



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Mr D Drummond Phone: 0141 287 6067

ITEM 3

29th November 2011

APPLICATION TYPE	Full Planning Permission
RECOMMENDATION	Grant Subject to Condition(s)

APPLICATION	11/01597/DC	DATE VALID	18.08.2011
SITE ADDRESS	Site At Strathclyde Street/ Dalmarnock Road Glasgow		
PROPOSAL	Site remediation works including the formation of SUDS: Potentially contrary to Policy Principle DEV 11 Green Space of City Plan 2.		
APPLICANT	Clyde Gateway Developments Ltd 15 Bridgeton Cross Glasgow G40 1BN	AGENT	Mace Ltd Gordon Lamb House 3 Jacksons Entry EDINBURGH EH8 8PJ
WARD NO(S)	09, Calton	COMMUNITY COUNCIL LISTED	02_047, Dalmarnock (Inactive)
CONSERVATION AREA			
ADVERT TYPE	Contrary to Development Plan	PUBLISHED	23 September 2011
CITY PLAN	Industry And Business (DEV3)		

REPRESENTATIONS/ CONSULTATIONS

One representation has been received from a local resident. The points of objection are as follows:

1. Deer have been spotted on the site. Appropriate steps should be taken for them to be located.
2. The site should be landscaped and left as parkland.

- Land and Environmental Services (Environmental Health) - no objection, subject to conditions.
- Land and Environmental Services (River Clyde Project) - no objection.
- SEPA - no objection.
- Network Rail - no objection.
- West of Scotland Archaeology Service - no objection.

SITE AND DESCRIPTION

The application site is bounded by Strathclyde Street, Dalmarnock Road, railway and the Clyde Walkway/River Clyde. The site measures 8.9 hectares. This site was formerly the location of the Dalmarnock Power Station, which was demolished in 1980.

Due to the nature of the sites heavy industrial history, traces of contaminants and remnant buried structures have been identified. Remedial works are required to manage the risks to human health and the water environment from the identified areas of contamination.

The scope of the proposed works to which the planning application relates, are solely the remediation, earthworks and enabling works required at the Riverside site, and the delivery of a new sewer connection from Mordaunt Street to the River Clyde, which relates to the provision of SUDS on the site. The requirement for a Regional SUDS system is dictated by the drainage studies undertaken in the early stages of the site design and the requirement to treat drainage from the EERR and the sector to the North of Dalmarnock Cross, which is prone to surface water flooding. It is expected that these works will be delivered in phased elements which shall be predicated by the vacant possession of land. The works are phased as follows:

Section 1

- Contaminant remediation including where hotspots overlap with other Section boundaries;
- Geotechnical remediation of the land through removal of identified buried structures, except for sections of known deep inlet/outlet structures into the River Clyde and Dalmarnock Road tunnel;
- Removal of all invasive species;
- Ecological mitigation works;
- Demolition of river boundary concrete wall and incorporated structures;
- Earthworks to landscape riverside terraces; and
- Earthworks to landscape and provide a flat site (includes placement of sub-soils).

Section 2

- Stopping Up of Beechgrove, Ashgrove and Woodhall Streets
- Contaminant remediation;
- Vegetation clearance and removal of all invasive species;
- Ecological mitigation works
- Earthworks to landscape and provide a flat site (includes placement of sub-soils) tying in with the Section1 area.

Section 3

- Down taking of the perimeter wall to Dalmarnock Road, Strathclyde Street, Beechgrove Street and Woodhall Street, grub out foundations, grading verges, landscaping (topsoil/seed) as required;
- Erect palisade fence along and internal to existing Western boundary fence to secure the railway boundary;
- Remove tunnel structure located under western Dalmarnock Road footpath, divert, disconnect and remove utilities, excavate, backfill and reconstruct to Highways Specification.

Section 4

- Supply and installation of SUDS drainage connection from Mordaunt Street, Dalmarnock Cross to the site (including connection to EERR pipeworks);
- Sub-surface pipe works under Mordaunt Street, Dalmarnock Road, and Strathclyde Street;
- Earthworks to form SUDS wetland swales, ponds and basins within the Riverside site to establish Regional SUDS (RSUDS);
- Provide access route to and around RSUDS for maintenance purposes; and
- Discharge connection to the River Clyde with associated earthworks; landscaping (including parkland landscaping, topsoil, seed, plant around whole RSUDS).

