



Consulate General  
of the Federal Republic of Germany  
Edinburgh

16/00577



16 Eglinton Crescent, Edinburgh, EH12 5DG, United Kingdom

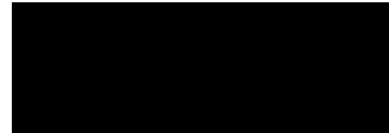
The Executive Director  
Development & Regeneration Services  
Glasgow City Council  
231 George Street  
Glasgow  
G1 1RX

**Jens-Peter Voss**

Consul General of the Federal Republic of Germany

ADDRESS

16 Eglinton Crescent  
Edinburgh, EH12 5DG



REVISED BY

DIRECT NO.: 9862

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SUBJECT The Town & Country Planning (Scotland) Act, 1997, as  
amended by the Planning etc. (Scotland) Act, 2006  
Planning (Listed Buildings and Conservation Areas) (Scotland)  
Act 1997  
Planning Application Ref: 16/00577/DC - Erection of Residential  
Development with associated Car Parking and Landscaping At  
Park Circus Lane/Park Quadrant, Glasgow

FILE NO Ku 640.12/2 (please quote in your reply)

Edinburgh, 12 April 2016

Dear Sir,

The townhouses No. 2 and 3 Park Circus, Glasgow are owned by the Federal Republic of Germany, whose interests are being represented under international law by the German Consulate General in Edinburgh, acting through myself in my capacity as Head of the Consulate General.

I equally represent the interests of the Goethe Institute Glasgow, Germany's cultural institute and one of the occupiers of the above-mentioned buildings.

Although not representing its interests, I would like to inform you that the Alliance Française, the second occupier of the buildings, is also directly affected by the proposed residential development. The Alliance Française is a private higher education establishment and recognised training body.

The owner, and the Goethe Institute as occupier of the buildings, are directly affected by the proposed development on land immediately to the north east of No. 2 and No. 3 Park Circus. I object to the above planning application, on the grounds that:

1. The proposed development does not accord with the Development Plan and there are no material considerations in support of the proposal which would outweigh the provisions of the Plan. The Application should therefore be refused having regard to Section 25 of the Town & Country Planning (Scotland) Act, 1997.

2. The proposed development would fail to preserve the setting of our Category A Listed Buildings and have a detrimental effect on its special architectural or historic interest. The Application should therefore be refused having regard to Sections 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

3. The proposed development would fail to preserve or enhance the character and appearance of the Conservation Area. The Application should therefore be refused having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

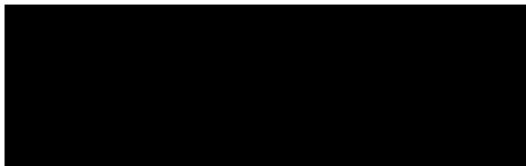
Specifically, I object to the proposal on the following grounds:

- The principle of development on the open landscaped space (loss of green/open space);
- Detrimental impact on amenity by reason of loss of privacy and overlooking;
- Detrimental impact on amenity by reason of noise disturbance;
- Detrimental impact on amenity by reason of air pollution;
- Detrimental impact on landscape and visual amenity due to loss of open space and trees;
- Overdevelopment, by reason of the scale and height of the building and residential density and lack of car parking;
- Detrimental impact on visual amenity and townscape by reason of inappropriate design;
- Detrimental impact on character and appearance of Conservation Area;
- Detrimental impact on setting of Listing Buildings (Category A & B) & Cultural Heritage (Heritage Statement);

I consider that the applicant has failed to properly address the development plan context and other material considerations in the submitted Design and Access Statement and that, in the absence of a Conservation Area Appraisal for Park Circus, the cultural heritage implications of the proposal cannot properly be assessed by Glasgow City Council, failing to lead to a full and considered determination of the application required by the legislation referred to above.

I respectfully request that the attached more detailed representation which has been prepared by consultants under my directive and which reflects my concerns is taken into consideration in support of my objection to the Planning Application.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Ref: 16/018  
11<sup>th</sup> April 2016



The Executive Director  
Development & Regeneration Services  
Glasgow City Council  
231 George Street  
Glasgow  
G1 1RX

Dear Sir,

**The Town & Country Planning (Scotland) Act, 1997, as amended by the Planning etc. (Scotland) Act, 2006  
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Planning Application Ref: 16/00577/DC - Erection of Residential Development with associated Car Parking and Landscaping At Park Circus Lane/Park Quadrant, Glasgow**

We act, together with Wellwood Leslie Chartered Architects, on behalf of the owners of No. 2 and No. 3 Park Circus, the Federal Republic of Germany, represented by their General Consulate in Edinburgh and the occupier of the buildings, the Goethe Institute, the FR Germany's cultural institute, who object to the proposed residential development at Park Circus Lane/Park Quadrant. We respectfully request that the following more detailed representation is taken into consideration in support of the owner's objection to the Planning Application.

