



Item 6

26th August 2025

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 100714991-001

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:	Alan Neish Consulting Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ALAN	Building Name:	
Last Name: *	NEISH	Building Number:	20
Telephone Number: *		Address 1 (Street): *	Montgomerie Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stewarton
Fax Number:		Country: *	Scotland
		Postcode: *	KA3 3AP
Email Address: *			

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="George House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="50"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="George Sq"/>
Company/Organisation	<input type="text" value="Anderson Strathearn"/>	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="G2 1EH"/>
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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Floors 1-5 114 Union Street Glasgow,G1,3QQ

Northing	<input type="text"/>	Easting	<input type="text"/>
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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)

Conversion of upper floor offices (Class 4) to form thirteen residential flats (Sui generis), with alterations to roof including, height extension to fire escape stair, removal of lift shaft overrun, formation of flat roof and installation of plant.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Supporting Appeal Statement

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)

Supporting Appeal Statement, Submitted Planning Statement, EXISTING LOCATION PLAN AND BLOCK PLAN 28 JUNE 2024, REVC EXISTING AND PROPOSED FIRST FLOOR PLAN 13 DECEMBER 2024, REV C EXISTING AND PROPOSED SECOND FLOOR PLAN 13 DECEMBER 2024, EXISTING AND PROPOSED THIRD FLOOR PLAN 11 JUNE 2024, EXISTING AND PROPOSED FOURTH FLOOR PLAN 11 JUNE 2024, EXISTING AND PROPOSED FIFTH FLOOR PLANS 11TH JUNE 2024, EXISTING AND PROPOSED ROOF PLANS 28TH JUNE 2024, REV A PROPOSED EAST ELEVATION 13TH DECEMBER

## Application Details

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

24/01547/FUL

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

28/06/2024

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

25/04/2025

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit would be useful to enable Members to see the site context and a hearing would allow the applicants to have an opportunity to explain their proposal.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

This would give Members an opportunity to ask questions to the applicants to give a full understanding of the importance of the proposed development in this key location.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The proposal is on 5 floors and an accompanied visit would enable questions to be asked in relation to the key reasons for refusal, namely overlooking, aspect and visual impact from Union Place.

## 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 ALAN NEISH

Declaration Date: 20/06/2025



**ALAN NEISH**  
(CONSULTING) LTD

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**DEVELOPMENT SOLUTIONS**  
FOR PEOPLE & LAND

**Appeal to Glasgow City Councils Local Review Body in respect of the refusal of planning application ref 24/01547/FUL in relation to a proposal comprising the conversion of upper floor offices to form thirteen flats with alterations to roof including height extension to a fire escape stair, removal of lift shaft overrun, formation of flat roof and installation of plant at 114 Union Street, Glasgow. G1 3QQ.**

**Alan Neish Dip TP**

**Alan Neish Consulting Ltd**

**20/06/2025.**



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No part of this statement may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording or other electronic or mechanical methods, without the prior permission of Alan Neish Consulting Ltd. The Author of this report is a qualified planner with 45 years experience, 22 of which have been as a Chief Officer in Planning with various Local Authorities. Alan Neish Consulting Ltd is a Planning Consultancy with Mr Neish as the principal Director and this business has been established for 10 years



## **1.Executive Summary.**

**1.1 This Appeal is in respect of the refusal of full planning permission for the conversion of vacant offices over 5 levels into 13 flatted properties for owner occupation at 114 Union Street, Glasgow. The offices have been marketed for over 2 years and have not been occupied during that period, which is symptomatic of the current and established downturn in the office market in the city centre.**

**1.2. This refusal does not reflect the Councils publicly stated ambitions as set out in the Councils City Living Strategy (adopted in March 2024) which are;**

***“to repopulate the city centre by almost double the existing population and to achieve 40,000 residents by 2035.***

**1.3. The City Centre Strategic Development Framework adopted in May 2021 recognises that the main opportunities for the creation of new homes in the City Centre lie in the redevelopment of vacant land and buildings, conversions of former/ redundant commercial buildings and the conversion of upper floors as part of vertically mixed use buildings. The city centre is not comparable to other urban and suburban locations in that it has a type and range of buildings that are unique to the market and these are impacted more readily by the changing market conditions. As such, they need a concerted effort to be repurposed and involves accepting the limitations of some of the buildings such as 114 Union Street**

