that would merit resisting the application.

The policy also precludes development in the backcourt of existing residential flats. While this development would affect the extended backcourt of the existing flats on Otago Street, the intention of the policy is to prevent overdevelopment and ensure that residential amenity for existing and future residents is of a high quality. While the proposed development would be within the back court of the flats on Otago Street, it is considered that the actual residential amenity will be improved with the communal space being upgraded.

Policy Res 7 Car Free Housing and Trans 4 Vehicle Parking Standards are considered simultaneously as numerous elements in the policies overlap. The aim of Policy Res 7 is to provide a range of residential accommodation, while minimising traffic generation and enabling space which would otherwise be used to park cars to be used for other purposes. Policy Trans 4 sets the standards for parking provision for all new development. The policy recognises that Car Free housing aims to restrict car parking to promote more sustainable modes of transport and, therefore, applies alternative criteria to those which would be used for assessing mainstream residential development. It states that the development must be within an existing Controlled Parking Zone and sets a maximum standard of 0.1 unallocated spaces per each dwelling. This equates to five spaces for the new 49 unit development.

The application broadly satisfies the criteria set out in Policy Res 7. The site is accessible to public transport being less than 400 metres from Kelvinbridge Subway Station and less than 250 metres to bus routes on Great Western Road and Gibson Street. It is also in close proximity to local shops on Gibson Street and the town centre at Byres Road.

In respect of parking provision the applicants proposed that the 13 spaces are allocated on the basis of 6 spaces to the existing mews in Otago Lane, four spaces to the townhouses, two spaces each to two of the three bedroom flats within the development. The last remaining space is to be retained for a car club space. The 18 existing garages at basement level of 65 – 77 Otago Street are to continue to be dedicated to those flats.

It is considered that a higher number of car club spaces would be more appropriate, therefore the two spaces for the three bedroom flats are to be re-allocated to car club spaces. This means there will be 6 spaces for the existing mews, four spaces for the four townhouses and three car club spaces. While allocating spaces for townhouses runs contrary to policy criteria, it is considered that this size of accommodation may be more likely to attract a household that owns a car. Therefore the exception for allocated spaces for the townhouses is considered appropriate. Notwithstanding this, accounting for the 6 spaces for the existing mews in Otago Lane means there are only 7 spaces dedicated to the proposal for 49 dwellings. Taking into account the 48 existing flats on Otago Street, this provision is not considered to exceed the maximum standard for the proposed development.

Details regarding the car club can be controlled via a Section 75 Legal Agreement to ensure that this is controlled and continues to operate in accordance with details to be agreed with the Council.

Policy RES 7 sets further criteria which aim to accommodate large delivery vehicles, provide cycle storage and maximise landscaping space. In respect of deliveries, there is no reason for resident's vehicles to travel down the lane past the access to the car parking area, therefore there would be scope for a delivery lorry to be located on the lane while carrying out deliveries. At six metres width there is room on the lane to accommodate a delivery lorry if required and for pedestrians to pass as illustrated by the swept path analysis illustrating access for refuse lorries.

The applicant has confirmed they are able to provide cycle storage via condition.

The space where existing parking serving the flats at Otago Street is to be removed is to be dedicated to landscaping to serve the existing flats and the new development. This means that the requirement to use space not being utilised for parking to improve amenity is satisfied.

In addressing the loss of the existing 33 spaces serving the existing flats on Otago Street the applicants carried out a survey of the usage of the existing car park. It was found that maximum level of usage was 16 spaces at any time. These figures suggest an over-provision of parking and this has been borne out in various visits to the application site and from recent aerial photographs. Objections have been submitted that the survey was misleading as residents were unable to obtain permits from the owner at the time and charges were introduced, however, the applicant has rebuked these claims. There has been no assessment relating to the use of the existing garages but their level of use cannot be assumed.

The Council's approach towards reducing parking provision is supported by Scottish Planning Policy which states that "Significant travel-generating uses should be in locations which are well served by public transport and the amount of associated car parking permitted should be controlled to encourage more sustainable travel choices." The Policy goes on to state that "Where an area is well served by sustainable transport modes, more restrictive standards may be appropriate". It is considered that the proposal is consistent with the aims of the policy.

