



## Planning Applications Committee

### Report by Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: Sean McCollam Phone: 0141 287 6021

Item 2 (b)

2nd November 2021

**Application Type** Conservation Area Consent

**Recommendation** Refuse

<b>Application</b>	<a href="#">20/01273/CON</a>	<b>Date Valid</b>	14.05.2020
<b>Site Address</b>	64 - 72A Waterloo Street Glasgow		
<b>Proposal</b>	Complete demolition in a conservation area		
<b>Applicant</b>	Brickland Mr Darren Leary 4 St Paul's Square Liverpool United Kingdom L3 9SJ	<b>Agent</b>	Turley Kate Donald 26 Dublin Street Edinburgh EH3 6NN
<b>Ward No(s)</b>	10, Anderston/City/Yorkhill	<b>Community Council</b>	02_126, Blythswood & Broomielaw
<b>Conservation Area</b>	Central	<b>Listed</b>	B
<b>Advert Type</b>	Affecting a Conservation Area/Listed Building	<b>Published</b>	29 May 2020
<b>City Plan</b>			

### Representations/Consultations

The application was advertised on the 29th May 2020 due to the potential impact of the development on the Outstanding Central Conservation Area.

The proposal is part of a linked application for Listed Building Consent for partial demolition, alteration and repair of a listed building and for Full Planning Permission to redevelop the site for residential use (182 units) with ancillary ground floor amenity space. Collectively, the proposals have received 13 letters of objection and 9 letters of support, the salient points of which are summarised as follows;

#### Objections

- Loss of the existing building will be detrimental to the conservation area.
- Excessive scale and density
- Negative impacts from the redevelopment on the surrounding conservation area.
- Excessive provision of 1 bedroom flats will not be suitable for family living in the city centre.
- Excessive provision of single aspect flats.
- Reduction in daylight and loss of privacy through overlooking of hotel bedrooms.
- Increased traffic.
- The proposals do not represent social or affordable accommodation.
- Loss of a functioning business at No.74 Waterloo Street.
- Construction related impacts on vehicles, pedestrians and businesses.
- The existing buildings should be reused rather than demolished and redeveloped to help reduce carbon emissions.

## Support

- Repopulation of the city centre.
- Increased provision of affordable living.
- Boost in sales for small local businesses and their suppliers.
- Increased footfall with associated benefits for public safety at night-time.
- Associated environmental benefits and reduction in emissions brought by residents living and working in the city.
- Suitable height for the city centre.
- Will repair original architectural features.
- Historic integrity of existing buildings are respected by the proposed building setback.

## Consultations

Historic Environment Scotland:

HES have offered comments on the proposal, noting that they would detract from the character of the Central Conservation Area and would have a detrimental impact on the character of the Category B listed building at 64 Waterloo Street. Their preference is for a more conservation-led approach to this site, which retains the unlisted buildings at 70-72 and minimises the impact on the listed building. However, on the basis of the planning history for the site and the justification submitted with the application, they do not formally object to the proposals.

## Relevant Planning History

**20/01272/FUL:** Full Planning Permission sought for redevelopment of site for residential use (182 units) with ancillary ground floor amenity space.

**20/01274/LBA:** Listed building consent sought for partial demolition, alteration and repair of listed building.

**19/02910/PAN:** Proposal of Application Notice for demolition of unlisted building and part of listed building with associated alterations. Erection of 'build to rent' development including ground floor retail/ commercial/ food and drink uses. No objection.

**18/02481/PRE:** Erection of residential development with retail space, partial demolition and refurbishment of listed distillers building.

**20/00968/SCR:** Redevelopment of site for residential use with ancillary ground floor amenity space. EIA not required.

**16/00625/DC:** Full planning permission granted for demolition of unlisted building and part of listed building with associated alterations and erection of office development (Class 4) including ancillary ground floor cafe/restaurant.

**16/00626/DC:** Listed building consent granted for demolition of unlisted building and part of listed building with associated alterations and erection of office development (Class 4) including ancillary ground floor cafe/restaurant at 64 - 72A Waterloo Street.