**The Development Plan and other Material Considerations**

Section 25 of the Planning Act requires that the determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that the proposal is not supported by the Development Plan or by other material considerations.

**The Development Plan**

The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan (SDP), approved 2012 and the Glasgow City Plan 2, adopted 2009.

The SDP provides for an overall vision and strategy for the region and confirms under 'Fundamental Principles' that development proposals which do not have implications for the Spatial Development Strategy will fall within the consideration of Local Development Plans and the development management process. It is considered that the Local Development

Plan policies, contained in Glasgow City Plan 2, adopted 2009, are relevant to this local site-specific proposal.

Development Policy Principles West Proposals Map of Glasgow City Plan 2, adopted 2009 identifies that the site is located in a 'Residential and Supporting Uses' designation, where site-specific policy DEV 2 applies.

Policy DEV2 – Residential and Supporting Uses states:

*"The areas designated 'RESIDENTIAL AND SUPPORTING USES' include the City's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space.*

*The Council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision. Proposals which impact on green/open space, as defined on the Council's Glasgow Open Space map (see definition), should be assessed in the context of policies DEV 11: Green Space and ENV 1: Open Space Protection."*

The City Plan confirms that the Glasgow Open Space Map will form part of the policy protection for the City's open spaces and will be used to assess whether there would be scope to develop on any such space. The Open Space Map, which accompanied Glasgow City Plan 2 in 2009, and forms part of the 'Development Plan' is not currently available on-line and we have therefore requested a copy of the 2009 Map from the Council. The Map was not available at the time of writing, and our clients would wish to comment further once this information has been received.

We are aware that the Map is regularly updated and the Open Space Strategy Map, 2013 available on-line now identifies the site as "97 – Housing Sites affecting Open Space". There is not an accompanying report explaining this designation and it is considered that little weight can be attached to this designation, as the Council confirm on-line that *"The Open Space Strategy and action plan is currently being drafted by Glasgow City Council and will be published for public consultation along with the proposed new Open Space Standards for the City prior to the adoption of the City Development Plan."*

The applicant's Design and Access Statement appears to misleadingly imply that the site has a residential designation under DEV2, however, in our client's view DEV2 identifies the site within a residential area, with associated specified land uses, including areas of green/open space, which this site is. The adopted Plan does not 'allocate' the site for future residential use.

The principle of the development of the open space therefore falls for consideration under Policy DEV2 – Residential and Supporting Uses. As this proposal neither enhances residential amenity nor preserves and enhances the integrity of the townscape, landscape and green network provision, the proposal does not accord with Policy DEV2.

Irrespective of its designation, it is considered that the site is clearly a valuable amenity open space within the Residential and Supporting Uses designation and as Policy DEV11: Green Space seeks to protect such spaces, it is therefore relevant to consider the requirements and objectives of this policy and also ENV1: Open Space Protection.

Policy DEV11 – Green Space identifies that not only designated green spaces, but also those “...found within other Development Policy Principle Designations, particularly DEV 2: Residential and Supporting Uses, make up the City’s green network and contribute to biodiversity”. Significantly the Policy states “All green/open space areas (regardless of their size or purpose) are functionally important elements of Glasgow’s green infrastructure (see Environmental Designations Maps and the Council’s Glasgow Open Space Map (see Definition)). There is a strong presumption in favour of the retention of all public and private green/ open space (see policy ENV 1: Open Space Protection).”

Policy ENV1 – Open Space Designation states “In accordance with policy DEV 11: Green Space, there is a strong presumption in favour of the retention of all public and private green/open space. Protection is accorded to the following categories of open space as identified on the Council’s Glasgow Open Space Map (see Definition).” The policy continues by confirming protection of certain categories of open space as identified on the Council’s Glasgow Open Space Map. Irrespective of designation the Policy identifies a strong presumption in favour of the retention of all public and private green/open space, indicating the open space does not need to be identified on the map for a presumption to be made for its retention. As a result the proposal would not be in accordance with Policy ENV1 which seeks to retain “all” public and private open space.