**1.4. Further support for repopulating the city centre is found in the Glasgow City Centre Strategy which was approved very recently in 2024. The National Planning Framework 4 Adopted in 2023 also supports the principle of bringing vacant buildings back into use as flats within City Centres. Without sites like 114 Union Street being utilised it is hard to envisage how the stated target of 40,000 residents could ever be achieved.**





**1.5. The site lies in the heart of the city centre immediately opposite to the east pedestrian entrance to Central Station and has a frontage to Union Street and Union Place. The site is not Listed for its architectural or historic interest although it is located within a Conservation Area. It is available for redevelopment with all three vendors happy to disinvest in favour of the redevelopment proposed by the applicant.**

**1.6. The Appointed Officer in the Report of Handling recognises support for the principle of flatted property in this particular location but has on balance refused the application for the following reasons (summarised);**

- concern about potential overlooking of flats**
- concern about an oppressive aspect for flats**
- concern about changes to the window pattern and removal of mullions on the elevation facing Union Place.**

**1.7. The applicant was asked to amend the application to address amenity issues with regards to room size and submit a report around daylighting. As such, the plans were amended to give larger rooms closing this the amenity issue, and a daylight report was produced and submitted. Regrettably however, there was no specific request to address overlooking or aspect, an issue which only affects 4 flats out of the 13. At no point during the consultation phase was this raised as an issue, until the final verbal signal that a refusal was likely to be given. Therefore, the opportunity to address and consult on this was unfortunately missed. It is our view that had a meeting taken place, appropriate changes and/or mitigation could have been agreed and conditioned that would have provided an acceptable way forward for all parties.**

**1.8. In the context of the Development Plan it is contended that the Strategic Policies of the Council as identified in the City Development Plan and its associated Strategic development**



Framework and Sustainable Spatial Strategy are supportive of the proposals. The proposals are fully aligned with policies on City Centre Living in National Planning Framework 4. These policies will bring a much needed residential use into a vacant group of offices in a key location within the Conservation Area within the heart of the City Centre. It is contended that these strategic policies significantly outweigh any concerns about overlooking, aspect and visual impact to the rear of the building. It is also contended that given that these issues affect only 4 of the 13 properties, there should be an acceptance that the market will determine the acceptability of each property. In short, those buying in the city centre are aware of the benefits and limitations of city centre living and will make their own assessment of the acceptability of any available property.

**1.9. This Appeal is based on the grounds that;**

- There has not been enough weight given to the strategic need to bring people back into the City Centre by re purposing vacant buildings (including vacant offices in this case)**
- That the issues of overlooking and aspect are not significant enough to warrant refusal and in the case of overlooking, this can be covered by a suitably worded planning condition.**
- That there is no reference to overlooking or aspect within Policy 27 in NPF 4 and in fact, there is overwhelming support for the strategic need to bring vacant buildings in City Centres back into use as flats.**
- That there is no unacceptable impact on the visual amenity in relation to changes to windows on the rear elevation to Union Place which in any case is not readily visible, and the front elevation is left intact with improved windows.**

**1.10. Accordingly in the context of section 25 of the Town and Country Planning (Scotland) Act 1997 the proposals are fully in**



**accordance with the Development Plan and there are no other material planning considerations that would direct otherwise.**

**1.11. It is respectfully requested in view of the above analysis that the Appeal should be upheld and that the application should be approved subject to a suitably worded condition to address overlooking in flats 1,4,7 and 10, in accordance with details to be agreed.**



**This is the front elevation of the building to Union Street. The windows on the 1<sup>st</sup> to 4<sup>th</sup> Floor are to be replaced with double glazed timber to match existing. This would be a significant visual improvement to the Conservation Area and bring a vacant building back into use as flats right in the heart of the City.**



## **2. Background.**

2.1. This Appeal is in respect of refusal of full planning permission for the conversion of vacant offices over 5 levels into 13 flatted properties for owner occupation at 114 Union Street, Glasgow. The offices have been marketed for over 2 years and have not been occupied during that period.

