

## Request for Planning Local Review

Site bounded by McAlpine Street incorporating 47 Washington Street incorporating 35-55 Balaclava Street (Ward 10) – 19/00075/LOCAL

Use of site as surface car park for short term stay (Temporary for a period of 3 years)(Retrospective).

### **COPIES OF THE FOLLOWING DOCUMENTS ARE ATTACHED:-**

- 1 Application for Planning Permission – 19/00854/FUL and supporting documents.
- 2 Drawings (2.1 – 2.3).
- 3 Photographs by Planning Advisor (3.1 - 3.6).
- 4 Report of Handling.
- 5 Planning Decision Notice dated 13 August 2019.
- 6 Letters of representation from:
  - (a) Elleyne undated;
  - (b) Transport Planning dated 13 April 2017; and
  - (c) The Royal Scottish Pipe Band Association dated 30 April 2019.
- 7 Notice of Review Form and Grounds of Appeal from applicant – 19/00075/LOCAL.
- 8 Relevant Policies from Statutory Development Plan  
City Development Plan – CDP 11.  
<http://www.glasgow.gov.uk/CHttpHandler.ashx?id=35882&p=0>  
Further policies  
SG11 Sustainable Transport - Pages 44 and 45.  
<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=36522&p=0>
- 9 Draft conditions if Local Review Committee minded to grant.

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4th February 2020



231 George Street Glasgow G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100151578-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Use of site as Temporary Surface Car Park for a period of 3 years

Is this a temporary permission? \*

Yes  No

## Description of Proposal Cont.

Please state how long permission is required for and why: \* (Max 500 characters)

Permission is requested for a period of 3 years. The site has considerable potential for mixed-use development in accordance with its identification as part of the International Financial Services District. The proposed use of the site as a temporary surface car park will provide an active beneficial use, prevent dereliction and enhance public realm until economic conditions improve and development can come forward on the site.

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

11/02/2016

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Outline planning permission for mixed use development of the site was approved in January 2016 (08/02621/DC). Economic conditions prevented the applicant from bringing the scheme forward and permission was sought and granted on appeal (15/00327/DC) for the site to be used as a temporary car park. That permission has now expired and this application seeks to continue the use of the site as a temporary car park.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Turley

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Kate

Building Name:

Last Name: \*

Donald

Building Number:

26

Telephone Number: \*

Address 1 (Street): \*

Dublin Street

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Edinburgh

Fax Number:

Country: \*

UK

Postcode: \*

EH3 6NN

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="49"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Company/Organisation	<input type="text" value="Washington Street LTD"/>	Address 2:	<input type="text" value="Draperstown"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Magherafelt"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Northern Ireland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="BT45 7AB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Glasgow Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SITE BOUNDED BY MCALPINE STREET INCORPORATING 47 WASHINGTON STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BALACLAVA STREET"/>
Post Code:	<input type="text" value="GLASGOW"/>

Please identify/describe the location of the site or sites

Nothing	<input type="text" value="665070"/>	Easting	<input type="text" value="258141"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion has taken place with officers in relation to the future development potential of the site and the ability of the site to provide an appropriate 'meanwhile' use.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.63

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Temporary surface car park

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

231

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

231

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

No commercial waste is produced by the proposed use and therefore no areas to store waste are required.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

### Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

### Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

### Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

### Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Kate Donald

On behalf of: Washington Street LTD

Date: 20/03/2019

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Alison Maguire

Declaration Date: 19/03/2019

## Payment Details

Cheque: Washington St Limited, 000018

Created: 20/03/2019 16:34

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## Planning Statement

Use of Site as Car Park for a Period of 3 Years

Land bound by McAlpine Street, 47  
Washington Street, 35-55 Balaclava Street  
Glasgow

March 2019

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**Contact**  
Mary McCabe  
mary.mccabe@turley.co.uk

20 March 2019

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# 1. Introduction

- 1.1 This Planning Statement has been prepared in support of a planning application to Glasgow City Council ('the Council') for full planning permission for '*use of site as a surface car park for a period of 3 years*' ('the proposed development') located on land bound by McAlpine Street, 47 Washington Street, 35-55 Balaclava Street, Glasgow ('the site'). This application has been submitted on behalf of Washington Street Limited ('the applicant').
- 1.2 This Planning Statement provides full justification for the proposed development in planning policy and design terms and is intended to assist the Council in making a full assessment of the application, as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 25 requires that determination of a planning application be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.3 The purpose of this Planning Statement is to provide background information on the site, a summary of the site's planning history and set out key factors which should be taken into account in the determination of the application. This Planning Statement also assesses the proposed development against the relevant planning policy.
- 1.4 This Planning Statement should be read in conjunction with the other documents which accompany the application as follows:
- Application Forms, Certificates and Notices;
  - Application Drawings; and
  - Car Park Provision Survey.

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## 2. Site Context

### Site Description

- 2.1 The site is located on land bound by McAlpine Street, 47 Washington Street, 35-55 Balaclava Street, in Glasgow's city centre.
- 2.2 The site area is 0.6 hectares (Ha) and is generally flat and clear of any structures or buildings.
- 2.3 The site currently functions as a temporary car park and has undergone surface improvements including new lighting and kerbing. Previously the site has been used for a major car and van rental operation and also operated by Glasgow City Council as a public car park.

### Surroundings

- 2.4 The site is located within the International Financial Services District (IFSD), and lies within the south west part of the city centre and to the east of the Kingston Bridge. Adjacent uses are commercial in nature, reflecting the location of the site close to Argyle Street and Glasgow City Centre.
- 2.5 Bounded to the west by Strathclyde Arts Centre, the north by Hallmark Hotel, the east by Kentigern House and the south by vacant brownfield land.
- 2.6 The River Clyde is located approximately 150m south of the site and the M8 is located 100m west of the site.

### Environmental Considerations

- 2.7 The nearest heritage asset lies immediately adjacent (west) to the site which is a Category C listed building for the Royal Scottish Pipe Band Association Headquarters and College, located at 39-45 Washington Street. In addition, the Central Area Conservation Area is located approximately 140m east of the site.
- 2.8 The site is not at risk of fluvial or pluvial flooding, as identified on Scottish Environment Protection Agency (SEPA) flood maps.
- 2.9 There are no statutory or non-statutory ecological conservation designations, including any Tree Preservation Orders, in or adjacent to the site.

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### 3. Planning History and Pre-Application Consultation

- 3.1 The site has been subject to numerous planning applications in respect of its use as a car park and also in relation to mixed use redevelopment of the site. A summary of these applications has been provided in the following paragraphs:
- 3.2 **Planning application reference 95/01387/DC:** An application for outline planning permission for hotel development was submitted in May 1995. The application was granted subject to conditions in August 1995.
- 3.3 **Planning application reference 98/00890/DC:** A full planning application to use the site as a public car park was submitted in March 1998 and received planning permission (subject to conditions) in July 1998.
- 3.4 **Planning application reference 03/01683/DC:** A full planning application for the erection of mixed residential development incorporating retail unit and business space with associated off street parking was submitted in June 2003. The application received planning permission (subject to conditions) in November 2003.
- 3.5 **Planning application reference 08/02621/DC:** An outline planning application was submitted in September 2008 for the erection of mixed use development comprising hotel, office and ancillary retail development. This application was granted, subject to conditions and following conclusion of a Section 75 Agreement, in January 2016. This permission was not implemented and has now expired.
- 3.6 **Planning application reference 15/00327/DC:** A planning application for the use of the site as a temporary car park was submitted in February 2015. This application was refused by the Council in June 2015. The application was refused due to the site's location being *'too remote from City Centre uses such that it would not favour short term use by shoppers or business users'*. An appeal was lodged to the Local Review Committee (LRC) in which they overturned the refusal of permission and granted permission in February 2016. The LRC stated that if the use of the site as a car park was refused, the site could become unsightly and as a result, detract from the visual amenity of the area. The conditions attached to this included the following:
- Condition 3 – sightlines of 2x35m shall be achieved at the entrance/exit prior to the development being occupied;
  - Condition 4 – Vehicle access shall be taken via a dropped kerb footway and shall be demonstrated prior to the use of the site;
  - Condition 5 – Permeable car parking spaces 2.5x5m and aisles 6m wide shall be clearly delineated and available for use prior to occupation;
  - Condition 6 – Redundant footway crossings shall be reinstated to match footpath and to be available for users of the development;

- Condition 7 – Access gates to open inwards;
- Condition 8 – A Transport Statement to be submitted within one month of the date of the consent;
- Condition 9 – provision of a clearly delineated 2m pedestrian route shall be demonstrated via a drawing prior to commencement of the use;
- Condition 10 - details of lighting to be submitted within one month of the date of the consent;
- Condition 11 – landscaping plan and boundary treatments to be submitted within one month of the consent;
- Condition 12 – Drainage Impact Assessment to be submitted prior to commencement of use; and
- Condition 13 – details of proposed surface water drainage to be submitted prior to commencement of use.

3.7 **Planning application reference 17/00435/DC:** A planning application for the use of the site as temporary car park was submitted in February 2017. This application was refused by the Council in March 2017. An appeal was lodged and also dismissed. The reasons outlined for refusal related to the proposals being contrary to Policy CDP 11 ‘Sustainable Transport’. This is due to the fact that the site is not identified as city centre off-street car parking and the Council will not support proposals for temporary car parking in the city centre as new car parking proposals *‘would not discourage non-essential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking’*. We note that an enforcement notice (16/00274/EN) was issued and subsequently withdrawn in respect of the refusal of this application.

#### **Pre-application consultation**

3.8 The applicants are currently engaged in high level pre-application discussion with Glasgow City Council in respect of the potential of the site for future development.

#### **Principle of Use as Car Park**

3.9 The above planning history demonstrates that the use of the site as a car park is established, through its previous operation as a car park by Glasgow City Council, as parking for a major car and van rental business and also through the decision of Glasgow City Council’s Local Review Committee to allow an appeal against refusal of application **17/00435/DC** in January 2016 for the temporary use of the site as a car park.

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## 4. Development Proposal

- 4.1 The development proposal is seeking planning permission for the:  
*'Use of site as a surface car park for a period of 3 years'.*
- 4.2 The applicant wishes to operate the site as a temporary car park for a period of 3 years. The proposals will provide 231 temporary car parking spaces and associated landscaping improvements.
- 4.3 The applicant proposes to operate the car park 24 hours per day, Monday to Friday. The car park is expected to provide a service for guests of nearby hotels, such as the adjacent Hallmark Hotel, the Glasgow City Premier Inn Argyle Street and the Glasgow Marriott, also on Argyle Street and located within a short walk of the site. Hotel guests require an overnight parking facility, which the proposals allow.
- 4.4 Adjacent businesses which attract short stay parking customers include the driving theory test centre, retailers on Washington Street including Victor Paris Bathrooms and local health & fitness facilities such as Inside Out Fitness & Nutrition and Kali Collective Yoga Studio located within the Pentagon Centre.
- 4.5 In addition, the site is within approximately 10 minutes walking distance (0.6 miles) of Argyle Street/Buchanan Street retail facilities and it is expected that parking facilities at Washington Street will be attractive to visitors to the city centre for that reason. Tariffs are designed to allow for short to medium term parking requirements, responding to the needs of expected customer types.
- 4.6 The proposed tariffs are as follows:
- 0 to 2 hours: £4.00
- 2 to 4 hours: £6.00
- 4 hours to midnight: £8.00
- 4.7 The proposals include improvements to landscaping and public realm on the site. The nature of the proposed landscaping improvements has been informed by the decision of the Local Review Committee in February 2016. The Members determined that the appeal should be allowed, but that improvements to the site should be made in order to render the use acceptable in planning terms.
- 4.8 A number of improvements have recently been carried out, including introduction of 2m wide raised islands within the site which accommodate pay machines, CCTV camera mast and lighting columns which are controlled with light sensors.
- 4.9 Additional drainage has been incorporated on the site, which uses a soakaway to connect to the existing drainage network and reduces the potential for surface water flooding on the site.

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4.10 As shown on the 'Proposed Car Park Layout' (drawing reference: 180309-3DR-00-DR-D003) the Applicant proposes various site improvements which have been informed by the content of conditions attached to the previous permission (15/00327/DC). In addition to those already made in accordance with conditions, the proposed improvements are as follows:

- Car parking spaces will be clearly delineated and have dimensions of 2.5x5m with 6m aisles (please refer to Condition 5 of 15/00327/DC);
- Redundant footway crossings will be reinstated to match footpath (please refer to Condition 6 of 15/00327/DC); and
- Planting boxes will be installed within corners and at perimeter intervals.

### **Duration**

4.11 The application proposes the use of the site for a period of 3 years only. This reflects the aspiration of the applicant to ensure that the site remains in active beneficial use until such time as it can be brought forward for mixed use development pursuant to ongoing discussions with the planning authority and between parties with interests in adjoining landholdings.

### **Access**

4.12 Access to the site is provided from Washington Street and McAlpine Street. Both access points provide an entrance and exit to the proposed car park, and can achieve the required visibility splays for vehicles to achieve safe entry to and exit from the site, in accordance with Condition 3 of the previous planning permission (15/00327/DC). Both access points have dropped kerbs to facilitate safe access, in response to Condition 4 of the previous planning permission (15/00327/DC). Please refer to drawing no. 180309-3DR-00-DR-D003 Proposed Car Park Layout.

4.13 Vehicle access is controlled by industry standard Automatic Number Plate Recognition System (ANPR) system which is widely used by other sites in Glasgow City Centre. Cameras are located on poles within the car park and automatically monitor the ingress and egress of vehicles, negating the requirement for barriers and queuing lanes on the public highway. This monitoring system operates at the entry and exit points on both Washington Street and McAlpine Street, capturing all vehicles entering and exiting the park.

4.14 The site has excellent connections to the city centre and public transport links are located within a short walking distance of the site, for example bus stops on Argyle Street are within 200m of the site.

4.15 We note that Condition 8 of the previous planning permission (15/00327/DC) required a Transport Assessment to be submitted for the approval of the Council within 1 month of the issue of planning permission. We consider that an appropriate statement prepared by a transport consultant could be scoped and agreed with the Council's transportation officers and secured through an appropriate condition. The Applicant agrees to accept such a condition on approval of the proposed development.

## Landscaping

- 4.16 As outlined above, the previous permission (application reference: 15/00327/DC) was granted subject to a variety of conditions which related to landscaping, lighting and environmental improvements and sought to render the proposed development acceptable in planning terms. As such, this application has sought to ensure that these previous conditions are met. In addition, landscaping works were carried out in July 2017 which included the installation of 2m wide raised pedestrian islands which transverse the site, the installation of two high wattage LED lighting columns which operate 24 hours per day, two parking meters and a 360 degree pole mounted CCTV system monitoring the car park 24 hours per day.
- 4.17 We consider that these improvements satisfy Conditions 9 and 10 of the previous planning permission (15/00327/DC).
- 4.18 The periphery of the site is well lit by high level street lights along the site boundaries with Washington Street, McAlpine Street and Balaclava Street. In addition, the entire site boundary is secured with a sturdy low level timber post and rail fence on three sides and the remaining side is bounded by a 3m high brick wall.
- 4.19 The proposed planting boxes will be maintained by an attendant employed by the applicant in order to ensure that these continue to contribute to improved public realm in the immediate area and do not fall into disrepair.
- 4.20 We note that Condition 11 of the previous planning permission (15/00327/DC) requires the submission of a landscaping plan and details of landscape management arrangements for the approval of the Council. The Applicant agrees to accept a similar condition upon approval of the proposed development.

