



**PLANNING APPLICATIONS COMMITTEE**

**Report by Executive Director of Development and Regeneration Services**

**Contact: Mr K McCormack Phone: 0141 287 8443**

**ITEM 2 (a)**

**29th November 2011**

**APPLICATION TYPE** Planning Permission in Principle

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

**APPLICATION** 11/01350/DC

**DATE VALID** 08.06.2011

**SITE ADDRESS** Site At River Kelvin/Castlebank Street/Beith Street/ Benalder Street Glasgow

**PROPOSAL** Erection of mixed use development comprising residential units, business use (Class 4), live/work units, retail, cafe/bar with associated access, car parking, open space, landscaping and public walkway along the River Kelvin.

**APPLICANT** Glasgow Harbour  
C/o McNally Associates  
6 Newton Place  
GLASGOW  
G3 7PR

**AGENT** McNally Associates  
Per Jack McGowan  
6 Newton Place  
GLASGOW  
G3 7PR

**WARD NO(S)** 12, Partick West

**COMMUNITY COUNCIL LISTED** 02\_020, Partick

**CONSERVATION AREA**

**ADVERT TYPE** Bad Neighbour Development

**PUBLISHED** 17 June 2011

**CITY PLAN** Mixed Development

**REPRESENTATIONS/ CONSULTATIONS**

- Land and Environmental Services (Environmental Health) - No objections; conditions.
- Scottish Environment Protection Agency (SEPA) - No objections; conditions.
- West of Scotland Archaeological Service (WOSAS) - No objections; comments/conditions.
- DRS Transportation (The Roads Authority) - No objection; conditions.
- Architecture and Design Scotland (A+DS) - Comments.
- Strathclyde Partnership for Transport (SPT) - No objections; conditions.
- Network Rail - No response.

The application was advertised in the Evening Times on Friday 17th June 2011 and generated two letters of representation. The expiry date for valid representations was 27/07/2011. The representations can be summarised as follows:-

- Architectural Heritage Society of Scotland (AHSS) makes no objection in principle but requests consent is not granted without detailed commitment to completion of the River Kelvin Walkway with links under the bridges at east and west of the riverside promenade to facilitate completion of pedestrian access along the river bank to the River Clyde.
- Friends of Glasgow West (FGW) are of the opinion that the proposal with its smaller retail units, mixed housing and attractive proportion of greenspace is a greatly improved and preferable option in comparison to previous Tesco proposals for the site. However, FGW has concerns relating to design, scale and massing.

#### The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

The proposed development was Screened under the EIA Scotland Regulations and was not considered to constitute EIA development hence an Environmental Impact Assessment was not required in this instance - GCC Screening reference 10/01993/DC; issued 25 August 2010.

## **SITE AND DESCRIPTION**

The application site extends to some 3.68 hectares and relates to brownfield land, historically used for railway purposes, scrapyards and most recently as a showmen's site prior to its dereliction. The application states the site has lain vacant since 2005. The topography of the site falls generally by 3-4 metres from Beith Street down to the parapet of the river bank wall at the River Kelvin.

The application site is located on the south side of Beith Street with housing to north, east and south across the River Kelvin. Partick Town Centre lies adjacent to the east and north. Beith Street bounds the site to the north whilst the River Kelvin forms the southern edge to the site. There is an elevated railway embankment to the western site boundary. Benalder Street forms the eastern site boundary.

The site is particularly well-served by public transport with Partick Interchange providing bus, rail and underground services approximately 150m to the north east of the site.

### **Background**

Following a public inquiry into an appeal for non-determination, Tesco Stores Ltd obtained planning permission from the Scottish Ministers on 24 November 2008 for a mixed use development of the site comprising a retail superstore (9950 sqm gross/7435 sqm net floorspace), student accommodation, mainstream housing, leisure use, footpaths, car parking and associated access. Detailed planning permission was granted for all components of the development other than mainstream housing. An application under section 42 of the planning act was granted for the renewal of this consent on 03 November 2011 (ref: 11/02025/DC). This public inquiry also considered an appeal against non-determination relating to an outline planning application for a single storey stand-alone superstore development on a smaller part of the site. This was dismissed on design grounds with the reporter being unconvinced that such a singular use in a single storey format was appropriate given the surrounding townscape characteristics of Partick. Within the commentary contained in the appeal decision letter the reporter opined:-

*"The appeal site although at the edge of the defined centre and currently vacant, has potentially an important visual relationship with the eastern end of Partick town centre, and when developed would be prominent to view from the Dumbarton Road/Benalder Street junction. The recent development of the Western Gate site with a high curved arc of residential flats on the east side of Benalder Street/Cooperswell Street has created an expectation for development on the appeal site of at least similar scale and impact which would complete what is at present an unsatisfactory vacant gap. However townscape considerations extend beyond this single northerly point of the site. The site is also prominent in views along Beith Street from the west and has the potential to provide a significant link to the rest of the Clyde Waterfront area. The visual relationship between the design of development along the whole of this site, the remainder of the DEV 8 site east of the railway line, and on the main part of the Clyde Waterfront area is an important consideration".*

## Full planning application for Supermarket and associated development at South Street

An application seeking full planning permission for a supermarket development at South Street is also before members for determination today. This related application lodged jointly by Tesco Stores Limited and Glasgow Harbour Limited confirms that should members be minded to grant the application for a superstore at Glasgow Harbour and this application for alternative development at Beith Street, Tesco will enter into a legal agreement to transfer the retail floorspace from the extant Beith Street consent (ref: 11/02025/DC), through the statutory revocation procedure and then relinquish their interest in that site to Glasgow Harbour Ltd to realise the housing-led regeneration at Beith Street. The confirmation of the revocation order for the superstore consented at Beith Street will be a pre-requisite to the issue of any planning permission by the planning authority for a superstore at South Street in order to prevent multiple superstore consents in the Partick/Byres Road Town Centre area.