Following conclusion of these works, it is expected that the site will have the following characteristics:

- An open, level site, decontaminated and with all geotechnical buried structures (power station outfalls excluded) removed; incorporating the former Ashgrove, Beechgrove and Woodhall Streets;
 - Grassed surface across the extent of the land;
 - Unrestricted access to the site from Dalmarnock Road, Strathclyde Street and the Clyde Walkway;
 - Landscaped terraces from the main Riverside site plateau down to the Clyde Walkway;
 - Provision of a regional SUDS connection from Morduant Street to the River Clyde, provided by underground sewer pipe from Morduant Street to the most North Westerly section of site at Strathclyde Street and SUDS features within the Riverside site;
 - SUDS features within the Riverside site to include detention basins; swales; and ponds
 - Discharge structure from the SUDS pond to the River Clyde;
- Landscaping & defensive planting to the Western periphery of the site; park land planting adjacent to the open SUDS features.

The submission for this planning application includes; an ecology report, geotech and mining report, a hydrological flood risk assessment and drainage impact study and a planning statement.

This planning application is recognised as a national development under the National Planning Framework 2, due to the proposed works being associated with the Metropolitan Glasgow Strategic Drainage Scheme. Where representations are received in the respect of national developments the applicant has the right to a Pre-Determination Hearing. However, in this instance the applicant, i.e. the Council, is not seeking a Hearing. Committee is therefore asked to consider the application and make a recommendation, through a 'C' paragraph, to Full Council for determination.

POLICIES

Glasgow City Plan 2

DEV 3	-	Industry and Business
DEV 11	-	Green Space
ENV 1	-	Open Space Protection
ENV 4	-	Sustainable Drainage Systems (SUDS)
ENV 5	-	Flood Prevention and Land Drainage
ENV 12	-	Development of Brownfield Land and Contaminated Sites

Specified Matters

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

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

- i. An environmental statement.
Not applicable to this application.
- ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994.
Not applicable to this application.
- iii. A design statement or a design and access statement.
A design statement has been submitted in support of this 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).

An ecology report, geotech and mining report, a hydrological flood risk assessment and drainage impact study and a planning statement.

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

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).

Not applicable to this application.

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

No direction has been made by Scottish Ministers/Not applicable.

- 2. Restricting the grant of planning permission.

No direction has been made by Scottish Ministers/Not applicable.

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

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.

Not applicable to this application.

ASSESSMENT AND CONCLUSIONS

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

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

- (a) whether the proposed accords with the Development Plan; and
- (b) if the development in question is a national development, to be made in accordance with any statement under section 3A(5) which -
 - (i) relates to that national development,
 - (ii) is expressed as applying for the purposes of development management, and
 - (iii) is to the effect that the development in question (or a development such as the development in question) could and should occur.

In respect of (a), the Development Plan comprises the Glasgow and Clyde Valley Structure Plan and City Plan 2. There are no specific policies of relevance to the application proposal in the Structure Plan.

City Plan 2 identifies the majority of the site as within an Industry and Business Development Policy Principle Area. This policy notes:-

The areas designated 'INDUSTRY AND BUSINESS' are the focus for industrial and business activity in the City. They will be retained primarily for uses that fall within Use Classes 4 'Business', 5 'General Industrial' and 6 'Storage or Distribution' of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

The Council will support proposals that modernise the industrial or business floorspace or enhance the physical environment and infrastructure within these areas. Proposals for uses outwith Classes 4, 5 and 6 will be considered against the criteria identified in policy IB 5: Non Industrial or Non-Business Uses in Industrial and Business Areas.

The proposal is for remediation works and the formation of SUDS to a former power station site. These works enable potential future land uses, which is considered to be in accordance with this Development Policy Principle.

Part of the site, which runs along the south boundary, is identified as within the Green Space Development Policy Principle. This policy notes:-

The areas designated 'GREEN SPACE' generally represent the larger permanent green/open spaces serving the City and its resident population and visitors. Areas which are considered to make a particular contribution to local townscape character are also included. These, and the numerous smaller open spaces that can be found within other Development Policy Principle Designations, particularly DEV 2: Residential and Supporting Uses, make up the City's green network and contribute to biodiversity. All green/open space areas (regardless of their size or purpose) are functionally important elements of Glasgow's green infrastructure (see Environmental Designations Maps and the Council's Glasgow Open Space Map (see Definition)). There is a strong presumption in favour of the retention of all public and private green/open space (see policy ENV 1: Open Space Protection).