**16/00627/DC:** Conservation Area Consent granted for demolition of unlisted building and partial demolition of listed building at 64 - 72A Waterloo Street.

**15/01559/DC:** Proposal of Application Notice submitted for erection of mixed use development (offices/ serviced apts./ hotel/ residential/retail and class 3 uses) including demolition of 70-72 Waterloo Street. Partial demolition and conversion of 64 Waterloo Street. No objection.

**15/01557/DC:** Screening Opinion submitted for demolition of 70-72 Waterloo Street. Partial demolition, conversion and erection of extension of mixed use development to 64 Waterloo Street: Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. Environmental Assessment not required.

## Pre-Application Discussions

Draft proposals were the subject of extensive pre-application discussion with the Planning and City Design, focussing on a wide range of policy considerations applicable to the proposals. The advice highlighted the need for justification against current national and local policy on demolition of listed and non-listed buildings in conservation areas. Discussions also focussed on the principle of the proposed use, the scale of redevelopment proposed, design, and on-site amenity space for residents, including aspect and daylight.

Whilst these discussions acknowledged points of merit associated with the proposals, the Planning Service was of the opinion that the scale of development was excessive for its conservation area context.

The draft proposals were also tabled at the Glasgow Urban Design Panel. Comments provided noted that the suggested scale of development, coupled with the setback positioning of the building would result in a proposal that did not respond well to its urban context, would appear dominantly imposing and which would not preserve or enhance this part of the Conservation Area nor respond appropriately in its relationship with the listed building. The extent of north facing single aspect residential units, whose only outlook would be onto a back lane, was also highlighted.

Notwithstanding the concerns of the Planning Service, the planning application was submitted with no substantive changes made, despite ongoing efforts to reduce the scale of the proposal. Further discussions continued throughout the application process, however, the Service's concerns remained unresolved.

## Site and Description

### Existing Buildings

The application site is located on the north side of Waterloo Street, mid-block between West Campbell Street and Blythswood Street and extending onto Bothwell Lane to the north. It is currently occupied by 64 Waterloo Street, the category 'B' listed Distillers Building and 70-72a Waterloo Street, an unlisted sandstone building built for Wright & Greig Ltd Distillers. Both buildings are principally 4 storeys high albeit No.64 incorporates more generous floor to ceiling heights and a corner turret, resulting in an increased height over No.70-72a.

Whilst the façade of No.64 is four storeys in height (excluding the basement area), it only has three floors of accommodation, with the fourth floor open to the elements. There are conflicting reports on the circumstances behind this, with Canmore (National Record of the Historic Environment) suggesting that the upper floors remained unfinished as a consequence of the collapse of the Scotch whisky boom of the mid 1890's.

Other online sources suggest that No.64 was extensively fire-damaged in 1940's, resulting in the loss of the entire roof, third floor, along with the dome and lantern to the turret and internal fabric to the rear of the building. Subsequent refurbishment works saw the reinstatement of the roof over the second floor level and the dome not being replaced. The applicants supporting information points to a combination of these factors, with the original building design not being fully realised as a result of economic downturn at the time of construction and also being subject to fire damage in the 1940's.

Both buildings have historically operated as offices with No.70-72a incorporating a café and public house at ground floor, albeit No.64 has now been vacant for several years.

Neighbouring buildings include the category 'B' listed Fortune House to the west, a five storey sandstone office building with ground floor café, and Highlander House to the east, a 10 storey 1970's office development with ground floor café, the upper floors of which have recently been refurbished to Grade A commercial specifications.

Other buildings of significance in the immediate locale include the category 'B' listed Scottish Legal Life Assurance Society to the north at 107 Bothwell Street and the 'A' listed Atrium Court, Former Waterloo Street Post Office to the east at 50 Waterloo Street.