## Drainage

- 4.21 Surface water is captured in two new manhole chambers, installed in March 2017, located at the southern end of the site and noted on Drawing 180309-3DR-00-DR-D002 – Existing Site Layout. These chambers are connected to existing storm drainage within the curtilage of the site, in a location assessed as the natural point for collection of surface water run-off. A 200mm graded hardcore base, laid in July 2016, improves drainage to this location.
- 4.22 We consider that where details of drainage infrastructure are required, this can be secured through an appropriate planning condition. We note that conditions 12 and 13 of the previous permission (15/00327/DC) request a Drainage Impact Assessment and details of drainage design to be submitted to the Council in order to demonstrate that the use of the site will not have any adverse impact on flood risk in the surrounding area or on any nearby watercourse. The Applicant agrees to accept a similar condition upon approval of the proposed development.

## Summary

- 4.23 We consider that the proposed development takes cognisance of the Conditions attached to the Local Review Committee decision to approve the previous application

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for use of the site as a temporary car park. These Conditions were conceived in order to render the proposed development acceptable in planning terms; the improvements already carried out satisfy the terms of those Conditions.

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## 5. Planning Policy Context

- 5.1 This section of the Planning Statement identifies the overarching planning policy and guidance applicable to the site which will be used by the Council to assess the proposed development.
- 5.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires decisions to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

### **The Development Plan**

- 5.3 In this case the development plan for the site comprises of the following:
- The Glasgow and the Clyde Valley Strategic Development Plan (SDP)('Clydeplan'); and
  - The Glasgow City Development Plan (CDP) and the associated Supplementary Guidance (SG) and Interim Planning Guidance (IPG) documents.

### **Clydeplan Strategic Development Plan**

- 5.4 The Clydeplan was approved in July 2017 and provides a spatial strategy for Glasgow City and the following local authority areas: East Dunbartonshire, East Renfrewshire, Inverclyde, North Lanarkshire, Renfrewshire, South Lanarkshire, and West Dunbartonshire.
- 5.5 Clydeplan sets out the vision for the long-term development of the city and provides guidance on the cross-boundary issues such as housing, strategic infrastructure, transport, water supply, waste water and strategic green networks. The aim of the guidance is to set clear parameters for subsequent Local Development Plans (LDPs).
- 5.6 Due to the nature and local scale of the proposed development, it is considered that there are no directly applicable policies within Clydeplan.

### **The Glasgow City Development Plan**

- 5.7 The CDP was adopted in March 2017 and provides detailed guidance on the shape, form and direction of development in Glasgow, indicates the way in which the Council wishes to see the City's physical structure develop and identifies the planning action and infrastructure investment required to deliver this change.
- 5.8 The CDP contains and number of relevant policies that will be pertinent to the consideration of the application. A suite of associated SG also sits alongside CDP policies and should be considered in conjunction.

### **CDP Allocation**

- 5.9 The site is subject to the following designations as shown in the online CDP Policy and Proposals Map:

- International Financial Service District (IFSD) – Strategic Economic Investment Location; and
  - Glasgow City Centre – Strategic Economic Investment Location (SEIL).
- 5.10 As such, it is considered that the following CDP policies and their associated SG or IPG is of relevance in the determination of any forthcoming application for the proposed development:
- CDP 1 The Placemaking Principle and SG 1 (Part 1 and Part 2);
  - CDP 2 Sustainable Spatial Strategy;
  - CDP 3 Economic Development and IPG 3;
  - CDP 4 Network of Centres and SG 4; and
  - CDP 11 Sustainable Transport and SG 11.
- 5.11 Policy CDP1 and CDP2 are the overarching policies for the CDP which must be considered for all proposed developments in order to help achieve the key aims of the plan.

***CDP 1 The Placemaking Principle and SG 1 (Part 1 and Part 2)***

- 5.12 This policy outlines the six qualities of place which are the basic principles that should be applied to all development proposals in Glasgow. These are; character and identity, successful open space, legibility and safety, ease of movement, vibrancy and diversity and adaptability and sustainability.
- 5.13 CDP 1 supports proposals that:
- Promote connectivity, active travel and public transport use rather than private car use;
  - Take the opportunity to deliver an integrated approach to infrastructure delivery; and
  - Ensuring new activity does not result in the deterioration of air quality and noise.
- 5.14 SG 1 Part 1 ensures that development proposals adopt a placemaking design led approach / process. This SG also outlines key character environments for the city centre and priorities which will ‘help to reinforce, reactivate and reconnect the city centre as Scotland’s commercial and cultural hub whilst repairing, respecting, refining and enhancing its distinctive character and sense of place.
- 5.15 SG 1 Part 2 outlines that, although longer term / permanent redevelopment of vacant sites is preferred, it has been proven that *‘temporary improvements to vacant and derelict sites also have wide ranging impact with multi benefits for local areas’*. This SG goes on to outline the criteria that temporary development and uses of land will be considered against and provides the following:

- Temporary development shall not have a harmful impact upon neighbouring properties or residential amenity as a result of the nature of the use or activity it generates;
- Temporary development shall not adversely impact on the continuity of legitimate public access;
- Temporary development will be expected to make a positive contribution towards visual amenity and not incorporate design or materials harmful to the surrounding area;
- Successful proposals will be subject to time limiting conditions setting the time period for their cessation and will be expected to implement approved method statements detailing the reinstatement of the land or building(s) once the temporary use ends should any permanent use not be implemented immediately afterwards; and
- Applications will be supported by a statement outlining the terms of the agreement with the land owners (where applicable) including acknowledgement that the use will be temporary, confirmation that money for the reinstatement of the site is available once the temporary activity ends and details of any notice period agreed.

#### ***CDP 2 Sustainable Spatial Strategy***

5.16 Policy CDP 2 focuses on the regeneration and redevelopment of the existing urban area and supports proposals that *'prioritise the remediation and reuse of vacant and derelict land'*.

#### ***CDP 3 Economic Development and IPG 3***

5.17 Policy CDP 3 states that the Council will support development proposals that support and encourage existing employment-generating business and industry and support and improve the city's transport infrastructure.

5.18 The site is identified as a SEIL in the Council's Supplementary Guidance on Economic Development (IPG 3). Page 11 sets out the Council's aims in terms of maintaining and improving the attractiveness of SEIL locations to existing, incoming and relocating businesses. Paragraphs 2.10 to 2.14 note the Council's approach to assessment of proposals for uses out with Classes 4, 5 and 6 of the Town & Country Planning (Use Classes)(Scotland) Order 1997, and states at 2.10 that the Council will resist proposals which *"would undermine the attractiveness and viability of the areas and weaken the City's ability to retain and attract investment."*

5.19 In addition, paragraph 2.14 states that *"Ancillary facilities that support industrial and business uses may be permitted where they enhance the attraction and sustainability of the area for industrial and business investment. Such facilities should be of a scale that is aimed primarily at meeting the needs of businesses and employees within the EDA."*

**CDP 4 Network of Centres and SG 4**

5.20 The site is located within the City Centre which is *'the primary location for retail, office, commercial leisure, tourism and civic uses serving the city region as well as a national transport hub'*. Policy CDP 4 states that:

*'1. Town Centres*

*The Council will favour proposals that:*

*...*

*b. Support the primary retail, office and leisure functions of the City Centre in accordance with Supplementary Guidance, the Glasgow City Centre Strategy and Action Plan 2014-2019 and associated Spatial Supplementary Guidance.'*

5.21 The role and function of the City Centre, and associated aims, are specified in Table 1 of SG 4, which states that the aim is to:

- support its primary retail function by promoting development opportunities for retail and commercial development;
- support a diversity of land uses and distinctive character areas in line with the City Centre strategy;
- maintain its attractiveness as an investment location through the renewal of the built environment and supporting infrastructure; and
- attract high quality employment opportunities.

5.22 Furthermore, the SG 4 shows that the site is located within the Principal Office Area.

**CDP 11 Sustainable Transport and SG 11**

5.23 Policy CDP 11 aims to ensure that Glasgow is a connected city characterised by sustainable and active travel through:

- *'supporting better connectivity by public transport;*
- *discouraging non-essential car journeys;*
- *encouraging opportunities for active travel;*
- *reducing pollution and other negative effects associated with vehicular travel;*  
*and*
- *optimising the sustainable use of transport infrastructure, including the River Clyde and Forth and Clyde Canal, and the route of the Rail Link to Glasgow Airport and supporting economic development.'*

5.24 This policy goes on to state that it safeguards existing transport infrastructure and that development proposals should protect and enhance the quality and continuity of cycle routes and core paths.

- 5.25 SG 11 supports Policy CDP 11 and outlines guidance on how the provision and design of parking for vehicles should be implemented and limits off-street parking to existing levels or replacement provision that does not exceed the provision being replaced.
- 5.26 Section 8 and Figure 3 of SG 11 outlines the locations of the existing public provision of off street parking in the city centre.

## **Material Considerations**

### **Broomielaw District Regeneration Framework (BDRF)**

- 5.27 District Regeneration Frameworks are an outcome of the City Centre Strategy, which was approved in 2014, and sets out the Council's visions for Glasgow's City Centre setting out objectives and actions relating to management, development, infrastructure and promotion.
- 5.28 The BDRF was approved by the City Administration Council committee on 7 February 2019 and has recently gone out for public consultation.
- 5.29 The BDRF sets out seven main objectives focused on supporting a people-first, inclusive, connected and economically sustainable district. The seven main themes are as follows:
- (Y)our River Park: To create a world-class linear public space along both banks of the River Clyde;
  - (Y)our urbanised M8: To maintain the benefits of an urban motorway whilst reducing its negative impacts;
  - (Y)our great streets and spaces: To optimise Glasgow's street grid and address the shortage of quality green spaces;
  - (Y)our updated mobility: to enhance Glasgow's public transport and active travel networks to create a sustainable, walkable city;
  - (Y)our great buildings: To respect Glasgow's fine built heritage with highest quality contemporary design;
  - (Y)our vibrant Broomielaw: To create a lively, convivial, attractive mixed use riverfront city centre district; and
  - Transforming (Y)our Broomielaw: to initiate change in a way that responds to the vision and guidance set out by the DRF.

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## 6. Planning Assessment

### Introduction

- 6.1 This chapter of the Planning Statement provides an assessment as to whether the proposed development is considered to be in accordance with the relevant policies outlined in the previous chapter.
- 6.2 In order to fully assess the policy compliance, and any additional material considerations, we have considered the proposed development against the following key issues that are of primary relevance to the determination of the planning application:
- Principle of Development;
  - Traffic & Transportation; and
  - Design & Appearance.

### Principle of Development

- 6.3 The Adopted City Development Plan (2017) designates the site as part of the IFSD, a SEIL and also as being within the Principal Office Area of Glasgow city centre. Business and financial services are identified as key sectors for the IFSD. The site is therefore considered to have significant potential for future development in support of the City Development Plan aims for these areas.
- 6.4 Despite previously gaining planning permission on the site for the erection of mixed use development, this has not been implemented due to the challenging development market. It is considered that the proposed development for a temporary car park will ensure a continuing active beneficial use and prevent the site from lying vacant and derelict until it can be brought forward for mixed use development.
- 6.5 We consider that the temporary use of the site as a car park would provide an appropriate 'meanwhile' use during the time period prior to its redevelopment; the provision of car parking close to the city centre and also to business occupiers in the immediate area fulfils a need for car parking facilities. The proposal provides an appropriate ancillary facility for the designated SEIL, in accordance with IPG3 paragraph 2.14, which notes that *"Such facilities should be of a scale that is aimed primarily at meeting the needs of businesses and employees within the EDA"*.
- 6.6 The proposed upgrading of the site, as set out above at Section 4, will improve the quality and attractiveness of the adjacent public realm.
- 6.7 Refusal of this planning application will result in the site becoming vacant brownfield land; removing an active use would also reduce amenity of neighbouring buildings through a reduction in passive surveillance throughout the day from customers to the car park. Vacant brownfield sites can quickly become a source of anti-social behaviour, such as fly-tipping and unauthorised access and occupation. There are a number of

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vacant sites in the immediate area, which combined with inappropriate city centre uses, such as the adjacent scrap merchants' on Washington Street, exert a negative effect on the attractiveness and vitality of the area. Should the application site become vacant and derelict this would have a cumulative negative affect, contrary to the Council's aims for the IFSD.

- 6.8 The site remains capable of development which would support the aims of the City Development Plan in terms of its designation as part of the IFSD and Principal Office Area. We acknowledge that the development potential of the site would not be reduced were it to become vacant; however, the operation of a temporary car park is an active economic use of the site which would prevent a further deterioration in the quality of public realm and character of the immediate area.
- 6.9 In addition, the operation of a temporary car park would necessitate the payment of business rates to Glasgow City Council, increasing their capability, once rates are re-distributed by the Scottish Government, to provide council services.
- 6.10 SG 1 Part 2 of the CDP outlines that temporary improvements to vacant and derelict sites have a wide ranging impact and multi benefits for local areas. Furthermore, this SG goes on to outline the criteria that temporary uses of land will be considered against. It is considered that the proposed development fully complies with these criteria for the following reasons:
- The proposed development will not cause any negative impact upon neighbouring properties or residential amenity;
  - The proposed development will not adversely impact on the continuity of legitimate public access;
  - The proposed development will make a positive contribution towards visual amenity through the proposed landscaping, lighting and environmental improvements; and
  - The proposed development is subject to a time limitation of 3 years as this is considered to provide enough time for the applicant to bring forward the site for alternative uses.

### **Traffic & Transportation**

- 6.11 We note that SG 11 sets out the background to the Council's policy in relation to the provision of off-street car parking within the city centre and that policy CDP 11 notes that permission will only be granted for off-street car parking where "*City Centre public off-street parking will be limited to existing levels (as shown on Figure 19) or replacement provision that does not exceed that being replaced*" (City Development Plan, p. 111). In order to determine the existing level of car parking spaces against the number stated within Figure 19, a Parking Provision Survey has been undertaken and is submitted in support of this planning application.
- 6.12 The Parking Provision Survey outlines that there is a discrepancy between the level of car parking provision stated within Figure 19 of SG11 and that which can be observed

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through publically available data online. Figure 19 shows that a total of 12,721 car parking spaces within Glasgow city centre is considered by the council to be an acceptable level of provision. The Parking Provision Survey concludes that there are currently 12,278 spaces available within the locations identified in SG11. Therefore, there is a difference in provision of 443 fewer parking spaces within the city centre defined area. As such, we consider that the proposed development would not result in over-provision of public car parking within the defined city centre area and would not be contrary to Policy CDP 11 or SG 11.

- 6.13 In addition, despite a desire to reduce unnecessary car journeys, the Council still *“recognises that it is important to ensure an appropriate provision of public parking to support the business and shopping functions of the City Centre”* (SG11, 8.1). Suitable conditions could be attached relating to the proposed means of access control that would ensure that the temporary use does not impinge on the Council’s sustainability and transport objectives.
- 6.14 Furthermore, the proposed development is for a temporary use which will not undermine long-term car parking provision in the locality of the site.

### **Design & Appearance**

- 6.15 It is noted that one of the main challenges outlined within the recently approved Broomielaw DRF is that cars take up a disproportionate amount of public space. It is considered, however, that the temporary use of the site as a car park would provide an appropriate meanwhile use until the site is redeveloped instead of the site lying vacant / derelict. Refusal of this planning application will result in the site becoming vacant brownfield land; removing an active use would also reduce amenity of neighbouring buildings through a reduction in passive surveillance throughout the day from customers to the car park.
- 6.16 In addition, it is recognised that the reasons for refusal for the previous planning permission also related to the fact that the applicant had breached the conditions prescribed in terms of adequate lighting and environmental improvements. As outlined above, the applicant has already undertaken improvements to the site in terms of surface water drainage, landscaping works, street lighting and vehicle access control. The applicant is committed to undertaking the further improvements (as outlined in Section 4) to ensure that the proposed development improves the quality and attractiveness of the adjacent public realm.