### Proposal

The applicant is seeking planning permission in principle for the erection of a mixed-use development comprising residential units (mix of 1, 2 and 3-bed units together with live-work units), class 4 business space, class 1 retail space, café/bar space with associated access, landscaping, new riverside walkway and parking. The supporting documentation indicates the following split of uses:-

- Residential – 385 units (mix of 1, 2 and 3-bed units together with live-work units).
- Class 4 business space - 278 square metres (3000 sq ft).
- Class 1 retail space – 507 square metres (5466 sq ft)
- Café/bar – 185 square metres (2000 sq ft).

The indicative drawings outlining one possible development scenario show two parts to the site:-

#### Area A

A roughly triangular part bounded by the elevated railway on the west, Castlebank Street to the south and Beith Street to the north is the commercial focus to the site with ground floor retail and business space below residential flats organised in three blocks with associated public and private open space over subterranean car parking. A pocket park provides relief from the elevated railway embankment at the western edge. Fenestrated gables provide articulation and natural surveillance to the north and south.

#### Area B

The balance of the site is bounded by Benalder Street to the east, the River Kelvin to the south, Beith Street and Castlebank Street to the north and the elevated railway on the west. The schematic drawings show six finger blocks of varying storeys orientated in a north/south alignment to maximise river aspect to the south and visual connections from Partick down through public open spaces between them to the River Kelvin via stairways to a proposed riverside walkway. The walkway has the long term potential to allow the New Riverside Museum and Kelvingrove Museum/Art Gallery to be connected. Fenestrated gables provide articulation and natural surveillance to the north and south. Each pairing of blocks also enjoys private courtyard space. Car parking is again envisaged to be underground with a vehicle route formed from Castlebank Street down alongside, but physically segregated, from the river walkway. This route from Castlebank Street will also allow disabled access to the promenade taking account of the change in levels over the site. A split level café/bar space (with floorspace at street level and walkway level) is shown at the principle public entry point to the walkway which is accessed from the Benalder Street/Beith Street edge by a set of generous monumental stairs.

The indicative drawings also show potential for a future footbridge connecting north and south banks of the River Kelvin at the south west corner of the site. This has the potential to connect (under the series of transportation bridges spanning the River Kelvin at this location) to the New Riverside Museum and commercial element of the Glasgow Harbour regeneration project.

The indicative density depicted on the illustrative imagery shows a range of building heights from 5-7 storeys in Area A to some 7-9 storey finger blocks in Area B extending at generally right angles to the river towards the existing Western Gate residential development which is a dense, curved residential development on the east side of Benalder Street.

This major planning application was subject to pre-application consultation between the developer and local community and a satisfactory pre-application consultation (PAC) report has been provided charting this process.

In support of the proposals, the applicant submitted the following support documentation:

- A drainage strategy and flooding statement
- Air quality assessment
- Ecology report
- Transport assessment
- Design and access statement; and
- Noise assessment.

## **POLICIES**

### The Glasgow and the Clyde Valley Joint Structure Plan (as altered)

The proposal does not raise any strategic land-use planning issues which would affect the wider conurbation and it is considered that the application is best determined having regard to the detailed policies of City Plan 2.

### City Plan 2

#### Development Policy Principle DEV 8 - Mixed Development

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|----------------|--|
| Policy DES 1   | - Development Design Principles                                      |
| Policy DES 2   | - Sustainable Design and Construction                                |
| Policy DES 4   | - Protecting and Enhancing the City's Natural Environment            |
| Policy DES 6   | - Public Realm and Lighting  |
| Policy DES 12  | - Provision of Waste and Recycling Space                             |
|                |  |
| Policy RES 1   | - Residential Density  |
| Policy RES 2   | - Residential Layouts  |
|                |  |
| Policy SC7     | - Protection and Promotion Of Local Shopping Centres and Local Shops |
|                |  |
| Policy TRANS 2 | - Development Locational Requirements                                |
| Policy TRANS 3 | - Traffic Management and Traffic Calming                             |
| Policy TRANS 4 | - Vehicle Parking Standards  |
| Policy TRANS 5 | - Providing for Pedestrians and Cycling in New Development           |
| Policy TRANS 6 | - Cycle Parking Standards  |
| Policy TRANS 8 | - Developer Contributions - Transport Infrastructure                 |
| Policy TRANS 9 | - Air Quality  |
|                |  |
| Policy ENV 1   | - Open Space Protection  |
| Policy ENV 2   | - Open Space and Public Realm Provision                              |
| Policy ENV4    | - Sustainable Urban Drainage   |
| Policy ENV 5   | - Flood Prevention and Land Drainage                                 |
| Policy ENV 6   | - Biodiversity   |
| Policy ENV 7   | - National, Regional and Local Environmental Designations            |
| Policy ENV 10  | - Access Routes and Core Path Networks                               |
| Policy ENV 12  | - Development of Brownfield Land and Contaminated Sites              |
| Policy ENV 14  | - Sites of Archaeological Importance                                 |
| Policy ENV 15  | - Energy   |
| Policy ENV 17  | - Protecting the Water Environment                                   |

## ASSESSMENT AND CONCLUSIONS

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

The principle land use planning issues to be addressed with respect to this application are considered to be:-

1. Whether the proposal accords with the relevant provisions of the statutory Development Plan;
2. Whether any other material considerations have been raised during the application process to outweigh the provisions of the statutory Development Plan. These include in this particular instance consultations/representations received from the consultation bodies and third parties.

### **In respect of 1 above:**

The Development Plan comprises the Glasgow and the Clyde Valley Joint Structure Plan (as altered) and the Glasgow City Plan 2.

#### The Glasgow and the Clyde Valley Joint Structure Plan (as altered)

The proposal does not raise any strategic land-use planning issues which would affect the wider conurbation and it is considered that the application is best determined having regard to the detailed policies of City Plan 2.

