



Item 6

10th December 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 100682448-001

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:	07989417307	Town/City: *	Glasgow
Fax Number:		Country: *	UK
		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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Shoaib	Building Number:	2
Last Name: *	Ahmad	Address 1 (Street): *	Wickham Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:	07989417307	Postcode: *	G77 6AN
Fax Number:			
Email Address: *	don@bennettgroup.co.uk		

Site Address Details

Planning Authority:	Glasgow City Council
Full postal address of the site (including postcode where available):	
Address 1:	500 CORSELET ROAD
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G53 7RN

Please identify/describe the location of the site or sites

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Northing	659583	Easting	252923
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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)

Part use of car park for siting of two steel container units for use as hot food takeaway and ancillary storage, alterations to units including installation of flue extract(part retrospective)

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 on part of planning service to properly assess the development

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, Application form Decision Notice Report of Handling Drawings/plans

Application Details

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

24/00531/FUL

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

29/04/2024

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

26/07/2024

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: 21/08/2024

bennett *Developments and Consulting*

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

STATEMENT OF APPEAL

19.8.2024

**SITE AT NITHSDALE ROAD/CORSELET ROAD
APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE AGAINST THE REFUSAL OF
PLANNING PERMISSION FOR DEVELOPMENT AT NITSHILL ROAD/CORSELET ROAD
APPLICATION REF: 24/00531/FUL**

01 Background:

The site at the corner of Nithsdale Road and Corselet Road which is now vacant and unused, was previously the car park when the property was an international restaurant venue. This use ceased in 2020 with the onset of covid and while part of the property has now been taken over by a medical practice and a dental practice, neither of whom objected to the proposal, this car park area is surplus to requirements, is rapidly becoming overgrown with weeds and is beginning to look like a derelict open space. The property which is perhaps better known as Darnley Mill is a "B" Listed property though none of the original interior still exists.

The entire site including the buildings is in one ownership with the GP and dental practice having a lease to the part of the building facing onto Corselet Road and a small area of parking to the front of the facility. Access to the application site continues to be via the existing road access off of Corselet Road with a right of access to the appellant to access the application site.

The proposed development was for two containers to be placed on the site, both elevated on metal supports. These containers would be fashioned into a hot food takeaway at the same time providing parking space for those who chose to consume their food while in the vehicle. All equipment will be powered by electricity, so there is no co2 emissions.

The containers were to be clad in vertical timber slats which would break up the mass of the containers and to be illuminated to create an artistic splay of colour which would further break up the image of the containers.

The containers were placed on the extreme left hand side of the site as viewed from Nitshill Road as to ensure that they did not obstruct or impact on views of the old mill. The abandoned car park was to be overhauled and the car parking spaces redefined with landscaped strips and feature lighting.

The planning application was lodged on 29/4/24, and on 26/7/24, the decision to refuse was issued much to the disappointment of the appellant.

02 Reasons for Refusal:

As the reasons cited are largely repetitive, for the sake of brevity, I have attempted to paraphrase the reasons given for the refusal, though the full version of these can be found on the Decision Notice. The reasons cited are:

01 The proposal was not considered to be in accordance with the Development Plan

02 The proposal was contrary to NPF4

- Policy 1-tackling the climate and nature crisis
- Policy 2-climate mitigation and adaptation
- Policy 3-Biodiversity
- Policy 4-Natural Places
- Policy 7-Historic assets and places
- Policy 9-Brownfield, vacant and derelict land and empty buildings
- Policy 12- Zero waste
- Policy 13- Sustainable transport
- Policy 14- Design, quality and place
- Policy 23- Health and safety
- Policy 27-City, town, local and commercial centres

Also contrary to City Development Plan:

- Policy CDP1/SG1 Part 2 – The placemaking principle
- Policy CDP2 - Sustainable spatial strategy
- Policy CDP4/SG4 -Network of Centres
- Policy CDP5/SG5- Resource Management
- Policy CDP6/SG6 – Green belt and green network
- Policy CDP7/SG7 – Natural environment
- Policy CDP9/SG9 – Historic environment
- Policy CDP11/SG11 – Sustainable Transport

03 As per all of the above. In addition a Statement of Energy has not been submitted and there is no evidence that the development can achieve the Gold Standard as required by CDP5/SG5 above!