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## 7. Summary and Conclusions

- 7.1 The proposed development will ensure that there continues to be an active beneficial use on site and prevent the site from lying vacant and derelict until the site can be brought forward for mixed use development. The proposed upgrading of the site, as set out above, will improve the quality and attractiveness of the adjacent public realm.
- 7.2 The accompanying Parking Provision Survey has shown that the level of car parking provision which has been agreed by the Council as an acceptable level of car parking is not consistent with the assessed provision, there being 443 less spaces available than stated in SG11 Figure 19, and that there is capacity for an additional 246 car parking spaces without compromising the aims of CDP11 or SG11.
- 7.3 The provision of car parking which is located close to the city centre and with business occupiers in the immediate area fulfils a need for short term car parking facilities.
- 7.4 The applicant considers that the proposal to use the site as a temporary car park for a period of 3 years is appropriate in respect of the material considerations set out above. Furthermore, the applicant is committed to working with Glasgow City Council in respect of this site, in the context of its potential to come forward as part of wider redevelopment proposals for the immediate area and in support of City Development Plan policy.
- 7.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that *'where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise (a) to be made in accordance with that plan'*.
- 7.6 The determination of applications should be based on applying a balanced judgement and should take full cognisance of material considerations which weigh in the direction of any areas of non-compliance with policy. As such, it is clear that development proposals are not expected to accord with every policy within the applicable development plan and that a factor of subjective judgement from the decision maker should be taken.
- 7.7 We respectfully request that Glasgow City Council approve this application for the use of the site at Washington Street/Balaclava Street as a temporary surface car park, subject to fair and reasonable conditions.



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**Appendix 1: Local Review Committee Decision  
15/00327/DC**



Acting Executive Director  
Carole Forrest LLB DipLP

Corporate Services  
Glasgow City Council  
City Chambers  
Glasgow  
G2 1DU

15 FEB 2016

Our Ref: 15/00051/LOCAL  
Your Ref:  
Date: 12 February 2016

Ryden  
Per Ged Hainey  
130 St Vincent Street  
GLASGOW  
G2 5HF

Dear Sir/Madam

**GLASGOW CITY COUNCIL PLANNING LOCAL REVIEW COMMITTEE**

APPELLANT: **Strathclyde Homes (Washington Street) Limited**  
PLANNING REFERENCE: **15/00327/DC**  
REVIEW REFERENCE: **15/00051/LOCAL**  
REVIEW ADDRESS: **Site Bounded By Mcalpine Street Incorporating 47 Washington Street  
Incorporating 35-55 Balaclava Street Glasgow**  
REVIEW PROPOSAL: **Use of site as temporary car park.**

I enclose for your information the decision notice in respect of the above review.

If the applicant is aggrieved by the decision of the Local Review Committee to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Yours faithfully



Maureen Hughes/Anna Castelvetti  
Senior Committee Officers  
Corporate Services  
City Chambers  
Glasgow  
G2 1DU



Glasgow City Council Corporate Services	
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**DECISION BY GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE UNDER REGULATION 12 OF THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Request for Review by: Mr B. O'Kane**

**Review Reference Number: 15/00051/LOCAL**

**Planning Application Reference: 15/00327/DC**

**Site Address: Site bounded by McAlpine Street incorporating 47 Washington Street and 35-55 Balaclava Street, Glasgow**

**Proposal: Use of site as temporary car park**

**Reason for seeking review: Refusal of application by appointed officer**

**Application Drawings:**

**Drawing**

**Location Plan**

**LL(90)001**

**Planning Statement Submitted 13 February 2015**

**DECISION**

**1. Introduction**

Having undertaken the review, the Local Review Committee (LRC) has decided to overturn the refusal of planning permission dated 2 June 2015, and grant planning permission.

The LRC had been in receipt of a folio of documents. This included the material required by the Development Management Regulations and other background information which included scanned images of the application plans and photographs of the application site. In light of the information provided, the LRC decided that it had enough information to determine the Review without further procedure.

**2. Description and Proposal**

The site is located in the Broomielaw area of the City Centre, bounded to the west by Washington Street, to the north by Balaclava Street, and to the east by McAlpine Street.

### 3. Policy

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that any determination under the Act shall be made in accordance with the development plan unless material considerations indicate otherwise.

The Glasgow and the Clyde Valley Strategic Development Plan has no specific strategies which are directly relevant to this case.

The relevant adopted City Plan 2 policy in this case is TRANS11 (Temporary Public Car Parks). It sets out the following considerations:

#### AIM

To ensure public car parking supports the shopping and business needs of the City Centre while restraining private car commuting.

#### POLICY

##### PERMANENT PUBLIC CAR PARKS

Additional permanent public car parking will be limited to those proposals identified on the accompanying Permanent Public Parking Supply Map.

Exceptions may only be acceptable as a replacement for an:

- Existing planning permission that has lapsed;
- Identified proposal that has been dropped; or
- Existing permanent public car park that is removed from the supply.

Proposals should be conveniently located for shoppers and business visitors and no more than five minutes' walk from the City Centre Principal Retail (PRA) and Office (POA) Areas (See City Centre Development Policy Principles Map).

##### TEMPORARY PUBLIC CAR PARKS

Temporary off-street car parking requires to comply with the following criteria:

- Spaces should be provided on a short-term basis, only, for shoppers and business visitors;
- A valid planning permission should exist for the permanent redevelopment of the site, with the temporary car park use being time limited;
- Proposals should be in excess of 50 spaces and will require environmental benefits to be obtained from the site, e.g. border treatment, site levelling, acceptable surfacing and marked out parking spaces (the extent of the required treatment will depend on the prominence and size of the site in question).

##### OFF STREET PERMANENT AND TEMPORARY PUBLIC PARKING

All proposals will require to meet the following traffic criteria:

- Safe access and egress;
- No queuing on road; and
- No disruption to public transport.

Proposals beyond the boundary of the City Centre, intended to serve commuting demand, will not be supported, except where part of an approved park and ride facility.

Applicants for all sites will require to submit a parking tariff structure (fully price differentiated), favoring short-stay use and discouraging long-stay use, for approval of the Council.

In addition, policy CDP 11 Sustainable Transport, of the Proposed Glasgow City Development Plan indicates that the Council will not support proposals for temporary car parking in the City Centre (unless necessary as an interim measure when replacing permanent provision).

#### 4. **Assessment Against Policy**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that any determination under the Act shall be made in accordance with the development plan unless material considerations indicate otherwise.

The LRC noted that the site is currently in use as a car park. It was also recognised that the car park has in excess of 50 parking spaces, and the proposal is therefore in accord with the minimum size of temporary car parks required by policy TRANS11.

It was noted that the car park is not surfaced in an appropriate material and, as a result, there are associated issues related to drainage, and also the possibility of damage to cars using the site. It was considered, however, that these issues could be appropriately remedied through a planning condition(s) which requires the site to be surfaced in an acceptable material, as required by policy TRANS11.

The LRC noted that the submitted structure of parking charges favours short-stay use, and discourages long stay use, as required by policy TRANS11.

It was noted by the LRC that policy TRANS11 requires the provision of safe access and egress to all off-street car parks. It was considered that, in this case, this requirement could be met through an appropriate planning condition.

Policy TRANS11 requires a valid planning permission to exist for the permanent redevelopment of the site, with the temporary car park use being time limited. The LRC recognised, however, that while there is no current planning permission for the redevelopment of the site, a planning application for a mixed use development comprising hotel, office, and ancillary retail development is pending a decision by the Council. It was noted that the Council is minded to grant planning permission for that application, subject to conditions, and the completion of a Section 75 legal agreement. The agreement relates to a contribution towards the Fastlink scheme, improvements to the local road network, and for the provision of a Green Travel Plan.

The LRC considered that were planning permission for the use of the site as a car park refused, it could become unsightly and detract from the visual amenity of the area as a result. The LRC considered that the use of a vacant site would be beneficial, and by granting the proposal temporary planning permission, subject to conditions requiring environmental improvements, the site could be enhanced, and it would positively contribute to the amenity of the area.

While the applicant sought a three year temporary consent, the LRC considered that a 1 year consent would be appropriate, and would allow the applicant to undertake improvements to the site, and contribute to the parking supply within the City.

#### 5. **Material Considerations**

The LRC noted the material considerations in support of the proposal, raised by the applicant. These can be summarised as follows:

- The site is the subject of a planning application for a mixed use development comprising a hotel, office and ancillary retail (ref: 08/0621/DC). Council are supportive, subject to signing a Section 75 agreement, the contents of which is agreed;
- The site is not too remote from the City Centre. It is within the IFSD, and within walking distance of a number of key City Centre destinations;
- The 233 spaces proposed are aimed at serving the short-term needs of shoppers, business visitors and those attending meetings/lunches at nearby hotels and nearby businesses. The proposed tariffs are aimed at short stay visitors. They range from: up to 1 hour - £1.50, up to 6 hours £11.00;
- The site has been improved, including clearing and levelling, and new kerbing. Resurfacing and landscaping would be implemented if permission is granted. No environmental enhancements will be implemented if the proposal is refused planning permission;
- Development of the mixed use proposal some way off. The proposed car park use would not impact on the site's redevelopment, and would deliver interim improvements;
- Use for temporary parking is beneficial to the City's economy. The site is 1.34 km from the Hydro and is close to Anderson railway station;
- The site is in an urban location, and there are a limited number of residential units in its vicinity. Planning conditions could minimise impact.
- There have been positive negotiations with the adjoining scrap yard owner, and Scottish Enterprise who own the site at 236 Broomielaw, towards an agreed masterplan for a cohesive mixed use development.
- Controlled temporary car parking has been welcomed by adjoining retailers and hoteliers;
- The site is being actively marketed to achieve the best end use.

The LRC noted the issues raised through representations. These can be summarised as follows:

- The site is used as an unauthorised car park, despite enforcement action, and for commuter parking;
- The car park is used late at night by those attending concerts at the Hydro, thereby impacting on residential amenity in the neighbouring streets;
- The existing rear access to the car park requires motorists wishing to use the car park to drive over the pedestrian path. This was particularly dangerous during the winter months when visibility was poor;
- The proposal is targeted at commuters;
- As spaces are advertised at £5 per day or £20 per week, they are not provided on a short-term basis for shoppers and business visitors;
- The Pay and Display machine advertises an hourly rate of £1 and a daily rate of £5;
- The site has metal pipes protruding from the surface, no surface drainage, an uneven surface, and no marked out spaces;
- The Council indicates that no new temporary permissions for car parks, or renewal of existing temporary permissions, will be approved;
- The proposal is contrary to the aims of City Plan 2, the City Centre Strategy, and the City Centre Traffic Strategic Plan, which aim to increase public transport use and reduce car travel;
- There is no valid planning permission in place as required by policy TRANS 11 of City Plan 2;
- A temporary car park will have a negative impact on air quality, visual amenity, and traffic issues within the area;

## 6. Decision

While the applicant sought a three year temporary consent, the LRC considered that a 1 year consent would be appropriate, and would allow the applicant to undertake improvements to the site, and contribute to the parking supply within the City.

Following the discussion and considerations described above, the LRC agreed to grant planning permission subject to the following conditions:

01. The development shall be implemented in accordance with the drawing entitled 'Location Plan', as qualified by the undernoted condition(s), or as otherwise agreed in writing with the planning authority.

Reason: As this drawing constitutes the approved development.

02. The use of the site is limited to one year from the date of this consent at which date the use of the site shall stop, thereafter the site shall be restored within one month.

Reason: Having regard to the temporary nature of the proposed development.

03. Before any part of the development is occupied, sightlines of 2 metres by 35 metres shall be achieved at the access/exit. Any structure or planting within the sightlines shall at all times have a maximum height of 1 metre.

Reason: To enable drivers of vehicles approaching this junction to have a clear view over a length of road sufficient to allow safe exit.

04. Vehicular access shall be taken via a dropped kerb footway crossing in accordance with Figure 10.19 of the Glasgow City Council Roads Development Guide. A scale drawing demonstrating this shall be submitted for the written approval of the Planning Authority prior to the use of the site.

Reason: To ensure that the access complies with approved standards in the interests of pedestrian and vehicular safety.

05. The car parking area(s) shall be permeable but shall exclude loose material. Car parking spaces (each space measuring 2.5 x 5.0 metres) and aisles (6 metres wide) shall be clearly delineated on the ground. The car parking area(s) shall be available for use before the development/the part of the development served by the car parking in question, is occupied.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; and to ensure that car parking is available for the occupiers/users of the development.

06. All redundant footway crossings shall be removed and the footway(s) reinstated to match the dimensions of the existing footway(s) as soon as the access(es) serving the development is/are available for use by the occupiers of the development.

Reason: In the interests of pedestrian safety.

07. Any access gates shall open inwards only.

Reason: To ensure that gates do not obstruct pedestrian or vehicle movement or create a safety hazard.

08. A Transport assessment to be submitted in line with City Plan 2 policy, DG/TRANS 1 – Transport Assessments shall be submitted for the written approval of the Planning Authority within one month of the date of this consent.

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

09. Provision shall be made for a clearly delineated pedestrian route, a minimum width of 2 metres to and from the entrance,/exit, to prevent conflict with vehicles and the activities of pedestrians using the premises. A drawing demonstrating compliance shall be submitted for the written approval of the Planning Authority prior to the commencement of the use.

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

10. Adequate lighting to be supplied within the car park by the developer. Full details of the type and location of the lighting shall be submitted for the written approval of the Planning Authority within one month of the date of this consent.

Reason: In the interests of pedestrian and vehicular safety.

11. Within one month of the date of this consent full details of a landscaping plan including plant and tree species, planters, hedging and boundary treatments accompanied by a phasing plan outlining implementation timescales and a maintenance strategy shall be submitted for the written approval of the Planning Authority and thereafter implemented on site in the approved manner.

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

12. Prior to the commencement of the use on site a Drainage Impact Assessment demonstrating that there will be no detrimental impact on any water course and that flooding will not be increased in the surrounding area as a result of the development shall be submitted for the written approval of the Planning Authority and thereafter implemented on site in the agreed manner.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; to ensure that car parking is available for the occupiers/users of the development; and to minimise the risk of flooding and its adverse effects.

13. Prior to the commencement of the use on site full details of the proposed surface water drainage design and SUDS (Sustainable Urban Drainage Systems) features shall be submitted for the written approval of the Planning Authority and thereafter implement on site in the agreed manner.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; to ensure that car parking is available for the occupiers/users of the development; and to minimise the risk of flooding and its adverse effects.

14. The use of the premises shall be restricted to the following days and hours of operation: Monday to Sunday (inclusive), 8am –12.00pm (midnight).

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

**7. Advisory Notes**

01. Prior to implementation of this permission, the applicant should contact Development and Regeneration Services at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.
02. The applicant will require to apply to the Council (and be granted) approval under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on site.
03. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984.