#### Glasgow City Plan 2

##### Development Policy Principle DEV 8

The application site is situated within an area covered by Development Policy Principle DEV 8 – Mixed Development. The areas designated 'MIXED DEVELOPMENT' are characterised by a range of uses and activities with no one use predominating. These areas, generally, lie within the City Centre and the Clyde Waterfront area, often reflecting an existing range of uses, mixed vertically and/or horizontally (e.g. Merchant City). The Council will support appropriate opportunities for mixed development within these areas (vertically as well as horizontally), which support the Plan's Development Strategy.

**Comment:-** The application proposes a range of uses to be developed on the site in full accordance with the development policy principle covering the site.

##### Policy DES 1 – Development Design Principles

The aim of this policy is 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. It sets out criteria that urge the design, layout, access and hierarchy of new built form to reinforce existing urban form. The policy requires applicants to consider the design, accessibility, health and safety, open space, drainage, waste and recycling and layout and materials of new development.

**Comment:-** The proposed re-development of this site is generally to be supported. The current state of the site does not create a positive image for the area being of poor environmental appearance. The indicative drawings show potential massing for future development and built-form but do not explore the potential architectural language or proposed materials. This application is for planning permission in principle and the detailed design of buildings and their siting will be an issue for assessment at the approval of matters specified in condition stage. The applicant is fully aware of this and a detailed design statement will be required to justify the proposals in terms of the established townscape character of the area. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy DES 2 – Sustainable Design and Construction

This policy aims to ensure that the development and regeneration of the City is undertaken in a manner that embraces the principles of sustainable design and construction, thereby helping deliver sustainable development. The Council will require development proposals to demonstrate their contribution towards achieving sustainable design and construction.

**Comment:**- This application is for planning permission in principle and the detailed design of buildings and their siting will be an issue for assessment at the approval of matters specified in condition stage. There is no reason to doubt that a sustainable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy DES 4 - Protecting and Enhancing the City's Natural Environment

This policy aims to ensure that all developments have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form and architectural styles, provides shelter, creates local identity and promotes biodiversity. Where development is acceptable, in principle, proposals will require to:-

- respect the landscape character and amenity of the area and maintain local diversity and distinctiveness, including natural and built heritage and cultural features of landscape and biodiversity value such as designed landscapes, woodland, hedgerows, ponds, stone walls and historical sites.
- enhance landscape characteristics where they have been weakened and need improvement, and create new landscapes where there are few existing facilities;
- provide high quality landscape proposals that are integral to the overall development design;
- incorporate open space provision in line with policy ENV2: Open Space and Public Realm Provision, and also open space relating to any sustainable drainage solution required for the site or area (see policy ENV4: Sustainable Drainage Systems (SUDS)); and
- demonstrate, to the satisfaction of the Council, that best practice guidance on pollution prevention from SEPA and other appropriate agencies has been used with regard to protection of the natural environment and the quality of the air, water and other systems that support life (see policies TRANS 9: Air Quality; ENV 5: Flood Prevention and Land Drainage, ENV 6: Biodiversity, ENV 12: Development of Brownfield Land and Contaminated Sites and ENV 17: Protecting the Water Environment.

**Comment:**- The proposal builds on many of the positive aspects of the Tesco development approved by the Scottish Ministers after a planning appeal (see background section) seeking to reconnect the established community of Partick to the River Kelvin with routes through the development site demonstrated on indicative plans. There is a desire to promote the connection from Kelvingrove Museum and Art Gallery to the New Riverside Museum as indicated by means of a river walkway along with substantial areas of landscaped space and public realm. The principle of this is to be supported with the assessment of the impacts of full proposals to be considered at the detailed stage. There is no reason to doubt that an acceptable scheme that protects the natural environment cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy DES 6 - Public Realm and Lighting

This policy aims to create the highest possible quality of public realm, designed to take account of people with visual and/or mobility impairments. It is also aimed to ensure that the design of lighting schemes minimises light pollution, does not impact on the amenity of neighbours and, in relation to architectural lighting installations, protects and enhances architectural and townscape quality. The policy contains a range of design criteria and technical standards which apply to proposals involving 'public realm works including street furniture' and 'lighting'.

**Comment:-** The indicative drawings detail a riverside walkway along with substantial areas of landscaped space and public realm. The principle of this is to be supported in accordance with policy DES 6 with the detailed assessment of the impacts of full proposals to be considered at the MSCs application stage. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy DES 12 - Provision of Waste and Recycling Space

This policy aims to ensure that appropriate and well designed provision is made within all new developments for waste storage, recycling and collection, all to assist the Scottish Government to meet its waste management targets.

- All new developments must include appropriate and well designed provision for waste storage, recycling and collection.
- All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours.
- Applicants must provide full details of the provision in the initial submission for planning permission.

**Comment:-** This is an issue of detail reserved for assessment under future applications seeking approval for matters specified in condition. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy RES 1 – Residential Density

This policy aims to ensure that all new development provides an appropriate urban scale and townscape form in order to consolidate and/or enhance the traditional urban structure and create high quality, sustainable, new environments.

**Comment:-** This is a highly accessible site well served by multiple forms of public transport. As such, this is a very sustainable site for housing where no maximum density is prescribed. In these cases, density is determined by an appropriate scale of built form providing good residential amenity and prevailing townscape characteristics. This is an issue of detail reserved for assessment under an application for matters specified in condition. The indicative drawings suggest a density of about 100 dwellings to the hectare and there is no reason to doubt that an acceptable scheme cannot be delivered at the detailed stage. In these terms, there is no conflict with policy.

#### Policy RES 2 – Residential Layouts

The aim of this policy is to provide high quality residential environments that minimise environmental impacts and create neighbourhoods and buildings that are attractive to live in.

**Comment:-** This is an issue of detail reserved for assessment under an application seeking approval for matters specified in conditions. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy SC7 - Protection and Promotion Of Local Shopping Centres and Local Shops

The aim of this policy is to support and protect the retail function of existing local shopping centres and important local shops.