The policy justification confirms “Public and private open space provides the City with a green infrastructure that is important to the health, welfare, quality of life experience and enjoyment of residents, businesses and visitors.” The open space contributes to these stated objectives and to the enjoyment of residents and businesses and there is a policy presumption in favour of its retention whether designated or not to accord with the stated Policy objectives.

The Environmental Policy Designations Map: West identifies that the site lies to the north of a Category A group of buildings and within a designation Conservation Area. The Development Planning Framework Map identifies that the site lies in Conservation Area Appraisal Zone 5: Park.

In addition, to the principle of development being unacceptable, it is further considered that the detailed aspects of the proposal objected to above also conflict with the following additional Policies contained in the City Plan.

**Table 1: Glasgow City Plan 2, adopted 2009 – Policy Conflict**

Policy Ref:	Policy:	Proposal Compliance
<b>STRAT 1 – DESIGN AND SUSTAINABLE DEVELOPMENT</b>	The City Council will require to be satisfied that the following considerations (based on those outlined in the Scottish Government’s Policy Statement: Designing Places) have been addressed, from the outset, in the preparation of development proposals, including development frameworks such as local	It is considered that the proposal fails to comply with this Policy, on the grounds that: <ul style="list-style-type: none"> <li>○ The proposal fails to create a sense of identity by removing a local landscape natural feature and through the proposed building design and building form.</li> <li>○ The proposal fails to create a sense of welcome. The development neither opens up nor creates new views. The building does not</li> </ul>

<b>Policy Ref:</b>	<b>Policy:</b>	<b>Proposal Compliance</b>
	<p>development strategies, masterplans, etc.</p> <ol style="list-style-type: none"> <li>1. Creating a Sense of Identity.</li> <li>2. Creating Accessible, Safe and Pleasant Places.</li> <li>3. Creating Easier and Healthier Movement.</li> <li>4. Creating a Sense of Welcome.</li> <li>5. Making Places Adaptable.</li> <li>6. Making More Effective Use of Resources.</li> </ol>	<p>provide for an architectural landmark through the creation of an iconic new building in this significant location. Further comments on design are made below.</p> <ul style="list-style-type: none"> <li>○ The proposal is not 'adaptable' providing only for apartment style accommodation, with a building design which is limited to lending itself to primarily residential use.</li> <li>○ The proposal is considered to impact on air quality and result in noise disturbance and further information should be sought from the applicant on these issues which do not appear to have been addressed. Further detailed comments are made in relation to Policy DES1 on this issue.</li> </ul>
<b>STRAT 3 – DELIVERY</b>	<p>The City Council will continue to work with its partners to deliver the Plan's Vision of a Glasgow in which the design, location, scale and nature of new development will help to create a City of successful, sustainable places and will result in an improved quality of life for those living, investing and working in, and visiting, the City. This will be done in a number of stated ways.</p>	<p>It is considered that the proposal conflicts with this policy as the design, location, scale and nature of the proposed development will not result in an improved quality of life for those already investing and working in the City. This specifically relates to my client who considers that the design is inappropriate, and that the scale and massing of the development will reduce the amenity of their buildings. It will have a significant impact on their use, which includes the teaching of foreign languages, libraries, offices and cultural events such as lectures and exhibitions, through noise and disturbance from the occupiers of the flats and through overlooking. The issue of design is referred to in more detail below.</p>
<b>DES 1 - DEVELOPMENT DESIGN PRINCIPLES</b>	<p>All new development, depending on the nature and scale of the development, should have regard to detailed criteria relating to the following: Design Context, Accessibility and Traffic Management/Calming, Health and Safety, Landscape Design and Open Space, Drainage, Waste and Recycling, Layout and Materials, Public Art and Other Material Considerations</p>	<p>It is considered that the proposal fails to comply with the following stated criteria:</p> <ul style="list-style-type: none"> <li>○ The proposal does not demonstrate the highest standards of urban design or respect the site's context, setting, local townscape and landscape character. This is due to the scale, form and design of the proposal which is referred to in more detail under 'material considerations' below.</li> <li>○ The proposal results in the loss of trees/woodland and an established landscape feature;</li> <li>○ Whilst the proposal relates to a contemporary design the detailing,</li> </ul>