Carole Forrest  
Acting Executive Director of Corporate Services  
Corporate Services  
Glasgow City Council

Date: 12 February 2016

For further information please contact:

Maureen Hughes/Anna Castelveccchi  
Senior Committee Officers  
Corporate Services  
City Chambers  
Glasgow

Telephone:  
Email:  
Email:



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**Turley Office**  
26 Dublin Street  
Edinburgh  
EH3 6NN

T 0131 297 0225

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# Car Parking Provision Survey

Land bound by McAlpine Street, 47 Washington Street, 35-55 Balaclava Street, Glasgow

March 2019

## 1. Introduction

- 1.1 This study has been undertaken to determine whether the number of available car parking spaces in Glasgow City Centre meets or exceeds the level of provision outlined within the Glasgow City Development Plan (GCDP) 2017.
- 1.2 It is considered that if the level of existing car parking provision within Glasgow City Centre is lower than the level of provision stated within in the GCDP 2017, then capacity exists for additional car parking provision within Glasgow City Centre.
- 1.3 If such capacity exists, it can be reasonably considered that the proposed use of the above site for temporary car parking will not result in overall provision exceeding the maximum stated in the GCDP.

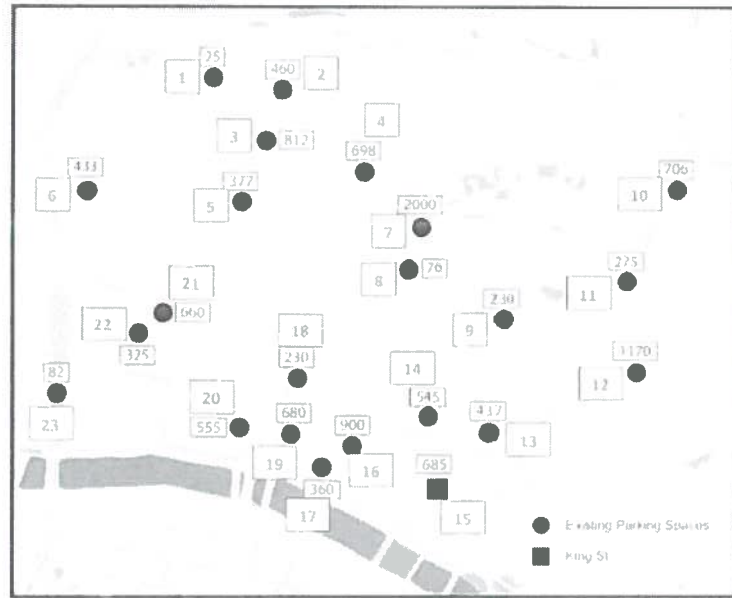
## 2 City Development Plan 2017

- 2.1 The GCDP states that the quantity of car parking spaces in Glasgow City Centre should not exceed the level set out in Figure 19 of Supplementary Guidance (SG) 11 and states the following:

*“The Council will:*

*5. Limit public off-street parking in the City Centre to the levels to be identified in the City Centre SDF and LDFs. Until these documents are adopted, City Centre public off-street parking will be limited to existing levels (as shown on Figure 19) or replacement provision that does not exceed that being replaced”*

Figure 19 of SG 11



Legend	Name	Legend	Name	Legend	Name
1	Burnside Street	9	NCP George Street	17	Q Park St Enoch
2	Dundasvale	10	Glasgow Royal Infirmary	18	NCP Mitchell Street
3	Cambridge Street	11	Cathedral Square 1 & 2	19	Q Park Jamaica Street
4	Concert Square	12	Duke Street	20	NCP Oswald Street
5	Q Park Sauchiehall Street	13	Q Park Candleriggs	21	Q Park Waterloo Street
6	Charing Cross	14	NCP Glasshouse	22	Cadogan Square
7	Buchanan Galleries	15	NCP King Street	23	Newton Street
8	Queen Street Station	16	St Enoch		

### 3 Methodology: Determining Existing Provision

3.1 In order to gather data on the existing car parking provision within Glasgow City Centre against the figures stated within the GCDP, the following methodology was undertaken:

- Analyse Figure 19 to determine the Development Plan ceiling on parking provision (accomplished by summing the figures provided and cross-reference with GCDP text);
- Evaluate the capacity stated in Figure 19 against publically available data online to verify that the quantity of spaces noted in Figure 19 is consistent with the number currently provided by car park operators;
- Determine whether there is sufficient capacity for the proposed temporary car park.

## 4 Analysis

4.1 Table 1 below outlines the number of car parking spaces provided by Figure 19 against the number of car parking spaces extracted from public information.

**Figure 19 Car Parking Provision Figures**

Legend	Name	Operator	GCC	Turley Audit	Difference
1	Burnside Street	GCC	25	25	0
2	Dundasvale	GCC	460	460	0
3	Cambridge Street	GCC	812	812	0
4	Concert Square	GCC	698	598	100 less
5	Q Park Sauchiehall Street	Q Park	377	372	5 less
6	Charing Cross	GCC	433	433	0
7	Buchanan Galleries	Buchanan Galleries	2000	2000	0
8	Queen Street Station	Scotrail	76	76	0
9	NCP George Street	NCP	230	274	44 more
10	Glasgow Royal Infirmary	APCOA	706	706	0
11	Cathedral Square 1 & 2	GCC	275	237	38 less
12	Duke Street	GCC	1170	1170	0
13	Q Park Candleriggs	Q Park	437	365	72 less

14	NCP Glasshouse	NCP	545	504	41 less
15	NCP King Street	NCP	685	620	65 less
16	St Enoch	St Enoch	900	900	0
17	Q Park St Enoch	Q Park	360	360	0
18	NCP Mitchell Street	NCP	230	184	46 less
19	Q Park Jamaica Street	Q Park	680	560	120 less
20	NCP Oswald Street	NCP	555	555	0
21	Q Park Waterloo Street	Q Park	660	660	0
22	Cadogan Square	GCC	325	325	0
23	Newton Street	GCC	82	82	0
<b>Total</b>			<b>12721</b>	<b>12278</b>	<b>443 less</b>

4.2 From Table 1, it is noted that there are 443 less car parking spaces currently available in Glasgow City Centre than stated within Figure 19 of SG 11.

## 5 Conclusion

5.1 As the proposed development comprises the provision of 231 temporary car parking spaces, it is considered that there is sufficient capacity within the limit set by GCC to accommodate the proposed development.

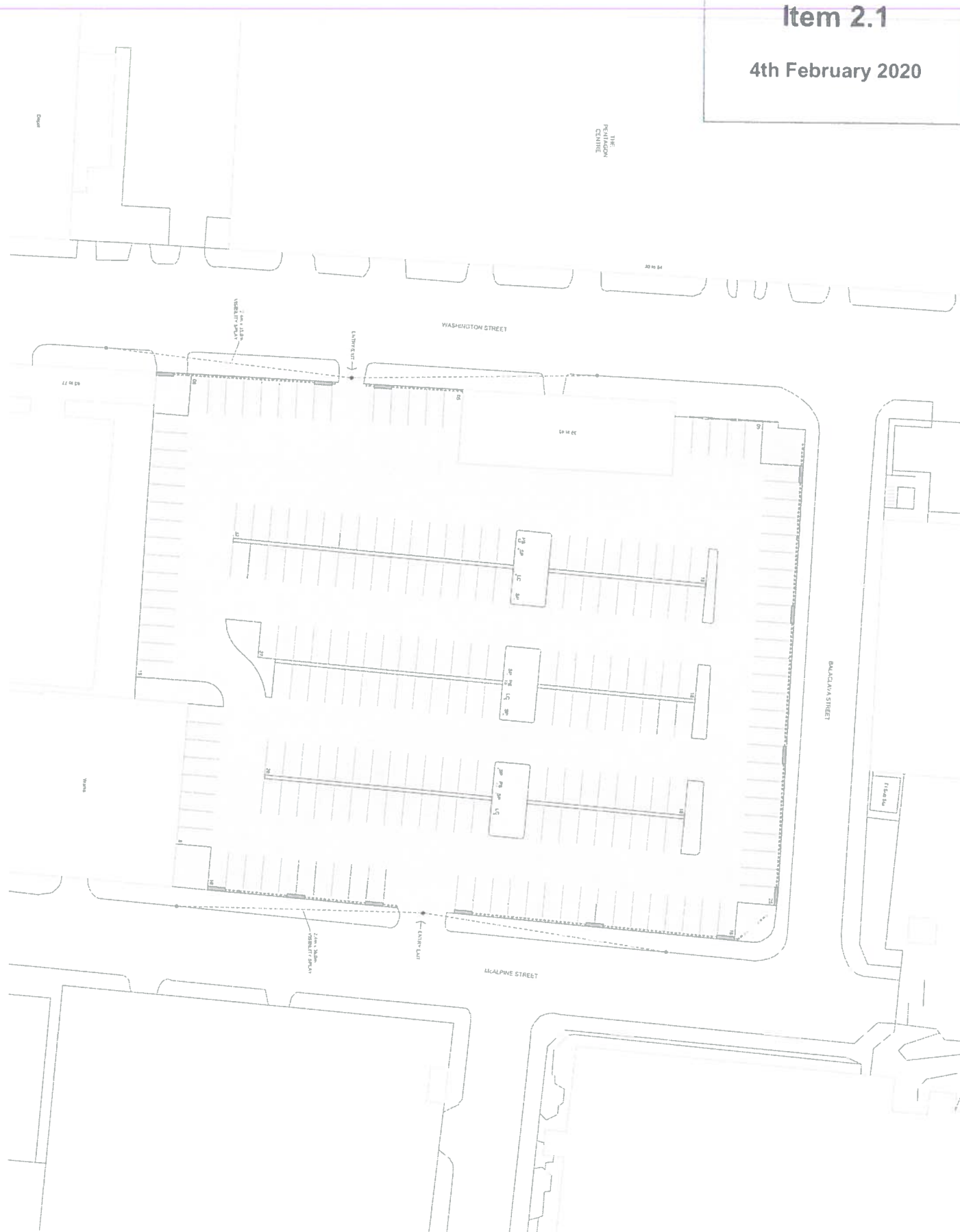
**Contact**  
 Alexander Mead  
 alexander.mead@turley.co.uk

20 March 2019

WASE3001

# Item 2.1

4th February 2020



**Notes**  
Do not scale from the drawings.  
All dimensions are to be finished point, to  
completions and any dimensions are to  
be rounded up to the nearest 50mm.  
Copyright reserved.

**LEGEND**

[Symbol]	CONTRACTED WORKS
[Symbol]	NEW PAVING AREA
[Symbol]	EXISTING STRUCTURE
[Symbol]	EXISTING STRUCTURE TO BE DEMOLISHED
[Symbol]	EXISTING STRUCTURE TO BE REPAIRED
[Symbol]	EXISTING STRUCTURE TO BE REPAIRED
[Symbol]	EXISTING STRUCTURE TO BE REPAIRED
[Symbol]	EXISTING STRUCTURE TO BE REPAIRED

**ADDITIONAL**

[Symbol]	SOFT FOOT
[Symbol]	LEADING COLUMN
[Symbol]	PAVEMENT

**EXISTING SERVICE LINE**

[Symbol]	500mm DIA. 1.2M DEEP
[Symbol]	215mm DIA.

**EXISTING SERVICE LINE**

[Symbol]	500mm DIA. 1.2M DEEP
[Symbol]	215mm DIA.

- NOTES**
1. DESIGN FOR ALL EXISTING STRUCTURES TO BE DEMOLISHED AND RECONSTRUCTED BY A STRUCTURAL ENGINEER.
  2. CONSTRUCTION OF ALL NEW STRUCTURES TO BE DEMOLISHED AND RECONSTRUCTED BY A STRUCTURAL ENGINEER.
  3. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

**PLANNING**

Client: Washington Street Ltd  
 Project: Washington Street Car Park  
 Location: Glasgow

Scale: 1:250  
 Date: 12/02/19

3DRM Ltd  
 18 Water Street  
 Glasgow G1 1HT  
 Tel: 0141 221 1111  
 Email: info@3drmltd.com







## Item 3.1

4th February 2020



## Item 3.2

4th February 2020



### Item 3.3

4th February 2020



**Item 3.4**

4th February 2020



## Item 3.5

4th February 2020



**Item 3.6**

4th February 2020



## REPORT OF HANDLING FOR APPLICATION

<b>ADDRESS:</b>	Site Bounded By McAlpine Street Incorporating 47 Washington Street Incorporating 55-59 Balaclava Street, Glasgow
<b>PROPOSAL:</b>	Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)
<b>DATE OF ADVERT:</b>	Application was advertised in Press as a potential Bad Neighbour on 12 April 2019. Period for representations to advert expired on 26 April 2019.
<b>REPRESENTATIONS</b>	<p>Application was made valid on 22 March 2019. Neighbour notifications were issued on 3 April 2019 and the overall period for representations expired on 1 May 2019.</p> <p>Only two letters of representation were received within the allowed timescales:</p> <p>1 letter of objection was received from a member of the public stating that the existing condition of the car park is unsuitable for its intended use due to pot holes and undulations.</p> <p><b>Comment:</b> the condition of the proposed car park is not material to a planning application for use.</p> <p>1 letter of support was received from the Royal Scottish Pipe Band who believe that a well maintained and controlled temporary car park in this location will greatly benefit our staff and members. They have visitors calling on a daily basis and the convenience of the car park next door is a great advantage. They believe the proposal will greatly help their business and its members and will make the area in general more vibrant and appealing.</p> <p><b>Comment:</b> there are numerous on street parking spaces provided by the Council. The site has been subject to numerous site visits and on all occasions these spaces have been unoccupied, suggesting that there is a sufficient supply of on street parking to support the existing local business.</p> <p>A subsequent letter of objection was received from a local resident, a letter of support from a neighbouring hotel and 51 pro-forma letters of support signed by local business in the vicinity were also submitted. As these were received after the notification period had expired they will not be taken into consideration during the processing of this application.</p>
<b>CONSULTATIONS</b>	Transport Planning - REFUSE
<b>PRE-APPLICATION COMMENTS</b>	NONE
<b>EIA</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994</b>	NOT APPLICABLE
<b>DESIGN/ACCESS STATEMENT</b>	<p>A Planning Statement was submitted with the application. The statement refers to the planning history of the site, acknowledging that it has been refused twice by the Planning Authority and once by the Local Review Body.</p> <p>The statement goes on to outline national and local planning policy but provides no new justifications for why the applicant believes the proposals complies with the Development Plan or why the Council should be minded to now approve the application when it has been refused three times in the past four years.</p> <p>The applicant believes that the meanwhile use as a car park is better than the site being a vacant brownfield site until such times as their client can develop better long term uses for the site. Given that there has been no planning application submitted for these long term uses it is difficult to know how long the site would be vacant or used as a car park. The in between use as a temporary car park is not a sustainable use of the site as it encourages</p>

	car journeys with associated congestion and air pollution and is not acceptable under the policies of the approved Development Plan.
<b>IMPACT/POTENTIAL IMPACT STATEMENTS</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>STRUCTURE PLAN POLICIES</b>	NOT APPLICABLE
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<p><b>CDP 11 SUSTAINABLE TRANSPORT</b> This policy aims to ensure that Glasgow is a connected City, characterised by sustainable and active travel, by:</p> <ul style="list-style-type: none"> <li>• supporting better connectivity by public transport;</li> <li>• discouraging non-essential car journeys;</li> <li>• encouraging opportunities for active travel;</li> <li>• reducing pollution and other negative effects associated with vehicular travel;</li> <li>• optimising the sustainable use of transport infrastructure.</li> </ul> <p>Later sections go on to say that the Council will 'limit public off-street parking in the City Centre to the levels to be identified in the City Centre SDF and LDFs. Until these documents are adopted, City Centre public off-street parking will be limited to existing levels (as shown on Figure 19) or replacement provision that does not exceed that being Replaced' and that the Council will 'not support proposals for temporary car parking in the City Centre (unless necessary as an interim measure when replacing permanent provision)'.</p> <p><b>Comment:</b> Policy seeks to discourage non-essential car journeys. Approval of a temporary car park would not comply with this as it would encourage business users and commuters to travel by car to use the proposed car park. The application site is not identified as one of those location in Figure 19 and as such cannot be considered an exception as identified by this policy. The site is not temporary provision for a replacement permanent provision. The proposal seeks permission for a temporary car park within the city centre which the policy explicitly state will not be supported. As such the proposal does <b>not</b> comply with the policy's requirements.</p> <p>Additional supplementary guidance is given in <b>SG11: Sustainable Transport</b>. This reiterates the policy above stating that "City Centre public off-street parking will be limited to existing levels (as shown on Figure 19) or replacement provision that does not exceed that being replaced". Furthermore, 'the Council will not support proposals for temporary parking in the City Centre unless it is necessary as an interim measure when replacing permanent provision in accordance with this paragraph'.</p> <p><b>Comment:</b> the policy and supplementary guidance are clear. The existing levels of car parking (temporary and permanent) within the City are sufficient to ensure that there is a supply for business users and visitors to the City. The only exception is where an existing car park provision has been removed from the supply or the provision is an interim measure for replacement of this permanent provision that is being lost or relocated. This proposal <b>is not</b> an interim measure for the replacement of permanent provision and as such <b>does not</b> comply with the provisions of the supplementary guidance.</p>
<b>OTHER MATERIAL CONSIDERATIONS</b>	NONE
<b>REASON FOR DECISION</b>	The proposal is contrary to the policy of the development plan. The proposal has been assessed twice by the Planning Authority and been refused and there are no material changes to the proposal or new material considerations that would justify a departure from the policies of the adopted Development Plan.
<b>PLANNING HISTORY</b>	15/00327/DC - Use of site as temporary car park. REFUSED 05.06.2015  15/00051/LOCAL - Use of site as temporary car park. Appeal approved at Local Review Body 24.11.2015