**Comment:-** The retail floorspace being proposed is below the City Plan 2 threshold which requires sequential testing. This mixed use development includes modest local shopping envisaged to be of the corner shop variety supporting the residential and commercial parts of the development. In these terms, there is no conflict with policy.

### Policy TRANS 2 - Development Locational Requirements

This policy aims to ensure significant travel generating development is located in the right places, and at a suitable density, to secure sustainable travel patterns. Major development applications and other proposals likely to have a significant cumulative impact, are required to undertake a locational assessment, to ensure sustainable travel outcomes. Applicants require to demonstrate housing proposals are well integrated into effective networks for public transport, cycling and walking, particularly with regard to access to employment and facilities. Nodes and corridors on the public transport network achieving high accessibility and proposed Clyde Fastlink route corridors, should be developed at higher densities, including mixed uses where appropriate where there is deemed to be no adverse impact on townscape or other material consideration.

**Comment:-** The proposals accord with the above policy; the site being located within an area defined having 'high accessibility' extremely well served by nearby public transport facilities. As is noted elsewhere a high density development would be appropriate subject to townscape impact analysis which will be taken into detailed account at the MSC stage. .

### Policy TRANS 3 – Traffic Management and Traffic Calming

The aim of this policy is to ensure major development proposals include appropriate traffic management/calming in their layouts.

**Comment:-** The indicative proposals make inclusion for pedestrian crossing points, internal traffic routes, and traffic calming measures. This is an issue of detail reserved for assessment under an application for matters specified in conditions. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

### Policy TRANS 4 - Vehicle Parking Standards

This policy aims to ensure vehicle parking provision supports sustainable transport objectives. Car parking provision will be considered against this policy for a range of development types including 'shopping and commercial' uses.

**Comment:-** The development application envisages at least 100% car parking for the residential component. This can be secured by condition.

### Policy TRANS 5 - Providing for Pedestrians and Cycling in New Development

Policy TRANS 5 aims to ensure new developments are designed to facilitate and promote walking and cycling. Where a new development affects the line of an existing route, the route will require to be re-instated, or an acceptable alternative provided. The continuing integrity of the route should be maintained through the construction process. Routes, both interim and replacement, should be constructed to a standard and design acceptable to the Council.

**Comment:-** The indicative scheme has been developed to demonstrate the potential for new connections to and along the River Kelvin and is to be welcomed. The fine details will be for assessment at the MSC stage.

### Policy TRANS 6 - Cycle Parking Standards

This policy aims to ensure minimum levels of cycle parking are provided in new development in order to support sustainable transport objectives. The Council will require the provision of cycle parking in new development and redevelopment proposals in line with the minimum cycle parking standards specified in Tables 1 - 6. Wherever possible, employee cycle parking should be located within buildings or a secure compound. Where such a location is not feasible, provision should be close to the main entrance of developments, to ensure cycling to work is encouraged through enhanced security provided by cycle parking surveillance. Visitor parking should be located at an easily accessible location close to, or within, the entrance area of the development in order to enhance security through surveillance. Cycle parking should always be safe, sheltered and secure. Unless exceptional circumstances dictate otherwise, 'sheffield' type cycle racks (each comprising 2 spaces) are to be used (the Council's 'Roads Development Guide' provides a design specification).

**Comment:-** A suitable condition covering the installation of cycle parking has been attached.

#### Policy TRANS 8 - Developer Contributions - Transport Infrastructure

The aim of this policy and its associated development guide DG/TRANS 4 is to ensure new development provides sustainable transport solutions to benefit the City's transport infrastructure.

In terms of DG/Trans 4, the majority of the site lies with Developer Contribution zones 3 & 4 relative to Clyde Fastlink.

**Comment:-** No figures are available for numbers of bedrooms or finalised details. Therefore a condition is attached requiring further applications to comply with this policy and any applicable developer contributions will be sought at that time. Given that the Clyde Fastlink route is on the south side of the Clyde expressway and the development site is better placed for Partick Interchange, a suitable solution may be the provision by the developer of a physical connection to Glasgow Harbour under the existing transportation bridges.

#### Policy TRANS 9 – Air Quality

This policy aims to ensure account is taken of air quality in new development.

**Comment:-** LES (Environmental Health) has studied the air quality assessment submitted in support of the proposal and found it to be comprehensive and the results acceptable in order to support this application for planning permission in principle.

#### Policy ENV 1 – Open Space Protection

The aim of this policy is to ensure that areas of formal and informal open space are protected from inappropriate development, in order to maintain or enhance the quality of life, health, well being and amenity of the communities they serve and also promote sustainability and biodiversity.

**Comment:-** This site is located along the River Kelvin which is designated open space. The indicative proposals show the intention of the applicant to promote pedestrian access to the river and contribute towards realising a connection between Kelvingrove Park and the New Riverside Museum at Glasgow Harbour on the River Clyde. This is to be supported by the City Council and progressed in detail at the MSC stage. Impact on flora and fauna will be considered in detail also at the MSC stage.

#### Policy ENV 2 - Open Space and Public Realm Provision

The aim of this policy is to ensure that new development contributes to improving the City's environment through the provision and maintenance of high quality open spaces and areas of public realm that are well designed, accessible, safe and available for community use.

**Comment:-** The indicative proposals show considerable open landscaping, a pocket park, private garden space and a new riverside walkway with associated areas for public use. This embraces the detailed requirements of the policy and indicates that the principle of the application is to be supported. Issues of detail would be reserved for assessment under an application for matters specified in conditions. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy.

#### Policy ENV4 - Sustainable Urban Drainage

The aim of this policy is to ensure satisfactory sustainable measures are provided for the management and safe disposal of surface water run-off.

**Comment:-** The submission advises that the site development will feature sustainable urban drainage systems to handle surface water. A suitable condition can control fine details which will be for assessment at the MSC stage.