In order to control the development and promote it as car free the Section 75 Legal Agreement will include clarification that future residents will not be eligible for a car parking permit and this will be identified on sales materials as necessary.

The policy requires site entry to be controlled via an access gate. In this case such a control should be located at the entrance to the parking area and this can be controlled via condition.

Policy TRANS 2 Development Locational Requirements, states that development at nodes and corridors on the public transport network achieving high accessibility (including subway and rail stations) should be developed at higher densities, subject to townscape considerations. This further reinforces the promotion of higher density development in sites like the application site.

Policy ENV 1 Open Space Protection states that there is a strong presumption in favour of the retention of open/green space. The policy identifies different categories of designation that are considered as greenspace. There have been numerous objections that the proposal is contrary to this and the other Environment Policies. All of the, currently undeveloped, river bank frontage to the east of the site is identified as green corridor and the proposal will involve either building or re-grading of all of the land identified under the designation. The policy then points to Policy ENV 7 which sets the assessment criteria for all open/green space designations.

Policy ENV 7 National, Regional and Local Environmental Designations outlines that the proposal must not have an adverse effect on the integrity or character of the designation and it should be demonstrated how any development affecting a green corridor will enhance the physical, environmental, nature conservation and landscape functionality, integrity or character of the corridor. The assessment is required to take into account policy ENV 6 Biodiversity. **Policy ENV 6** includes the following criteria.

- there will be no fragmentation or isolation of habitats or species as a result of the development;
- the development will be sited and designed to minimise adverse impacts on the biodiversity of the site (including its environmental quality, ecological status and viability); and
- public benefits at a national, or city region wide level, will clearly outweigh the value of the habitat for biodiversity conservation

In support of the application the applicant has submitted a protected species survey along with landscaping proposals. The protected species survey carried out during various site visits throughout May and June 2011 found that there was no evidence of otter or badger presence within or close to the application site. Bats were noted foraging in the vicinity but no evidence of any roosting activity including within a bat box located on one of the trees within the site. The species survey was accepted by DRS biodiversity officers subject to queries regarding survey methodologies and findings. These matters were queried with SNH who were satisfied with the findings of the surveys and raised no objection to the proposals.

Based on these findings it is to be concluded that the site is not currently operating as a habitat for protected species. Therefore, the proposal and its impact upon the river bank is not considered to be contrary to the biodiversity policy or affect the nature conservation intentions of Policy ENV 7. Indeed it is potentially seen as an opportunity to improve the function of this part of the site as a wildlife corridor.

The planting proposals are considered to be acceptable in terms of how it will provide a more suitable quality of habitat for species despite the reduction in actual greenspace. Block C has been moved further from the river bank to allow plants to colonise the space adjacent to the river. It is considered that the landscaping statement is considered to be reasonable subject to alterations relating to only planting native species.

In terms of landscaping it is noted that the development will not have any significant impact upon the Design Historic Landscape of Kelvingrove Park to the south of Gibson Street. As outlined above the development will be visible from the Kelvin Walkway but it is considered that appropriate and continuous planting along the edge of the river will help integrate the new buildings.

The space between Blocks C and D has been altered in order to maximise flood storage capacity. This will still be capable of accommodating planting for habitat creation, although amended details of the planting will be controlled via condition.

Taking all of the above into account it is considered that the proposal is in accordance with Policy ENV 1, ENV 7 and ENV 8.

Policy ENV 2 Open Space and Public Realm requires new residential development to provide access to good quality recreational open space. This includes provision for children's play areas, amenity open space/parkland, outdoor sport facilities, allotments and community gardens. The assessment of the proposal concludes that the site includes a number of spaces categorised as active open space, private open space and passive open space. In terms of on-site open space requirements the communal space in the northern portion of the site is considered to meet the policy requirements. Subject to detailed drawings showing landscaping including seating and lighting arrangements there will be no need for any additional off site contribution for amenity space. However no on-site provision is made for children's play, allotments/community gardens or outdoor sport.

The policy methodology identifies that the proximity of Kelvingrove Park means that there is a surplus of amenity space in the vicinity of the site. In respect of children's play the vicinity is considered to be deficient while this is also the case in respect of outdoor sport.