Policy Ref:	Policy:	Proposal Compliance
		<p>scale and massing is not sympathetic with the adjoining buildings and therefore detracts from creating a strong sense of place;</p> <ul style="list-style-type: none"> <li>○ The proposal conflicts with adjacent land uses and the amenity of our client's educational environment through potential noise and disturbance and loss of privacy through overlooking. Foreign languages taught in the in the classrooms to the rear, adjacent to the proposal, the libraries in the lower ground floor and the offices in the building are clearly noise sensitive.</li> <li>○ It is also considered that the proposal will have an effect on air quality, through increased pollution. Air pollution from the ventilation terminals from the underground car park vented to Park Circus will diminish air quality and impact on amenity.</li> <li>○ The application has not addressed noise or air quality issues and there is a lack of sufficient information on these issues to determine the application;</li> <li>○ The proposal does not have regard to adjoining building lines, or to the height, scale, massing, and detailed design of adjoining Listed Buildings;</li> <li>○ The siting, form, scale, proportions and detailed design detract from the visual amenity of the existing surrounding buildings and wider area;</li> <li>○ The proposal unduly impacts on the amenity of our client's property by reason of overlooking, loss of privacy, noise and disturbance;</li> <li>○ The proposal represents over-development of the site;</li> <li>○ The design of new development fails to respect the context established by the urban morphology and density of the existing townscape.</li> </ul> <p>It is considered that the submitted Design and Access Statement (D+AS) fails to record and address all relevant criteria.</p>
<b>DES 2 -</b>	The Council will require	The submitted D+AS fails to record and

<b>Policy Ref:</b>	<b>Policy:</b>	<b>Proposal Compliance</b>
<b>SUSTAINABLE DESIGN AND CONSTRUCTION</b>	development proposals to demonstrate their contribution towards achieving sustainable design and construction. To this end, development proposals should, inter alia, mitigate against pollution, provide a sustainability rating in accordance with "EcoHomes". The Policy states "Developers will be expected to explain how the above issues have been addressed within their development proposals, where appropriate, in the Design Statement submitted with their planning application".	address all relevant criteria contained within this policy. The issue of air quality does not appear to have been addressed and the requirement to address EcoHomes criteria also appears to have been ignored. The proposal does not address all of the stated policy requirements and there appears to be a lack of information to support this policy.
<b>DES 3 - PROTECTING AND ENHANCING THE CITY'S HISTORIC ENVIRONMENT</b>	<p>Proposals for new development in, or affecting the setting of, a conservation area, must:</p> <ul style="list-style-type: none"> <li>○ Preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area;</li> <li>○ Be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;</li> <li>○ Protect significant views into, and out of, the area;</li> <li>○ Retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and</li> <li>○ Retain trees which contribute positively to the historic character of the area.</li> </ul> <p>All works to listed buildings must be carried out in a way which protects their character as buildings of special architectural and historic interest.</p>	<p>It is considered that the proposal would result in overdevelopment of the site by reason of density, scale and massing, and that the design would have an adverse effect on the street scene and residential amenity. The issue of design is referred to below.</p> <p>The quality of the proposed design is insufficient to preserve and enhance the appearance of the area, and it does not respect its historic context. It interferes with significant views into and out of the conservation area generally, and our client's property in particular.</p> <p>The loss of the open space and the loss of trees will diminish the historic character and appearance of the Woodlands Conservation Area, and the proposal will have a detrimental impact on the setting of the adjacent Listed Buildings.</p> <p>It is considered that the proposal does not protect the character of the adjacent listed buildings, and fails to comply with all of the stated criteria for new development in a Conservation Area. The proposal therefore conflicts with Policy DES 3.</p>
<b>DES 4 - PROTECTING AND ENHANCING THE CITY'S NATURAL ENVIRONMENT</b>	<p>Where development is acceptable, in principle, proposals will require to:</p> <ul style="list-style-type: none"> <li>○ Respect the landscape character and amenity of the area and maintain local</li> </ul>	<p>The proposal directly conflicts with Policy DES4, as it results in the complete removal of a mature, historic landscaped woodland. The loss of this important green space within the townscape will detrimentally impact on landscape and</p>