2.2. The site lies in the heart of the city centre immediately opposite to the east pedestrian entrance to Central Station and has a frontage to Union Street and Union Place. The site is not Listed for its architectural or historic interest although it is located within a Conservation Area.

2.3. The flats are designed for owner occupation and are a mix comprising flats with 1 bedroom and flats with 2 bedrooms and associated facilities comprising an open plan kitchen/lounge and dining room and bathroom/toilet facilities. The same layout with 3 flats per floor is repeated on each of the 4 levels with the fifth level comprising a 2 bedroom flat with larger rooms.

2.4. The proposed development has associated external alterations including a marginal increase in height of the rear fire escape and removal of the existing lift and external over run at roof level. New replacement windows are proposed to the front at Union Street with double glazing timber frames with profiles to match existing. All rear windows and windows to the lightwell would have double glazing uPVC with high transmission glazing. In order to achieve daylight for the rear flats at first and second floor, it is proposed to move mullions and drop cill levels.

2.5. The application was validated on 26<sup>th</sup> June 2024. There were formal requests to address daylighting issues which required amended plans and a daylight study which were addressed on 13<sup>th</sup> December 2024.

2.6. Unfortunately, the Applicant was not given a chance to address officers concerns about overlooking and aspect and the application was refused on 25<sup>th</sup> April 2025.





### **3.Reasons for Refusal.**

3.1.The formal reasons for refusal are attached in Appendix 1 below. The Report of Handling gives helpful background information on the reasons for refusal and it is fair to say that there is a degree of support from officers in relation to the principle of the proposed development and the desire to re purpose the vacant offices for residential use.

3.2.However, in coming to a final view, the officers have said on balance that there are 3 remaining planning issues which have led to the application being refused. These are;

- Concern about potential overlooking of flats
- Concern about an oppressive aspect for flats
- Concern about changes to the window pattern and removal of mullions on the elevation facing Union Place.

3.4.Officers have therefore taken the view that because of these concerns the proposals are contrary to the Development Plan comprising National Planning Framework 4(NPF 4)Policy 27,Adopted in February 2023 and the Glasgow City Development Plan (March 2017) CDP1 and SG1Placemaking and in relation to reason 5 policies CDP9 and SG9 Historic Environment.



#### **4.Determination of any planning application.**

4.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that:

*"Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan".*

4.2. The Development Plan for the area currently comprises Scottish Government's National Planning Framework 4 (NPF4), Adopted in February 2023 and the Glasgow City Development Plan Adopted in March 2017. The Strategic Guidance in Supplementary Policies associated with the City Development Plan also form part of the Development Plan.

4.3. Under Section 25 of the Act, these documents take primacy in the determination of planning applications. Section 24(3) of the Act provides that: "In the event of any incompatibility between the provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail".

4.4. In this case therefore, in the event of any incompatibility in policy between the Glasgow City Development Plan (2017) and NPF4 (2023), the latter will carry most weight.

4.5. In all of this it is important to give appropriate weight to all relevant policies. A key principle of the Development Plan led system is that the provisions of the Development Plan should be read as a whole and as such, no single policy should be read in isolation.

4.6. In determining any application it is often a balancing exercise which weighs up different policies before coming to a recommendation. It is contended in this Appeal that the reasons for refusal should have been outweighed by the Council's Strategic Policies and those contained within NPF4 which recognises the importance of repurposing vacant properties within the City Centre to address the housing crisis and bring people back into the heart of the city to live.



## **5. Grounds of Appeal.**

5.1. The grounds of Appeal are;

**1. There has not been enough weight given to the strategic need to bring people back into the City Centre by re purposing vacant buildings (including vacant offices in this case)**

**2. That too much weight has been given to the issue of “overlooking” as a reason for refusing the proposed development**

**3. That too much weight has been given to the issue of “aspect” as a reason for refusing the proposed development.**

**4 That the reasons for refusal 1-4 rely heavily and inappropriately on General Standards identified in SG1 Placemaking and CDP**

**5. That the reasons for refusal state that the proposals are contrary to Policy 27 in NPF 4 which is incorrect as in fact, Policy 27 is supportive of the proposed development.**

**6. That reason for refusal 5 has been too strictly applied and is outweighed by the Strategic Support for the proposed development.**





**6. There has not been enough weight given to the strategic need to bring people back into the City Centre by repurposing vacant buildings (including vacant offices in this case)**