The calculations in respect of allotments gardens, children's play and outdoor sport requirements generated by the proposal equate to a total contribution requirement of £74,055 to compensate the failure to provide these on site. Given the nature of the site and its size it is considered unlikely that these elements could be provided on site. Therefore, approval can be made the subject of a legal agreement requiring the payment of the necessary sum to make provision off-site. Any approval would also be subject to the additional landscaping details required for the on-site amenity space.

Policy ENV 4 Sustainable Urban Drainage Systems aims to ensure that suitable measures are provided for the management and safe disposal of surface water run off. **Policy ENV 5 Flood Prevention and Land Drainage** aims to safeguard development from flooding and ensure that the new development does not have an adverse impact on the water environment or risk flooding elsewhere or affect the storage capacity of any functional flood plain.

The SUDS proposals have been considered by relevant officers and are deemed to satisfy the policy requirements subject to conditions.

In respect of Flood prevention and land drainage the applicant has held extensive discussions with both SEPA and Council's Flood Risk Management Team. SEPA had previously objected to the proposal on the basis that Block C was situated within the River Kelvin's floodplain and they were not satisfied that the proposal would not lead to a flood risk elsewhere. However, amendments have been made to the proposal that allow for adequate flood storage capacity that the scheme will have at worst a neutral impact. These alterations involve cantilevering blocks C and D on the elevations facing the river to create flood water capacity beneath them. It is also proposed to cut into the existing slope of the river bank between the blocks to create an L shaped section thereby increasing capacity for flood water. On the basis of these alterations SEPA have now confirmed that they have withdrawn their objection subject to conditions.

SEPA have requested various pre- development conditions to ensure that they are satisfied with all elements of the scheme before development commences.

Policy RES 4 Barrier Free Homes requires 10% of development to be accessible to wheelchairs. The applicants have confirmed that the lift access at Blocks D and E mean that over 10% of the proposed flats will be accessible, satisfying the policy criteria.

Policy DES 12 Provision of Waste and Recycling Space requires that waste and recycling storage should be well designed, provided in discreet locations and use materials to match the proposed development. It is considered that the proposals satisfy these requirements and can be controlled via condition. The travel distance from Block D/E is 50 metres which is longer than would be preferred. However, this solution is considered to minimise any impact upon the design quality to the lane and LES Cleansing have confirmed that they are satisfied with the proposal.

On the basis of the above it is considered that the proposal is compliant with the relevant policy criteria and consistent with the Development Policy Principle Designations covering the application site. It is also considered that on balance there will be a positive impact upon the character of the Conservation Area. On this basis the application should be recommended for approval unless material considerations indicate otherwise. The letters of objection are material considerations and the points not already addressed in the main report are investigated below.

DESIGN

- The design, scale, materials and fenestration of the proposal is inappropriate.

Response: The design has been a key element of the assessment of the proposal and this is reflected by the numerous alterations that have been submitted prior to the one currently under consideration. This has included presentations to the Glasgow Urban Design Panel at each stage of the scheme's progression along with extensive discussions with the applicant's architects. The key issues have been the height of the development facing the river, the materials and the articulation of the elevations. It is considered that the scheme now proposed represents a contemporary design solution which responds to its context and will enliven this part of the Conservation Area. This is reflected by the positive feedback the proposal has received from the GUDP.

- The materials of timber and zinc are not long lasting.

Response: The longevity of materials can vary. In this case the architect has stated that materials will be treated prior to use to ensure that they do have longevity of life. It should be noted that the materials identified are all secondary and that the primary material to be used will be brick which is a well established and robust material choice.

- The height of the adjacent Unite building should not be used as justification for an equally tall building.

Response: Objectors have indicated that the Unite building is unpopular both in terms of design and scale. This application is not a judgement of the Unite buildings merits, however, it must be recognised that it contributes towards the context of the site. The development plan policies reinforce the importance of context and it would not be realistic to simply ignore the building given its immediacy to the site. In respect of the proposal's height it is considered that if Block D were lowered it could accentuate the scale of the Unite building. On this basis it is considered that a building which reflects the existing height onto the river is the more appropriate response.

- Otago Lane has never had development of this size and parts of it have never accommodated development at all.

