



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 100681152-001

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: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	07989417307	Address 1 (Street): *	Park Court
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G46 7PB
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	other	Building Name:	
First Name: *	blank	Building Number:	120
Last Name: *	blank	Address 1 (Street): *	Woodville Street
Company/Organisation	Ibrox Storage	Address 2:	Park Court
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:	REDACTED	Postcode: *	G51 2RX
Fax Number:			
Email Address: *	REDACTED		

Site Address Details

Planning Authority:	Glasgow City Council
Full postal address of the site (including postcode where available):	
Address 1:	120 WOODVILLE STREET
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	

Please identify/describe the location of the site or sites

Northing	664856	Easting	255761
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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)

Use of land for siting of shipping containers and erection of boundary fence and gate

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 planning officer to properly apply policies SEE ATTACHED STATEMENT OF APPEAL

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)

Decision Notice Report of Handling Application Form Drawings Photos Statement of Appeal

Application Details

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

24/00086/FUL

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

06/02/2024

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

02/07/2024

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: 12/08/2024

bennett *Developments and Consulting*

10 Park Court,
Glasgow G46 7PB
don@bennettgroup.co.uk

STATEMENT OF APPEAL

1.8.2024

120 WOODVILLE STREET, GLASGOW, G51 2RG

**APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW BOARD AGAINST THE REFUSAL OF PLANNING PERMISSION FOR WORKS AT THE ABOVE LOCATION.
APPLICATION REF: 24/00086/FUL**

01 Background:

The property at 120 Woodville Street is located at the corner of Woodville Street and Clynder Street in an industrial area of Govan. The site is vacant and overgrown with evidence of fly tipping.

The site is owned by Glasgow City Council and leased to the appellant on a 125 year lease for the purpose of a secure yard with general storage. It was on that basis and with the support and consent of the City of Glasgow via City Property, that the appellant felt confident in entering into a lease agreement.

Initial resistance from planning focused on the fact that the city underground runs diagonally under the site at a shallow depth which renders the site unsuitable for any form of built development, which is borne out by the fact that the nearby residential development did not encroach onto this site. Discussions with SPTE subsequently resulted in the SPTE accepting the proposed development.

With the support of City Property, SPTE and the local elected representative, the appellant felt rightly confident that an application would be approved. Accordingly an application was lodged in February 2024 for the:

“Use of land for storage of shipping containers and the erection of boundary fence and gates”.

It was therefore a bitter disappointment and a surprise to the appellant when on 2/7/2024 the application was refused on what appears to be a complete failure on the part of the planning officer to understand, interpret and apply the appropriate policies.

02 Reasons for Refusal:

The application was refused for the following reasons, which I have tried to paraphrase due to the textual content. The full text is available on the attached Decision Notice:

- 01** The proposal was not considered to be in accordance with the Development Plan
- 02** The proposal is contrary to Policy 1 Tackling Climate and nature crisis; Policy 2 climate mitigation and adaptation; Policy 3 Biodiversity; Policy 6 Forestry woodland and trees; Policy 9 Brownfield, vacant and derelict land and empty buildings; Policy 14 Design, quality and place; Policy 20 Blue and green infrastructure; Policy 22 Flood risk and water management of the National Planning Framework 4 and CDP 1/SG1 Placemaking; CDP2 Sustainable Spatial Strategy; CDP6 and IPG 6 Green belt and green network; CDP7 and SG7 Natural Environment; CDP8 and SG8 Water Environment; CDP11 and SG11 Sustainable Transport.
- 03** The proposal is contrary to NPF4 Policy 2 Tackling the climate and nature crisis by having hardstanding across the entire site
- 04** The proposal is contrary to NPF4 Policy 2 Climate mitigation and adaptation due to the removal of soft landscape and introduction of hardstanding.
- 05** The proposal is contrary to NPF4 Policy 3 As per above with the additional claim of not protecting species that may be present on the site.
- 06** The proposal is contrary to NPF4 Policy 6 Forestry in that it fails to protect existing trees.
- 07** The proposal is contrary to NPF4 Policy 9 Brownfield, vacant and derelict land and buildings as it fails to consider sustainability and bio-diversity to the detriment of the site and the local area.
- 08** The proposal is contrary to NPF4 Policy 14 Design, Quality and Place in that it will remove valuable greenery from the site and introduce a feature that does not complement nor enhance the site to the detriment of the area. It is also suggested that as there is no passive surveillance and does not encourage active lifestyles.
- 09** The proposal is contrary to NPF4 Policy 20 Blue and Green infrastructure as it does not protect blue and green infrastructure.
- 10** The proposal is contrary to NPF4 Policy 22 Flood risk and water management as it does not contain measures to strengthen the possibility of flooding or incorporate drainage the lack of which could cause local overheating.
- 11** The proposal is contrary to CDP7/SG7 Natural environment as it fails to protect existing wildlife and bio-diversity.
- 12** The proposal is contrary to CDP11/SG11 Sustainable Transport as it is claimed that the proposal fails to demonstrate adequate visibility for both vehicular traffic and pedestrians to the potential detriment of safety.

