Item 6

10th September 2024

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 100638925-006

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:	Padrino Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Dominic	Building Name:	The Wright Business Centre
Last Name: *	Notarangelo	Building Number:	1
Telephone Number: *	0141 762 2000	Address 1 (Street): *	Lonmay Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G33 4EL
Email Address: *	Dominic@padrino.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	58
Last Name: *	Welsh	Address 1 (Street): *	Letham Oval
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Bishopbriggs
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	G64 1XX
Fax Number:			
Email Address: *	dominic@padrino.co.uk		

Site Address Details

Planning Authority: Glasgow City Council

Full postal address of the site (including postcode where available):

Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Site at Auchentoshan Terrace at Springburn Road

Northing	666995	Easting	260455

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)

Erection of public house (Sui Generis) with office accommodation (Class 4) and associated works | Site At Springburn Road/ Auchentoshan Terrace Glasgow

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 a 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.

Refusal was premature as the officers were aware that the requested reports were in hand . This was in the run up to the end of the year at a point in time where consultants tend to complete existing commissions and do not prioritise new work. Please refer to the Statement of Appeal and annexed 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)

Statement of Appeal Auchentoshan Terrace Doc 1, Doc 2, Doc 3, Doc 4, Doc 5, Doc 6. Doc 7, Doc 8, Doc 9, Doc 10, Doc 11, Doc 12 Doc 13, Doc 14, Doc 15, Doc 16, Doc 17, Doc 18. Doc 19, Doc 20, Doc 21, Doc 22, Doc 23,

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.	23/02002/FIL
What date was the application submitted to the planning authority? *	11/08/2023
What date was the decision issued by the planning authority? *	19/01/2024

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 Dominic Notarangelo

Declaration Date: 14/04/2024

Planning Appeal

Refusal of Application

23/02002/FUL

Auchentoshan Terrace
Glasgow

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The Auchentoshan Terrace site bears the weight of a planning history stretching nearly a decade—an unexpected and frustrating duration.

The applicant previously managed a thriving public house located in Huntingdon Square, Sighthill. Recognised as the primary community pub within the area, it served alongside several other establishments and a bustling shopping precinct. Discussions with Glasgow planners in the late 1990s aimed to extend the Caledonian Bar with an additional storey. However, these plans were halted amidst the preparations for the 2013 bid, ultimately unsuccessful, to host the 2018 Youth Olympics.

Despite the bid's outcome, urban renewal efforts commenced in Sighthill, resulting in the complete redevelopment of the area. Regrettably, all public houses were lost in the process, and local community shops had already been replaced due to earlier redevelopment initiatives in the St Rollox basin.

Acknowledging the impact on the applicant's livelihood, Glasgow City Council committed to finding an alternative location within the community. Subsequently, a site was identified and made available on the open market (**Doc 10**). On 24th July 2014, City Property accepted the applicant's offer, specifically for the construction of a public house. This proposal was deemed compatible with City Plan 2's 'Residential' and 'Other Commercial' designations, with the amenity requirements considered less stringent for this commercial use.

The sequence of planning events concerning permissions for the establishment of a Public House, starting from 2015, unfolds as follows:

- Application 15/013351/DC was validated on 26/6/2015, initially refused on 15/08/2015, and subsequently granted approval on appeal on 07/06/2016.

- Application 15/02927/DC was validated on 01/12/2015 and granted approval on 26/01/2016, subject to twenty (20) conditions.

Transitioning to the examination of the reasons for refusal and the corresponding grounds for appeal, we offer the following commentary:

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.

Comment:
There are significant considerations to take into account:

- The site was specifically sold by Glasgow City Council to the applicant for the explicit purpose of constructing a Public House to replace the Caledonian Bar in Sighthill.
- There was a previous consent (Ref 15/0292/DC) for the erection of a new Public House, albeit now lapsed.
- Additionally, a 'Local Review' consent (Ref 15/00064/LOCAL) was granted for a proposed Public House (Refused application 15/01351/DC), although this too has lapsed.

02. The proposal was contrary to CDP1 and SG1 of the Glasgow City Development Plan and policy 14 and 27 of NPF4 in that the proposed development, by virtue of its scale, massing, design, and materials, does not comply with the key placemaking principles set out in CDP1 and SG1 and would represent an incongruous development. In particular:

- ***The building form (external) is dictated by the programming of the inside of the building rather than responding to the place/local context and results in many corners and complex massing.***

Comment:
The building design underwent thorough discussion during the pre-application phase, referenced as Ref 22/0085/PRE. Subsequent to this virtual meeting, adjustments were made, with officers emphasizing that the design reflects the client's preferences. It is important to note that the comment provided appears to be subjective and reflects the perspective of the case officer.