Policy ENV 1 'Open Space Protection' is therefore relevant to this proposal. The purpose of this policy is to ensure that areas of formal and informal open space are protected from inappropriate development. Protection is accorded to the following categories of open space as identified on the Council's PAN 65 Open Space Map.

1. Public parks and gardens.
2. Communal private gardens (see Definition).
3. Amenity space.
4. Playspace for children and teenagers.
5. Sports areas.
6. Allotments.
7. Green corridors.
8. Natural/Semi-natural greenspace.
9. Other functional greenspaces.
10. Civic space.

In terms of meeting the exception criteria relative to Policy ENV 1, this site has been recognised for future development which would greatly improve the current condition of the site. The works are therefore considered not to jeopardise the integrity of this green corridor.

Policy ENV 4 focuses on Sustainable Drainage Systems (SUDS). This policy aims to ensure satisfactory sustainable measures are provided for the management and safe disposal of surface water run-off.

The requirement for a Regional SUDS system is dictated by the drainage studies undertaken in the early stages of the site design and the requirement to treat drainage from the EERR and the sector to the North of Dalmarnock Cross, which is prone to surface water flooding.

The EERR drainage is to be partitioned into 3 distinct elements; an Eastern portion, drained via the Camlachie Burn Overflow; a Western portion drained via an EERR termination SUDS detention basin located at the northern edge of Trafalgar St; and a central portion which is ultimately to be drained via the Riverside Regional SUDS system.

The provision of SUDS on the site is considered to be in line with Policy ENV 4.

Policy ENV 5 addresses flood prevention and land drainage. As part of this application a Flood Risk Assessment and Drainage Impact Study has been submitted. Details of the study have been issued to SEPA. The findings of the report are considered acceptable, and in line with Policy ENV 5.

ENV 12 'Development of Brownfield Land and Contaminated Sites' is relevant to this proposal. Ground Contamination reports have been submitted as part of this application. Land and Environmental Services (Environmental Health) have reviewed the reports and have no objection, subject to conditions.

In respect of (a), the proposal is considered to be in line with the Development Plan.

In respect of (b), with regard to the representations from a local resident, the grounds can be summarised, with appropriate comment, as follows:

1. Deer have been spotted on the site. Appropriate steps should be taken for them to be located.

Comment: This is not a material planning consideration.

2. The site should be landscaped and left as parkland.

Comment: Once the site has been treated through the remediation process, the next steps will be for future development which is in accordance with the Development Policy Principle for this area.

The principal of the proposed development has been accepted under National Planning Framework 2 (NPF2) and it is considered to meet the criteria listed in NPF2. The purpose of this application is to assess the implications for the proposal at this particular site. These issues which include design, layout, drainage etc, are all considered to be appropriate at this location.

CONCLUSION

In conclusion, the proposal is considered to comply with the relevant policies of the Glasgow City Plan 2. It is also considered to meet the terms of the Town and Country Planning (Scotland) Act 1997. As the application is recognised as a national development, the proposal is viewed as meeting the terms of the National Planning Framework 2.

The proposal involves remediation works and SUDS. The proposed scheme is considered to greatly improve the nature of the site, whilst the inclusion of SUDS would benefit the local community.

This application is placed in front of committee for consideration. Should members be in support of the recommendation for grant, subject to conditions, the application needs to be passed to Full Council as a 'C' paragraph for the formal determination of the planning application.

CONDITIONS AND REASONS

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

SD-PS-2, SD-PS-3, SD-PS-4, SD-PS-5, SD-PS-6, SD-PS-7, SD-PS-8, SD-PS-09 and SD-MW-09

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. Before any work on the site is begun, a comprehensive site investigation for ground contamination shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The investigation of potentially contaminated sites - Code of Practice" (BS10175:2001). The investigation report shall include a risk assessment of all relevant pollutant linkages, as required by Planning Advice Note PAN 33 Revised 2000 Development of Contaminated Land. Where a risk assessment identifies any unacceptable risk or risks, it shall include a detailed remediation strategy. The approved remediation works shall be carried out prior to the commencement of development on site other than that required to carry out remediation.