	17/00435/DC - Use of site as temporary car park. REFUSED 13.06.2017  17/00064/LOCAL - Use of site as temporary car park. Appeal dismissed at Local Review Body 26.06.2018
<b>SITE VISIT DATES</b>	Various dates over past 4 years.
<b>SITING</b>	Site is roughly half of one city block in the Broomielaw part of the city centre, bounded to the west by Washington Street, the north by Balaclava Street and to the east by McAlpine Street. Previously a derelict site it is currently used illegally as a surface level car park.
<b>DESIGN AND MATERIALS</b>	NOT APPLICABLE
<b>DAYLIGHT</b>	NOT APPLICABLE
<b>ASPECT</b>	Faces north west and east
<b>PRIVACY</b>	Nearest residential properties are on Brown Street. The site is sufficiently detached for there to be any overlooking or privacy issues.
<b>ADJACENT LEVELS</b>	Flat
<b>LANDSCAPING (INCLUDING GARDEN GROUND)</b>	No landscaping or boundary treatments have been provided, despite being required by Condition 11 of the Local Review Body decision notice (reference 15/00051/LOCAL) Vehicular access to the site is via an access off McAlpine Street and via an access off Washington Street. No details of any further pedestrian entrances/exits to the site.  The drawings submitted make reference to 'new planting box; 13 of which would be located around the edge of the site. Given the scale of the amount of car parking, these boxes would not represent a substantial amount of landscaping that would improve amenity, provide screening or landscape interest to the site, support biodiversity or mitigate for the air pollution caused by vehicle movements.
<b>ACCESS AND PARKING</b>	Vehicular access to the site is via an access off McAlpine Street and via an access off Washington Street. No details of any further pedestrian entrances/exits to the site.
<b>SITE CONSTRAINTS</b>	NONE
<b>OTHER COMMENTS</b>	NONE
<b>RECOMMENDATION</b>	<b>REFUSE</b>
Date: 14 May 2019	DM Officer <b>Mark Thomson</b>
Date	DM Manager





# PLANNING DECISION NOTICE

## Full Planning Permission REFUSAL

IN RESPECT OF APPLICATION 19/00854/FUL

Use of site as surface car park for short term stay (temporary for a period of 3 years)  
(Retrospective)

AT

Site Bounded By McAlpine Street Incorporating 47 Washington Street Incorporating 35-55  
Balaclava Street Glasgow

AS SHOWN ON THE FOLLOWING SUBMITTED PLAN(S)

### Reason(s) for decision

The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The development proposal, as shown in the following drawing(s): 180309-3DR-00-DR-D001 LOCATION PLAN and 180309-3DR-00-DR-D003 PROPOSED CAR PARK LAYOUT, are contrary to Policies CDP 11 'Sustainable Transport' and the corresponding Supplementary Guidance SG11 'Sustainable Transport' of the City Development Plan (adopted 29th March 2017) as specified below, and there are no material considerations that would justify a departure from the development plan.
03. The site is not identified in Figure 19 'City Centre Off-Street Car Parking' of Policy SG 12 'Sustainable Transport' and the Council will not support proposals for temporary car parking in the City Centre. The significant increase in vehicle parking in this city centre location would neither discourage non-essential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking, contrary to the aims of Policy CDP 11 - Sustainable Transport of the Glasgow City Development Plan.

**Drawings**

The development has been refused in relation to the following drawing(s)

1. 180309-3DR-00-DR-D001 LOCATION PLAN Received 20 March 2019
2. 180309-3DR-00-DR-D002 EXISTING SITE LAYOUT PLAN Received 20 March 2019
3. 180309-3DR-00-DR-D003 PROPOSED CAR PARK LAYOUT Received 20 March 2019

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority

**Dated: 13 August 2019**

*For Executive Director*  
**Development and Regeneration Services**  
**Glasgow City Council**

**THIS DECISION NOTICE SHOULD BE READ WITH THE ATTACHED ADVICE NOTES**

## Comments for Planning Application

### Application Summary

Application Number: 19/00854/FUL

Address: Site Bounded By McAlpine Street Incorporating 47 Washington Street Incorporating 35-55 Balaclava Street Glasgow

Proposal: Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)

Case Officer: Mark Thomson

### Customer Details

Name: [REDACTED]

Address: 31 Rubislaw Drive, Glasgow G61 1PS

### Comment Details

Commenter Type: Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear sirs

I strongly object to application 19/00854/FUL which is seeking retrospective consent for use of the land as a car park.

The surface of the car park is totally unacceptable for this proposed use in its current condition. There are pot-holes and undulations which do not lend themselves for an acceptable car parking surface for use by the general public. The car park caused damage to my car - so I know just how unacceptable the surface is!

Please go and inspect the site for yourself to see what I mean.

Many thanks

[REDACTED]



# TRANSPORT PLANNING

4th February 2020

DATE INTO TP:

4 April 2017

DATE OUT OF TP:

13/04/2017

ADDRESS:

Site Bounded By McAlpine Street Incorporating 47 Washington Street Incorporating 35-55 Balaclava Street Glasgow

PROPOSAL:

Use of site as temporary car park.

REFERENCE NO:

17/00435/DC

RECOMMENDATION:

refuse

DC OFFICER:

Mr M Thomson

TP OFFICER:

P. MacLeod

APPLICATION TYPE:

Full Planning Permission

TRANSPORT ASSESSEMENT REQUIRED

No

## PRE-APPLICATION DISCUSSION

Previous applications

## PROPOSED WORKS

Site Bounded By McAlpine Street Incorporating 47 Washington Street Incorporating 35-55 Balaclava Street Glasgow  
Use of site as temporary car park.

## RELEVANT POLICIES/MATERIAL CONSIDERATIONS (Documents)

### City Development Plan 11 Section 8 Supplementary Guidance:

8.5 New off-street public parking in the City Centre will only be acceptable where an existing permanent public car park is removed from the supply and any new car park (or car parks) proposed does not exceed the capacity of that which has been/is being removed. The Council will not support proposals for temporary parking in the City Centre unless it is necessary as an interim measure when replacing permanent provision in accordance with this paragraph.

City centre public off street parking will be limited to existing levels as shown in figure 19 or replacement provision that does not exceed that being replaced. Figure 19. (City Development Plan, page 113)

## TRANSPORT MATERIAL CONSIDERATIONS

## COMMENTS/CONCLUSIONS

**OFFICIAL**

The Traffic Assessment (TA) was carried out under City Plan 2 policy in 2015. It is not felt necessary to request an updated TA as the traffic flows and junction analysis should not have materially changed over last 2/3 years.

**SUGGESTED CONDITIONS WITH REASONS/REASONS FOR REFUSAL**

Refusal is recommended under City Development Plan SG 11: Sustainable Transport, Section 8 as this temporary car park does not replace an existing permanent public car park as illustrated in Figure 19 City Development Plan, and of previous car parking at the site, on or off street.

The statement that this car park reflects policy in that it replaces on and off street parking is not accepted in relation to policy because:

1. The parking provision in the off street car park cannot be compared to removal of on street parking in the vicinity which has a maximum stay of 2 hours, Monday to Saturday 8am to 6 pm.
2. With regards the previous use of part of the site for a Glasgow City Council car park, the application in 1998 for the use of the site as a car park by the Director of Land Services (98/00890/DC) was temporary (5 years) and consisted of 70 spaces. Therefore the current applicant is not correct in stating that the previous car park was part of a permanent supply.
3. Figure 19, City Development Plan illustrates the locations of excepted public provision of off street parking in the city centre. The car parking provision contained in this application is not replacement of any location of car parking from Figure 19.

**SUGGESTED ADVISORY NOTES**

Item 6 (c)

4th February 2020



## *The Royal Scottish Pipe Band*

45 Washington Street, Glasgow G3 8AZ. Telephone 0141 221 5414



Strathclyde Homes (Washington Street) Ltd  
49 High Street  
Draperstown  
Co Derry  
Northern Ireland  
BT45 7AB

30<sup>th</sup> April 2019

Dear Sir/Madam

**19/00854/FUL – Site Bounded By McAlpine Street Incorporating 47 Washington Street  
Incorporating 35-55 Balaclava Street Glasgow – Use of site as surface car park for short term stay  
(temporary for a period of 3 years) (Retrospective)**

I refer to the above proposal for a temporary car park and write to confirm my support for this development.

As adjoining property owners, we believe that a well maintained and controlled temporary car park in this location will greatly benefit our staff and members. We have visitors calling on a daily basis and the convenience of the car park next door is a great advantage.

We believe the proposal will greatly help our Association and its members and will make the area on general more vibrant and appealing and we ask that the City Council approve these proposals.

Yours sincerely



Ian Embelton  
Chief Executive





Planning & Building Standards 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100151578-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Kate"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Donald"/>	Building Number:	<input type="text" value="26"/>
Telephone Number: *	<input type="text" value="01312970228"/>	Address 1 (Street): *	<input type="text" value="Dublin Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH3 6NN"/>
Email Address: *	<input type="text" value="kate.donald@turley.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="C/O Agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="49 high Street"/>
Company/Organisation	<input type="text" value="Washington Street Ltd"/>	Address 2:	<input type="text" value="Draperstown"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Magherafelt"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Northern Ireland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="BT45 7AB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Glasgow City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SITE BOUNDED BY MCALPINE STREET INCORPORATING 47 WASHINGTON STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BALACLAVA STREET"/>
Post Code:	<input type="text" value="GLASGOW"/>

Please identify/describe the location of the site or sites

Northing

Easting

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the attached Appeal Statement in the supporting documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please see documents uploaded with the appeal which are listed in the Appeal Statement.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00854/FUL

What date was the application submitted to the planning authority? \*

20/03/2019

What date was the decision issued by the planning authority? \*

13/08/2019

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A hearing session will enable the Appellants to explain the matters outlined within the appeal statement. In addition, we consider a hearing would allow Members to ask specific questions of the Appellants in order to aid their consideration of the case.

Please select a further procedure \*

Further  written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Further written submissions will allow the Appellant to respond to matters raised by the council and members to ensure that Members have a balanced view of the matters raised.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Miss Hannah Munro

Declaration Date: 16/09/2019



8 May 2019

Delivered by email

Blair Greenock  
Glasgow City Council  
Development and Regeneration Services  
231 George Street  
Glasgow  
G1 1RX

Ref: WASE3001

Dear Blair

**19/00854/FUL AT SITE BOUNDED BY MCALPINE STREET INCORPORATING 47 WASHINGTON STREET  
INCORPORATING 35-55 BALACLAVA STREET GLASGOW**

We write on behalf of Washington St Ltd further to recent discussions and the formal submission of the above noted application for planning permission, which has a target date for determination of 21 May.

We would welcome an opportunity to meet to discuss the application in more detail. To reiterate, the proposed development will ensure that there continues to be an active beneficial use on site and prevent the site from lying vacant and derelict until the site can be brought forward for mixed use development. The potential future scale of development and betterment to Glasgow is significant. The proposed upgrading of the site will improve the quality and attractiveness of the adjacent public realm, and the analysis submitted with the application demonstrates that there is capacity in the city centre for the spaces proposed without compromising the aims of CDP11 or SG11.

The provision of car parking which is located close to the city centre and with business occupiers in the immediate area, fulfils a need for short term car parking facilities. In this regard, the application has sought and received letters in support of the application from surrounding businesses and users. These are enclosed and are submitted as additional information in support of the application for planning permission.

As you know our Client and their development partners Drum Property Group Ltd. remain committed to playing their part to facilitate the Masterplanning of the wider area of which the application site forms part. Drum are in regular contact with Scottish Enterprise in their capacity as adjacent owners in that regard. As you know there are continuing issues to resolve with RM Easdale Ltd. as proprietors of the operational scrap metal business adjacent. We, and Drum, are hopeful that the combined interests of your Council, Scottish Enterprise and SFT can move that situation on in early course. In the interim, granting the approval sought will provide an entirely appropriate 'meanwhile' use. It may well be that the longevity of any consent granted here could be linked to the Masterplanning process in some way?

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In summary, it is clear that the strategic proposal which the site forms part of is the subject of active discussion across all interested parties in the public and private sectors and is moving forward. The ongoing active use of the site is beneficial in this context, justified by quantitative analysis submitted with the application and supported by a large number of local users.

We would, as already mentioned, welcome an opportunity to meet to discuss the application and its context in greater detail.

We trust that the above is of assistance.

Yours sincerely



Colin Smith  
**Director, Head of Planning Scotland**

[colin.smith@turley.co.uk](mailto:colin.smith@turley.co.uk)

cc

Forbes Barron, Glasgow City Council Development & Regeneration Services

Martin Jordan, Glasgow City Council Development & Regeneration Services

Diarmuid O'Kane, Washington Street Ltd

Brian O'Kane, Washington Street Ltd

Graeme Bone, Drum Property Group

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## **Appeal Statement**

Washington Street / Balaclava Street, Glasgow

September 2019

**Turley**

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Kate Donald  
kate.donald@turley.co.uk

**Client**  
Turley

**Our reference**  
WASE3001

3 Sep 2019

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## Executive Summary

1. Washington Street Limited (“the Appellant”) submitted an application for planning permission for:  
  
“Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)” (“the Application”)  
  
at land bound by McAlpine Street Incorporating 47 Washington Street Incorporating 35-55 Balaclava Street, Glasgow (“the Site”). The application was validated on 22 March 2019 under reference 19/00854/FUL. The decision notice was subsequently issued on 13 August 2019 refusing planning permission.
2. The Decision Notice sets out Glasgow City Council’s three reasons for refusal as follows:
  - The development proposal was considered to be contrary to the Development Plan and there were no material considerations which outweighed the primacy of the Development Plan;
  - The development proposals were considered contrary to Policies CDP 11 ‘Sustainable Transport’ and the corresponding Supplementary Guidance SG11 ‘Sustainable Transport’ of the City Development Plan (adopted 29<sup>th</sup> March 2017); and
  - For the reason that the site is not identified in Figure 19 ‘City Centre Off-Street Car Parking’ of Policy SG 11 ‘Sustainable Transport’ and the Council will not support proposals for temporary car parking in the City Centre. The reason continues to state that the significant increase in vehicle parking in this city centre location would neither discourage non-essential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking, contrary to the aims of Policy CDP 11 ‘Sustainable Transport’ of the Glasgow City Development Plan.
3. The issue upon which this appeal turns is the question of whether the proposed use of the site as a temporary car park would be contrary to the aims of Policy CDP 11 ‘Sustainable Transport’ and the accompanying Supplementary Guidance SG11.
4. Considerable public support has been received for the application from neighbouring businesses and users of the site. These supporting representations are included at Appendix 6 for reference.