The application site and the neighbouring buildings forming the street block, along with the corresponding frontage on the south side of Waterloo Street, were incorporated into the Central Conservation Area as part of its 2012 review, in recognition of the special character of this area and the grouping of listed buildings (Boundary Amendment 7).

The wider environment is categorised by a mix of uses including offices, hotels, food and drink uses and shops, forming part of the International Financial Services District (IFSD), identified as a Strategic Economic Investment Location (SEIL) in the Strategic Development Plan. The location is also identified in the Glasgow City Development Plan as a Principal Office Area.

## The Proposals

The proposals seek to demolish the unlisted building at 70-72a Waterloo Street and substantially demolish the adjoining category 'B' listed building (The Distillers Building) at 64 Waterloo Street, leaving approximately the front third of the building and its façade in place.

The proposed replacement residential development comprising 182 flats would take the form of a 24-storey tower with a pergola at roof level further enhancing its height and the inclusion of a mezzanine within the enhanced ground floor level. The Distillers building would accommodate 6 of these flats. Projecting elements of upper floor plates on the east and west elevations would be stepped back at Level 15 and Level 21 to create a tiered building form, as viewed from the north and south.

Floor levels 00 to 04 would see the reinstatement of the established building line onto Waterloo Street and a parapet height commensurate with that of Fortune House to the west, effectively amalgamating with the Distillers Building to create a relatively uniform presence to the street. The upper floors (level 05 to level 24 and the roof pergola) would be stepped back by approximately 9 metres with the associated set back area forming an external terrace at level 05. It is proposed to provide resident's amenity areas within a central atrium space on the ground floor, with the atrium itself extending up to level 04. Further residents amenity and work space is also proposed within a double height space at the rear of level 01, backing on to Bothwell Lane.

As ground levels fall in a north-south direction, the north end of Level 00 would be below the level of Bothwell Lane. This area would be utilised for the service requirements of the building, including water storage and bin stores, the latter benefiting from access onto Bothwell Lane for collection purposes via service lifts to Level 01.

Cycle storage is proposed within the Distillers Building basement, to the rear of the Level 00 (ground floor), and within the mezzanine level which would be capable of accommodating 42, 116 and 86 bicycles respectively. Access to the basement is by stairs only, however, the Level 00 provision would be accessible via the side lane on the eastern flank of the building directly onto Waterloo Street and the mezzanine spaces would be accessible from the rear lane. Other notable ground floor facilities include a reception area and residents post room.

Proposed external materials consist of metallic polyester powder coated metal cladding fins expressed as the main building frame with metallic polyester powder coated perforated metal cladding panels and floor to ceiling glazing with insulated spandrel panels on the junctions between floors and ceilings. A larger typical bay study submitted with the proposals shows that the perforated metal cladding panels will incorporate openable glazed units behind for ventilation purposes and louvres behind for mechanical ventilation with heat recovery. Small areas of brickwork are proposed to lower levels on Bothwell Lane and part of the side lane on the eastern flank of the building.

The applicant intends to market the proposed development as Private Rented Sector flats, also known as Build to Rent flats (BTR). As such, the entire development would be retained, operated and managed as a single entity.

Accompanying applications for listed building consent (20/01274/LBA) to partially demolish, alter and repair 64 Waterloo Street and full planning permission (20/01272/FUL) for the extensive redevelopment works, including 70-72a Waterloo Street, have also been submitted in tandem with this application for conservation area consent and are subject of separate associated reports.

## Policies

The following policies, advice and guidance are considered particularly relevant to the application assessment:

Scottish Planning Policy (Scottish Government, June 2014)

Historic Environment Scotland Policy Statement 2019 (Historic Environment Scotland, April 2019)

Managing Change in the Historic Environment – Demolition (Historic Environment Scotland, February 2020)

Managing Change in the Historic Environment – Setting (Historic Environment Scotland, February 2020)

## Glasgow City Development Plan 2017

CDP9 Historic Environment

SG9 Historic Environment

## Assessment and Conclusions

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides the statutory context for the protection of listed buildings and conservation areas. Section 61 of the Act gives planning authorities the power to designate areas that they consider to have special historic or architectural interest the character and appearance of which it is desirable to preserve and enhance, known as conservation areas.