Policy Ref:	Policy:	Proposal Compliance
	<p>diversity and distinctiveness, including, inter alia, cultural features of landscape and biodiversity value such as designed landscapes and woodland;</p> <ul style="list-style-type: none"> <li>○ Enhance landscape characteristics where they have been weakened and need improvement;</li> <li>○ Provide high quality landscape proposals that are integral to the overall development design;</li> <li>○ Incorporate open space provision in line with policy ENV 2: Open Space and Public Realm Provision, and</li> <li>○ Demonstrate, to the satisfaction of the Council, that best practice guidance on pollution prevention from SEPA and other appropriate agencies has been used with regard to protection of the natural environment and the quality of the air, water and other systems that support life.</li> </ul>	<p>visual amenity, through the loss of this landscape character.</p> <p>There are no proposals within this application for the replacement or enhancement to landscape characteristics and the proposed underground garage will prevent a high quality landscaped area to the rear of the proposed development ever being successfully established.</p> <p>There is no evidence submitted addressing pollution prevention and the protection of air, water and other systems that support life, and no advice from appropriate agencies appears to have been sought. It is our client's concern the proposals will create additional pollution, and is concerned about air and noise pollution in particular.</p> <p>The D+AS response to the specific criteria, within Policy DES4 states "The site is currently overgrown and completely disused, and as such does not contribute positively to the area." This is not considered to be a supportable justification for a departure to Policy DES4 and the removal of a mature parkland. As owners of the land the Council is in control of improvement and enhancement of the site for the benefit of the local community.</p>
<p><b>RES 1 - RESIDENTIAL DENSITY</b></p>	<p>The Policy states that the density of development will vary according to location, context and setting, the scale and massing of adjacent buildings, public transport accessibility and other relevant Plan policies. Variations in the prescribed density standards may be permitted for developments of exceptional urban design quality, provided that other City Plan standards are met. The Policy confirms that higher densities will generally be appropriate in the Inner Urban Area, which this site is located in, confirming "where, depending on the level of accessibility to public</p>	<p>The D+AS confirms "the site has a density of 120 DPH when measured against the application site boundary, and 168 DPH when measured against heel kerb boundary (removing roads and pavements). Given the nature of the site configuration it is considered that the former is the appropriate measure, although both are considered within Policy."</p> <p>The D+AS seeks to justify this density on the grounds that "The development site sits within the 'Inner Urban Area', and is also considered to be within a location of high accessibility, therefore a density of greater than 100DPH is expected in line with Policy." In</p>

<b>Policy Ref:</b>	<b>Policy:</b>	<b>Proposal Compliance</b>
	<p>transport, density may vary from a minimum of 30 dwellings per hectare (DPH) to a maximum of 100 DPH in base accessibility locations, whilst higher densities will be expected in high accessibility locations and should be justified against the General Principles outlined above. Account will also be taken of the capacity of the transport systems to accommodate increased use."</p>	<p>addition it states "This density should also be viewed on a townscape level, taking contextual relationships of massing, height, depth and building lines in to consideration. Whilst by definition not 'infill development', the density, site configuration and appropriate contextual response has been considered in respect of these factors."</p> <p>The applicant's justification for a density of either 120 DPH or 168 DPH is not supported. The proposed density clearly exceeds and conflicts with the density policy for the Inner Urban Area of 30 - 100 DPH. The D+AS does not seek to support such a significantly higher density based on the stated Policy criteria for exceptions, that is, where a site is located in a high accessibility location. Whilst this argument is absent, it is noted that the eastern part is not located in a 'high accessibility location'. In effect there is no supportable justification for departing from the density requirements of Policy RES1, which the proposal is clearly in conflict with. Further support for this position is provided in a recent appeal decision in the Inner City location and is referred to under 'material considerations' below.</p>
<p><b>RES 2 - RESIDENTIAL LAYOUTS</b></p>	<p>In addition to general standards, which includes the retention of all significant trees on site, unless removal is necessary, the Policy also states that all homes should:</p> <ul style="list-style-type: none"> <li>○ Have large areas of clear glazing and, wherever possible, orientate with main rooms facing south/west, in order to minimise energy use.</li> <li>○ Have no adverse impact on existing or proposed neighbours, in terms of overlooking, loss of privacy, daylight, or sunlight (see Note 1).</li> <li>○ Not have upper rooms, balconies etc which directly overlook adjacent private gardens/backcourts.</li> </ul>	<p>Contrary to policy RES 2 the proposal does not maintain established window patterns, and the proposed square bay windows do not respect historic precedent and give rise to direct overlooking between the flats.</p> <p>The proposed residential layout includes balconies on the rear elevation overlooking adjacent private gardens. As a result of the excessive residential density proposed, the design cannot provide private garden space, and does not include creative alternative solutions. The design of the car park prevents communal garden space from being created, and the proposed landscape design relies on planters at first floor level above the garage. The resulting landscaping is insufficient and unimaginative, and will be unable to mature into an attractive setting.</p>