Response: It is accepted that the land immediately adjacent to the existing mews has never been developed and that development of the scale proposed in Block D has never existed on site. However, these factors should not preclude unprecedented development. The site's historic and current context along with the previous permission has all been taken into account as has the design merits of the proposal. Following this full assessment of all factors the proposal is considered to be an appropriate approach to responding to all of these contextual elements.

RESIDENTIAL AMENITY AND DEVELOPMENT LAYOUT

- Proposal would generate noise and disturbance and will lock in noise generated by existing extractor fans serving commercial premises on Gibson Street.

Response: While the proposal would substantially increase the number of residents using the lane it will only introduce residential development which is the established use in the wider vicinity. It would be inappropriate in land use planning terms to resist a residential use in a residential area on the basis of potential noise impact based upon the density of development. In respect of existing noise from commercial premises LES Public Health have raised no objection on this issue.

- The refuse area for existing units in Otago Lane is not accommodated in the new development.

Response: Provision for existing residents and commercial premises can be accommodated via condition at the proposed refuse and recycling area.

- Bin stores are not properly screened from Otago Street flats.

Response: The application site plan shows a wall enclosing the bin area. Details of this, including elevation drawings can be required by condition which will allow any impact upon existing flats to be controlled.

- It is an environmental risk to have one large waste disposal point rather than five separate ones.

Response: LES Public Health and LES Cleansing have raised no objection to the proposed refuse unit.

- The level of private / communal amenity space is inadequate and this is not compensated by the proximity to Kelvingrove Park.

Response: The level of shared private space is assessed against Policy ENV 2 and is considered to be adequate for the size of development; taking the existing flats at Otago Street into account. The policy methodology is designed to take account of the proximity of public parks in considering what impact the proposal will have on the local provision of public amenity space and whether any mitigation may be needed. Therefore approach taken is considered to be consistent with policy.

- It is misleading to state that the grassed area will provide a community facility when the current space is already used by children.

Response: This issue has formed part of a robust assessment against Policy ENV 2 and has taken account of the existing condition of the space. It is considered that the proposal satisfies the on-site requirements for shared private amenity space to serve residents.

- The amenity space of the UNITE building will be overlooked and enclosed and overshadowed.

Response: There are no windows in the elevation facing the amenity space of the Unite building while the proposal is immediately north of the amenity space therefore it shall not be overshadowed. Blocks D and E will enclose the space more than it is at the moment but the impact is not considered to warrant resisting the proposal particularly as the accommodation is not mainstream residential.

- 24 refuse bins are proposed for the entire development but that is the number already available for the existing Block A alone.

Response: LES Cleansing are satisfied with the provision and capacity of refuse and recycling facilities as proposed. The capacity of refuse and recycling storage has been the subject of detailed discussion with Cleansing officers who have taken account of the increased requirements set by the Councils detailed requirements for all refuse and recycling.

ENVIRONMENT DESIGNATIONS

- Part of the development is located on land designated in the Glasgow Open Space Map as Green Corridor and will make the corridor functionally discontinuous.

Response: Protected species assessments have established that the site does not act as a habitat for otters bats or badgers. The proposal is intended to accommodate use of the remaining open space facing the river as a wildlife corridor. It has been recognised that the proposals to introduce native species of plants and trees will have a positive impact in terms of the site's ability to operate as a wildlife corridor.

- The habitat report survey was undertaken when no migrating birds would have been on site which reduces its validity and does not take account of all protected species.

Response: SNH have investigated the species study and are satisfied with its findings. The habitat report contains a recommended method statement relative to nesting birds outlining the correct procedures relative to current legislation protecting wild birds. This is considered to be a proportionate response to the risks identified in the habitat survey.

PARKING, ACCESS AND TRAFFIC

- Blocks D and E would remove the only access flats and commercial properties on Gibson Street have to maintain the rear of their property which is also the only emergency evacuation route to flats.

Response: A point of access will lead between block D and the existing mews. Access arrangements from this lane to the rear of other properties on Gibson Street will be required by condition. This will allow the access for maintenance and emergency routes to be considered.

- The access is not sufficient for all prospective vehicles gaining access while emergency vehicles will not have access to Blocks D and C.