Section 66 of The Act also establishes that a building in a conservation area shall not be demolished without the consent of the planning authority through the Conservation Area Consent process.

Scottish Planning Policy 2014 sets a general presumption against the demolition or other works that will significantly affect the special interest of listed buildings and the presumption of retaining unlisted buildings that make a positive contribution to the character and appearance of conservation areas (Sections 141 and 143).

The impact of new development on the setting of listed buildings is a material consideration in determining planning applications and this is set out in the SPP. Paragraph 141 relates to listed buildings and states:

*“Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.”*

Paragraph 143 relates to Conservation Areas and states:

*“Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.”*

### Glasgow City Development Plan 2017

#### Demolition.

Policy **CDP9 ‘Historic Environment’** aims to ensure the appropriate protection, enhancement and management of Glasgow’s heritage assets by protecting, conserving and enhancing the historic environment for the benefit of existing and future generations. This will be achieved by assessing the impact of proposed developments and supporting high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interest of its Listed Buildings, Conservation Areas, Scheduled Monuments, archaeological remains, historic gardens and designed landscapes and their settings, or by mitigating unavoidable adverse effects on them.

**SG9 ‘Historic Environment’** highlights the requirement to obtain Conservation Area Consent for the demolition of unlisted buildings within Conservation Areas. The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a Conservation Area, or part of it. In deciding whether Conservation Area Consent should be granted, the Council will take account of the importance of the building to the character or appearance of any part of the Conservation Area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, the Council will always seek to achieve its retention, restoration and sympathetic conversion other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult.

Demolition of an unlisted building which contributes to the character or appearance of a Conservation Area, will require to demonstrate that:

- (a) the existing building is incapable of viable repair and re-use; and
- (b) the proposed replacement will preserve or enhance the character of the conservation area.

In order to protect townscape quality, consent for redevelopment will require the retention of existing buildings until the replacement development commences.

**Comment:** Demolition of 70-72a Waterloo Street (Unlisted). The accompanying Heritage Statement considers the characteristics of the site and its wider context and the contribution made by the existing buildings, before reviewing the potential impacts generated by their proposed redevelopment.

No.70-72 was constructed in the 1840's, most likely as a residential tenement and was converted in 1905 to workshops with shops on ground floor. Recent uses included a coffee shop and a public house at ground floor with upper floors set out as office space. Original shopfronts from the 1905 works have been lost through subsequent alterations. Its four-storey tenemental scale is significantly small than its neighbouring premises and taken with its relatively simple design and appearance, the building is significantly less prominent than its neighbours. The statement acknowledges notes that it is not listed and is not identified as a building of townscape merit within the conservation area.

The Heritage Statement considered the townscape, architectural and historic interest and contribution that No's. 70-72a make to the conservation area and the Business District and Blythwood Character Area within which it sits. The statement notes that taken in isolation, the building reflects very few of the architectural characteristics defined as being important contributors to the architectural character and appearance of the Glasgow Central Conservation Area. It concludes that whilst its historic interest is seen as a surviving example of the residential properties that pre-dated the commercial development in this area, it nevertheless offers a limited contribution to the character and appearance of the conservation area. It is also offered that it is more representative of the historic land use character of the conservation area as a whole rather than this individual character area.

The layout of the building, including the rear T-plan extension, lightwells and lift core are not thought to be conducive to conversion for new uses and incorporation into a larger redevelopment would be extremely difficult without significant intervention, in part due to the variation in floor levels between No.64 and No's.70-72.

