



Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: [onlineplanning@glasgow.gov.uk](mailto: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 100692065-001

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: bennett Developments and Consulting

Ref. Number:

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

First Name: \*

blank

Building Name:

Last Name: \*

blank

Building Number:

10

Telephone Number: \*

Address 1  
(Street): \*

Park Court

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Glasgow

Fax Number:

Country: \*

United Kingdom

Postcode: \*

G46 7PB

Email Address: \*

don@bennettgroup.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" value="other"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="OTHER"/>	Building Number:	<input type="text" value="742"/>
Last Name: *	<input type="text" value="blank"/>	Address 1 (Street): *	<input type="text" value="Pollokshaws Road"/>
Company/Organisation	<input type="text" value="GRAIN AND GRIND"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G41 2AE"/>
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="742 POLLOKSHAWS 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 2AE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="662697"/>	Easting	<input type="text" value="257909"/>
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## 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)

Change of use of coffee shop/sandwich bar to hot food takeaway and erection of flue at rear

## 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.

FAILURE OF THE PLANNING OFFICER TO PROPERLY APPLY THE RELEVANT POLICIES

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)

Statement of Appeal, Planning Statement, Plans, Decision Notice, Report of Handling, Technical Specification of extract system

## Application Details

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

24/01723/FUL

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

04/07/2024

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

13/09/2024

## 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 Don Bennett

Declaration Date: 17/11/2024

## STATEMENT OF APPEAL

1.10.2024

**742 POLLOKSHAWS ROAD, GLASGOW, G41 2AE**

**APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CHANGE OF USE FROM COFFEE SHOP/SANDWICH BAR (CLASS 1A) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF FLUE AT REAR OF THE ABOVE PREMISES. APPLICATION REF: 24/01723/FUL**

### 01 Background:

The property at 742 Pollokshaws Road occupies the ground floor of a four storey red sandstone tenement in a row of other commercial uses in this emerging area of Strathbungo on the south side of the city.

On 4/7/24 an application for planning permission (24/01723/FUL) was lodged for the change of use of the existing coffee shop/sandwich bar to a hot food takeaway and installation of a flue at the rear

On 13/9/24 the application was refused.

### 02 Reasons for Refusal:

In refusing the application, the following reasons are cited:

01 The proposal was not considered to be in accord with the Development Plan and there were no material considerations which outweighed the proposals variance with the Development Plan

02 The proposed development due to its detrimental impact to the character of the listed building and Conservation Area is contrary to Policy 7 of NPF4 and there is no overriding reason to depart therefrom

03 The proposed development due to its location within and adjacent to residential properties and impact on the residential amenity of the surrounding area is contrary to Policy 14 of NPF4 and there is no overriding reason to depart therefrom

04 The proposed development due to its location within and adjacent to residential properties

and impact on the residential amenity of the surrounding area is contrary to Policy 27 of NPF4

05 The proposed development due to its location within and adjacent to residential flats is contrary to CDP4/SG4 Network of Centres of the Glasgow City Development Plan as assessed above and there is no overriding reason to depart therefrom.

06 The proposed development due to its detrimental impact on the character of the listed building and Conservation Area is contrary to CDP9/SG9 Historic Environment of the Glasgow City Development Plan

In essence notwithstanding the repetition evident in the reasons, the claimed impact on residential amenity was the overriding reason for the refusal

### 03 Response to reasons for refusal:

In determining an application the planning officer is required to assess the application in the context of the latest and adopted local development plan and other legislation such as National Planning Framework, in this case NPF4.

Within these documents is a wealth of policy guidance and direction providing both guidance and direction to the applicant, and in the case of NPF4, the local authority.

The policy guidance ranges from over arching and all embracing policies which set the context and provide a background, to the more detailed policy guidance to be found on a series of more specific subjects.

The planning officer is then required to produce a Report of Handling (ROH) which should contain a full, comprehensive and concise reason and justification based on the appropriate policies, for the resultant recommendation, in this case, to refuse.

It follows therefore that we need to critically scrutinise and exam that document in order to determine whether or not the correct policies were properly applied, understood and interpreted correctly.

The ROH identifies a series of policies in both NPF4 and the Local Development Plan which it is claimed provided a competent assessment of the application. These are:

**NPF4 Policy 7 Historic Assets and Places** This policy provides guidance on proposed developments involving listed buildings and Conservation Areas. Within The ROH it is claimed that insufficient information was provided on the specification of the flue hence the proposal could not be provided. In particular it is claimed that no information was provided in respect of the colour of the flue and how the flue would be attached to the wall.