- 
5. A parking survey (Appendix 7) was undertaken which outlines that there is a discrepancy between the level of car parking provision stated within Figure 19 of SG11 and what has been observed through publically available data online. Figure 19 shows that a total of 12,721 car parking spaces within Glasgow city centre is considered by the council to be an acceptable level of provision. The Parking Provision Survey concludes that there are currently 12,475 spaces available within the locations identified in SG11. Therefore, there is a difference in provision of 246 parking spaces within the city centre defined area. As such, the proposed development would not result in over provision of public car parking within the defined city centre area and would not be contrary to Policy CDP 11 or SG 11.
  6. The Appellant considers that Glasgow City Council made procedural errors on three separate occasions by, firstly, not taking due consideration of a parking survey submitted as evidence to support the application, secondly, by failing to consult with the council's Transport Planning officers, and, finally, by omitting to take into account a number of comments submitted in support of the application which are a material planning consideration and which would have required the application to be determined by planning committee. These procedural errors are considered in turn in section 7.
  7. The Appellant contends that the proposals for a temporary car park will deliver an entirely appropriate 'meanwhile' use through providing an active beneficial use on the site, preventing the site from lying vacant and derelict, until the site can be brought forward for a mixed use development
  8. The following sections of this report will address the Council's grounds for refusal in turn and demonstrate that the refusal of the Application should be overturned by the Planning Local Review Committee and permission granted.

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# 1. Introduction

- 1.1 This Appeal Statement has been prepared on behalf of Washington Street Limited (“the Appellant”). It relates to the refusal of permission (planning application ref: 19/00854/FUL) by Glasgow City Council (“GCC”) for the “Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)” at land bound by McAlpine Street, 47 Washington Street, and 35-55 Balaclava Street, in Glasgow’s city centre. A site location plan is included at Appendix 1.
- 1.2 The subject application was submitted on 20<sup>th</sup> March 2019 and validated on the 22<sup>nd</sup> March 2019 (see Appendix 2 for the Planning Application Form). Permission was refused by delegated decision on 13<sup>th</sup> August 2019. A copy of the Decision Notice is included at Appendix 3 and the associated Report of Handling at Appendix 4.
- 1.3 This statement provides a description of the site and outlines its planning history, as well as setting out an assessment of the proposal in terms of compliance with the development plan and relevant material considerations. The statement also provides a response to the reasons for refusal which were confirmed in the Decision Notice dated 13<sup>th</sup> August 2019, and sets out the Appellant’s conclusions on the acceptability of the proposal, setting out reasons why planning permission should be granted.
- 1.4 This statement is supported by the following documentary evidence:
- Appendix 1: Site Location Plan;
  - Appendix 2: Planning Application Form 19/00854/FUL;
  - Appendix 3: Decision Notice 19/00854/FUL;
  - Appendix 4: Report of Handling 19/00854/FUL;
  - Appendix 5: Car Park Provision Survey;
  - Appendix 6: Supporting Representations;
  - Appendix 7: Glasgow City Council Scheme of Delegated Functions (May 2019) extract;

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## 2. Site Description

- 2.1 The appeal site comprises an area of 0.6 hectares (Ha) and is generally flat and clear of any structures or buildings. The site is bound by McAlpine Street and Kentigern House to the east, Washington Street and the Strathclyde Arts Centre to the west, and Balaclava Street and the Hallmark Hotel to the north.
- 2.2 The site is located within the International Financial Services District (IFSD), and lies within the south west part of the city centre and to the east of the Kingston Bridge. Adjacent uses are commercial in nature, reflecting the location of the site close to Argyle Street and Glasgow City Centre.
- 2.3 Vehicular access to the site is taken via an access off McAlpine Street and via an access off Washington Street.
- 2.4 The site currently functions as a temporary car park and has undergone surface improvements including new lighting and kerbing. Previously the site has been used for a major car and van rental operation and also operated by Glasgow City Council as a public car park.
- 2.5 The appeal site is identified as being within the defined City Centre by the City Development Plan, stated as the *“primary location for retail, office, commercial leisure, tourism and civic uses serving the city region as well as a national transport hub”* in Policy CDP4.
- 2.6 The nearest heritage asset, adjacent to the western boundary of the site, is a Category C listed building for the Royal Scottish Pipe Band Association Headquarters and College, located at 39-45 Washington Street. In addition, the Central Area Conservation Area is located approximately 140m east of the site but has limited visual connections.
- 2.7 The site is not at risk of fluvial or pluvial flooding, as identified on Scottish Environment Protection Agency (SEPA) flood maps.
- 2.8 There are no statutory or non-statutory ecological conservation designations, including any Tree Preservation Orders, on or adjacent to the site.

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## 3. Application Proposal

### Description of Development

- 3.1 The development proposal sought planning permission for the:  
*'Use of site as a surface car park for a period of 3 years'*
- 3.2 The Appellant wishes to operate the site as a temporary car park for a period of 3 years with the proposals providing 231 short stay car parking spaces and associated landscaping improvements. The car park would be operated on a 24 hour basis, Monday to Friday.
- 3.3 The proposals include improvements to landscaping and public realm on the site with the nature of the proposed landscaping improvements informed by the decision of the Planning Local Review Committee in February 2016. The Members determined that the appeal should be allowed, but that improvements to the site should be made in order to render the use acceptable in planning terms.
- 3.4 A number of improvements have recently been carried out, including the introduction of 2m wide raised islands within the site which accommodate pay machines, CCTV camera mast; and lighting columns which are controlled with light sensors.
- 3.5 Additional drainage has been incorporated on the site, which uses a soakaway to connect to the existing drainage network and reduces the potential for surface water flooding on the site.
- 3.6 As shown on the 'Proposed Car Park Layout' (drawing reference: 180309-3DR-00-DRD003) the Appellant proposes various site improvements which have been informed by the content of conditions attached to the previous permission (15/00327/DC). In addition to those already made in accordance with conditions, the proposed improvements are as follows:
- Car parking spaces will be clearly delineated and have dimensions of 2.5x5m with 6m wide aisles (please refer to Condition 5 of 15/00327/DC);
  - Redundant footway crossings will be reinstated to match footpath (please refer to Condition 6 of 15/00327/DC); and
  - Planting boxes will be installed within corners and at perimeter intervals.

### Temporary Duration

- 3.7 The application proposes the use of the site on a temporary basis for a period of 3 years only. This reflects the aspiration of the Appellant to ensure that the site remains in active beneficial use and prevent the site from lying vacant and

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derelict until such time as it can be brought forward for mixed use development. The redevelopment of the site for a mixed use development is pursuant to ongoing discussions with the planning authority and between parties with interests in adjoining landholdings.

- 3.8 The Appellant and their development partners, Drum Property Group Ltd, remain committed to their share of the masterplanning for the wider area of which the Appeal site forms part. Our client has had regular attendance and engagement at a series of masterplanning events facilitated by Austin Smith:Lord on behalf of the council with regards to the Broomielaw Outline Masterplan, clearly demonstrating good faith in promoting and supporting a masterplan for this area. In addition, Drum Property Group Ltd are in regular contact with Scottish Enterprise in their capacity as adjacent owners in that regard. Discussions are ongoing to resolve continuing issues with RM Easdale Ltd who are the proprietors of the neighbouring operational scrap metal business; the Appellant is confident that agreement between all interested parties in the public and private sector are moving forward and in due course will unlock the potential for a mixed use scheme incorporating the Appeal site.
- 3.9 Notwithstanding the Appellant's commitment and support for an overall masterplan, the masterplanning process has thwarted any permanent standalone development on the site in the interim. The Appellant is aware of other car temporary parks which are, or have been, operating on sites prior to them being brought forward for redevelopment. Whilst it is acknowledged that the appeal site does not currently benefit from an approved development proposals, this is due to the constraints posed by a combination of the ongoing masterplanning process led by the council as well as the issues arising from the neighbouring landowner. The Appellant is committed to supporting the council's view for an overall masterplan. As such, whilst the masterplanning process and discussions with the relevant stakeholders are ongoing, our client proposes this interim, active and beneficial use of the site as they are unable to bring the site forward for standalone redevelopment.

#### **Access**

- 3.10 Access to the site is provided from Washington Street and McAlpine Street. Both access points provide an entrance and exit to the proposed car park, and can achieve the required visibility splays for vehicles to achieve safe entry to and exit from the site, in accordance with Condition 3 of the previous planning permission (15/00327/DC). Both access points have dropped kerbs to facilitate safe access, in response to Condition 4 of the previous planning permission (15/00327/DC). Please refer to drawing no. 180309-3DR-00-DR-D003 Proposed Car Park Layout.
- 3.11 Vehicle access is controlled by industry standard Automatic Number Plate Recognition (ANPR) system which is widely used by other sites in Glasgow City Centre. Cameras are located on poles within the car park and automatically

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monitor the ingress and egress of vehicles, negating the requirement for barriers and queuing lanes on the public highway. This monitoring system operates at the entry and exit points on both Washington Street and McAlpine Street, capturing all vehicles entering and exiting the park.

- 3.12 The site has excellent connections to the city centre and public transport links are located within a short walking distance of the site; for example, bus stops on Argyle Street are within 200m of the site.
- 3.13 Condition 8 of the previous planning permission (15/00327/DC) required a Transport Assessment to be submitted for the approval of the Council within 1 month of the issue of planning permission. We consider that an appropriate statement prepared by a transport consultant could be scoped and agreed with the Council's transportation officers and secured through an appropriate condition. The Appellant agrees to accept such a condition on approval of the proposed development.

### **Landscaping**

- 3.14 As outlined above, the previous permission (application reference: 15/00327/DC) was granted subject to a variety of conditions which related to landscaping, lighting and environmental improvements and sought to render the proposed development acceptable in planning terms. As such, this application has sought to ensure that these previous conditions are met. In addition, landscaping works were carried out in July 2017 which included the installation of 2m wide raised pedestrian islands which transverse the site, the installation of two high wattage LED lighting columns which operate 24 hours per day, two parking meters and a 360 degree pole mounted CCTV system monitoring the car park 24 hours per day. The lights which have been installed operate from dusk to dawn to provide a safe and secure environment for the customers.
- 3.15 It is considered that these improvements satisfy Conditions 9 and 10 of the previous planning permission (15/00327/DC).
- 3.16 The periphery of the site is well lit by high level street lights along the site boundaries with Washington Street, McAlpine Street and Balaclava Street. In addition, the entire site boundary is secured with a sturdy low level timber post and rail fence on three sides and the remaining side is bounded by a 3m high brick wall.
- 3.17 The proposed planting boxes will be maintained by an attendant employed by the Appellant in order to ensure that these continue to contribute to improved public realm in the immediate area and do not fall into disrepair.
- 3.18 Condition 11 of the previous planning permission (15/00327/DC) requires the submission of a landscaping plan and details of landscape management

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arrangements for the approval of the Council. The Appellant agrees to accept a similar condition upon approval of the proposed development.

### **Drainage**

- 3.19 Surface water is captured in two new manhole chambers, installed in March 2017, located at the southern end of the site and noted on Drawing 180309-3DR-00-DR-D002 – Existing Site Layout. These chambers are connected to existing storm drainage within the curtilage of the site, in a location assessed as the natural point for collection of surface water run-off. A 200mm graded hardcore base, laid in July 2016, improves drainage to this location.
- 3.20 It is considered that where details of drainage infrastructure are required, this can be secured through an appropriate planning condition. Conditions 12 and 13 of the previous permission (15/00327/DC) requested a Drainage Impact Assessment and details of drainage design to be submitted to the Council in order to demonstrate that the use of the site will not have any adverse impact on flood risk in the surrounding area or on any nearby watercourse. The Appellant agrees to accept a similar condition upon approval of the proposed development.

### **Summary**

- 3.21 In summary, it is considered that the proposed development takes cognisance of the Conditions attached to the Planning Local Review Committee decision to approve the previous application for use of the site as a temporary car park. These Conditions were conceived in order to render the proposed development acceptable in planning terms with the improvements already carried out satisfy the terms of those Conditions. Where information remains outstanding from those conditions, the Appellant has agreed to accept a similar condition to provide this information upon approval of the proposed development.

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## 4. Planning History

- 4.1 Prior to the application to which this appeal relates, the site has been subject to numerous planning applications in respect of its use as a car park and also in relation to mixed use redevelopment of the site. A summary of these applications has been provided in the following paragraphs:
- 4.2 **Planning application reference 95/01387/DC:** An application for outline planning permission for hotel development was submitted in May 1995. The application was granted subject to conditions in August 1995.
- 4.3 **Planning application reference 98/00890/DC:** A full planning application to use the site as a public car park was submitted in March 1998 and received planning permission (subject to conditions) in July 1998.
- 4.4 **Planning application reference 03/01683/DC:** A full planning application for the erection of mixed residential development incorporating retail unit and business space with associated off street parking was submitted in June 2003. The application received planning permission (subject to conditions) in November 2003.
- 4.5 **Planning application reference 08/02621/DC:** An outline planning application was submitted in September 2008 for the erection of mixed use development comprising hotel, office and ancillary retail development. This application was granted, subject to conditions and following conclusion of a Section 75 Agreement, in January 2016. This permission was not implemented and has now expired.
- 4.6 **Planning application reference 15/00327/DC:** A planning application for the use of the site as a temporary car park was submitted in February 2015. This application was refused by the Council in June 2015. The application was refused due to the site's location being 'too remote from City Centre uses such that it would not favour short term use by shoppers or business users'. An appeal was lodged to the Planning Local Review Committee in which they overturned the refusal of permission and granted permission in February 2016.
- 4.7 It is considered that the issues raised in this application are relevant to this local review; the improvement to the existing site and the short-term active use of the site, which was vacant and derelict, was sufficient to outweigh the primacy of the development plan.
- 4.8 The Planning Local Review Committee stated that if the use of the site as a car park was refused, the site could become unsightly and as a result, detract from the visual amenity of the area. A number of conditions were attached to the permission which included the following:

- Condition 3 – sightlines of 2x35m shall be achieved at the entrance/exit prior to the development being occupied;
- Condition 4 – Vehicle access shall be taken via a dropped kerb footway and shall be demonstrated prior to the use of the site;
- Condition 5 – Permeable car parking spaces 2.5x5m and aisles 6m wide shall be clearly delineated and available for use prior to occupation;
- Condition 6 – Redundant footway crossings shall be reinstated to match footpath and to be available for users of the development;
- Condition 7 – Access gates to open inwards;
- Condition 8 – A Transport Statement to be submitted within one month of the date of the consent;
- Condition 9 – provision of a clearly delineated 2m pedestrian route shall be demonstrated via a drawing prior to commencement of the use;
- Condition 10 – details of lighting to be submitted within one month of the date of the consent;
- Condition 11 – landscaping plan and boundary treatments to be submitted within one month of the consent;
- Condition 12 – Drainage Impact Assessment to be submitted prior to commencement of use; and
- Condition 13 – details of proposed surface water drainage to be submitted prior to commencement of use.