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

03. 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.

04. Before any work on the site is begun, a noise survey demonstrating the impact of the proposed development on dwellings/noise sensitive premises and carried out by a method agreed with the planning authority shall be submitted to and approved in writing by the planning authority. Where the survey predicts an adverse impact on residential/noise sensitive premises, details of mitigation measures shall be specified in the survey report. The approved mitigation measures shall be completed before the use of the development commences.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

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

Reason: To ensure that local air quality is maintained.

06. Light from the development shall not give rise to:

- (a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%
- (b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)
- (c) "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each source in the potentially obtrusive direction out of the area being lit.)

Reason: In the interests of limiting the effects of light pollution on the environment and the users of surrounding developments, and of energy efficiency.

07. Details of the proposed site access(es) shall be provided for the written approval of the Planning Authority prior to the commencement of any work.

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

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

08. A traffic management plan, including the proposed programme of site vehicle movements (volume, timings and routes), shall be submitted to and agreed in writing by the planning authority prior to work commencing on site.
- Reason:** To enable the Planning Authority to consider this/these aspect(s) in detail.
- Reason:** To safeguard the amenity of the surrounding area.
- Reason:** In the interests of traffic safety at the locus.
09. Vehicular gates shall be set back from the line of the heel of the footway a minimum distance equal to the length of the longest vehicle likely to access the site.
- Reason:** In the interests of traffic safety at the locus.
- Reason:** To safeguard the amenity of the surrounding area.
10. Wheel washing facilities (open mesh type) shall be installed at each vehicular access.
- Reason:** In the interests of traffic safety at the locus.
- Reason:** To safeguard the amenity of the surrounding area.
11. All hoardings (including footings) and boundary fences shall be located completely within the site confines with no encroachment onto the public footways.
- Reason:** In the interests of pedestrian safety.
12. Prior to the start of remediation works on site the following details shall be submitted and approved in writing by the planning authority:
- (a) The siting and layout of all compounds and treatment areas.
 - (b) The siting of stockpiles including height and gradient.
 - (c) Fencing at the perimeters of the site and around compound, treatment and stockpile areas.
 - (d) Areas and depth of excavation and finished ground levels.
- Reason:** In order to safeguard the property itself and the amenity of the surrounding area.
13. Prior to the start of works, a method statement indicating mitigation measures shall be submitted for the written approval of the planning authority related to:
- (a) Dust control.
 - (b) Noise and vibration control.
 - (c) Odour control.
 - (d) Ground water and surface water protection.
 - (e) Tree, ecology and wildlife protection.
 - (f) Access along the Clyde Walkway.
 - (g) Boundary with the Clyde Walkway Corridor of wildlife and landscape importance.
 - (h) The phasing of works to ensure that the trees to the rear of 799 to 819 Dalmarnock Road are retained as long as possible on site.

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

Reason: In the interests of sustainability and ecology.

Reason: To ensure continued access along the Clyde Walkway.

14. Working hours on site shall be restricted to 0800 to 1900 Monday to Friday, 0800 to 1300 on Saturday, with no working on Sunday.

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

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. By reason of the proposal being recognised as a national development under the National Planning Framework 2, this is considered to supersede any potential conflict with City Plan 2. It should be recognised, however, that the proposal does meet the terms of the Development Plan.

ADVISORY NOTES TO APPLICANT

01. Before the lighting system is installed, the applicant should submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the proposed system will satisfy the requirements of the light pollution condition.
02. Before the use commences, the applicant should, following the testing of the installed lighting system, submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the system complies with its design specification.
03. The applicant should contact Land and Environmental Services (Roads) at an early stage regarding the submission of an application for Road Construction Consent.
04. 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.
05. 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.

06. The applicant is advised to consult SEPA with regard to legislation which affects the proposal, notably related to flood control, surface water, foul drainage and contaminated land.

07. 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.

ADVISORY NOTES TO COUNCIL

01. This application is placed in front of committee for consideration. Should members be in support of the recommendation for grant, subject to conditions, the application needs to be passed to Full Council as a 'C' paragraph for the formal determination of the planning application.

for Executive Director of Development and Regeneration Services

DC/ DDR/c
17/11/2011

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