04 As per all of the above. In addition the development does not demonstrate that it will conserve, restore or enhance the existing biodiversity and habitat connectivity of the site!

05 As per all of the above. In addition the development uses inappropriate materials given the nearby grade “B” listed building!

06 As per all of the above.

07 As per all of the above. In addition the development does not address waste management!

- 08** As per all of the above. In addition development incorporates more parking than is necessary and no cycle parking.
- 09** As per all of the above. In addition increased traffic generation will increase.
- 10** As per all of the above. In addition disposal of cooking fumes has not been addressed”
- 11** As per all of the above. In addition parking standards have not been achieved!

As the National Planning Framework(NPF4) is now a statutory document, it might be prudent to remove the repetitive references to the local development plan, or vice versa. In any event the duplication of policy statements is unnecessary hence the response only to the NPF4 reasons.

03 Response to reasons for refusal

Given all of the above it may be prudent to remind ourselves of what is actually being proposed, namely the erection of two containers on a disused and overgrown car park. Not a green area, or open space, or woodland area, or water course or wildlife habitat, but simply an area of abandoned hardstanding.

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 any other legislation such as National Planning Framework(NPF4).

Within these documents is a wealth of policy guidance and direction providing both guidance and direction to the applicant but also to the local authority.

The policy guidance ranges from overarching and all embracing policies which set the context and provide a background to the more detailed 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 and concise reason and justification for the resultant recommendation, supported by the relevant policies. It follows therefore that we need to critically examine that document in order to determine whether or not the correct policies have been properly applied, understood, and interpreted correctly.

Throughout the ROH, the planning officer has laboured heavily on NPF4 and the policies therein. While NPF4 now has statutory status it is none the less, **guidance** to be applied judiciously and not simply imposed on all developments which seems to be the case in this instance. Not only have they been applied in blanket fashion but I suspect without any understanding of what they mean. The policies seem to focus heavily on the green agenda, climate and eco measures, to the detriment of all other considerations and this is unacceptable. Whilst it may not be fashionable to criticise this approach, I confess to finding much of what is said and asked for, to be fanciful and unrealistic and that has to be a consideration when applying these policies.

However, since the planning officer has sought to identify a series of policies which it is claimed the application fails to address, we would respond to each as follows:

Reason 01 - Dependant on the merits of all the other reasons being valid, which as will be demonstrated is not the case.

Policies 1,2,3 and 4 are essentially irrelevant, though in terms of climate mitigation which is a component of **Policy 1** the facility will be powered by electricity so there will be no co2 emissions. Equally under **policy 3** the site is not within the green belt, or on any wildlife trail, so is irrelevant. It is also noted however that under the banner of biodiversity/greenspace, the planning officer has made a pointed comment about the suitability of a hot food takeaway close to a health centre as being problematic. The reality is that it is not a health centre but a GP surgery and GP/dental surgeries adjacent to hot food takeaways can be found on most high streets and has never been a problem.

This is a case of the wholly inappropriate application of policies in a scatter gun approach in the hope that some may be relevant. Even the use of language such as biodiversity and habitat connectivity is confusing and contrived. The site is a vacant car park, an area of overgrown hardstanding, which has the potential to make a contribution to the area.

Policy 7- In locating the containers on this part of the site, the appellant was mindful of the listed building and the need to retain unobstructed views of the elevations, in this case the side elevation, and this has been achieved, so to suggest that the proposed development will impact on the listed building is without foundation.

Policy 9 – The proposed development, given that it is located on an abandoned car park site is the very essence of the desire to recycle, to create sustainable developments, to re-use land which no longer fulfils its original purpose. In this regard it clearly fulfils the ideals enshrined in the policy. The fact that it was designed to cater for vehicle movements and parking means that cars can move safely with minimum manoeuvring, so there should be little if any issues with residential amenity being affected. Not only does the proposal utilize the existing car park but the existing lighting is also being used, and both were approved as elements within the restaurant's consent, so presumably they are deemed to satisfy.