<b>Policy Ref:</b>	<b>Policy:</b>	<b>Proposal Compliance</b>
	<p>For flatted developments the Policy has the following requirements:</p> <ul style="list-style-type: none"> <li>○ Provide usable communal private garden spaces as "backcourts". This is in addition to the requirements of policy ENV 2: Open Space and Public Realm Provision. Where a site limits, or makes impractical, the provision of private garden space, then developers will be expected to: <ul style="list-style-type: none"> <li>- provide creative alternative solutions (e.g. shared roof garden, usable balconies); and</li> <li>- bring forward mitigation measures to improve internal amenity (e.g. more generous room sizes).</li> </ul> </li> <li>○ Make outside provision for clothes drying, in areas screened from public view and not subject to excessive overshadowing.</li> <li>○ Ideally all flats should have dual aspect (where single aspect is proposed developers will require to show that the amenity enjoyed by the flats is similar, if not better than that of dual aspect flats in a similar location).</li> <li>○ Privacy is also important to the rear of flats, where ambient noise levels are lower. Habitable rooms, therefore, should not abut public/common footpaths, parking areas or waste/recycling storage (this could be secured e.g. by the formation of private garden space between habitable rooms and any such use).</li> <li>○ Flatted development, built on existing street frontages, should maintain established building lines and window patterns, with the new development directly abutting the pavement with full depth</li> </ul>	<p>It falls far short from mitigating the loss of mature parkland, and the design does not compensate for the lack of outside space by providing more generous room sizes or other alternative creative solutions.</p>

<b>Policy Ref:</b>	<b>Policy:</b>	<b>Proposal Compliance</b>
<b>TRANS 4 - VEHICLE PARKING STANDARDS</b>	Provision for residential development will be assessed in accordance with the requirements of Table 1.	The D+AS confirms that "The proposals include provision of 94 parking spaces, 5 of which are fully accessible parking spaces, as required by statutory regulations. The shortfall of 4 spaces is deemed acceptable to the applicant, on the assumption that the 4 smallest apartments will be marketed without parking." Marketing without parking is not a planning consideration. The parking falls short of the Policy requirement and therefore the proposal does not accord with Policy TRANS 4, which is indicative of the fact that the proposal represents overdevelopment of the site.
<b>ENV 2 - OPEN SPACE AND PUBLIC REALM PROVISION</b>	New residential development (including conversions) is required to provide access to good quality recreational open space. This includes provision for children's play areas, amenity open space/parkland, outdoor sport facilities, allotments and community gardens, in accordance with the standards set out in Table 1 below.	The D+AS does not appear to address this policy requirement in relation to public open space provision and therefore it appears that the proposal conflicts with Policy ENV2. In addition, the D+AS admits that, given the nature of the development "... a shortfall in open space is inevitable. The on-site provision proposed is in excess of 50% of the total combined requirement." Due to the gross overdevelopment of the site the proposal fails to comply with Policy ENV2 on open space provision, both in terms of quantity and in terms of quality.
<b>ENV 8 - TREES, WOODLANDS AND HEDGEROWS</b>	Development should not cause the loss of, or serious damage to, trees, woodlands or hedgerows, which are covered by an existing tree preservation order (TPO) ... are on Council owned land, are of significant ecological, recreational, historical, shelter or landscape value or are in a conservation area. In these situations, trees, woodland or hedgerows protected by a TPO, or as if covered by a TPO, must not be removed without the explicit written consent of the Council. Proposals should demonstrate, to the satisfaction of the Council, inter alia, that: <ul style="list-style-type: none"> <li>○ The public benefits at the local level clearly outweigh the value of the habitat;</li> <li>○ The development will be sited</li> </ul>	The D+AS states that a full tree survey and ecology survey was carried and that all other relevant aspects of this policy are covered within the Landscaping Proposals. Notwithstanding that it appears that the Council has already allowed tree felling on their own land, within a Policy context, the D+AS does not appear to address the requirements of Policy ENV8. <p>The proposal is, in any case, considered to be in conflict with the policy which resists the loss of trees/woodlands either (1) protected by TPOs or (2) owned by the Council or (3) located in the Conservation Area. All three criteria apply in this case.</p> <p>The applicant does not justify the public benefits of the removal of the woodland and the proposal therefore does not</p>

Policy Ref:	Policy:	Proposal Compliance
	<p>and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability;</p> <p>Where any individual trees, groups of trees, woodlands or hedgerows would be lost, the applicant will provide compensatory planting (where appropriate, native species will be preferred) either as part of the overall scheme or elsewhere in the vicinity.</p>	<p>comply with the requirement to minimise adverse impacts on the biodiversity of the site. The proposed planting within the garden areas is not insufficient and does not compensate for the significant loss of the entire woodland. The proposal does not appear to provide compensation elsewhere.</p> <p>As a result, the proposal is considered to be contrary to Policy ENV8.</p>