It is perhaps useful at this juncture to affirm that the site in question is in an industrial area of Govan and the proposed use is for storage purposes, lest it is thought that it is in a park or open space location.

03 Response to the reasons for Refusal:

If we now take each reason for refusal in turn. Reasons **01** is a catch all statement and **02** is specified further in the other reasons.

03 -There is hardstanding across the entire site because the proposed use requires that both the containers and the infrastructure has to be on hardstanding. Had the planning officer sought to ask it would have been possible to introduce greenery in all four corners.

04 – As per above though it must be stressed that there is no removal of soft landscape, but the removal of spoil and weeds. We note that one of the objectors objected to the loss of a community greenspace! This was never a community greenspace. It has always been industrial/commercial.

05 – We are not aware of any species on the site neither is the city Council, so to claim that we are affecting wildlife when it is not known whether there is in, is foolish

06 – The existing trees are simply wild trees which over time have grown on the edge of the site. They do not form part of any green corridor or wildlife habitat

07 – The site is industrial and the proposed use is for storage and the principle concern has to be that the storage facility functions properly and safety. The fact that the proposal utilizes shipping containers is a clear example of sustainability in practice. The ubiquitous shipping container is the ultimate in recycling and is now used for all manner of purposes like offices, shops, homes, surgeries. In fact the list of possible uses is endless.

08- The greenery on the site is essentially wild weeds and shrubs interspersed with spoil heaps. Why, on an industrial site there is a need to retain or create valuable greenery is unclear and to suggest that the introduction of storage containers in an industrial area is to introduce a feature which would be to the detriment of the area, is foolish. Equally it is unclear as to why a proposal for storage should be required to provide passive surveillance or encourage active lifestyles through the creation of walkable neighbourhoods

09 – While the description “blue and green infrastructure” has idyllic overtones, it is quite meaningless as there is neither blue or green infrastructure elements on the site which require protection.

10 – There is no record of flooding on the site or in the area so it is unclear what measures could be introduced or why measures would be considered necessary. It is also unclear as to what is meant by “local overheating” which is not something with which we or for that matter anyone we have approached, has heard of or has any experience of.

11 – There is no record of any wildlife on the site so there is no need to introduce or incorporate measures to protect non-existent wildlife.

12 – The site already enjoys a dropped kerb which will continue to be the entrance. There is no problem with visibility for either vehicles or pedestrians, so this is an irrelevance.

In determining an application the planning officer is required to assess it in the context of the latest approved and adopted local development plan and other legislation as appropriate, such as the latest National Planning Framework(NPF4) The planning officer is then required to produce a Report of Handling(ROH) which should contain all the information on which the recommendation to refuse was based, explaining the reasons for the decision and referencing these against the relevant legislation.

It is necessary therefore to examine that document, to establish the competence and the merits or otherwise of the reasons given for the refusal, to critically assess the policies and to challenge the claims and assertions made in the document.