#### Policy ENV 5 - Flood Prevention and Land Drainage

The aim of this policy is to safeguard development from the risk of flooding and to ensure new development does not have an adverse impact on the water environment, does not materially increase the probability of flooding elsewhere and does not interfere detrimentally with the storage capacity of any functional flood plain (see Definition) or associated water flows.

**Comment:-** A flood risk/drainage impact assessment has been lodged in support of the proposal. This concludes that the site is a formerly developed brownfield site. As flood risk to the site only arises due to the overtopping of the failed section of the retaining wall then the site is not classed as functional flood plain. The report concludes that the parapet level along the failed section require2 to be reinstated to its original level and any land raising necessary will not require compensatory flood storage provisions or have a material impact elsewhere. This has been agreed with SEPA (see below) as has minimum finished floor levels and suitable conditions are attached.

#### Policy ENV 6 – Biodiversity

This policy aims to protect and enhance Glasgow's habitats and species.

**Comment:-** A landscaping strategy for the site development can be secured by planning condition for detailed assessment at the MSC stage. An ecology report found no evidence of otters, badgers or bats on site however concluded that bridge structures adjacent to the site could indicate the habitat is suitable for bats. Sand martins were not referred to in the ecology report despite being raised during the Tesco public inquiry. With the foregoing, a planning condition securing further badger, bat, sand martin and otter assessments at the MSC stage has been attached.

#### Policy ENV 7 - National, Regional and Local Environmental Designations

The policy aims to maintain, protect and enhance national, regional and local sites of landscape, cultural or nature conservation importance.

**Comment:-** The entire River Kelvin, including the subjects, is designated as a Site of City-Wide Importance for Nature Conservation and Green Corridor. The riverbank at this section of the River Kelvin is canalised with a parapet wall. DG/DES 4 associated with this policy includes guidance indicating a preference that where abutting a landscape and wildlife corridor, buildings and hard surfaces should be a minimum of 15 metres from the site boundary, wherever possible. During the public inquiry for the Tesco development consented on this site the Reporter considered this requirement and concluded that this stretch of the river has high solid walls and its character is different from what he considered was envisaged during original policy formulation (such as a rolling natural riverbank). A similar approach to application of guidance is considered appropriate in this instance being related to the same site. As noted under policy ENV 6, conditions are proposed to safeguard any protected species whilst striking a balance for the need to ensure public access to the river and promote the site for development in accordance with the development policy principle designation for the site.

#### Policy ENV 10 – Access Routes and Core Path Networks

The aim of this policy is to develop a network of accessible paths for the benefit of the City's residents and visitors.

**Comment:-** The indicative proposals show the intention of the applicant to promote pedestrian access to the river from Partick through the site and contribute within the application site boundary towards completing a physical connection between Kelvingrove Park and the New Riverside Museum at Glasgow Harbour on the River Clyde. These are two significant tourist attractions and a connection to both along the River Kelvin would be of significant benefit to citizens and visitors alike. This is to be supported by the City Council and progressed in detail at the MSC stage.

#### Policy ENV 12 - Development of Brownfield Land and Contaminated Sites

The aim of this policy is to encourage the reuse of brownfield land and ensure that redevelopment of former industrial and other potentially contaminated sites addresses any on-site contamination.

**Comment:-** The development of the City's brownfield sites is a priority for the Council. They have the potential to create new areas for residential, industrial and business and other uses. This proposal is found to be supportable in principle subject to finalised details being agreed at the MSC stage. A condition is attached.

#### Policy ENV 14 – Sites of Archaeological Importance

The aim of this policy is to protect the City's historic environment and archaeology.

**Comment:-** WOSAS note the site of the Castle of Partick is located within the boundary of the planning application and is potentially a highly significant archaeological site, although the current survival of archaeological evidence of the site is unknown. The identified castle was built in 1611 and is presumed to have occupied the same site as an earlier medieval residence of the Bishops of Glasgow, who were granted the lands of Partick by royal charter in 1136. In previous cases affecting this site (reference 05/03143/DC, 07/01810/DC and 07/02100/DC) where prior evaluation was not required by the Council, in order to make progress it was agreed that there should be attached Section 75 agreement clauses regarding the archaeological issue, should the Council determine to grant planning consent. These clauses were designed to allow the Council to retain the ability to specify either that any significant archaeological remains discovered on site be preserved *in situ* in keeping with the development plan policies for the area, or be subject to full archaeological excavation, at the Council's sole discretion. WOSAS would also recommend a similar course of action in respect of this latest application and that the appropriate archaeological mitigation measures for the site be secured after consent by condition, and subject to a Section 75 Agreement containing archaeological clauses similar to those already prepared and agreed for the previous development applications. It is noted that the application is for planning permission in principle and that further applications will be required for matters specified in conditions before any works will be permissible on the site. With the foregoing in mind a legal agreement is considered unnecessary as these requirements can be secured and agreed at the MSC stage. A planning condition can be attached requiring an archaeological mitigation strategy.

#### Policy ENV 15 – Energy

The aim of this policy is to reduce the carbon footprint of the City's buildings through energy efficient design, increased renewable energy generation and use of low and/or zero carbon technologies.

**Comment:-** This is an issue of detail requiring assessment at the MSC stage.

#### Policy ENV 17 - Protecting the Water Environment

The aim of this policy is to ensure new development does not have an adverse impact on the water environment by preventing the deterioration of aquatic ecosystems and enhancing their quality, including groundwater, promoting sustainable water use, reducing pollution, and mitigating against the impact of extreme weather events.

**Comment:-** To comply with policy a condition is attached requiring the developer to provide at the MSC stage a scheme to control any potential water pollution during construction phases.

#### **In respect of point 2 above**

Land and Environmental Services (Environmental Health) raised no objections subject to suitable conditions/advisory notes covering noise from or associated with the completed development, disposal of cooking odours/fumes, refuse management and recycling, site investigation, and the protection of residential amenity.