6.1. In summary, the assessment within the Report of Handling (R of H) deals briefly with the overall strategic City Centre Development Strategy and concludes that because of the identified deficiencies in aspect and overlooking in some of the flats, that the application cannot be supported. The conclusion is worth stating in full for the benefit of Members on the Planning LRB. It states;

***“The Councils City Centre Living Strategy seeks to repopulate the city centre by almost double the existing population and to achieve 40,000 residents by 2035.***

***As part of SG2, the City Centre Strategic Development Framework recognises that the main opportunities for the creation of new homes in the City Centre lie in the redevelopment of vacant land and buildings, conversions of former/ redundant commercial buildings and the conversion of upper floors as part of vertically mixed use buildings.***

***Whilst the principle of residential uses at this location aligns with SG2, due to the shortcomings of these particular flats as identified in SG1 above, they would not be supportable in this instance.”***

6.2. For clarity, the shortcomings are specifically about concerns about overlooking and aspect (with the final reason for refusal 5 re visual impact still to be addressed below). It is contended that there are no unacceptable shortcomings and that the application should be approved as being critical to the Councils Strategic ambitions to grow the population in the City Centre as specified above.

6.3. Further support for repurposing of the vacant offices for use as flats to bring more people into the City to live is found in the “Way Forward” in the



City Centre Strategic Development Framework(SDF) Key statements representing a more recent approach (approved in May 2021) towards revitalising the City Centre include;

***-the SDF aims to bring more people and footfall to the centre to live, work and visit to sustain the local economy and improve the quality of the place, its buildings ,streets and the environment.***

***-to grow activity, greater flexibility will also be needed in the use of existing and new buildings to encourage multi use to address vacancies or under occupancy and enable adaptability to accommodate changing needs.***

***-the SDF promotes as a strategic priority; repopulate the city centre to ensure life/activity throughout the whole centre.***

6.4.The principle of bringing people back into the City to live, is also one of the 3 pillars of the City Centre Strategy 2024-2030 approved in October 2024.

6.5. It is contended that the proposed development is fully supported by the policies of the Council in the City Development Plan, and Strategic Development Framework and the recently approved City Centre Strategy that this significantly outweighs the 2 issues of overlooking and aspect as dealt with below in Appeal Grounds 2 and 3.



**7.Amplification of ground of Appeal 2;That too much weight has been given to the issue of overlooking as a reason for refusing the proposed development.**

7.1.In reason for refusal 2 the Appointed Officer states that by reason of its proximity and relationship to opposing premises on Union Place the proposals would result in significant and unacceptable overlooking of the flats and would be severely detrimental to the amenity of intended residents.

7.2.Specific concerns in this regard are described in the R of H and these relate to 4 out of the 13 flats which are overlooked by an NCP car park on Union Place which is approximately 5.8m from the development. The windows are indeed for habitable rooms namely a master bedroom and the open plan kitchen/dining room and lounge on flats 1,4,7 and 10.It is noted that the Appointed Officer has accepted that the bedroom windows facing southwards overlooking into the light well will have oblique views and it has been determined that this will not significantly impact on privacy levels.

7.3.The Appointed Officer has taken the view that the proximity to the NCP car park constitutes significant and unacceptable overlooking which would be severely detrimental to the amenity of intended residents.

7.4. It is contended that this view has been given too much weight and is unreasonable for the following reasons;

- the issue of overlooking applies to only 4 out of 13 flats but all have been refused.

- the flats are for owner occupation and any person buying one of the flats will know about the potential issue for overlooking before purchasing a flat

- the issue can be resolved with appropriate blinds (eg “day night blinds) to prevent overlooking

- the provision of day night blinds can be secured and controlled by imposing a suitably worded planning condition.



- any person purchasing one of the flats can choose to avoid any overlooking with installation of appropriate blinds or curtains.

- any person buying one of the flats in the city location will not expect the same level of amenity to that enjoyed in a suburban location.

7.5. It is contended that the issue of overlooking has been given too much weight as it can be dealt with by imposing a suitably worded planning condition.

7.6. In view of the above analysis it is contended that the issue of overlooking is not significant nor unacceptable and should not outweigh the strategic policies in the Councils CDP and related strategies which encourage the re use of vacant properties for residential use. It is contended that reason 2 should accordingly be dismissed.