The above table addresses the policy context and our client's reasons for considering that the proposal does not comply. In addition, to the above reasons, our clients would be grateful if the following detailed concerns over the design of the proposal are also taken into consideration in support of refusing the application:

### Detailed Design Considerations

The Goethe Institute benefits for a central location in one of the most prestigious conservation areas of Glasgow. The location is central and easily accessible, yet quiet, and therefore ideal for the activities of the Goethe Institute, and its tenant, the Alliance Française. The buildings contains two libraries, a function room for exhibitions, lectures and other cultural events, and many classrooms for the teaching of both German and French as foreign languages. These activities are highly noise sensitive, and benefit from the peace afforded by outlook onto mature parkland at the rear. This peace is likely to be disrupted very significantly during construction, to the point where the Goethe Institute and the Alliane Francaise may not be able to fulfil their functions satisfactorily. Increased noise can also be expected from the occupants of the proposed 98 flats, and associated equipment, such as fans, heat pumps etc.

The Goethe Institute will also suffer from a reduction in air quality resulting from the mature parkland being removed and replaced by a large underground car park ventilated towards Park Circus Lane, its garden ground and rear elevation.

The overall volume of the proposed accommodation is similar to the existing historical buildings on Park Quadrant, but flats are proposed at a much greater density than the existing historical buildings. Where the existing adjacent buildings contain two main floors, a garden level and attic floor, the proposals aim to create six floors of accommodation including a two storey penthouse. The frontages are narrower than the historic precedent, and lack their generous proportions and careful detailing. The undulating appearance the historic elevation derive from their broad canted bay windows is replaced by the much rigid appearance of narrow square window bays. Continuous horizontal stone cornices give a horizontal emphasis to the street elevation, which is missing from the proposed design. The flamboyant design of the penthouse roofline, intended to refer the vertical divisions between the historical buildings is clumsy and out of proportion with the lower four floors. It fails to

successfully re-interpret the comparatively small vertical chimney stacks separating the roofs of the historical buildings. This is a result of the misguided attempt to create a 'bel etage' at roof level, rather than the first and second floor in the historical precedent. In the context of the conservation area it appears clumsy and is a poorly justified attempt to create two additional floors of accommodation where existing buildings have a relatively unobtrusive attic. Sitting atop elevations with plain and unremarkable detailing it shifts the emphasis of the design from the lower four floors to the roof line, and jars with the design of the listed historic buildings. A more understated approach that is much more faithful to the proportions of the historic precedent be appropriate in the context of this conservation area, and reduce the adverse impact on the setting of the adjacent listed buildings.

The design of the rear elevations is even plainer than the front elevations facing Park Quadrant, incorporates an unimaginative arrangement of balconies, and is dominated by the inappropriate roofline. It lacks the quality and visual interest of the existing rear elevations and requires further consideration of the detailing of the rear elevations, to provide the variety afforded by existing rear elevations, and more closely follow historic precedent.

The opportunity to mitigate these issue through landscaping is prevented by the addition the proposed underground car park. The heavily landscaped appearance of historic gardens can never develop in planters, and the proposed development will remain stark, bare and unattractive, and lack the valued qualities of the conservation area.

These issues cannot be overcome without significantly reducing the density of the scheme, and following historic precedent much more closely. At least some of the existing mature trees must be retained and the proposals need to be re-designed to incorporate opportunities for new landscaping including the successful planting of new trees which can be allowed to mature to a size where they are the key characteristic in Park Circus Lane and start to recreate the heavily landscaped outlook enjoyed by the properties of Park Circus now.

During a recent Planning Appeal (PPA-260-2013) for a mixed use development at 341 Great Western Road, Glasgow, the reporter concluded that "the proposal would amount to an overdevelopment of the site by reason of density, scale and massing, if not of layout, which would have an adverse effect on the street scene, the character and appearance of the Woodlands Conservation Area and residential amenity." We believe that the same can be said about the current scheme proposed for Park Quadrant.

## **Summary**

In summary, we consider that the principle of development on the open landscaped space, resulting in a loss of green/open space is unacceptable. The proposal will have a detrimental impact on the amenity of our client's property by reason of loss of privacy and overlooking and have a detrimental impact on landscape and visual amenity due to loss of open space and trees. The proposal constitutes overdevelopment of the site, by reason of the scale and height of the building, intensive residential density and lack of car parking. There will be a detrimental impact on visual amenity and townscape by reason of inappropriate design and all of these issues will fail to address the requirement to preserve or enhance the character or appearance of the Conservation Area and the setting of adjoining Listed Buildings.