Policy 12 – The planning officer has clearly not bothered to read the Planning Statement as a section is devoted to the management and disposal of waste. (*See Planning Statement-Assessment Guideline 14-Waste Management and Disposal*). The appellant is fully aware of the need to manage waste efficiently, particularly as in this case it will be mainly foodstuffs. The Planning Statement clearly states that waste will be stored within a dedicated facility and only placed outside at the appropriate time for uplift by the appointed contractor.

Policy 13 - Given that the proposed development is located within an abandoned car park, parking space is not an issue. Strangely enough while the planning officer claims that parking is an issue, in 08 the proposal is criticised for having too many spaces available, a situation which could easily have been amended by a phone call or email!

Policy 14 – The proposed development comprises two metal shipping containers. One will be the hot food takeaway kiosk and the other storage. Given the nature of the site, rather than be inappropriate the use of containers is positive and bold. The ROH refers to them as being inferior and not acceptable, yet shipping containers are the most versatile and most desired items, being so adaptable, capable of being used for housing purposes, shops, offices, stores, clinics, studios, schools.. The list is endless. They now feature regularly in architectural design programmes and magazines and represent the ultimate in recycling.

Policy 23 – There are no health and safety issues. The containers will be securely placed on the site, the access and stairs to the kiosk will comply with the appropriate building standards and will provide easy access for both able bodied and disabled persons .Reference has been made to the Gold Standard and to a Statement of Energy. This is yet another example of the inappropriate interpretation of policy. The introduction of these standards were not intended to be applied to a kiosk, but to restaurant establishments. The proposed kiosk will be electrically powered and will meet all the appropriate health and safety standards.

It is claimed in the ROH that the proposed use will greatly increase vehicle movements. This is untrue, as the previous use as an international buffet restaurant generated substantial volumes of customers due to its popularity and to suggest that the new use will have an impact on air quality, noise and light pollution lacks any foundation.

Policy 27 – The ROH claims that the proposal does not address issues of cooking fumes, odours and heat. This is untrue.(see *Planning Statement- Assessment Guideline12 - Treatment and Disposal of of Cooking/Heating Fumes*) where it states that an extraction system will be installed to address these issues. It is standard practice to include a condition requiring a specification for the proposed system, so it is unclear as to why that would not have sufficed in this instance.

04 Summary:

The proposed development is a bold venture on this vacant car park site which was nothing more than a large area of tarmac with strips of what once would have been grass verges but are now wild and overgrown.

The preferred building form was equally bold, utilizing old shipping containers reworked to form a hot food takeaway kiosk. Contrary to the view expressed by the planning officer, these are not an inappropriate form of structure but a clever and skillful recycling of an industrial product to create another useful purpose for the product. Old shipping containers are now the go to product for the creation of a multitude of diverse purposes and are celebrated as an architectural form. Mindful of the need to address climate issues, all cooking will be by electricity so there will be no co2 emissions.

The siting of the containers on the site was carefully considered so as not to impact upon or impose on the “B” listed mill building and to set the containers against the backdrop of the woodland allowed the containers to be “lost” against the foliage. It was also set far enough back from the edge of the site as not to impact or destroy any wildlife trails which may exist.

Detail issues such as too much car parking or lack of cycle parking could have been resolved so easily by phone or email, so to cite these as grounds for refusal is simply foolish. The planning process was designed to allow for engagement between planners and the customer, to seek resolutions and to deliver quality developments. This engagement no longer occurs, the scope for discussions is no more and the result is the sort of assessment and determination which has made an appeal necessary.

In short, the claim that the proposed development is contrary to almost all the policies in both NPF4 and the Local Development Plan, is flawed and cannot be substantiated. Apart from citing the policies, there

has been little, if any substantive justification merely unsupported or unsustainable opinions. While opinions may carry some persuasion, facts carry authority and the facts support this proposed development.

As stated under **O3 Response to Reasons for Refusal** it was stated that the validity of **Reason 01** would depend on the validity of the arguments advanced by the local authority.

We are now of the view that **Reason 01** cannot be countenanced as it has been demonstrated that the proposed development does not represent a departure to the development plan but is in accordance with that plan and therefore should have been recommended for Approval.

In the circumstances and in light of all of the above we would ask that the decision to refuse be rescinded and the application APPROVED