It is clear from the list of reasons given for the refusal, that the planning officer has been heavily influenced by the requirements of NPF4, and has focused almost exclusively on the eco aspects of the application with absolutely no consideration of the economic gain, the supply of storage units which are much in demand, the rates which will accrue to the city council, the job opportunities which may be offered and the investment which will flow. In fact the assessment of the application has been wholly one dimensional, which renders it flawed and unsafe.

While NPF4 now has statutory status, just like local development plans, it offers guidance and direction on a range of matters, but it is not a bible of absolute doctrine to be rigorously applied and imposed without due consideration of the circumstances. It should be applied judiciously.. This is a relatively small site where the opportunity exists to develop a storage facility. There are no financial margins for landscaping schemes or other bio-diversity initiatives and to attempt to impose them on a site of this nature is to fail to understand the legislation. To apply the policies as has been done, is unrealistic, unreasonable and not at all in the spirit of the legislation.

It has already been established that the application site, despite the glowing description espounded by the planning officer, is a vacant weed strewn industrial site in an industrial area. It cannot be developed due to the constraints imposed by the presence of the underground and is not in a location where it could be developed for any positive outdoor use, yet a developer, the appellant, is prepared to invest in the area and provide a service for which demand has already been identified with a possible 50% of the units potentially under lease, for use by small businesses and individuals for a range of purposes including storage and workspace.

Throughout the ROH there is no appreciation or understanding of the fact that any investment at this time is risky and that there has to be a financial return that makes investment worthwhile. Claiming that the proposed development does not contribute to bio-diversity, does not include climate mitigation and adaptation measures, makes no provision for the protection of blue and green infrastructures and no provision for existing wild life may be true, but I would question the relevance of this. What wildlife is being referred to, what blue infrastructure is being referred to, what soft landscaping is being sacrificed to create the proposal, what is meant by the loss of bio-diversity and /or habitat connectivity? The list of questions is endless because the policies identified have been applied with absolutely no understanding of the site. The proper application of policy can be positive and beneficial, but the blanket inconsidered imposition of policies, the majority of which have no locus in this application and then to claim that as a basis for refusing the application, is baseless and cannot be considered as sustainable reasons for the refusal.

We believe that the conclusion reached by the planning officer namely:

“the proposal will not contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality”

speaks volumes for the misguided and wholly distorted and confused assessment of the proposal. The proposal is for a storage area in an industrial area. It is not a panacea for all the ills of the neighbourhood. It was not intended to improve health and reduce health inequalities. It is storage plain and simple and while issues raised in NPF4 may have some currency they should not have been the sole basis for consideration.

04 Summary:

The proposed development of a storage facility utilizing containers on this vacant and derelict site in an industrial area in Govan, is a legitimate response to the demand for such storage in the area, a demand reflected in the fact that 50% of the units are provisionally under lease.

The appellant entered into a lease agreement with City Property and secured the consent of SPTE in respect of the underground. Support was also forthcoming from the local elected representative who was keen to support development and support local businesses. Whilst perhaps misguided the fact that City Property were prepared to enter into a 125 year lease for the purposes of storage was seen by the appellant, as acceptance of the proposed use.

The site does not form part of any green corridor, wildlife haven or any other bio-diversity area. It is an industrial site in an industrial area and to claim otherwise is disingenuous.

A proper assessment of the application should involve all relevant policies and guidance, it should not be based almost solely on one set of principles, in this case, eco factors, to the detriment of all other matters. An examination of the ROH leaves no doubt that the planning officer has, without any understanding of the site, sought to impose almost every eco policy, whether or not it was relevant.

Wherever possible, development should seek to embrace and address eco issues but that has to be part of a balanced assessment having regard to all of the relevant factors.

A critical analysis of the Report of Handling, the findings of which informed the decision to refuse , confirms the view that the application has not been accorded a balanced and competent assessment, with the result that the decision to refuse cannot be justified, is unsafe and flawed.

Having regard to all of the foregoing it is apparent that the decision to refuse the application was flawed and unsafe. In the circumstances we ask that the decision to refuse be overturned and the application approved.