



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 100554643-001

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: *		Address 1 (Street): *	PARK COURT
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		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:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="West Regent Street"/>
Company/Organisation	<input type="text" value="Cova"/>	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" value=""/>	Postcode: *	<input type="text" value="G2 2AE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Glasgow City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="57 WEST REGENT STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G2 2AE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665609"/>	Easting	<input type="text" value="258858"/>
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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 public house(sui generis(as nightclub(class 11) and extended opening till 04.00 am

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 service to properly apply policy

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Appeal, Planning Statement Plans Application Form Decision Notice Report of handling

Application Details

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

21/03470?FUL

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

19/11/2021

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

15/03/2022

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: 13/04/2022

bennett *Developments and Consulting*

10 Park Court,

Glasgow, G46 7PB

don@bennettgroup.co.uk

STATEMENT OF APPEAL

12.4.2022

57 WEST REGENT STREET, G2 2AE

APPEAL TO THE LOCAL REVIEW COMMITTEE OF GLASGOW CITY COUNCIL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CHANGE OF USE OF THE EXISTING PUBLIC HOUSE (SUI GENERIS) TO NIGHT CLUB(CLASS 11)AT THE ABOVE ADDRESS.

APPLICATION REF:21/03470/FUL

01 Background:

The property at 57 West Regent Street occupies the ground floor of a 5 storey red sandstone “B” Listed building and currently trades as a public house, known as Cova. Within the adjacent basement premises is a popular night club.

Apart from these two uses the rest of the building is vacant and in a poor state of repair with many broken windows and vegetation growing from the roof, hence it being on the Buildings at Risk Register. While the buildings on both sides are vacant and in need of repair the area is nonetheless popular with numerous bars, diners and clubs which cater to the city’s evening culture and economy.

In this context the appellant has decided to pursue the possibility of turning the public house into a night club. The existing layout is such that almost no changes will be necessary to achieve this.

On 19/11/21 an application was lodged for the change of use of the public house into a nightclub. Given the number of similar uses in the area and the city centre location, it was anticipated that consent would be forthcoming.

It was with some surprise and disappointment that on 15/3/22 the application was refused

02 Reasons for Refusal

In refusing the application the following reasons are given:

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

02 The proposal is contrary to policy CDP1-Placemaking & Supplementary Guidance SG1-Placemaking of the Glasgow City Development Plan 2017 insofar as the proposed Class 11 nightclub operating beyond 24.00 hours would have a significant adverse impact on residential amenity through unacceptable noise and disturbance and anti social hours contrary to the Council Placemaking principles.

03 The proposed nightclub, including hours of operation after midnight, is contrary to Policy CDP2-Sustainable Spatial Strategy, of the Glasgow City Development Plan 2017, insofar as it would have a significant detrimental impact on residents well being and amenity and is not considered sustainable development.

04 The proposal is therefore contrary to policy CDP4-Network of Centres and Supplementary Guidance SG 4-network of Centres of the Glasgow City Development Plan 2017 insofar as the proposed nightclub operating beyond 24.00 hours within a block comprising residential development would intensify the negative impact on residents amenity through unacceptable noise and disturbance.

While 4 reasons are cited these are essentially aspects of the same policy, and relate to the need to protect residential amenity from unacceptable noise and disturbance.

03 Response to Reasons for Refusal

Before examining the reasons in detail, it is important to note that there is no residential accommodation of any kind in this building and none in the adjoining buildings. This is significant as the entire basis for the refusal is the alleged impact on residential amenity!

In determining an application the local authority are required to assess it on the context of the latest approved and adopted local development plan and to produce a Report of Handling(ROH) which explains and justifies the reasons for the decision.

As stated above, the main, indeed the only reason given for refusing this application relates to the alleged impact which this development may have on nearby residential properties.

While the introduction of residential uses into the city centre in pursuit of the “Living City”, where people work stay and play, is a positive and laudable aspiration, to be effective and at the same time have regard to the need to maintain a robust and healthy economic environment, the policy must be applied with caution. Other European cities such as Barcelona and Paris both have a fairly high level of residential living within the central area yet continue to offer a robust city centre experience with cafes, bars diners and other hospitality/entertainment uses operating well into the early hours. These cities have recognised that first and foremost the city centre is an economic engine which funds the other services and facilities the city provides, and that the protection and maintenance of that function

is paramount. In pursuing their successful model, they accepted at the outset that the sort of amenity which residential accommodation could expect in the city centre could not be as might be expected in a less urban environment. They accepted that city centre living is not for everyone. That it can be noisy, smelly, sometimes inconvenient, may make car ownership impossible, but at the same time offers instant access to a range of goods and services, may remove the need to own a car, promotes public transport and can offer very high levels of convenience.

At no time is the fundamental role of the city centre threatened or commercial investment considerations resisted simply because there are residential premises nearby.

Therein lies the problem with the manner in which the above stated policies are applied within the context of this application.