**8.Amplification of ground of Appeal 3;That too much weight has been given to the issue of “aspect” as a reason for refusing the proposed development.**

8.1.In reasons 3 and 4 for refusal the concern about aspect is expressed in the following manner;

*Reason 3 “the proposed development by reason of its proximity and relationship to opposing premises on Union Place, would result in an oppressive aspect from the flats and be severely detrimental to the amenity of surrounding residents”.*

*Reason 4 “the proposed development ,by reason of the reliance on bedroom windows facing onto a restricted internal light well and the absence of aspect, would be severely detrimental to the amenity of intended residents”.*

8.2.The number of flats that are deemed to be affected by a lack of aspect is not clear from the wording in the reasons for refusal. In the R of H however, it would appear that the concerns about the lack of aspect would be in relation to 4 flats facing Union Place which is narrow and is situated across from the NCP car park at Mitchel Street which is 5.9 m from the flats. The flats that are affected are no’s 1,4,7, and 10 and the rooms specifically mentioned are the master bedroom and the open plan kitchen/dining room and lounge. It would appear that this is the main reason for refusal in reason 3.

8.3.In reason 4, the concern about the lack of aspect would appear to be connected to certain bedroom windows only having an aspect to the internal lightwell. This relates to both bedrooms in flats 2,5,8 and 11 and a small second bedroom in flats 1,4,7 and 10. The subsequent analysis within the R of H states that a total of 12 bedrooms with 8 of the 13 flats will have bedroom windows looking directly onto the internal lightwell. It goes on to clarify that as this is not a public aspect nor would it offer any form of visual relief for its occupants, it does not represent an acceptable aspect.



8.4. The applicants are focussed on the strategic priority of providing quality flats within a vacant building within the heart of the city centre and a Conservation Area. It is contended however that reasons 3 and 4 are narrowly focussed on aspect in some of the flats as being a justifiable reason to refuse the application despite the strategic benefits of bringing additional people to live in the city centre.

8.5. To be fair, the Appointed Officer in the R of H, does recognise that the flats on first to fourth floors would be relatively generous in size but argues that this would not outweigh the absence of aspect and the associated implications on residential amenity. It is contended however, that there is too much weight given to “aspect” for the following reasons;

- it is a long established principle in planning that there is “no right to a view”.

- it is especially challenging to have a right to a view in a city centre location

- similarly to the issue of overlooking, one would not expect the same level of residential amenity based on “aspect” in such a city centre location compared with a suburban location

- it is considered that potential residents can make their own mind up in relation to outlook and aspect given that the properties are for sale and will be marketed at a price that reflects the different offers in space standards and amenity available in each of the different flats.

- it is contended that “aspect” will not be high up in the list of priorities for potential residents who will be more focussed on the housing crisis at a time when it is difficult to get onto the housing ladder.

- the R of H accepts that not all of the flats have an issue with “aspect” yet all have been refused.

10.4. It is contended that the proposed development is fully supported by the policies of the Council in the CDP and Strategic Development Framework and that this significantly outweighs the 2 issues of overlooking and aspect as dealt with above.





## **9. Appeal ground 4; That the reasons for refusal rely heavily on General Standards identified in SG1 Placemaking and CDP**

9.1. The reasons for refusal in relation to the stated shortcomings in relation to overlooking and lack of aspect are attributed to City Development Plan policies CDP1 and SG1 Placemaking.

9.2. The planners argue that the general standards support this contention. The undernoted analysis is spilt into 2 parts. The first identifies the origin for the concerns about overlooking and aspect in SG1. The second part highlights policies in CDP that are supportive in the CDP.

### **Part 1.**

9.3. The origins for concerns about aspect and overlooking are contained in SG1 Placemaking and the section on “conversion and subdivision to residential use” which sets out General Standards.

9.4. In para 2.52 a) it states that all dwellings should ideally have dual aspect. Given the depth of the existing building between Union Street and Union Place this is simply not feasible. It should also be noted that this scale of property is typical in the grid layout of very large properties throughout the heart of the city which often have a narrow close on one side of the tenemental property. It is also noted that the policy wording sets out the “ideal” position so there is room for a compromise. It also states that an exception may also be applied in relation to Listed Buildings and whilst this building at 114 Union Street is not Listed, it is in a Conservation Area where there are similar buildings of scale.

