

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Mohammed Jaweb



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.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 100082231-004

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:	David Jarvie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Jarvie	Building Number:	27
Telephone Number: *		Address 1 (Street): *	Aytoun Road
Extension Number:		Address 2:	Pollokshields
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G41 5HW
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" value="Mr"/>	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" value="Mohammed"/>	Building Number: <input type="text" value="5"/>
Last Name: *	<input type="text" value="Jawab"/>	Address 1 (Street): * <input type="text" value="Greenlees Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Cambuslang"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="G72 8JB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire 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

Northing	<input type="text" value="660510"/>	Easting	<input type="text" value="264294"/>
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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)

Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear

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.

statement contained in supporting documents

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

☐ Yes ☒ No

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

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

decision notice, application drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P/18/1104

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

30/07/2018

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

17/09/2018

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 David Jarvie

Declaration Date: 04/11/2018

David M Jarvie
Architectural Consultant

27 Aytoun Road
Pollokshields
Glasgow
G41 5HW



25160: Change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear
5 Greenlees Road, Cambuslang, G72 8JA
Planning application ref. P/18/1104

NOTICE OF REVIEW STATEMENT

Background

The application site is an existing vacant unit on Greenlees Road near the junction with Cambuslang's Main Street. The unit is vacant, formerly a bank, on the ground & first floor of a 3 storey tenement building. There is one floor above the application site which comprises of a residential flat with shop units with two flats over across the common close & access. The building is a traditional sandstone building with pitched tiled roof. The property is within the commercial area of Cambuslang town centre.

Proposal

The proposals are for a change of use of the former bank to a restaurant. The shopfront shall be altered to form a more suitable entrance with an extract flue to rise up the rear of the building. Internal alterations shall be carried out to form the main restaurant area on the ground floor with a function room on the first floor with toilet facilities. The restaurant's proposed opening hours of Sunday to Thursday 10am – 11pm and Saturday 10am – midnight, shall capture breakfast, lunch & evening dining as well as coffee & tea business during the day. The takeaway element is not encouraged but simply clients won't be denied the facility.

Reasons for refusal

The proposals have been refused, in general, as it has been assumed that the proposals are detrimental to the amenity of residential properties. Concerns have been raised with regard to the ventilation/extraction system, opening hours, traffic, waste, noise & general disruption. Planning policy has been highlighted in regard to these issues. The issue of ownership of the entire building has also been raised in particular with regard to the fixing & placement of the proposed external flue.

Reasons for review

The existing unit is vacant, the former use was a class 2 bank. The change of use will not result in the loss of a retail unit. The premises is within the town centre area of Cambuslang where uses such as a restaurant would be expected. Within the short run of units from the Main Street junction there are mixture of uses - a public bar, the vacant bank, 2 retail units & a hot food takeaway. Opposite the application site is a restaurant. These premises have late opening hours, the takeaway & bar would normally be considered far more disruptive than a restaurant. The proposed restaurant in reality would make little difference with regard to disturbance to the area.

The flue at the rear of the building shall be constructed to current industry standards fixed to the rear wall by brackets with anti-vibration mountings with a vertical discharge unit with a terminal 1m minimum above the level of the eaves. The flue & its terminal shall meet current standards with regard to noise & smells, unlike establishments currently in the area operating older systems. Conditions on any consent to satisfy Environmental Health with regard to the extraction system would be accepted. To expect an applicant to provide full details of the proposed system would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.

The flue shall be secured to the rear of the building. The flue shall rise internally to the higher level of the first floor before passing through the external wall. The flue shall only be seen at a higher level than normal minimising visual impact. The rear wall is owned by all the owners of the flats, retail units & the applicant (the applicant is the largest owner within the block owning 1/3 of the entire building). Consent to fit the flue shall be sought after planning permission has been given. This is a legal matter, the flue cannot be fitted without the consent of the building's owners. This should not be planning issue.

The proposed restaurant shall not increase noise disturbance to any real degree with a public house & hot food carry out already existing within the street block, in addition to the noise generated by traffic at a busy junction. A noise survey can be conditioned on any consent to satisfy the Environmental Health Department. To expect an applicant to provide a noise survey would be unreasonable as this would prove to be very expensive when an application is to establish if the use is suitable for the location.

The proposed restaurant would not expect to have any more customers than a one would expect for a bank. Therefore it would not expect to encourage more traffic & congestion to the area, the proposed restaurant is expected to be busier during the day having a quicker turnaround of customers than in the evening but not as busy as a bank would be.

Waste shall be stored within the premises, the rear courtyard shall not be used although the applicant has a legal right to utilise the area. Waste bins shall be placed on the pavement for uplift by the council under contract at a set & regular time. Should the council wish the waste to remain on the premises until the council are ready to uplift, the applicant would abide by their wishes.

The applicant shall ensure that the area to the front of the unit shall be get cleaned & shall tidy the area prior to opening & at closing although it is not expected that the unit shall be the source of any rubbish as there is no intention to encourage a takeaway service.

The unit shall provide additional employment to the area. Initially it is expected to provide 8 full time & 8 part time jobs, though this may increase depending on the success of the restaurant.

Summary

The proposed development will see the regeneration of a fine sandstone property into a quality restaurant which will contribute to the area emergence as a focus for daytime & evening dining. This part of Cambuslang has a variety of uses which the proposals shall fit nicely into. This new development will not only contribute to the area divergence but will animate the area and regenerate this property such that its future is secured and a new and exciting restaurant introduced to the area. The proposals should be encouraged & this development should be welcomed.