



Planning Services 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 100695343-001

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.

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: David Bell Architect

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

First Name: * David Building Name:

Last Name: * Bell Building Number: 1

Telephone Number: * Address 1 (Street): * John's Place

Extension Number: Address 2:

Mobile Number: Town/City: * Edinburgh

Fax Number: Country: * Scotland

Postcode: * EH4 2WL

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="Mr"/>	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" value="Saleem"/>	Building Number:	<input type="text" value="619"/>
Last Name: *	<input type="text" value="Aslam"/>	Address 1 (Street): *	<input type="text" value="Shields Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="G41 2RT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="619 SHIELDS ROAD"/>
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="GLASGOW"/>
Post Code:	<input type="text" value="G41 2RT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="663233"/>	Easting	<input type="text" value="257541"/>
----------	-------------------------------------	---------	-------------------------------------

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 flatted dwelling as house in multiple occupancy (HMO) for 14 persons.

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.

See 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)

610 Shields Road LRB Statement Appendix A Housing Act 2006 part 5 Appendix B SG10 Appendix C Licensing of HMO
Appendix D1 Appendix D2 Appendix D3 Appendix D4 Appendix D5 Appendix E Original scheme Appendix F revised application
Appendix G Overmarked drawing Nov 2023 Appendix H Overmarked drawing July 2024 Appendix I Refusal notice October 2024

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00072/FUL

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

11/01/2024

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

29/10/2024

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

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: Mr David Bell

Declaration Date: 09/12/2024

LOCAL REVIEW BODY SUBMISSION
PROPOSED CHANGE OF USE FROM MAINSTREAM
RESIDENTIAL TO HMO.
619 SHEILDS ROAD, GLASGOW

29 OCTOBER 2024

DAVID BELL
ARCHITECT

1 John's Place
Edinburgh
EH6 7EL

1 Introduction

1.1 Introduction and Background

- 1.1.1. David Bell Architect has been instructed by Mr Saleem Aslam (“the Applicant”) to make an application to Glasgow City Council for a change of use from mainstream class 9 residential to HMO use. The property is at 619 Shields Road, Glasgow (the ‘application site’), and is currently used as his main family residence, with a small separate flat subdivided at the basement level. The property is a main door flat accessed directly from Shields Road and not through a common stair.

2.0 Initial application.

- 2.1. An initial application was submitted on 2 August 2023, under planning reference 23/01923/FUL. This showed the potential number of occupants as being 17, in 10 rooms, over the two floors. The officer allocated to deal with the application was initially Alan Scott and there was a series of discussions with him about the HMO requirements.
- 2.2. In these early discussions, we referred to the Scottish Government’s Statutory Guidance for Local Authorities which sets out the design requires. In particular, Annex A provides the technical specifications for physical space. At no point does this refer to the maximum number of rooms or the maximum number of occupants. This guidance sets out the accommodation requirements, the need for cooking, lounge and other facilities and we demonstrated full compliance with these requirements.
- 2.3. Following a further review of the provision of cooking facilities and communal lounge areas with Alan Scott, it was agreed to make some changes to the layout, to reduce the number of rooms and overall level of occupancy. The initial application was then withdrawn to allow a revised scheme to be submitted.

3.0. Revised application.

- 3.1. This was submitted on 11 January 2024, under planning reference 24/00072/FUL. The application reduced the proposed number of rooms, and also the number of proposed residents and in turn increased communal space.
- 3.2. In these early discussions it was noted that the Glasgow City Supplementary Planning Guidance, SG10 “Meeting Housing Needs”, states that “Multiple occupancy provides an essential form of accommodation for many people. The aim of the guidance was to ensure there was a balance between the provision of HMO flats and other forms of accommodation”. The guidance goes on to highlight the key criteria in terms of Design and Amenity Space.

Key Criteria – Design and Amenity Space

1.13 Planning applications for multiple occupancy will be determined against the following criteria:

- a) There must be individual access to a lit street. This will include main door flats and undivided dwellinghouses, but will exclude most properties served by a tenement close and/or communal stairs and properties which have already been subdivided;

b) There must be direct access to amenity space, a refuse store and a drying area to the rear of the building. Recycling space should also be provided in accordance with 'Provision of Waste and Recycling Space' guidance contained within SG 5: Resource Management;

- 3.3. It was noted that the proposed revised scheme complied with these key criteria. The location was a well-lit street, on a main road, with a main access front door accessed directly from the street.

In addition, it has an existing communal drying green to the rear of the property, which is directly accessible from within the flat.

The matter of refuse storage and recycling was not seen as being an issue on its own since there were already communal storage facilities immediate adjacent to the property, at the corner of the Shields Road with Leslie Street and this system had been brought into place by the Council and was used by all of the residents in the area.