The policies repeatedly stress the need to protect residential amenity, yet fail to define what that amenity is, in the context of the city centre. This omission has to be remedied if it is to be considered a legitimate reason to refuse this application.

The problem is that rather than see the introduction of residential as a positive thing which can enrich the city experience the policies have been applied in such a manner as to threaten and obstruct the legitimate role of commercial uses to pursue their legitimate business.

Where residential uses are introduced they must fit within the existing urban fabric/culture and not expect or demand a level of amenity which no city centre can possibly provide and still survive as an economic motor.

This is a city centre location at the heart of the night time economy district, where clubs, pubs and restaurants all ply their trade to a customer base that expects to be able to access these uses well into the evening and early morning. Indeed the Report of Handling accepts that within the immediate vicinity there are existing uses which operate into early morning, but as they were approved some time ago are accepted. It is further argued that it is the potential cumulative impact of the existing noise and the additional noises generated by this development which will have an unacceptable impact on residents amenity.

Given the claim that there are issues with existing noise it was felt appropriate to investigate the record of noise complaints registered with the Environmental Services Department. Contrary to the claims of noise, there have been no such complaints, so this claim is without foundation and false.

If we consider the Reasons in some detail:

Reason 02 Policy CDP1 -sets out the broad parameters which should be observed within the city, based on a design led approach, however it is not site specific and does not relate specifically to the city centre .

Response:

This is evidenced by the fact that the decision notice cites activity after 24.00 hours to be anti social . This may well be true in less urban and suburban areas but it is nonsense to suggest that in the heart of the largest city in Scotland that any noise after 12 midnight constitutes anti social behaviour. The fact that there may be residential properties nearby does not alter that fact. In essence one might consider that as the residential use is the new use, the incomer, that such use must accept that residential amenity in the city centre cannot be guaranteed.

If for example we were to apply the "Agent of Change" legislation to this situation then the responsibility to address the presence of commercial uses rests with the residential uses and not the other way round. Also to suggest that the proposed new use would impact on the recently approved 96 room serviced apartments application is immaterial. While permission may have been granted there

is no guarantee that it will be built and other developments cannot be frustrated by something which may never materialise.

Reason 03 Policy CDP 2-Sustainable Spatial Strategy: This develops the themes established in policy CDP1 with an emphasis on the need to ensure that developments are sustainable.

Response:

Given that this building has lain empty for many years to the point that it is now on the Buildings at Risk Register, it seems ridiculous to suggest that a new use which is developing and extending an existing use is not sustainable. The proposed night club is clearly a sustainable use which should be supported. However yet again the development is being resisted because it might impact on residents well being. The fact remains that there is no residential within this entire building and none in the adjacent buildings, a fact which seems to have been conveniently overlooked. On this basis it is the introduction of residential which is not sustainable and has the potential to destroy the economic well being of the city centre,

Reason 04- CDP4 Network of Centres: Essentially this policy establishes the right for all Glasgow residents to have access to a network of centres which are vibrant, multi functional and sustainable. In this regard the Council will support the primary retail, office and leisure functions of the city centre.

Response:

Given that policy CDP4 makes no mention of residential and actively supports and promotes leisure as a major activity, it is difficult to understand how this can be used as a reason to refuse the application. The entire thrust of policy CDP4 is the maintenance of the city centre as an economic driver placing economic and commercial uses at the very heart of the policy. It is clear that this policy does not consider that residential use is even a serious consideration and even if it were it would not be at the expense of legitimate businesses. There is only one place for major retail, leisure and entertainment uses to be located and that is within the city centre. The same cannot be said of residential which could be located anywhere. The very notion that the economic well being and health of the city centre which is the power house of west central Scotland should be prejudiced by inappropriate residential developments taking precedent over commercial uses is to fail to understand the concept of the Compact City and the aspirations of the Living City.

04 Summary:

From all of the foregoing it is apparent that the planning service has failed to grasp the essential message implicit in introducing residential into the city centre and rather than promote it as a positive and enriching use, have sought to impose unrealistic demands on existing uses which are legitimately pursuing their business, demands which would render their business unviable.

The proposed development is the only economic generator in this whole building. It is seeking to extend the business from a public house into a night club, in an area already established as an entertainment quarter. To frustrate that expansion on the basis of a flawed interpretation of the policies and the vague claim that residential amenity will be adversely impacted, without establishing what exactly residential amenity actually means in a city centre location, is untenable.

The role of this part of the city in a city context is as an office location during the day and an entertainment and leisure area in the evening and early morning. There is no justifiable reason to

seek to change this, certainly not by introducing residential and importing unrealistic notions of amenity which clearly do not exist in a city centre. Where residential is to be introduced it has to fit within the physical and cultural fabric of the city not seek to impose unreasonable and unsustainable demands.

In the circumstances we would ask that the Local Review Committee overturn the decision to refuse and grant this application.

bennett *Developments and Consulting*
12.4.2022