- ***The building is visually confusing and looks like an upscaled domestic development with extensions rather than an intended design for a commercial or community function.***

Comment:
The design of the building underwent review during a pre-application meeting on 13/07/2022 attended by Colin Houston, an Architect from the City Design team. Subsequent adjustments were made based on feedback from this virtual session, with officers emphasizing that the design reflects the preferences of the client. It is worth noting that the comment provided appears to be subjective and reflects the perspective of the case officer.

- ***The roofline of the building is complex and confusing.***

Comment:
The roof geometry is not complex or confusing. The comment provided appears to be entirely subjective from the perspective of the case officer.

- ***Access to the building is complicated with a number of accesses shown on the west, north and east elevations.***

Comment:
Once more, this perspective appears entirely subjective; access to the building is not inherently complicated. There are three access points on the West Elevation: the first leads through the tower to the Lounge bar/restaurant, the second grants access to the sports bar, which can be opened up to the Lounge bar/restaurant for significant events, and the third entrance leads to the upper floors, housing the function room and the Third Sector hub. It is worth noting that the case officer altered the latter designation.

- ***The entrance tower does not give the detail presence and identity required and adds another volume element to the design.***

Comment:
The design of the tower underwent discussion during the pre-application phase and was subsequently enlarged in accordance with the feedback received. It is important to note that the comment provided appears to be subjective and reflects the perspective of the case officer.

- ***The facades on each elevation appear complicated with multiple roof lines and forms related to the complex massing with setbacks.***

Comment:
The project underwent discussion during the pre-application phase, referenced as Ref 22/0085/PRE, where this specific concern was not raised. It is important to highlight that the comment provided appears to be subjective and may not align with the principles of "form follows function," where the design should prioritise functionality over aesthetic considerations.

- ***Due to a lack of information, there are no details on the rear boundary treatment.***

Comment:
The case officer was well aware that we were responding to the request for this information (**Doc 11**). The refusal notice was precipitous for this reason.

- ***Due to lack of a landscape plan, it is unknown the impact the proposal may have on the existing trees on the site, how any mitigation measures would be installed and there is no information on proposed soft and hard landscaping.***

Comment:
The case officer was fully informed of our efforts to address the information request (**Doc 11**), making the refusal notice premature. Although the landscape architect concluded their work on 22nd January, the report is not included in this appeal. It is our understanding that we cannot introduce information that was not available at the time of the unexpected refusal.
Additionally, an email dated 29/11/23 from the case officer (**Doc 13**) indicated their expectation of feedback from the City Design team before providing further guidance. It was unexpected to receive a refusal notice without receiving the anticipated feedback from the case officer.

- ***Due to lack of information, it is unclear how the proposed uses of the building will interact with each other, if any consideration has been given to either use adversely impacting on the other and any mitigation measures proposed.***

Comment:
This application is for a Public House with a multi-purpose space suitable for private functions and third-sector conferences. The development is designed to be car-free, catering to a large catchment area within walking distance, addressing the lack of community facilities in the vicinity. Additionally, the upper floor serves the community and would offer a Third Sector Hub, conveniently located within walking distance of the town centre and well-connected by multiple bus routes. This information was outlined in the Supporting Statement (**Doc 9**), which is not displayed on the planning portal but is cited in the City Design Team's response.

03. ***The proposal is contrary to CDP4 and SG4 and Policy 27 of NPF 4 in that the applicant has failed to provide justification/evidence that demonstrates that the proposal cannot be accommodated in other town centre locations and due to lack of information, the applicant has failed to provide information on proposed cooking and ventilation methods.***

Comment:
The Glasgow City Council sold the site to the applicant with the specific intention of constructing a Public House to replace the Caledonian Bar in Sighthill.

Furthermore, the first-floor plan provides a comprehensive layout of the kitchen, including the canopy and ventilation route, following accepted drawing conventions. Additionally, the external flue is clearly depicted on the East Elevation, denoted by the grey rectangle on the elevation drawing.

04. ***The proposal is contrary to CDP5 and SG5 of the Glasgow City Development Plan and policies 1 and 2 of NPF4 in that the proposed development, due to lack of information submitted, does not demonstrate how the proposed development complies with requirements within Policy CDP5 and SG5.***

Comment:
This aspect should have been addressed during the validation process. Steps were taken to engage a consultant upon request, but the end-of-year holidays inevitably affected timelines. The appropriate course of action for the officer would have been to "stop the clock," as is common practice, to allow for the proper and thorough response to the information requested.