#### **Response:**

These claims are untrue. Within the Planning Statement, Page 1, Section 02 Proposal states “*Externally the only change will be the erection of a modest flue at the rear of the property. **It will be fixed with vibration proof fastenings** which will eliminate any possible vibrations from the system and will at the same time protect the fabric of the building. The flue will terminate one metre above the eaves as required by the legislation . **The flue can be finished in any colour should this be required**”*

It is evident therefore that the ROH is wrong as the required information was provided.

**NPF4 Policy 14 Six Qualities of Successful Places** Policy 14 defines what these six qualities are and the ROH claims that the proposed development fails to address these qualities, though no justification is given for these claims.

**Response:**

However if we consider these six qualities, it is apparent that the proposal has had regard to these qualities and has met all of them.

The six qualities are:

**1.Healthy:**

Prioritisation of women's safety and improving physical and mental health

***the proposal ,by introducing another active venue in the street and the splay of light from the window will help to generate a sense of security and safety***

**2.Pleasant:**

Supporting attractive natural and built spaces –

***this group of units relies on its well being by having no empty units and in contributing to the range of goods and service in the area.***

**3.Connected:**

Supporting well connected networks that make moving around easy and reduce car dependency.

***The area has a wealth of bus services and has access to rail services. It is easily accessible by foot and by cycling.***

**4.Distinctive:**

Supporting attention to detail of local architectural styles and natural landscapes to reinforce local identity.-

***The fact that the unit which is one of the original small independent units will be occupied, contributes to the local identity which is one of vibrancy and vitality.***

**5.Sustainable:**

Supporting the efficient use of resources that will allow people to live, play work and stay in their area.

***The location of the site is well placed to contribute to all of the above.***

**6.Adaptable:**

Supporting commitment in investing in the long term value of buildings, streets and spaces by allowing for flexibility so that they can be changed to accommodate different uses as well as maintained over time.

***Fundamental to sustainability is the need to be able to adapt and to change as customs and habits change. The proposed development demonstrates this admirably.***

Further, **NPF4 Policy 14** also states that developments which are poorly designed, detrimental to the amenity of the surrounding area or are inconsistent with the six qualities of successful places, will not be supported.-



***The proposal involves the use of an existing building so the design is not an issue, and the measures which have been put in place to ensure residential amenity, will be highly effective in achieving that end.***

**Policy 27- City,town,local and commercial centres** -Within this policy is a recognition of the role which these centres play and the need to ensure a balance in uses and the primacy of retail. The policy however recognizes that these centres must offer a range of goods and services and that uses such as hot food takeaways, betting offices and high interest money lending premises would not generally be supported where **further** provision would undermine the character and amenity of the area.

***Response:***

After many years of no growth and no investment, this part of Pollokshaws Road in Strathbungo is finally emerging as a go-to destination for wining and dining.

A clear parallel can be drawn with Argyle Street at Finnieston where there was a similar resistance from planning to the introduction of wining and dining establishments. Thanks to the persistence of operators and professional advisers, that resistance was overcome and the area is now famous for the range of cuisines and drinking establishments to be found there, with no adverse impact on residential amenity. The street or “strip” as it is now known is vibrant and dynamic with no vacant premises, delivers a full rates return to the council, investment in the area and the offer of job opportunities.

The same success story could be delivered in this case with a more positive and supportive input from planning. The fact that there is more than 20% public house/sui generis uses is academic, they already exist and contribute to the areas increasing appeal. Likewise the opposite side of the road has 75% of units in those same uses with no problem and again they contribute to the vitality and vibrancy of the area and to its success.

The combined number of the “undesirable “ uses has had no impact whatsoever on residential amenity as witness by the popularity of the area as a place to live, yet the ROH claims that this single application is going to have a detrimental impact. On the contrary this new hot food takeaway will add to the dynamic and the bustle which is now so evident in the area.

**Policy CDP1/SG1 Placemaking- Waste storage and collection and NPF4 Policy 12 Zero Waste –**

It is claimed within the ROH that issues related to this matter have not been fully explained and are insufficient

***Response:***

Within the Planning Statement it is made abundantly clear that the appellant was aware of the potential problems associated with hot food takeaways and therefore the proposal incorporated measures to ensure that these problems would not arise. In the first instance it incorporated full technical specifications for the extraction system which would ensure that heat, noise, odours and smells would be effectively addressed. Secondly it made provision for the proper and effective storage of waste within the premises by incorporating a dedicated waste storage facility. In addition a scheme for the disposal of waste was included which was based on the waste only being placed outside at the appointed time for uplift by the appointed contractor. This would ensure that bins did not obstruct pedestrian movements and that litter would not be an issue. The ROH claims that this is insufficient but beyond identifying the contractor and agreeing a contract, all of which is the prerogative of the tenant, there is nothing more that can be added.