Building fabric has been found to be in a poor state of repair with extensive stonework repairs need to the principal elevation, as detailed in the application. The applicants Financial Viability Statement has offered that its retention and meaningful refurbishment in both its current configuration and as part other less intrusive proposals, would not be economically viable. Whilst a suitable case against criteria (a) above has been made, assessment of the proposals against CDP1 The Placemaking Principle and the associated SG1 The Placemaking Principle in the accompanying planning application considers that the proposed replacement building is too aggressively scaled and would unacceptably impact on the character of its conservation area setting. Accordingly, criteria (b) is not met.

### **Overall Redevelopment**

As noted above, consideration must also be given to the impact of new development on the character of the conservation area.

Assessment of the linked planning application against CDP1 The Placemaking Principle and CDP9 Historic Environment alongside the corresponding guidance contained in SG1 The Placemaking Principle and SG9 Historic Environment, has established that the redevelopment proposals are substantially over-scaled for their setting and would have an overbearing appearance on neighbouring buildings and the local streetscape. Consequently, they would have a significantly detrimental impact on the character of their conservation area setting, particularly from medium and close range views westwards and eastwards along Waterloo Street and when viewed southwards from Blythwood Square at Blythwood Street.

The linked planning application has been assessed against CDP1 The Placemaking Principle and CDP9 Historic Environment alongside the corresponding guidance contained in SG1 The Placemaking Principle and SG9 Historic Environment. The assessment has established that the proposed development is substantially over-scaled for its setting and would have an overbearing appearance on neighbouring listed and unlisted buildings and the local streetscape. Consequently, the assessment has concluded it would have a significantly detrimental impact on the character of its conservation area setting, particularly from medium and close range views westwards and eastwards along Waterloo Street and when viewed southwards from Blythwood Square at Blythwood Street and on the setting of adjacent listed buildings.

## Representations

Turning to the representations received to the overall proposals, these can be summarised and addressed as follows;

### Objections

- Loss of the existing building will be detrimental to the conservation area.

**Comment:** Whilst the principle of demolition has already been accepted recently in an earlier proposal, the proposed replacement development in this instance is not supportable. Accordingly, demolition of the building in the absence of a suitable replacement cannot be supported in this case.

- Excessive scale and density

**Comment:** Following assessment against SG1, the proposals have been found to be excessive in scale.

- Negative impacts from the redevelopment on the surrounding conservation area.

**Comment:** Due to the scale of the proposals, it is agreed that they would unacceptably impact on the setting of the Glasgow Central Conservation Area.

- Excessive provision of 1 bedroom flats will not suitable family living in the city centre.

**Comment:** The Councils City Centre Living Strategy does seek to encourage residential development for professionals and families. Similarly, SG1 encourages provision of family accommodation in appropriate locations and whilst a greater diversity of accommodation is always encouraged, there is no specific criteria on where they should be directed and the extent of make-up of provision.

- Excessive provision of single aspect flats.

**Comment:** Single aspect flats are generally discouraged, but where they are supportable, they should demonstrate that the amenity enjoyed by the flats is similar, if not better than that of dual aspect flats in a similar location. In this case, a proportion of the single aspect flats fall below this standard.

- Reduction in daylight and loss of privacy through overlook of hotel bedrooms.

**Comment:** Assessment against daylight quality and privacy is applicable to residential properties only.

- Increased traffic.

**Comment:** The proposals do not have any associated car parking provision which would discourage private car use. Service vehicle traffic would be inevitable but would be subject to existing waiting and loading requirements where using the surrounding public roads.

- The proposals do not represent social or affordable accommodation.

**Comment:** The City Development Plan does not have any specific requirements for social or affordable housing provision and accordingly, the applicant is not obliged to make any provision.

- Loss of a functioning business at No.74.

**Comment:** Whilst it is always disappointing that established businesses are displaced through redevelopment proposals, it is not a material consideration in the determination of a planning application.

- Construction related impacts on vehicles, pedestrians and businesses.

**Comment:** It is inevitable that any redevelopment will have short-term construction related impacts. Where there are problematic construction related impacts, these are normally investigated by the Councils Public Health department and any necessary mitigation is enforced under the Environmental Health legislation.

- The existing buildings should be reused rather than demolished and redeveloped to help reduce carbon emissions.