Response: A tracking plan for the largest refuse vehicles has been submitted by the applicants which shows a vehicle accessing the lane and then using the access to the parking area as a turning head so that it can then exit onto Gibson Street in forward gear. DRS Officers are satisfied that this manoeuvring space will also enable emergency vehicles to be accommodated.

- Access to existing flats will be restricted during any construction works.

Response: Access can be controlled via a condition phasing the proposed works. Such a condition would require any developer to provide a solution which establishes that existing residents will have safe access to their properties.

- Servicing existing commercial units and unloading for existing flats will be far more difficult.

Response: The proposal does not preclude access to existing commercial premises. Vehicles can access the lane if necessary and the access to the parking area used as a turning area. There are also dedicated parking spaces for the existing units in the lane.

- As there is no footway on the lane it will be more dangerous for pedestrians with the increased traffic that will be generated by the development.

Response: The shared surface arrangement is considered appropriate by officers. The proposal is intended to significantly reduce the level of car parking available within the site. Therefore, the potential for car movements will be reduced which would reduce the potential for conflict between pedestrians and vehicles.

- There is insufficient visibility for larger vehicles coming onto Otago Lane from the car park.

Response: Officers are satisfied with the proposed access arrangements.

- Removing existing spaces and adding 49 new houses will increase traffic congestion, increase demand for parking and pressure on existing stretched public transport.

Response: National and local policy seek to maximise development in the vicinity of sustainable transport. As the proposal will reduce the number of cars using the site and be marketed as car free it is anticipated that prospective owners will be unlikely to have a vehicle to park and therefore will not contribute towards traffic congestion. It should also be noted that the applicants have illustrated in their survey that the existing spaces are underutilised by existing residents.

- Parking and traffic has altered since the opening of Hillhead Primary School and this has not been taken into account in relation to the Traffic Statement.

Response: The school was operating when DRS officers fully assessed the latest application and this took account of children's walking to school routes along Otago Street. Therefore, while the Traffic Statement may not detail the impact of the school it has been taken into account in the assessment of the application.

- Existing development in the vicinity is well served yet this still generates considerable parking and traffic demands. Despite having a parking permit it is already difficult to find a parking space, additional permits for new residents would worsen the situation.

Response: National and local policy promotes public transport as an alternative over private car use and the scheme is consistent with this. As part of any approval a legal agreement will require that the development shall be marketed as car free and future residents will not be eligible for parking permits which will reduce the potential demand for parking.

- The swept path of the refuse vehicle passes right in front of a close exit which is unsafe.

Response: It is recognised that the turning route is tight to the existing flats. The swept path has been undertaken for the largest available vehicle that the Council uses for refuse collection. LES Cleansing Officers have indicated that they are satisfied with the route. This assessment not only takes account of whether the vehicle can access the site but also the safety of all site users. It should be noted that the access points on the flats which the swept path runs past are recessed meaning that residents exiting flats to the car parking area would have room to remain behind the building line should a vehicle be reversing down the car park access.

GENERAL

- The existing community garden on the site would be lost.

Response: It is assumed that this refers to the external seating area serving the existing tea shop. This is currently used as a commercial space which is on land identified as being owned by the applicant. It is assumed that given what is proposed, the applicant would intend to cease any use of the land as a garden.

- The improvements to landscaping and public usability of the site do not need to rely on development actually taking place.

Response: These are seen as mitigating impacts related to the proposed development. The Council can only make a decision on the proposal under consideration.

- The Geo-environment assessment is incorrect and the land remediation is out of date and the structural safety of the site is unknown. Recommended investigation works should be carried out prior to determination of the application.

Response: The Geo-environmental has been considered by GCC Geotechnical officers who are satisfied with its outcomes and recommendations and have not requested that any of the matters identified are undertaken prior to determination or are required as conditions of any approval. The matters of mining, geology and soils were considered to be satisfactory and the applicant can investigate available information on these prior to commencing any works.

- It would not be safe to undertake any excavation of the river bank.

Response: This would be the subject of a Controlled Activities (Scotland) Regulation 2011 license which would be issued by SEPA to ensure that any activity is acceptable to them. The applicant has been advised to consult directly with SEPA on this matter and a condition requiring this is included below. It should be stressed that SEPA have been consulted on the proposal and have raised no objection.