05. ***The proposal is contrary to CDP7 and SG7 of the Glasgow City Development Plan and Policy 3 of NPF4 in that the proposed development due to lack of information submitted, does not demonstrate how the proposed development will potentially impact on protected species that could exist in the area, how it will impact on other biodiversity found on site, any mitigation measure to reduce these impacts and how these will be implemented.***

Comment:
This aspect should have been requested during the validation process. Efforts were made to engage a consultant as soon as it was requested, but the timing coincided with the end-of-year holidays, affecting timelines. Ideally, the officer should have paused the process, as is typically done, to ensure adequate time for a comprehensive response to the information requested.

06. ***The proposal is contrary to CDP8 and SG8 of the Glasgow City Development Plan in that the applicant has failed to provide a Flood Risk Assessment and has therefore, failed to demonstrate how flood risk will be managed and mitigated. Furthermore, the applicant has provided no evidence of consultation with Scottish Water to accept surface water into the combined sewer and therefore, an adequate drainage strategy has not been proposed.***

Comment:
The drainage strategy for the development of this site as a Public House was included in Application 15/0297/DC, a detail that the case officer should have been aware of. If this had been raised before the refusal, it would have been clarified accordingly. The Scottish Water Consultation Response (**Doc 16**) does not convey negativity, and typically, their recommendations would have been addressed through conditions, as seen in application 15/02927/DC.

07. ***The proposal is contrary to CDP11 and SG11 of the Glasgow City Development Plan and Policy 13 of NPF 4 in that the proposed development does not provide a sufficient level of car parking for the proposed use of the building and does not provide the minimum standard of cycle parking for the proposed use of the building. The development is thus likely to result in problems of overspill parking at the locus and will fail to adequately encourage journeys by cycling.***

Comment:
Apart from discouraging car usage, Public Houses are not typically venues where customers rely on car travel. In previous approved applications such as Ref 15/0292/DC and 15/00064/LOCAL, the same level of parking was provided and approved. Additionally, parking considerations were not discussed during pre-application stages.

Regarding Material Considerations:

- The redevelopment of Sighthill led to the removal of vital community facilities.
- These facilities play a crucial role in supporting the health and wellbeing of the community.
- Remarkably, no objections have been raised from local community members against any of the applications—a rarity when proposing a new Public House within the city.
- The site was acquired by the applicant on the open market, explicitly for the construction of a Public House. Therefore, utilising CDP4, SG4, and Policy 27 of NPF 4 to refuse this application may be deemed as maladministration. Furthermore, suggesting relocating a community facility for Sighthill, St Rollox, and Springburn to the City Centre is impractical.
- Previous consents were granted with identical parking provisions, acknowledging the shift away from car usage in Glasgow. This aligns with the population's proximity to the site and the preferences of the local workforce, who often unwind with a drink after work without commuting to St Rollox.
- The application initially outlined a Third Sector Hub, integrating first-floor spaces with breakout areas above. Regrettably, post-validation, planners requested a change to describe these areas as offices, leading to confusion. In hindsight, this alteration would not have been agreed upon had the potential for confusion been anticipated.

In light of these considerations, the Committee may find it appropriate to approve this application, subject to conditions.

Supporting Documents:

Doc 1 Application form
Doc 2 Locality Plan
Doc 3 Site Plan as Existing
Doc 4 Site Plan as Proposed
Doc 5 Ground & First Floor Plans
Doc 6 Second Floor and Roof Plans
Doc 7 Additions Application Form
Doc 8 ePlanning Confirmation
Doc 9 Supporting statement
Doc 10 App1 Auchentoshan sales document
Doc 11 eMail exchange 07/11/23
Doc 12 eMail from case officer 15/11/23
Doc 13 eMail from planner 29/11/223
Doc 14 Decision notice published 19/01/24
Doc 15 Report of Handling published 23/01/23
Doc 16 Scottish Water Consultation received 19/03/24
Doc 17 Biodiversity Consultation received 19/03/24
Doc 18 Landscape response received 19/03/24
Doc 19 City Design Response received 19/03/24
Doc 20 Transport Planning Response received 19/03/24
Doc 21 Comparison with domestic scale
Doc 22 Elevations
Doc 23 Elevations 2