- 3.4. Throughout the latter part of 2023 and into early 2024, we tried to engage with Alan Scott to see if what we were proposing would meet with his approval or whether there was anything else we needed to do. This is evidenced by the number of emails over this period, but we were constantly met with radio silence and a total lack of communication. In May 2024, we wrote to Ross Middleton, the Principal Planner for the area, to ask for his assistance in getting the application addressed. He responded on 15 May to say that another officer, Laura Johnston, would be taking over the application and she would engage with me on the level of acceptable development. Again, we heard nothing, and this prompted me to have to write to Sarah Shaw, Head of Planning on 4 July and she in turn got Laura to contact me.

- 3.5. This led to the following email trail, all of which are attached to this appeal.

3.5.1 Laura's email of 22 July.

3.5.2 My replies to her of 9 August and 23 August.

3.5.3 A subsequent email from Laura dated 29 August.

This stated she was concerned about overdevelopment, communal access and parking.

- 3.5.4 My reply of 8 September which we understood addressed these points. You will note we asked her to "define overdevelopment" and whether a further reduction in the number of units might address this.

The term overdevelopment is subjective, and we were looking for guidance as to the level of accommodation which would be acceptable. As previously stated, we had already demonstrated full compliance with SG10 and the Scottish Government's technical specification for HMO development, both of which do not define a maximum level of acceptable development.

- 3.5.4 Having not received any feedback from Laura to the email of 8 September, I wrote again on 5 October, only to be told on 11 October, that the application was to be refused.
- 3.6. As demonstrated from the attached emails throughout this time we continually asked for advice from planning as to the level of accommodation which would be acceptable, since this is not referred to in any of the guidance. It was agreed that the principle of HMO was not an issue, it was simply down to the detail.
- 3.7. Despite requesting this clarification no advice or opinion was offered.
- 3.8. The revised application was refused on 29 October 2024.

4.0. Reason for refusal.

- 4.1. There were five reasons given for refusal. These were as follows: -
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 is contrary to
Policy 13: Sustainable Transport,
Policy 14: Design, Quality & Place,
Policy 16: Quality Homes and
Policy 23: Health and Safety of the National Planning Framework 4,
CDP1: The Placemaking Principle,
CDP 10 and SG 10: Meeting Housing Needs and CDP11
and SG11: Sustainable Transport of the Glasgow City Development Plan as specified below, and there is no overriding reason to depart from there.
 03. The proposal fails to accord with policies 14, 16 and 23 of NPF4 and CDP1, SG1: Placemaking and SG 10: Meeting Housing Needs of the adopted City Development Plan by reason of the impact the proposal will have upon the health and wellbeing of its tenants and local residents due to the introduction of a commercial use of the scale and quality proposed to a modest family home in an established residential area. Fourteen, potentially unrelated adults living in the sub-standard accommodation proposed would be detrimental to the health and wellbeing of tenants but also to neighbouring residential amenity due to increased traffic, noise and general activity. Furthermore, the proposed development will be detrimental to the amenity of the property and wider area and is inconsistent with the six qualities of successful places.
 04. The proposal fails to accord with policies 14 and 16 of NPF4 and CDP1 and SG1:Placemaking of the adopted City Development Plan as no details regarding the

arrangement for bin storage within the rear curtilage has been provided. This would be to the detriment of residential and visual amenity of the property and wider area.

05. The proposal fails to accord with policy 13 of NPF4 and CDP10 and CDP11 and SG11: Sustainable Transport of the adopted City Development Plan due to lack of consideration for inclusion of secure and sheltered cycle parking.

5.0. Review of reasons for refusal

- 5.1. Taking these reasons in reverse order, we would note the following: -

Reason 05. We believe that we have demonstrated that the proposed location is served by existing sustainable transport and that the use of the flat as an HMO would actually reduce the need for parking in the area. This is noted in our email of 9 August and 8 September which confirmed the following: -

Email of 9 August.

3. We note your comments regarding parking but would suggest that the majority of tenants who live in an HMO properties do not own a vehicle. The area is well served by public transport with public transport. This includes the two railway stations at Pollockshields East and West which are equidistant from the property, and the following bus services are also very close to the property, 38, 57 and 129. In line with NPF4 therefore we would suggest that this is a sustainable location, and we should be encouraging residents to be car free. As a result, we do not agree that the number of rooms proposed presents any issues with increased vehicle parking.

Email of 8 September.

3. Parking.

It is commonly understood that HMO flats are designed to provide good quality affordable housing for people who do not have a lot of money. The Office of National Statistics produces figures on car ownership by income group. The last recorded data is from 20218 and this is entitled "Percentage of households with cars by income group, tenure and household Composition UK, financial year ending 2018". This indicates that people in the lowest income group with 10% gross income have single car ownership of around 33 %. Based upon the current proposed layout we have a maximum of 8 lettable rooms this would indicate that the worst-case scenario would be that the tenants would own between 2 and 3 cars. This is less than the existing owner of the property who between himself and his family have 4 cars. There would be no increase in parking resulting out of this change of use.