- How will blocks C and D and the existing wall to the River Kelvin be maintained.

Response: A condition requiring details of access for maintenance can be required as part of any permission granted.

- There is evidence of erosion to the river bank at Eldon Street Bridge due to the Unite building. This proposal will further narrow the Kelvin's width increasing the force and effect of erosion upon the river banks.

Response: This is a geotechnical issue beyond the remit of planning. It should be noted that SEPA have advised that they will control any impact upon the river via CAR regulations which control any alteration to the river bank landform required to achieve the appropriate compensatory flood storage. The applicants have been advised that they must receive agreement from SEPA before commencing any works relative to the river bank.

- Does the FRA take account of recent floods or climate change?

Response: The FRA takes account of average historic rainfall levels and anticipated levels, therefore both factors are taken into account in the assessment.

CONDITIONS AND REASONS

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

Proposed Site Plan	AL(00)001 Rev A,
Refuse Provision	AL(00)003 Rev A,
Swept Path Analysis	AL(00)004 Rev A,
Block B Plans	AL(00)201 Rev B,
Block B Elevations	AL(00)202 Rev A,
Block B Sections	AL(00)203 Rev A,
Block C Plans	AL(00)301 Rev B,
Block C Elevations	AL(00)302 Rev D,
Block D Plans	AL(00)401 Rev B,
Block D Elevations	AL(00)402 Rev C,
Block D Elev & Section	AL(00)403 Rev B,

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

Reason: As these drawings constitute the approved development.

02. External materials shall be red brick, zinc cladding, timber cladding and natural grey roof slates to the buildings and stone setts to match existing on the lane surface. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture. Written approval shall be obtained before the materials are used on site.

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

03. For the avoidance of doubt, the south elevation to the flats and eastern townhouse of block B, is not approved. The development shall be carried out in accordance with amended elevation drawings to be submitted to and approved in writing by the Council that demonstrate how the privacy of existing and proposed occupants of Otago Lane shall be better maintained.

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

04. A phasing plan shall be submitted to and approved in writing by the Council prior to the commencement of any works on site. This shall demonstrate how access to parking, refuse and servicing for existing premises in Otago Lane and Otago Street shall be maintained at all times during construction. The approved plan shall be implemented throughout the construction period of the development.

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

05. Refuse and recycling storage facilities shall be provided for the existing premises on Otago Lane in accordance with details to be submitted to and approved in writing prior to any works taking place on site.

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

06. Cycle storage shall be provided at a level of one space per dwelling in accordance with details to be submitted to and approved in writing prior to any works taking place one site.

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

07. The boundary treatment and access arrangements for the small courtyard enclosed by Block D shall be provided in accordance with details to be submitted to and approved in writing by the Council. This shall include details for access to the rear of the properties on Gibson Street.

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

08. Each east elevation bedroom window in Block D shall be finished and retained in perpetuity with obscure glazing up to a height of 1.5 metres above the finished floor level of the room.

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

09. A means of access to the river frontage shall be provided to enable maintenance of both the landscaped space and building frontages in accordance with details to be submitted to and approved in writing by the Council prior to the commencement of works on site.

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

10. 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.

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. 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.

13. Before any work begins on site, a detailed remediation strategy in respect of non-native invasive species (i.e. Giant Hogweed) shall be submitted for the written approval of the Planning Authority and shall be implemented as approved before any construction begins on site.

Reason: To protect the natural heritage of the area.

14. Before any work on the site is begun, a further scheme of landscaping shall be submitted to and approved in writing by the Planning Authority to reflect alterations to gradients on the river frontage. 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.

15. The scheme of landscaping required by condition 14 shall include detailed design for amenity spaces including the provision of equipment, location of seating areas and details of lighting.

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

16. 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.

17. The first, second and third recommendations on page 7 of the Protected Species report prepared by JDC Ecology Ltd dated June 2011 shall be implemented throughout any works affecting trees unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure that the works to trees minimise impacts upon bats and birds within the site.

18. A method statement shall be submitted to and approved in writing prior to any works taking place which outlines procedures to be undertaken should any evidence of otters be discovered during works. The method statement shall include procedures on clearing the hogweed and a requirement to contact SNH and obtain any license that is necessary. All works shall be carried out in accordance with the approved method statement.