**Comment:** National and Local policy requires that demolition of listed buildings cannot be supported unless it is demonstrated that the building is not of special interest, is incapable of repair, is essential to delivering significant benefits to economic growth for the wider community; or the repair of the building is not economically viable. A suitable replacement building must also be presented. In this case, the later test has not been met.

## Support

- Repopulation of the city centre.

**Comment:** Repopulation of the city centre is strongly encouraged but must be of an appropriate format. As discussed in the assessment section, the proposals development is considered to be over-scaled for its setting, which would unacceptably impact on the Glasgow Central Conservation Area.

- Increased provision of affordable living.

**Comment:** The proposals are intended to be for private rent and whilst they would offer a range of unit sizes, it is not clear whether they would represent affordable accommodation in letting terms. However, this is not material to the consideration of the application.

- Boost in sales for small local businesses and their suppliers.

**Comment:** It is agreed that increased residential population has the potential to benefit local businesses.

- Increased footfall with associated benefits for public safety at night-time.

**Comment:** It is agreed that increased pedestrian movement associated with the proposed flats would assist with active supervision of the surrounding streets, which could assist with public safety.

- Associated environmental benefits and reduction in emissions brought by residents living and working in the city.

**Comment:** This comment is based on the assumption that all or a high percentage of residents will work in the city centre, which is unknown at this stage and will vary with changes in tenants.

- Suitable height for the city centre.

**Comment:** Following assessment against CDP1 The Placemaking Principle and SG1 The Placemaking Principle, the proposals have been found to be excessive in scale.

- Will repair original architectural features.

**Comment:** Whilst the proposals would see the reinstatement of windows, a dome to the roof and stonework repairs to No.64 Waterloo Street, they would also see the substantial demolition of No.64, a category 'B' listed building and complete demolition of No 70-72 Waterloo Street. It would therefore be incorrect to see the proposals only as repairing original architectural features.



- Historic integrity of existing buildings are respected by the proposed building setback.

**Comment:** The proposals would see the street frontage of No.70-72 reinstated at a similar height to neighbouring buildings, with upper levels set back from this by approximately 9 metres. Whilst setting back of upper levels would help maintain and accentuate the established parapet level to the street, the overall scale of development is considered to be excessive and would have a detrimental impact on the wider conservation area setting.

## Conclusion

Whilst individual aspects of the proposals were found to meet some of the policy tests of the Glasgow City Development Plan 2017, the overall redevelopment proposals are considered to be excessive in scale to the point where they would unacceptably impact on the setting of the Glasgow Central Conservation Area and on the setting of adjacent listed buildings, contrary to CDP1 The Placemaking Principle and CDP9 Historic Environment and corresponding guidance contained in SG1 The Placemaking Principle and SG9 Historic Environment.

Based on the information provided within the application, the proposed mezzanine levels at second floor would inappropriately cut across the upper sections of three second floor windows as viewed from Waterloo Street, contrary to CDP9 Historic Environment and corresponding guidance contained in SG9 Historic Environment.

As a consequence, the proposals would not accord with Section 64 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 which requires Planning Authorities to apply special attention to the desirability of preserving or enhancing the character or appearance of conservation area.

On the basis of the above, it is recommended that conservation area consent is refused.

## Reasons for Refusal

01. By reason of the indicated footprint, height, scale and massing of the proposed replacement building, the proposals would erode the balance of buildings and space which characterises the street block and contributes to the variety of density in this part of the Conservation Area. Therefore, the proposed replacement development is considered overdevelopment of the site which would not respect its historic context but would detract from the special character of the Glasgow Central Conservation Area. Consequently, the proposal is contrary to CDP1 The Placemaking Principle and CDP9 Historic Environment and the accompanying supplementary guidance within SG1 The Placemaking Principle and SG9 Historic Environment of the Glasgow City Development Plan 2017.

for Chief Executive, Glasgow City Council

DC/ SML/25/10/2021

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