Our client also objects to the proposal on the grounds that there will be a detrimental impact on amenity by reason of noise disturbance and increased air pollution. Foreign languages

are taught in the in the classrooms to the rear, and there are two libraries, a function room and offices adjacent to the proposal which are clearly noise sensitive. In addition, air pollution from the ventilation terminals from the underground car park vented to Park Circus will diminish air quality and further impact on amenity. The applicant has not addressed either noise or air quality issues and there is therefore a lack of sufficient information on these issues to properly determine the impact and the application.

As a result, the proposal is considered to be in conflict with the following policies of the Development Plan and having regard to the requirements of Section 25 of the Act should be refused:

- STRAT 1 – Design and Sustainable Development;
- STRAT 3 – Delivery;
- DES 1 – Development Design Principles;
- DES 2 – Sustainable Design and Construction;
- DES 3 – Protecting and Enhancing the City’s Historic Environment;
- RES 1 – Residential Density;
- RES 2 – Residential Layouts;
- TRANS 4 – Vehicle Parking Standards;
- ENV 2 – Open Space and Public Realm Provision;
- ENV 8 – Trees, Woodlands and Hedgerow.

While there are relevant material considerations they not outweigh the strong presumption in favour of refusing the application in the context of the Development Plan.

### **Material Considerations**

The following material considerations are considered to be relevant to the proposal:

- Scottish Government (2014) Scottish Planning Policy (SPP);
- Emerging Development Plan Context;
- Planning History;
- Planning Appeal Decisions;
- Glasgow City Council: Supplementary Planning Guidance & Publications;
- Conservation Area Appraisal.

### ***Scottish Government (2014): Scottish Planning Policy (SPP)***

SPP is a statement of Scottish Government policy on land use planning. SPP sets out the principal policies on Sustainability and Placemaking and confirms that these policies are overarching and should be applied to all developments. The planning outcomes contained within SPP are consistent with the National Planning Framework and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. SPP supports sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

For the reasons stated in relation to the development plan context, it is considered that this proposal fails to fulfill national planning policy objectives for a ‘successful sustainable place’.

## ***Emerging Development Plan Context***

The emerging development plan context is provided by the Proposed Clydeplan Strategic Development Plan (SDP), January 2016 and the Glasgow Proposed City Development Plan, which was submitted to Scottish Ministers on 24 June 2015 for examination. Within the context of this site-specific application, it is considered that the policies of the SDP are of little material significance.

The examination of the Glasgow Proposed City Development Plan (CDP) is currently ongoing and some weight could be attached to the policies where objections have not been received. However, it does appear that a number of requests for further information by Scottish Ministers have been made and as the recommended outcome is not yet known on site-specific allocations.

We are concerned over the planning status of Park Quadrant, with the Proposed CDP. The proposals map of the Proposed CDP allocates the site for residential development, on the basis that it is included in the Housing Land Audit (HLA). The HLA 2014 indicates that Park Quadrant formed part of the 'established' supply since 1984 for 107 units. Despite being considered as an established site with residential potential, since 1984, this is, as far as we understand, the first time that the site has been elevated to become a designated site in the Local Development Plan. The site does not have the benefit of planning consent, it only forms part of the established supply within the Audit and our client's object to the site's inclusion for residential development in the Proposed CDP.

In effect the allocation of the site in the Proposed CDP does not have development plan status and only marginal material weight should be attached pending the outcome of the ongoing examination.

## ***Planning History***

The following planning history substantiates that neither the Council nor Scottish Ministers have granted planning permission at the site and the absence of an existing consent, as illustrated by the following planning history, is considered material in supporting refusal of this application, albeit that the availability of the supporting documents has been requested and my client's may wish to comment further on the following relevant applications:

- Planning Application Ref: 99/02516/DC for the erection of residential flatted development of 100 flats and 6 mews dwellings with associated car parking, landscaping etc. At Park Circus Lane/ Park Quadrant was deemed refused on 17th December 2001;
- Planning Appeal Ref: 01/00160/NQU for the Erection of residential flatted development of 100 flats and 6 mews dwellings with associated car parking, landscaping etc. At Park Circus Lane/ Park Quadrant was dismissed (Ref: P-PP-75-96-SL-81 (Called-in application))
- Planning Application Ref: 06/03456/DC for the erection of residential development comprising 107 flats, off street car parking and associated landscaping at Park Circus Lane/ Park Quadrant was withdrawn on 8<sup>th</sup> March 2014.