In addition, it is important to note that the policy aims of policy 13 of NPF4 are to encourage, promote and facilitate developments that prioritise

walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. In my previous email I noted that the area is well served by public transport with public transport. This includes the two railway stations at Pollockshields East and West which are equidistant from the property, and the following bus services are also very close to the property, 38, 57 and 129. In line with NPF4 therefore we would suggest that this is a sustainable location, and we should be encouraging residents to be car free. As a result, we do not agree that this development presents any issues with increased vehicle parking.

At no time during the process was the matter of cycle storage raised. This of course can be proved without any issue, in the form of a secure cycle enclosure in the rear garden area. If it had been requested, it would have been confirmed and provided.

We do not believe the above therefore to be a valid reason for refusal.

- Reason 04. The bin storage arrangement was confirmed to Laura in our email of 9 August which included photographs of the existing Council arranged refuse disposal system for the area. Whilst it would be possible to provide bin storage to the communal garden area this is not how the system currently operates. The garden is at a lower level to the street and all of the flats in the area use communal bins on the street. We believe this is therefore not a reason for refusal.
- Reason 03. If 14 people is too many for an HMO, I would have appreciated the required clarification as to what would be acceptable. At the moment and despite all of our emails it has been determined that 14 is too many, but what level would be acceptable? We have always stated that we are happy to work with planning to create an HMO development which is acceptable to the Council and forms good quality accommodation for its residents. To simply state it is overdevelopment is to avoid the question of what is considered not to be overdevelopment and where is this defined. We believe this is the crux of the issue. Can an HMO development be consented in this area?

Reason 01 and 02.

These are general policies which would infer that the City is not prepared to accept any HMO development in this area. This is contrary to the earlier schemes which have been approved. They have similar issues regarding parking and refuse, but have been approved. This was addressed at paragraph 2 of our email of 9 August which states:-

Email of 9 August.

2. You state that HMO developments should not exceed 5% of the total number of dwellings in a given street or block. I have carried out a review of historic consents granted in the last 20 years, covering the whole of the

block including Melville Street and Leslie Street and note there are only 3 consented properties which might fall into this category. These are 32A, (20024), Flat 0/1 46 (2002) and 4 Melville Street (1996). It appears there are around 180 properties in the whole block and therefore the 5% rule would allow a total of 9 HMO properties to be approved. As a result of the above again this is not applicable to this application.

If these flats have been granted approval for use as HMO properties, then they must have been deemed to comply with all of these policies. We therefore fail to see the issue with the current proposed scheme.

6.0. Summary and conclusion.

- 6.1. This application is simply to obtain a change of use of an existing very sizable main indoor flat to form a Housing of Multiple Occupancy.
- 6.2. HMO is stated as being an important contributor to the housing mix in Glasgow. And as noted in this submission there are already a number of similar developments in the block between Shields Road, Leslie Street and Melville Street but this to have been ignored in the determination of this application. At no time has anyone from planning clarified the maximum number of residents allowed in an HMO nor have we been directed to any policy to define this. We have offered on numerous occasions to engage with planning to provide an acceptable development, but these offers have been ignored. Planning is not meant to be a guessing game. It is driven by policy and there are no policy reasons for refusing the application other than the subjective position of we don't want HMO here.
- 6.3. The matters of bin storage, bike storage and parking are not valid since these can either be addressed or are not applicable in this location. The decision clearly ignores the sustainability policies in NPF4 which aim to encourage development with less parking and a reduced reliance on cars. The fact that the flat is located on good transport links again appears to have been ignored. We do not accept that the reasons given for refusal are valid in this case.
- 6.3. As a result of the above, and the Councils extended period to engage on this application, we would request that the Local Review Body revisits this application and determine to overturn the current refusal. If you agree with our conclusions, we would be prepared to resubmit a further application with reduced numbers but only on the basis of clear policy guidance.

Appendices

- A Housing (Scotland) Act 2006 Part 5
- B Glasgow Council Supplementary Planning Guidance, SG10 meeting Housing Needs
- C Scottish Local Authority Guidance on Licensing of Houses in Multiple Occupancy. Annex A, Technical Specification for Physical Standards.
- D Emails

- D1 DBA email to Sarah Shaw of 4 July 2024, with the earlier email trail trying to engage with planning and to progress this application. This includes earlier emails, including one to Ross Middleton and Sarah Shaw's replay of 4 July.
- D2 Laura Johnston's email of 22 July.
- D3 DBA reply email to Planning of 9 August which addresses all of the points raised in the email of 22 July.
- D4 DBA email to Planning of 23 August addressing points raised on the Housing Act Scotland.
- D5 Planning email of 11 October which appears to ignore the points raised in our earlier emails.
- E Drawings submitted with initial application 2 August 2023, under planning reference 23/01923/FUL. Drawings 22-183 PL 03A, 04A and 05.
- F Revised submission application from 11 January 2024, under planning reference 24/00072/FUL.
- G Overmarked drawing showing requested amendments sent to Alan Scott 11 November 2023.
- H Overmarked drawings showing potential changes sent to Laura Johnson 9 August 2024. Drawings 22-183 PL 03B and 04B.
- I Planning refusal notice dated 29 October 2024.