4.9 An explanation of how each of these conditions has been addressed or could be met through the appeal proposal is set out in the previous section.

4.10 **Planning application reference 17/00435/DC:** A planning application for the use of the site as temporary car park was submitted in February 2017. This application was refused by the Council in March 2017. An appeal was lodged and also dismissed. The reasons outlined for refusal related to the proposals being contrary to Policy CDP 11 'Sustainable Transport'. This is due to the fact that the site is not identified as city centre off-street car parking and the Council will not support proposals for temporary car parking in the city centre as new car parking proposals 'would not discourage nonessential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking'.

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## 5. Assessment Against Planning Policy and Material Considerations

- 5.1 The following paragraphs identify the key provisions of development plan policy and the principal material considerations relevant to the proposal that should be addressed in any determination.
- 5.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.3 As such, the development plan for the site comprises of the following:
- The Glasgow and the Clyde Valley Strategic Development Plan (SDP)('Clydeplan'); and
  - The Glasgow City Development Plan (GCDP) and the associated Supplementary Guidance (SG) and Interim Planning Guidance (IPG) documents.
- 5.4 Within the reasons for refusal the Council state that the development was not considered to be in accordance with the Development Plan and there were no material considerations which would justify a departure from the development plan. In particular, the development proposals were considered contrary to GCDP Policy CDP 11 'Sustainable Transport' and the corresponding Supplementary Guidance SG11 'Sustainable Transport'. Therefore, these are the pertinent policies to which this appeal relates and are explored in greater detail below.
- 5.5 **Policy CDP 11 'Sustainable Transport'** aims to ensure that Glasgow is a connected city characterised by sustainable and active travel through:
- *'supporting better connectivity by public transport;*
  - *discouraging non-essential car journeys;*
  - *encouraging opportunities for active travel;*
  - *reducing pollution and other negative effects associated with vehicular travel; and*
  - *optimising the sustainable use of transport infrastructure, including the River Clyde and Forth and Clyde Canal, and the route of the Rail Link to Glasgow Airport and supporting economic development.'*

- 5.6 This policy goes on to state that it safeguards existing transport infrastructure and that development proposals should protect and enhance the quality and continuity of cycle routes and core paths.
- 5.7 **SG 11 'Sustainable Transport'** supports Policy CDP 11 and outlines guidance on how the provision and design of parking for vehicles should be implemented and limits off-street parking to existing levels or replacement provision that does not exceed the provision being replaced.
- 5.8 Section 8 and Figure 3 of SG 11, shown at Figure 1 below, outlines the locations of the existing public provision of off street parking in the city centre.



Figure 1 SG11 'Sustainable Transport' Figure 3 City Centre Off-Street Public Parking

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## 6. Response to Reasons for Refusal

6.1 The Decision Notice (Appendix 3) was issued on the 13 August 2019 and noted 3 reasons for refusal, which are stated as follows:

- (i) *The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.*
- (ii) *The development proposal, as shown in the following drawing(s): 180309-3DR-00-DR-D001 LOCATION PLAN and 180309-3DR-00-DR-D003 PROPOSED CAR PARK LAYOUT, are contrary to Policies CDP 11 'Sustainable Transport' and the corresponding Supplementary Guidance SG11 'Sustainable Transport' of the City Development Plan (adopted 29th March 2017) as specified below, and there are no material considerations that would justify a departure from the development plan.*
- (iii) *The site is not identified in Figure 19 'City Centre Off-Street Car Parking' of Policy SG 12 'Sustainable Transport' and the Council will not support proposals for temporary car parking in the City Centre. The significant increase in vehicle parking in this city centre location would neither discourage non-essential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking, contrary to the aims of Policy CDP 11 - Sustainable Transport of the Glasgow City Development Plan.*

6.2 The remainder of this section will set out the appellant's response to the policies in force at the time of determination.

### **Reason 1 – The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan**

6.3 The Report of Handling, in the summary of the reason for the decision, states that the proposal has been assessed twice by the Planning Authority and been refused and there are no material changes to the proposal or new material considerations which would justify a departure from the policies of the adopted Development Plan.

6.4 Planning Circular 3/2013 Appendix A provides guidance on defining a material consideration and provides a list of possible material considerations including legitimate public concern or support expressed on relevant planning matters. In this instance, only 2 objections were received in relation to the application and 53 letters of public support were received.

6.5 The council have stated in the Report of Handling that there were no other material considerations. Significant public support was received in relation to

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the application from businesses and users which has included 53 letters of support. Public comments are a material consideration in the determination of an application and the council have failed to acknowledge these letters of support; we consider that the Council have failed to afford the expressions of support from the public sufficient weight in the determination of the application.

- 6.6 The operation of the site as a temporary car park necessitates the payment of business rates to Glasgow City Council which increases their capability, once rates are redistributed by the Scottish Government, to provide council services. Conversely, if the site is not allowed to operate as a car park it will lay vacant and derelict, with vacant brownfield sites often quickly becoming a source of anti-social behaviour, such as fly-tipping and unauthorised access and occupation, which bring associated costs with policing. This economic benefit of the development is also considered as a material consideration.
- 6.7 The council have failed to recognise the decision by Local Review in April 2016 where by the Planning Local Review Committee overturned the refusal and approved planning permission, accepting the principle of the proposed use on the site. The decision issued stipulated a number of conditions which were required in order to make the proposal acceptable which included landscaping and drainage improvements to the site. A number of improvements, as set out in greater detail in Section 3 of this statement, including improvements to site drainage and landscaping including the installation of high definition street lighting and cctv coverage, which has enhanced the aesthetic appearance of the site and improved the quality of the streetscape have been undertaken or are proposed to be undertaken, subject to obtaining planning permission, in line with these conditions which represent a material change to the proposal.
- 6.8 As such, it is considered that there are material considerations which outweigh the development plan and justify a departure in this instance.

**Reason 2 - The development proposal is contrary to Policies CDP 11 'Sustainable Transport' and the corresponding Supplementary Guidance SG11 'Sustainable Transport' of the City Development Plan, and there are no material considerations that would justify a departure from the development plan.**

- 6.9 Policy CDP11 aims to ensure that Glasgow is a connected city characterised by sustainable and active travel through: supporting better connectivity by public transport; discouraging non-essential car journeys; encouraging opportunities for active travel; reducing pollution and other negative effects associated with vehicular travel; and optimising the sustainable use of transport infrastructure.
- 6.10 SG 11 supports Policy CDP 11 and outlines guidance on how the provision and design of parking for vehicles should be implemented and limits off-street parking to existing levels or replacement provision that does not exceed the provision being replaced.

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- 6.11 CDP 11 notes that permission will only be granted for off-street car parking where “City Centre public off-street parking will be limited to existing levels (as shown on Figure 19) or replacement provision that does not exceed that being replaced” (City Development Plan, p. 111). In order to determine the existing level of car parking spaces against the number stated within Figure 19, a Parking Provision Survey has been undertaken and is submitted in support of this planning application.
- 6.12 The Parking Provision Survey outlines that there is a discrepancy between the level of car parking provision stated within Figure 19 of SG11 and what has been observed through publically available data online. Figure 19 shows that a total of 12,721 car parking spaces within Glasgow city centre is considered by the council to be an acceptable level of provision. The Parking Provision Survey concludes that there are currently 12,475 spaces available within the locations identified in SG11. Therefore, there is a difference in provision of 246 parking spaces within the city centre defined area. As such, we consider that the proposed development would not result in over provision of public car parking within the defined city centre area and would not be contrary to Policy CDP 11 or SG 11.

**Reason 3 - The site is not identified in Figure 19 'City Centre Off-Street Car Parking' of Policy SG 12 'Sustainable Transport' and the Council will not support proposals for temporary car parking in the City Centre. The significant increase in vehicle parking in this city centre location would neither discourage non-essential car journeys nor contribute to the reduction of pollution and other negative effects associated with vehicular parking, contrary to the aims of Policy CDP 11 - Sustainable Transport of the Glasgow City Development Plan.**

- 6.13 Despite a desire to discourage non-essential car journeys, the Council still “recognises that it is important to ensure an appropriate provision of public parking to support the business and shopping functions of the City Centre” (SG11, 8.1). Suitable conditions could be attached relating to the proposed means of access control that would ensure that the temporary use does not impinge on the Council’s sustainability and transport objectives.
- 6.14 Reason 3 states that the council will not support proposals for temporary car parking in the City Centre. SG11, however, supports temporary car parking in the city centre, subject to the proposals being necessary as an interim measure when replacing permanent provision. Additionally, SG11 sets out that new off-street public parking in the City Centre will only be acceptable where an existing permanent public car park is removed from the supply and any new car park (or car parks) proposed does not exceed the capacity of that which has been/is being removed. Policy CDP11 sets out that the current existing levels of provision is stated in the Figure 19 (and Figure 3 of SG11). A Parking Survey prepared by Turley and submitted in support of this application, was undertaken to determine whether the number of extant car parking spaces in Glasgow City Centre meets or exceeds the level of provision outlined within

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figure 19 of CDP11. The result of the survey found that, even with the identification of additional car parking spaces, there remains a difference of 246 spaces between the limit imposed by Figure 19 within CDP11 and the actual number of spaces available in Glasgow City Centre. As the proposed development comprises the provision of 231 car parking spaces, it is considered that there is sufficient room within the limit set by GCC to accommodate the proposed development. Indeed, it is considered that the temporary car park is an interim measure replacing the permanent provision shortfall identified within the parking survey in compliance with CDP11 criterion 6 as well as SG11 contrary to the council's claim in reason 3.

- 6.15 Within the reason given by the council they state that the development would result in a 'significant increase' in vehicle parking in this city centre location. However, the site has a longstanding history of use as a car park and was operated as a public car park by the council until 2003 and for the reasons set out above, it has been identified that there remains a difference of 246 spaces between the limit imposed by Figure 19 within CDP11 and the actual number of spaces available in Glasgow City Centre. Therefore it cannot be considered that the proposals would result in any increase in vehicle parking.
- 6.16 In terms of reducing pollution, the site has undergone environmental improvements including landscaping and surface water drainage improvements.
- 6.17 The council in their reason for refusal have stated that the increase in parking would not contribute towards the reduction of 'other negative effects associated with vehicular parking'. Neither Policy CDP11 or SG11 set out what 'other negative effects associated with vehicular parking' are and we can only assume what they may comprise whether that is noise, privacy or visual impact from the car park itself or light from headlights. However, the council acknowledge themselves that the nearest residential properties are on Brown Street and that the site is sufficiently detached for there to be no overlooking or privacy issues
- 6.18 While we acknowledge that there is no statutory requirement for the planning authority to engage with the applicant before determination of the application, we consider that had the planning authority advised of this concern with the proposal then the appellant would have had the opportunity to prepare surveys to ascertain the exact extent of such issues to provide appropriate mitigation as necessary in order to render the proposal more acceptable to the planning authority.
- 6.19 The nature of a car park is such that the users are not arriving all at once and therefore any cumulative effects in terms of noise from car doors or light pollution from headlights would be limited. Additionally, in terms of receptors for the effects from noise or headlights, there is no residential development in close proximity to the car park. Notwithstanding the fact that the site is not in

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close proximity to potential receptors, the site provides short-stay parking to meet the needs of shoppers and business visitors and, as such, trips to and from the car park are spread throughout the day. Evening demand is less intense than during retail opening hours and we consider there is unlikely to be any significant impact during the evening.

- 6.20 The appellants have made numerous improvements to the site including improvements to site drainage, landscaping and installation of high definition street lighting and cctv coverage which had enhanced the aesthetic appearance of the site and improve the quality of the streetscape. This was an important consideration of the local review in February 2016 (reference 15/00327/DC) where the committee recognised that if the use of the site as a car park was refused, the site could become unsightly and as a result, detract from the visual amenity of the area. It is important to note that this is also a concern for the appellant who is seeking this temporary use of the site to provide an active beneficial use on the site, preventing the site from lying vacant and derelict, until the site can be brought forward for a mixed use development.

### **Summary**

- 6.21 Planning Circular 3/2013 reminds us that the planning system operates in the long term public interest and it does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development. In this instance it is important to acknowledge that the application received significant public support, a material consideration, that there are no amenity issues and that the application will improve the current use of the site in the public interest through ensuring that it does not lie vacant and derelict until such time that the site can be redeveloped.

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## 7. Planning Application Process

- 7.1 This section concerns GCC's handling of application 19/00854/FUL and specifically the procedural errors which have occurred during the determination of the planning application and which we consider have prejudiced the outcome of the application.

### Parking Survey

- 7.2 The appellant commissioned a car park survey to determine whether the number of extant car parking spaces in Glasgow City Centre meets or exceeds the level of provision outlined within figure 19 of CDP11. This survey was prepared and submitted in support of the application (appendix 7). The results of the survey were significant and found that, even with the identification of additional car parking spaces, there remains a difference of 246 spaces between the limit imposed by Figure 19 within CDP11 and the actual number of spaces available in Glasgow City Centre.
- 7.3 However, the Report of Handling does not acknowledge the survey and the Appellant considers that the council have failed to afford the survey sufficient weight in the determination of the application.

### Statutory Consultees

- 7.4 The application was not subjected to scrutiny by any statutory consultees, including the council's Transport Planning team who were consulted on the previous applications. The Report of Handling indicates that consultation was undertaken with Transport Planning with the recommendation of that consultee being to 'Refuse', due to the word being placed adjacent to their name on the report. When we requested the consultation response from the council it was confirmed; however, that no consultation had been undertaken with any statutory consultees, including Transport Planning.
- 7.5 We consider that the Council's Transport Planning team should have been consulted in respect of this application given its transport-related nature, particularly given the submission of a parking survey which identified a difference between the Council's stated provision threshold and actual provision. Further, we consider that the Council have therefore failed to obtain the required specialist assessment of the proposals in reaching their determination of the application.

### Representations

- 7.6 The Report of Handling states that neighbour notifications were issued on the 3 April 2019 with the period for representations expiring on 1 May 2019. Within this period, 2 letters of representation were received including one objection and one letter of support. The Report of Handling notes that subsequently a

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letter of objection was received from a local resident, a letter of support from a neighbouring hotel and 41 pro-forma letters of support signed by local businesses in the vicinity were also submitted. However, the Report of Handling notes that as these were received after the notification period had expired they were not taken into consideration during the processing of this application. Only two representations are available to view online.

- 7.7 Significant public support was received for the application which has included 43 letters of support. Furthermore, there is no provision in Planning law for representations to be discounted following the expiry of the consultation period and it is at the Council's discretion to take late representations into consideration in determining applications. Public comments are a material consideration in the determination of an application and the council have not adequately taken these into consideration.
- 7.8 The Glasgow City Council's Scheme of Delegated Functions (May 2019) states that officers have delegated powers to refuse an application unless there are material representations of support for the proposals received in writing by the end of the overall expiry date from one or more Councillors to a national or major application, from 3 or more Councillors to any other type of application, or from 6 or more third parties to any type of application (Paragraph 26 (b)(ii)) [Turley emphasis]
- 7.9 As the application received 45 representations from third parties, the application should not have been determined under delegated authority but rather it should have been determined by the Planning Applications Committee.