**NPF4 Policy 13 Sustainable Transport**-Development proposals which do not require car parking will be supported.

*As the application site is within a defined town centre and is easily accessed by public transport cycling and walking it is accepted that the proposal accords with the policy*

Within the Local Development Plan, **Policies CDP1 and SG1 – Placemaking**, and **CDP4 and SG4 – Network of Centres**, reflect and reinforce the above referenced NPF4 policies, so it is not necessary to reiterate these policies.

From all of the above it would appear that the planning officer has concluded that the proposed development, does not accord with these policies ,yet on closer scrutiny many of the requirements of these policies have indeed been met eg.,waste management, sustainable transport, design quality and space, odour extraction measures ,hours of operation, the six qualities of successful places as demonstrated above, were all incorporated within the design and in the Planning Statement and all have been accepted and stated as such within the ROH. The only issue outstanding appears to be the question of residential amenity which is a phrase much abused and less easily defined.

It is accepted that in areas where there is a mix of residential and other non-residential uses that there may be tension and conflict between uses. Nevermoreso than in inner city areas where there is a dense concentration of residential and non-residential and space is at a premium.

While recognizing that the site is within an area designated as Strathbungo Local Centre, the comments within the Report of Handling(ROH) do not appear to reflect that fact. Policy SG4 Network of Centres, defines the range of centres within the city from the city centre to small local shop groups. It identifies the number of town centres within the city and prescribes a number of criteria for their status, namely that such centres should provide a wide range of goods and services to all of the surrounding area permitting those residents to enjoy the “twenty minute neighbourhood” concept in that all needs should be met within a twenty minute journey time. It is obvious therefore that within the range of services available that hot food takeaways must feature as they are a staple food source in any neighbourhood.

The confusion arises in that the while Policy SG4 of the Local Development Plan and Policy 27 of NPF4 both require that such uses should not be near or adjacent to residential, they fail to recognize the fact that Glasgow is a tenemental city with residential above commercial uses on the ground floor. Indeed the largest percentage of small independent outlets are to be found in this zone and it follows that by virtue of the density of the tenemental stock that the only space for any kind of use is going to be the ground floor. The only other alternative being to construct new small groups of single storey units which is not going to happen. As regards the “twenty minute neighbourhood “ concept that can only happen if the ground floor of the tenements is used to its fullest and that surely must include hot food takeaways.

In the ROH this fact appears to have been forgotten and instead of recognizing the measures which will be put in place to ensure that amenity will not suffer, the planner has simply claimed that the site is unsuitable for such a use and ignored the range of failsafe devices which will be incorporated into the development. This is not acceptable. Given that within the Strathbungo Local Centre almost every street

is a tenemental street, and the town centre is required to provide services for all needs, it follows that properties below tenemental flats must be used for uses such as that proposed but with the proviso that as these are the only sites available for such uses it is necessary to impose a series of conditions that address the potential problem areas, namely noise, odours, smells, heat and refuse management and disposal. The applicant recognizes this fact and has incorporated a range of measure that will ensure that these problems will not impact on residential amenity.

## 04 Summary:

It is evident from all of the above that the appellant was mindful of the potential amenity issues and incorporated a series of measures into the design all of which have been accepted. Given that this is the case and the appellant has met the required standards to ensure that residential amenity has been protected, there was no sound reason to refuse the application.

As stated at the outset, in a tenemental area the only place where non residential uses can be accommodated is on the ground floor of these buildings hence the range of policies and guidance aimed at ensuring that where any problem with residential amenity might exist, they can be addressed by meeting the requirements of these policies.

If the “twenty minute neighbourhood” is to be achievable and have any value then hot food takeaways in busy neighbourhoods which are simply a fact of life, must be accommodated ,always subject to complying with the aforementioned policies.

The proposed development addressed all the relevant requirements and incorporated a range of measures to ensure that residential amenity was not impugned and accordingly, should have been approved.

Throughout the ROH there is a recurring theme, namely that the presence of this hot food takeaway will be detrimental to residential amenity yet nowhere is there any explanation as to why this would be the case. How would the hot food takeaway be detrimental? How would residential amenity be affected? The decision to refuse was based on nothing more than unsubstantiated and stereotypical opinions which lack any substance. While opinions may carry some persuasion, facts carry authority and the fact remains that there is no evidence that the hot food takeaway would be a problem of any kind.

In the absence of any evidence to the contrary the application should have been approved.

**In the circumstances we would ask that the decision to refuse be overturned and the application approved.**