**Comment:-** These conditions are attached.

Scottish Environment Protection Agency (SEPA) confirms it has no objections subject to a condition relating to flood prevention in accordance with the findings of the flood risk assessment which has been submitted.

**Comment:-** This condition can be attached.

DRS Transportation indicates no objection and recommends conditions relating to access, parking, cycle parking and off site road improvement to support development of the site.

**Comment:-** Suitable planning conditions are attached.

Architecture and Design Scotland (A+DS) provides detailed comments following a design review process. A+DS conclude that whilst there are positive aspects of the masterplan – below ground car parking, the new riverside walkway and opportunity for landscaped spaces – they believe that the current proposals require further design development if they are to provide a robust framework for the long term development of the site. A+DS suggest that the proposed buildings' relationship with Beith Street and the River Kelvin requires to be considered further with regard to both architecture and placemaking. In particular, the arrangement of the proposed blocks should refer more closely to the scale and form of the existing urban environment, with the creation of buildings along Beith Street presenting an opportunity to address its current highway condition and reinvent it as a new urban street. A landscape strategy is also required to further describe the proposals and A+DS recommend that the Project Team consider how the use and character of the proposed landscape spaces might better inform the layout of the masterplan.

**Comment:-** The indicative drawings show a notional massing for future development and built-form but do not explore the potential architectural language or proposed materials. This application is for planning permission in principle and the detailed design of buildings and their siting will be an issue for assessment at the approval of matters specified in condition stage (MSC). The applicant is fully aware of this and a detailed design statement will be required to justify the proposals in terms of the established townscape character of the area. There is no reason to doubt that an acceptable scheme cannot be delivered at that time. In these terms, there is no conflict with policy. An advisory note can be attached recommending that before the making of any MSC application, that the developer considers seeking the input from A+DS again as and when detailed proposals for the site are developed. Furthermore, it is not possible to ground buildings to the River Kelvin promenade level given the flood risk constraints and the requirements of SEPA noted elsewhere in this report. The café/bar is located outwith this zone and will provide a focal point and footfall. However, given the constraints relating to flood risk, the landscaping of the boundary of the development to the river walkway will be of particular importance in the assessment of future MSC applications.

West of Scotland Archaeological Services (WOSAS) comments are detailed above under the assessment of policy ENV 14.

Strathclyde Partnership for Transport (SPT) provides commentary on access, cycle parking, travel plan and opines that the developer should make a financial contribution towards public transport within the vicinity of the site.

**Comment:-** These comments are noted. A condition can be attached requiring future MSC application(s) to comply with the policy requirements of TRANS 8 to the satisfaction of the planning authority.

The application was advertised in the Evening Times on Friday 17th June 2011 and generated two letters of representation. The expiry date for valid representations was 27/07/2011. The representations can be summarised as follows:-

- Architectural Heritage Society of Scotland (AHSS) makes no objection in principle but requests consent is not granted without detailed commitment to completion of the River Kelvin Walkway with links under the bridges at east and west of the riverside promenade to facilitate completion of pedestrian access along the river bank to the River Clyde.

**Comment:-** A condition can be attached to secure this.

- Friends of Glasgow West (FGW) are of the opinion that the proposal with its smaller retail units, mixed housing and attractive proportion of greenspace is a greatly improved and preferable option in comparison to previous Tesco proposals for the site. However, FGW has concerns relating to design, scale and massing.

**Comment:-** The matters specified in conditions stage will consider details of the siting, design, scale, massing and external appearance of the building(s) and the impact on existing buildings and townscape character of the area.

## **SPECIFIED MATTERS**

Planning legislation now requires the planning register to include information on the processing of each planning application and identifies a range of additional 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 this is provided in this report; as outlined below.

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

i. an Environmental Statement.

**Comment:-** Not applicable to this application. A Screening Opinion was adopted by the Planning Authority on 25 August 2010 confirming that an EIA was not necessary in this instance (ref:10/01993/DC)

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

**Comment:-** An ecology report was submitted in support of the planning application. No evidence of otters or badgers was established by the study. The bridge structures at the east and west site boundaries have potential for bat roosting and as a precaution the report concludes that a bat activity survey is undertaken in advance of any works commencing on the site. A condition can be attached requiring this to be submitted as part of an application for matters specified in conditions (MSC) to establish any impact if evidence of their presence is established with suitable mitigation, if necessary. Adopting a precautionary stance it would be beneficial to ensure further studies are executed for otters and badgers at the MSC stage secured by planning conditions.

iii. a Design Statement or a Design and Access Statement.

**Comment:-** A Design Statement was submitted with the application.

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).

**Comment:-** A drainage strategy and flooding statement was submitted in support of the application alongside an air quality assessment, ecology report, transport assessment and noise assessment.

B. Summary of the terms of any Section 75 Planning Agreement.

**Comment:-** Not applicable to this application.

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).

**Comment:-** Not applicable to this application.

- ii. 1. requiring the Council to give information as to the manner in which an application as been dealt with (Regulation 31)

**Comment:-** Not applicable to this application.

2. restricting the grant of planning permission

**Comment:-** Not applicable to this application.

- iii. 1. requiring the Council to consider imposing a condition specified by Scottish Ministers.

**Comment:-** Not applicable to this application.

2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered the condition.

**Comment:-** Not applicable to this application.

## Conclusion

In conclusion, the proposal is acceptable in land-use planning terms, having regard to the provisions of the development policy principle covering the site in the Development Plan and specific policy requirements. The redevelopment of this site will result in the regeneration of a large brownfield site which has become physically run-down in recent years and help to connect the established community at Partick and residents of the proposed development to the River Kelvin. Active ground floor commercial floorspace has the potential to enhance the vitality and viability of the locale and should be supported providing modest local provision for the residents of the development and those traversing through the site. Furthermore, the proposed development will, through good urban design at the MSC stage, make a positive contribution to the character and appearance of this part of Partick.