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## 8. Conclusions

- 8.1 As noted above, the issue upon which the review of this refusal turns is the question of whether the proposed use of the site as a temporary car park would be contrary to the aims of Policy CDP 11 'Sustainable Transport' and the accompanying Supplementary Guidance SG11.
- 8.2 The foregoing sections have outlined the pertinent planning policies in relation to this appeal contained in the City Development Plan 2017 and Supplementary Guidance SG11 'Sustainable Transport' and have demonstrated that the proposed development would not be contrary to the aims of Policy CDP11 and the accompanying SG11.
- 8.3 The site has longstanding history of use as a car park and has been subject to numerous planning applications in respect of its use as a car park and also in relation to mixed use redevelopment of the site. Indeed, the Planning Local Review Committee in April 2016 approved planning permission, accepting the principle of the proposed use on the site. The decision issued stipulated a number of conditions which were required in order to make the proposal acceptable which included landscaping and drainage improvements to the site. A number of improvements, as set out in greater detail in Section 3 of this statement, including improvements to site drainage, landscaping, installation of high definition street lighting and cctv coverage, have already been undertaken which has enhanced the aesthetic appearance of the site and improved the quality of the streetscape. Further environmental improvements are proposed to be undertaken, subject to obtaining planning permission, in line with these conditions which represent a material change to the proposal.
- 8.4 The Planning Local Review Committee previously stated that if the use of the site as a car park was refused, the site could become unsightly and as a result, detract from the visual amenity of the area. The proposed development will ensure that there continues to be an active beneficial 'meanwhile use' on site and prevent the site from lying vacant and derelict until the site can be brought forward for mixed use development. The Appellant is confident that agreement between all interested parties in the public and private sector is moving forward and in due course will unlock the potential for a mixed use scheme incorporating the Appeal site.
- 8.5 Significant public support has been received for the application from neighbouring businesses and users of the site including 43 supporting representations from third parties. Legitimate public support is a material planning consideration in the determination of planning applications. The Appellant considers that the Council have failed to afford the expressions of support from the public sufficient weight in the determination of the application.

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- 8.6 The Parking Survey identifies that there is a discrepancy between the level of car parking provision stated within Figure 19 of SG11 and that which has been revealed through research. Figure 19 shows that a total of 12,721 car parking spaces within Glasgow city centre is considered by the council to be an acceptable level of provision however the Parking Provision Survey concludes that there are currently 12,475 spaces available within the locations identified in SG11. Therefore, there is a difference in provision of 246 parking spaces within the city centre defined area. As such, it is not considered that the proposed development would result in over provision of public car parking within the defined city centre area and would not be contrary to Policy CDP 11 or SG 11.
- 8.7 Glasgow City Council made procedural errors on three separate occasions by: not taking due consideration of a parking survey submitted as evidence to support the application; failing to consult with the council's Transport Planning officers; and omitting to take into account a number of comments submitted in support of the application which are a material planning consideration. Additionally, had the council taken proper account of the representations from third parties, in line with their Scheme of Delegated Functions, this would have altered the procedure by which the application would have been determined and would have resulted in a determination by planning committee rather than under delegated powers.
- 8.8 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that *'where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise (a) to be made in accordance with that plan'*.
- 8.9 The determination of applications should be based on applying a balanced judgement and should take full cognisance of material considerations which weigh in the direction of any areas of non-compliance with policy. As such, it is clear that development proposals are not expected to accord with every policy within the applicable development plan and that a factor of subjective judgement from the decision maker should be taken.

The benefits to be accrued from allowing the temporary use of the site as a car park outweigh the primacy of the Development Plan in this case. We respectfully request that the Planning Local Review Committee overturn the refusal of permission for **"Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)" at land bound by McAlpine Street Incorporating 47 Washington Street Incorporating 35-55 Balaclava Street, Glasgow** accordingly.



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## Appendix 1: Site Location Plan

**Notes**

Do not scale from this drawing.  
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.  
Copyright reserved.



**LEGEND:**

PLANNING APPLICATION BOUNDARY

**NOTES:**

1. DETAILS OF ANY EXISTING STRUCTURES HAVE BEEN REPRODUCED IN GOOD FAITH FROM SURVEY INFORMATION PROVIDED BY OTHERS.
2. ALL BOUNDARY INFORMATION ILLUSTRATED HAS BEEN DERIVED FROM ORDANCE SURVEY INFORMATION. THE PRECISE LOCATION OF THE BOUNDARY LINES AS SHOWN CANNOT BE GUARANTEED.
3. PLANNING APPLICATION BOUNDARY AREA
  - 6351 m<sup>2</sup>
  - 0.635 Hectares
  - 1.569 ACRES

B 20/03/19 Revision  
A 12/03/19 Note 3 added.  
- 12/03/19 First Issue.

**Revisions**

**Status**

**PLANNING**

**Client**

Washington Street Ltd

**Project**

Washington Street Car Park  
Glasgow

**Title**

Location Plan

**Scale**

1:2500 A3

**Date**

12/03/19

**Drawn**

Checkers

**3DR Reid**  
38 North Castle Street  
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EH2 3BN  
T: +44 (0)145 271 6300



www.3DR Reid.com  
Architecture Interiors Masterplanning

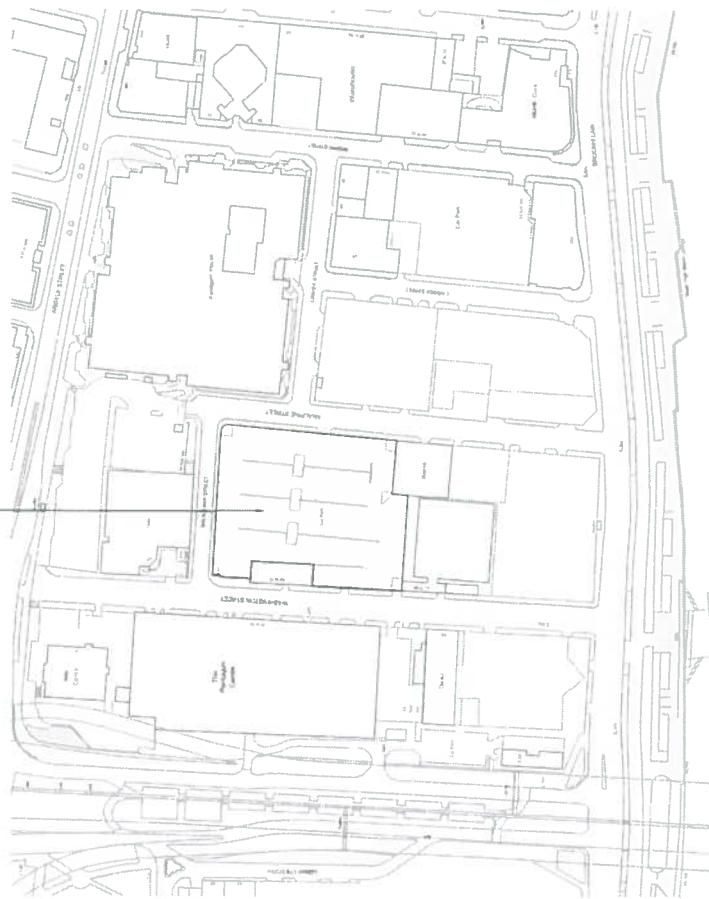
**Drawing No.**

180309-3DR-00-DR-D001

**Rev.**

B

LOCATION OF SITE  
Northing: 665070.000  
Easting: 258141.000



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**Appendix 7: Glasgow City Council Scheme of  
Delegated Functions (May 2019)  
extract**



# **GLASGOW CITY COUNCIL**

## **SCHEME OF DELEGATED FUNCTIONS**

**May 2019**

- 
- 17 To terminate leases and to take any necessary action to secure possession of property or recover rent arrears.
  - 18 To approve investments from the Invest to Improve Land and Property Fund up to a maximum of £100,000, with investments between £40,000 and £100,000 being approved in consultation with the Property and Land Steering Group, or its successor."
  - 19 In consultation with the Depute Leader of the Council, to deal with asset transfer requests from community transfer bodies and to issue decision notices following consideration of the requests.
  - 20 To fix dates between which the city markets are closed at holiday times where the various trade organisations are in agreement.
  - 21 To deal with payments due to persons in terms of the Housing (Scotland) Acts following a committee determination that houses do not meet a tolerable standard.
  - 22 To let Council properties for use as election rooms at Council, Scottish, Westminster and European elections, subject to guidelines as may be approved by the Council.
  - 23 To negotiate and settle claims arising in terms of Land Compensation or Flood Prevention legislation.
  - 24 To apportion office accommodation between Council departments and to arrange for any necessary alterations or adaptations to such accommodation within budgeted expenditure.
  - 25 To make grants and loans of up to £50,000 to small businesses.
  - 26 In terms of the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning (Hazardous Substances) (Scotland) Act 1997 and associated legislation:-
    - (a) to grant unconditionally, or subject to conditions, applications for planning permission; for planning permission in principle; for matters specified in conditions; for listed building and conservation area consent; for reserved matters; for amendments and other consents, including material and non-material variations; for advertisement consent; for discharge, amendment or deletion of conditions including those imposed by committee; for certificates of lawfulness; for hazardous substances consent; for notice of intent to develop by Government departments and for certificates of appropriate alternative development, unless
      - (i) the planning application is, in terms of the planning hierarchy, a national planning application or a major planning application significantly contrary to the development plan; or

- 
- (ii) there are material objections received in writing by the end of the overall expiry date from one or more Councillors to a national or major application, from 3 or more Councillors to any other type of application, or from 6 or more third parties to any type of application; or
  - (iii) there is a material contravention of the Council's policies; or
  - (iv) the applicant is an elected member or close family member or partner of an elected member of Glasgow City Council; or
  - (v) the applicant or close family member or partner of the applicant is an officer employed within the Planning Division of Regeneration and the Economy;
- (b) to refuse applications as detailed in (a) above where there is a material breach of the development plan, unless
- (i) the application is, in terms of the planning hierarchy, a national planning application or major planning application significantly contrary to the development plan; or
  - (ii) there are material representations of support for the proposals received in writing by the end of the overall expiry date from one or more Councillors to a national or major application, from 3 or more Councillors to any other type of application, or from 6 or more third parties to any type of application;
- (c)
- (i) to enforce unauthorised advertisements, development and works on listed buildings, including serving enforcement notices and fixed penalty notices, advertisement and listed building notices, Section 125 (planning contravention) notices, Section 145 (breach of conditions) notices, Section 168 (Tree Replacement) notices, Section 179 (amenity) notices, Section 187 (placards and posters), Fixed Penalty Notices, Stop and Temporary Stop Notices, Notification of Initiation of Development, Notification of Completion of Development, On-site Notices, notices requiring retrospective applications and direct action in respect of breaches of planning control;
  - (ii) to enter land without a warrant, in terms of Section 156 of the Town and Country Planning (Scotland) Act 1997 and Section 56 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
  - (iii) to serve urgent interdicts on unauthorised development or works or signage including flyposting; and
  - (iv) to seek interim interdict in respect of unauthorised flyposting;
- (d) to respond on behalf of the Council where the Council's observations have been sought in respect of developments of adjoining planning authorities;

**Planning Local Review Committee**

**4 February 2020**

**19/00075/LOCAL**

**Use of site as surface car park for short term stay (temporary for a period of 3 years) (Retrospective)**

**Site Bounded By McAlpine Street Incorporating 47 Washington Street  
Incorporating 35-55 Balaclava Street, Glasgow**

**Suggested Condition**

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

1. 180309-3DR-00-DR-D001 Rev B LOCATION PLAN Received 20 March 2019
2. 180309-3DR-00-DR-D002 Rev A EXISTING SITE LAYOUT PLAN Received 20 March 2019
3. 180309-3DR-00-DR-D003 Rev D PROPOSED CAR PARK LAYOUT Received 20 March 2019

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. The use of the site is limited to three years from the date of this permission at which date the use of the site shall stop, thereafter the site shall be restored within one month.

Reason: Having regard to the temporary nature of the proposed development.

03. Before any part of the development is occupied, sightlines of 2 metres by 35 metres shall be achieved at the access/exits. Any structure or planting within the sightlines shall at all times have a maximum height of 1 metre.

Reason: To enable drivers of vehicles approaching this junction to have a clear view over a length of road sufficient to allow safe exit.

04. Vehicular access shall be taken via a dropped kerb footway crossing in accordance with Figure 10.19 of the Glasgow City Council Roads Development Guide. A scale drawing demonstrating this shall be submitted for the written approval of the Planning Authority prior to the use of the site.

Reason: To ensure that the access complies with approved standards in the interests of pedestrian and vehicular safety.

- 
05. The car parking area(s) shall be permeable but shall exclude loose material. Car parking spaces (each space measuring 2.5 x 5.0 metres) and aisles (6 metres wide) shall be clearly delineated on the ground. The car parking area(s) shall be available for use before the development/the part of the development served by the car parking in question, is occupied.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; and to ensure that car parking is available for the occupiers/users of the development.

06. All redundant footway crossings shall be removed and the footway(s) reinstated to match the dimensions of the existing footway(s) as soon as the access(es) serving the development is/are available for use by the occupiers of the development.

Reason: In the interests of pedestrian safety.

07. Any access gates shall open inwards only.

Reason: To ensure that gates do not obstruct pedestrian or vehicle movement or create a safety hazard.

08. A Transport assessment in line with City Development Plan Supplementary Guidance SG11 Sustainable Transport shall be submitted for the written approval of the Planning Authority within one month of the date of this consent.

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

09. Provision shall be made for a clearly delineated pedestrian route, a minimum width of 2 metres to and from the entrance,/exit, to prevent conflict with vehicles and the activities of pedestrians using the premises. A drawing demonstrating compliance shall be submitted for the written approval of the Planning Authority prior to the commencement of the use.

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

10. Adequate lighting to be supplied within the car park by the developer. Full details of the type and location of the lighting shall be submitted for the written approval of the Planning Authority within one month of the date of this consent.

Reason: In the interests of pedestrian and vehicular safety.

11. Within one month of the date of this consent full details of a landscaping plan including plant and tree species, planters, hedging and boundary treatments accompanied by a phasing plan outlining implementation timescales and a maintenance strategy shall be submitted for the written approval of the Planning Authority and thereafter implemented on site in the approved manner.

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

12. Prior to the commencement of the use on site a Drainage Impact Assessment demonstrating that there will be no detrimental impact on any water course and that flooding will not be increased in the surrounding area as a result of the development shall be submitted for the written approval of the Planning Authority and thereafter implemented on site in the agreed manner.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; to ensure that car parking is available for the occupiers/users of the development; and to minimise the risk of flooding and its adverse effects.

13. Prior to the commencement of the use on site full details of the proposed surface water drainage design and SUDS (Sustainable Urban Drainage Systems) features shall be submitted for the written approval of the Planning Authority and thereafter implement on site in the agreed manner.

Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; to ensure that car parking is available for the occupiers/users of the development; and to minimise the risk of flooding and its adverse effects.

14. The use of the premises shall be restricted to the following days and hours of operation: Monday to Friday (inclusive), 24 hours per day.

Reason: To protect local residents from exposure to noise and disturbance outwith these times.

## 7. **Advisory Notes**

01. Prior to implementation of this permission, the applicant should contact Development and Regeneration Services at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.
  02. The applicant will require to apply to the Council (and be granted) approval under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on site.
  03. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984.
-