Reason: In order to prevent any activities harmful to otters.

19. The form of construction and materials of the lane and extent of adoption shall be in accordance with details to be agreed with Land and Environmental Services prior to commencement of works on the lane.

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

20. Six of the proposed car parking spaces shall be allocated to and enure solely for the existing mews premises on Otago Lane. The six spaces shall be provided prior to access being removed from the existing spaces allocated to the mews premises on the lane. Thereafter access to the spaces shall be provided at all times and in perpetuity unless otherwise agreed in writing with the planning authority.

Reason: In order to safeguard residential amenity.

21. The four townhouses shall be allocated one space each within the car parking scheme hereby approved. The townhouses shall retain one space each unless otherwise agreed in writing with the planning authority.

Reason: In order to safeguard residential amenity.

22. No construction works shall commence until the compensatory flood storage of 282m³ has been provided in accordance with a detailed design scheme to be submitted to and approved in writing by the planning authority. The detailed design shall show blocks C and D cantilevered and the space between blocks C and D re-graded to provide the required compensatory flood storage capacity.

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

23. The buildings hereby approved shall have a finished floor level of no lower than 15.00 m AOD.

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

24. No construction works shall commence until written confirmation has been submitted from SEPA confirming their acceptance of the SUDS strategy including the adoption / maintenance schedule for all of the SUDS features proposed as shown on the Proposed Drainage Layout drawings 09.247.700 Revision B.

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

25. No construction works shall commence until written confirmation has been submitted from SEPA confirming their approval of a CAR license for any works adjacent to, or within, the River Kelvin in relation to the development hereby approved.

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

26. The maximum outflow discharge rate to the River Kelvin from any SUDS features shall be restricted to 5l/s/ha.

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

27. Access to the residents parking area shall be controlled by a security barrier or similar system in accordance with details to be submitted to and approved in writing by the Council. Details shall include distribution of access control arrangements.

Reason: To ensure that occupiers have safe access to their property.

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.

REASONS FOR CONSENT CONTRARY TO DEVELOPMENT PLAN

01. The application was advertised as being potentially contrary to the development plan as the application site boundary encroached onto the designation under Development Policy Principle DEV 11 GREENSPACE. Following assessment of the proposal it is considered that the development would not have any effect on the designation given that all construction works are set back from the edge of the River Kelvin which represents the boundary of the GREENSPACE designation. On this basis it is concluded that the proposal is not contrary to the development plan

ADVISORY NOTES TO APPLICANT

01. As the erection of Block B would necessitate the relocation of the existing adopted Otago Lane turning head, this will require the promotion of a stopping up order.
02. 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.
03. 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.
04. The applicant should consult Scottish Water concerning this proposal in respect of legislation administered by that organisation which is likely to affect this development. In particular, sustainable drainage systems (SUDS) should be designed and constructed in accordance with the vestment standards contained in "Sewers for Scotland", 2nd edition 2007.

The applicant is advised that, where drainage systems including SUDS are not vested in Scottish Water, it is the applicant's/developer's responsibility to maintain those systems in perpetuity or to make legal arrangements for such maintenance.
05. Due to the proximity of the development to a major watercourse it is strongly recommended that the applicant consult with the Glasgow Humane Society, Glasgow Green, Glasgow G40 1BA (phone 0141 429 2492) on matters relating to water safety.
06. The applicant is advised that the decision notice hereby attached should be accompanied by docketed plans.
07. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build, or maintain, this approved development. Such consent should be obtained prior to the commencement of works on site.
08. 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.

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.
02. This proposal requires that docketed plans should accompany the decision notice in the case of this application.

REASONS FOR REFUSAL

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.

for Executive Director of Development and Regeneration Services

DC/ADA/(H)
30/05/2012

PLEASE NOTE THE FOLLOWING:

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Glasgow City Council
 Development and Regeneration
 Development Management
 231 George Street
 Glasgow G1 1RX
 Executive Director: Richard Brown

Reference No. **10/03061/DC**

Address: **Site At 65-77 Otago Street.**

Scale: 1:1250

Indicative Site Location

Ward: 11



 Location of Site
 (For details, refer to Report)