The third party representations received have been taken fully into account but in this case would not outweigh the terms of the statutory development plan. At the MSC stage, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site will be assessed in accordance with the statutory development plan unless material considerations indicate otherwise. Neighbour notification will require to be executed again as part of this future submission and any representations duly considered by the City Council.

On the basis of the foregoing information, it is recommended that planning permission in principle be granted subject to the following planning conditions.

## CONDITIONS AND REASONS

01. The indicative drawings lodged with the application are for illustrative purposes only and are not approved.

**Reason:** The applicant has not sought detailed approval for any of these aspects.

**Reason:** These drawings show one possible scenario and is not considered by the Planning Authority to necessarily be the only way to successfully develop the site in accordance with the terms of the statutory development plan

02. The development shall not be begun until an application(s) for the following matters has been submitted to and approved by the planning authority by the issuing of a decision notice:-
- (1) Landscaping of the site. Landscaping means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art and the provision of other amenity features.
  - (2) Means of access to the site. Access means inclusive access for pedestrians, cycles and motor vehicles.
  - (3) Layout of the site and siting of buildings and other structures.
  - (4) Design and external appearance of buildings and other structures.
  - (5) Existing and proposed site levels, levels of all accesses and finished floor levels.
  - (6) Sustainable Urban Drainage System (SUDS) for the site development to deal with surface water drainage.

**Reason:** The application is in principle only and to comply with section 59(1) of the Town and Country Planning (Scotland) Act 1997 and regulations 12 and 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

03. Any application seeking approval for the matters specified in condition 02 shall include the following support documentation:
- (1) A drainage impact assessment and a flood risk assessment.
  - (2) A transport assessment prepared in accordance with Glasgow City Plan 2 development guide DG/TRANS 1 Transport Assessments. The transport assessment shall cover all transport considerations, including public transport, walking and cycling and issues 1-21 of the development guide as appropriate to the development.
  - (3) A travel plan prepared in accordance with Glasgow City Plan 2 development guide DG/TRANS 2 Travel Plans. The travel plan shall include the physical/infrastructure facilities to be provided by the developer (e.g. showering and changing facilities, public transport facilities), the mode share target/traffic cap and the monitoring/reporting/correction procedures.
  - (4) An archaeological mitigation strategy the scope of which shall be agreed in advance with the City Council and West of Scotland Archaeological Service. Thereafter the developer shall ensure that the approved strategy is fully implemented and that all significant archaeological remains are preserved in situ as may be required by the Planning Authority, or that any necessary recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
  - (5) An up to date Badger, Otter, Sand Martin and Bat survey together with mitigation measures in the event of activity of these protected species being revealed.
  - (6) A site survey to establish possible contamination. The scope and extent of the survey shall be agreed with the planning authority and any mitigation measures thereafter identified shall be implemented in accordance with the approved methodology and in accordance with a timetable which shall be submitted to and approved by the planning authority.
  - (7) A condition survey of the retaining wall at the River Kelvin and all necessary strengthening works and repairs to failed sections/reinstatement to original parapet height together with a timetable for the implementation of these works.

- (8) Details of refuse storage including the provision of appropriate refuse bins and recycling facilities.
- (9) A survey to demonstrate the impacts of vibration, road noise and rail noise on the development together with a scheme of measures to deal with any inappropriate levels.
- (10) Details of cycle parking residents and customers/staff for the commercial units in accordance with Policy Trans 6 of the City Plan.
- (11) A scheme for the creation and management of the undercroft and parking, informal access road and the riverside walkway, including surface treatment, landscaping, lighting and furniture, river safety features including barrier finish and design and details of the access to the walkway from Benalder Street and at other points through the site, including provision for disabled access together with a timetable for implementation in accordance with the development phasing to be prior approved (see condition 6).
- (12) A scheme to deal with cooking odours from the café/bar
- (13) Methodology to ensure no adverse impact on the water environment of the River Kelvin during construction phases.
- (14) Details demonstrating that the minimum finished floor level of any building shall be 7.2m AoD and the minimum emergency vehicle route shall be 6.6m AoD together with all associated land raising/engineering to take cognisance of flood risk on the site.
- (15) Full details of necessary traffic improvements/mitigation at Partick Cross together with a detailed program for full implementation of these moves. No part of the development shall be occupied until such time as these approved works are implemented.

**Reason:** The application is in principle only and to comply with section 59(1) of the Town and Country Planning (Scotland) Act 1997 and regulations 12 and 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

04. All demolition and felling/cutting back of scrub and any other works which could physically disrupt any sand martin colony on the site shall be undertaken outwith the bird breeding season (March to July inclusive) and if a colony is to be disturbed artificial nesting sites shall be provided in advance in accordance with details which shall be submitted to and approved by the planning authority.

**Reason:** In the interests of nature conservation.

05. Application(s) for matters specified in conditions shall be subject to the policy requirements of TRANS 8 - Developer Contributions - Transport Infrastructure. A suitable alternative shall be the implementation of a new pedestrian bridge over the River Kelvin to connect the site to Glasgow Harbour implemented at a time and designed in accordance with a standard to be agreed in writing the planning authority prior to implementation.

**Reason:** In order to comply with Policy TRANS 8 of City Plan 2.

06. Prior to the submission of any application for approval of matters specified in condition 02, a finalised masterplan which re-affirms an overall 'vision', set within a clear urban design and land-use planning framework shall be submitted to and agreed in writing by the Planning Authority. The submissions shall include
- (i) an audit of any changes between the finalised masterplan and the indicative masterplan
  - (ii) development programmes for each phase including envisaged timescales for completion of each part

(iii) design codes for the entire development to follow to ensure a high standard of urban design and successful sense of place.

(iv) finalised masterplan shall include provision for the creation of a riverside walkway.