9.5. In para 2.52.b), it states that a minimum of 18 meters should be provided between habitable room windows directly facing windows on adjacent sites wherever possible. In the first instance this distance is an informal policy which relates to suburban estate developments and is not suited to city centre flats. Secondly there are no habitable rooms facing the proposed flats on Union Place, the concern is about people using the multi storey car park at Mitchel Street overlooking the flats. It is noted again that the wording in the policy allows discretion as it states that it should be applied “wherever possible” This can in any case be addressed by the use of suitably designed blinds which can be covered by a planning condition.



9.6. In both cases, in relation to aspect and overlooking there is further evidence set out in Appeal Grounds 2 and 3 above that give further reasons for not applying this policy. It is contended that there has been an over-reliance on these general standards to support their concerns about overlooking and aspect which are not reasonable nor significantly detrimental to residential amenity.

## **Part 2.**

9.7 Policies in CDP that are referred to within the R of H which are supportive of the proposals are

- Paragraph 2.52 (c) access to upper floors is being provided internally
- Paragraph 2.52(d) access to refuse/recycling is available from Union Street and Union Place
- Use of the refuse facility can be covered by planning condition
- Paragraph 2.52(e) it is acceptable that car parking is neither desirable nor achievable
- Paragraph 2.54 it is accepted that delivery of on site amenity space is not achievable in this instance.
- The removal of the lift is acceptable and external changes are fairly minor, not publicly visible and would not materially impact on the appearance of the building
- In relation to CDP4, as the ground floor premises is an established albeit currently vacant Class 3 use no issues arise here (formerly Café Nero).

9.8 In view of the above analysis it is contended that the proposed development is in accordance with CDP Policies in that it will bring into residential use on a site that is vacant, formerly used for offices and has not attracted any interest for 2 years. There are no unacceptable impacts on residential amenity caused by overlooking or lack of appropriate aspect and other policies within the CDP are also supportive.





**10. Amplification of ground of Appeal 5; that the reasons for refusal state that the proposals are contrary to Policy 27 in NPF 4 which is incorrect as in fact, Policy 27 is supportive of the proposed development.**

10.1. Policy 27 in NPF4 addresses City, town local and commercial centres. The proposed development has been refused in reasons 1, 2, 3 and 4 as it is deemed to be contrary to Policy 27. This is factually incorrect as the main reasons for refusing the proposal relate to issues of overlooking and aspect which are not even mentioned within Policy 27.

10.2. For Members benefit policy 27 states:

***“Development proposals for residential development within city/town centres will be supported including:***

***ii) the re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to the viability and vitality of the area***

***iii) the conversion, or re use of vacant upper floors of properties within city/town centres for residential.***

10.3. The proposals are clearly in accordance with Policy 27 as these involve;

-residential use in the city centre

-re use of a vacant building formerly used for offices and which have been unsuccessfully marketed for sale or rent for over 2 years

-the conversion and re use of vacant floors to 13 residential flats.

10.4. The Strategic benefits of this proposed development have been set out in Planning Statement which was submitted with the planning application however the Planning Statement is not referred to in the Report of Handling. For Members benefit on the LRB these include;



*-the proposal seeks to increase the population and ease of connection to work and leisure activity in the city*

*-the proposal seeks to maintain the character of the city by re-purposing an existing building within a conservation area.*

*-re purposing allows for a sustainable development within a densely developed area of the city, encouraging the use of public transport, and allowing the economic ground level to remain throughout the process and life of the building*

*-the proposal is within an existing 20 minute neighbourhood in an ideal location to promote walking and cycling*

*-the proposals will assist with the desire to retain and improve footfall in the heart of the city.*

10.5. It is contended that the proposed development is fully in accordance with Policy 27 in NPF4 and that this strategic policy should outweigh the relatively minor concerns about overlooking and lack of aspect. The latter issues are addressed in detail above in appeal grounds 2 and 3.

10.6. In view of the above, it is contended that the proposed development should be approved as it is in accordance with Policy 27 in NPF4.