**Reason:** In order for the planning authority to consider these aspects in detail at the relevant time.

07. The maximum floorspace and/or number of units within the Masterplan site area together with any other restrictions noted shall be

Uses	Floorspace/ No. of Units/Bed Spaces etc
Housing	385 units (made up of 1,2 and 3 bedroom units and live/work units)
Class 1 Retail	507 square metres (5466 sq ft)
Café/bar	185 square metres (2000 sq ft)
Class 4 Offices	278 square metres (3000 sq ft)

**Reason:** In the opinion of the planning authority this level of floorspace and mix of uses is considered appropriate in terms of the development policy principle covering the site.

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

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

#### ADVISORY NOTES TO APPLICANT

01. The applicant should consult with Land and Environmental Services (Environmental Health) concerning this proposal in respect of legislation administered by that Service which is likely to affect this development.
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. Commercial waste from the premises requires to be disposed of in accordance with the Duty of Care requirement under section 34 of the Environmental Protection Act 1990. Waste transfer notes require to be obtained for the disposal of such waste and retained for a period of two years.
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. Premises used for the purposes of a food business require to register under the Food Premises (Registration) Regulations 1991. An application form for registration of the premises or change of details of an existing registration can be obtained from Land and Environmental Services (Environmental Health).

07. The developer is advised to consult SEPA in respect of potential contamination of the River Kelvin as a consequence of possible remedial works during construction of the development.
08. The Council recommends that before the making of any MSC application the developer considers seeking the input from Architecture and Design Scotland as and when detailed proposals for the site are available in order to aspire to the highest standard of urban design and place-making at this location.



for Executive Director of Development and Regeneration Services

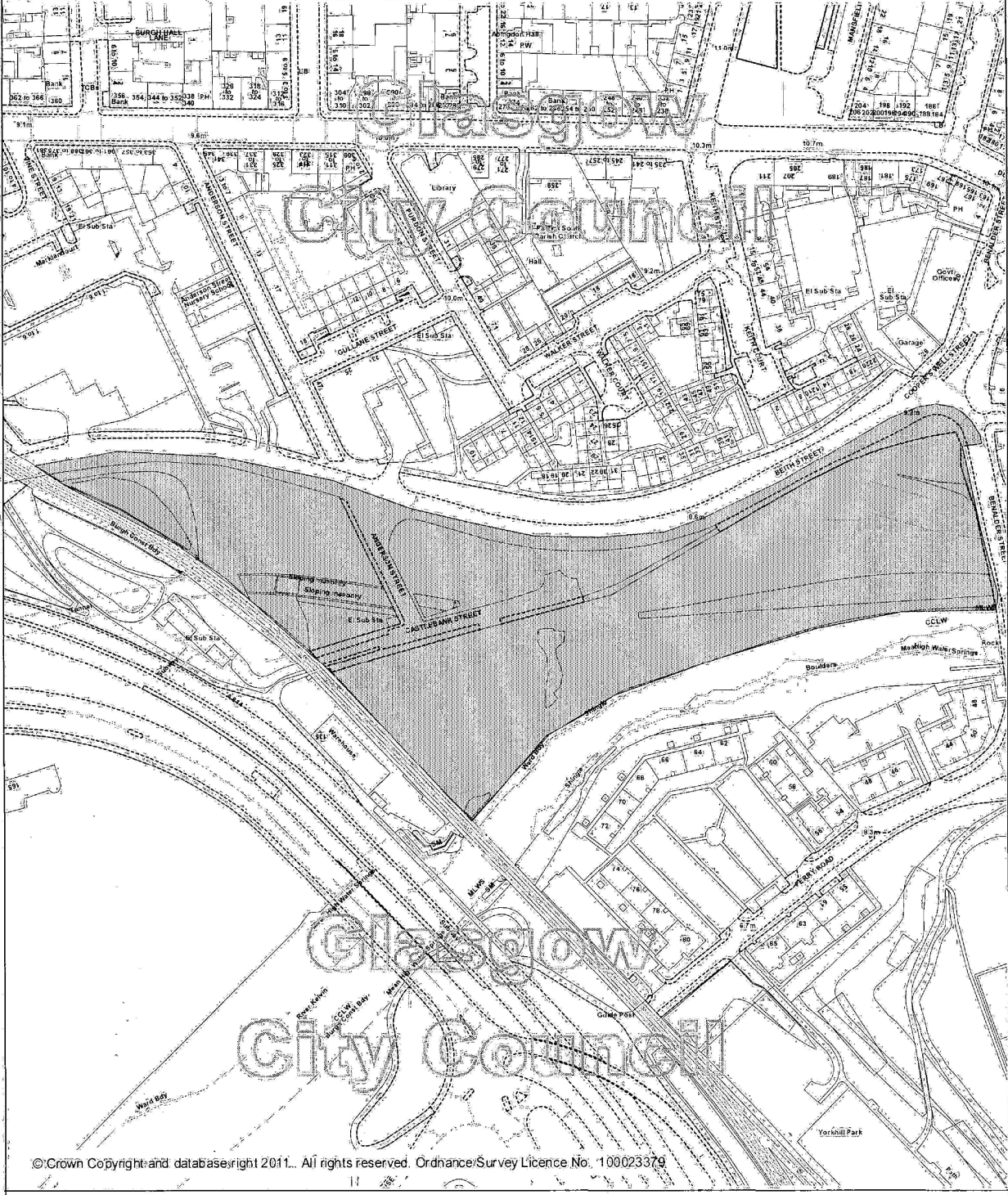
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 <p><b>Glasgow City Council</b>        Development and Regeneration        Development Management        229 George Street        Glasgow G1 1 QU        Executive Director: Gerry Gormal</p>	<p>Reference No. <b>11/01350/DC</b></p> <p>Address : <b>River Kelvin/Castlebank St/Beith St/Benalder St</b></p>
<p>Scale : 1:2500</p>	<p>Indicative Site Location</p> <p>Ward : <b>12</b></p> 



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	<p>Location of Site (For details, refer to Report)</p>
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