**11. Appeal Ground 6; That reason for refusal 5 has been too strictly applied and is outweighed by the Strategic Support for the proposed development.**

11.1. Reason for refusal 5 relates solely to some of the replacement windows on the rear elevation onto Union Place which are deemed to significantly disrupt the original fenestration pattern and would unacceptably detract from the visual appearance of the property. Because of this conclusion, the whole proposal has been refused as being contrary to City Development Plan policies CDP1 SG1 The Placemaking Principle, CDP9 and SG 9 Historic Environment.

11.2. It is requested that an exception to strict compliance can and should be made in this instance for the following reasons;

- this reason for refusal on its own could lead to the investment involving the proposed repurposing of 4 storeys of vacant offices not being developed which would be contrary to Policies in NPF 4 and the City Development Plan relating to the need to bring people back into the heart of the city and to do so by developing vacant buildings.

- the building is not listed although it is in a Conservation Area.

- the elevation that is affected is the rear elevation to a narrow close (Union Place) and this elevation is not readily visible because it is a narrow close off the main thoroughfare

- the windows on main elevation to Union Street are being replaced (at a significant cost) on a like for like frame and double glazing to maintain the character of the Conservation Area.

- the windows that are being replaced on Union Place are required to give an appropriate level of daylight which was requested by the Planning Department following a Daylight Survey requested by the Planning Department.

In summary, it is contended that there is no significant adverse impact on the visual amenity of the area in relation to the rear elevation onto Union Place and that in any case, this consideration is outweighed by the strategic benefits already identified in CDP1, SG1 and NPF Policy 27.



## **12. Conclusions and Recommendations.**

12.1. In the context of the Development Plan it is contended that the Strategic Policies of the Council as identified in CDP and its associated SG1 and 2 are supportive of the proposals which will bring a much needed residential use into a vacant group of offices in a key location within the Conservation Area within the heart of the City Centre.

12.2. The City Centre Development Strategy approved in 2024 and NPF4 are also supportive of the proposed development and these represent more recent views of the Council and Scottish Ministers. These strategic policies significantly outweigh any concerns about overlooking, aspect and visual impact to the rear of the building.

12.3 Accordingly in the context of section 25 of the Town and Country Planning (Scotland) Act 1997 the proposals are fully in accordance with the Development Plan and there are no other material planning considerations that would direct otherwise.

12.4. It is respectfully requested in view of the above analysis that the Appeal should be upheld and that the application should be approved subject to a suitably worded condition relating to the provision of appropriately designed blinds (eg adjustable day/night blinds) in flats 1, 4, 7 and 10.

**Alan Neish Dip TP**

**Alan Neish Consulting Ltd**

**20/06/2025.**



## Appendix 1

### Reasons for Refusal.

1. The proposal is contrary to National Planning Framework 4 ,policy 27 (adopted February 2023) and CDP1 and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) as specified below, and there is no overriding reason to depart therefrom.
2. The proposed development by reason of its proximity and relationship to opposing premises on Union Place, would result in significant and unacceptable overlooking of flats and would be severely detrimental to the amenity of intended residents. Consequently, the proposal fails to comply with National Planning Framework 4,Policy 27 and with City Development Plan Policies CDP1 and SG 1 The Placemaking Principle.
3. The proposed development by reason of its proximity to opposing premises on Union Place, would result in an oppressive aspect from flats and would be severely detrimental to the amenity of intended residents. Consequently, the proposal fails to comply with National Planning Framework 4,Policy 27 and the City Development Plan Policies CDP1 and SG 1 The Placemaking Principle.
4. The proposed development by reason of the reliance on bedroom windows facing onto an internal light well and the absence of aspect, would be severely detrimental to the amenity of intended residents. Consequently, the proposal fails to comply with National Planning Framework 4 ,Policy 27 and with City Development Plan Policies CDP1 and SG1 The Placemaking Principle.
5. The proposed development by reason of removal of mullions and enlargement of apertures to selected windows on the Union Place elevation, would significantly disrupt the original fenestration pattern and would unacceptably detract from the visual appearance of the property. Consequently, the proposal fails to comply with City Development Plan Policies CDP1 and SG1 The Placemaking Principle, in addition to CDP9 Historic Environment and SG9 Historic Environment.