

# Report of Handling for Application 24/02528/FUL

Item 3

7th October 2025

<b>ADDRESS:</b>	71 Glassford Street Glasgow G1 1BQ
<b>PROPOSAL:</b>	Use of premises as homeless facility (Class 8) to provide a 24-hour accessible facility (retrospective)

<b>DATE OF ADVERT:</b>	6 December 2024
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	<p>4 letters of objection were received. The main points can be summarised as follows:</p> <ul style="list-style-type: none"><li>- <i>The proposed use results in a conflicting and incompatible use and function given the proximity to residential properties and businesses;</i></li><li>- <i>No information on how cooking odours would be managed;</i></li><li>- <i>No information on how noise will be managed and mitigated;</i></li><li>- <i>Lack of engagement with local residential and business communities;</i></li><li>- <i>Lack of waste and recycling strategy, with bins left on the street;</i></li><li>- <i>The night shelter operation has resulted in an increase in anti-social behaviour in the locality, including: drug use; aggressive behaviour between patrons of the shelter; intimidation of patrons of neighbouring businesses;</i></li><li>- <i>Queues for night shelter blocking entrances to other businesses;</i></li><li>- <i>Increase in rough sleepers in the locality, including within private accommodation;</i></li></ul> <p>2 letters of support were received. The main points can be summarised as follows:</p> <ul style="list-style-type: none"><li>- <i>The use aligns with the Placemaking aims of the City Development Plan insofar as it contributes to the creation of new and improved places that are fit for people, reinforcing social and community networks.</i></li><li>- <i>The use aligns with Equalities Act, referenced by the Placemaking policies of the City Development Plan, which states that local authorities have a responsibility to: a) eliminate relevant discrimination, harassment, victimisation; b) advance equality of opportunity by removing or minimising disadvantage suffered by, and taking steps to reach, engage and meet the needs of, relevant groups, and c) foster good relations between people protected by the current equalities legislation and the wider community by tackling prejudice and promoting understanding."</i></li></ul>
<b>PARTIES CONSULTED AND RESPONSES</b>	NONE
<b>PRE-APPLICATION COMMENTS</b>	Following an enforcement case the applicant had a broad meeting with DM Group Manager Andy Dale and Tony Trotter Enforcement Manager regarding what would be required in the submission of an application. This was not a formal pre-app meeting but the opportunity was taken to clarify what information should support an application for change of use.

<b>EIA - MAIN ISSUES</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN</b>	NOT APPLICABLE

<b>ISSUES</b>	
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	NOT APPLICABLE
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>NPF4 POLICIES</b>	<p>The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory development plan and Glasgow City Council as planning authority must assess all proposed development against its policies. The following policies are considered relevant to this application:</p> <p><b>Policy 1:</b> Tackling the climate and nature crises  <b>Policy 2:</b> Climate mitigation and adaptation  <b>Policy 12:</b> Zero Waste  <b>Policy 14:</b> Design, Quality and Place  <b>Policy 23:</b> Health and Safety  <b>Policy 27:</b> City, town, local and commercial</p>
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<p><b>CDP 1</b> Place Making Principle  <b>CDP 2</b> Sustainable Spatial Strategy  <b>CDP 3</b> Economic Development  <b>CDP 4</b> Network of Centres  <b>CDP 9</b> Historic Environment</p> <p><b>SG 1</b> Placemaking Part 1 and 2  <b>SG 2</b> City Centre Strategic Development Framework  <b>IPG 3</b> Economic Development  <b>SG 4</b> Network of Centres  <b>SG 9</b> Historic Environment  <b>Policy 23:</b> Health and Safety  <b>Policy 27:</b> City, town, local and commercial</p>
<b>OTHER MATERIAL CONSIDERATIONS</b>	Police Scotland incident reporting.
<b>REASON FOR DECISION</b>	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

<b>Comments</b>	
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<b>Planning History</b>	<p>21/02632/FUL - Use of vacant ground and basement premises as office. GC.  23/01408/FUL - Use of office premises as public house/nightclub (Sui Generis/Class 11). GC</p> <p>24/00009/EN - Alleged breach - Use of ground and basement of office premises for temporary homeless accommodation, ancillary/associated food preparation and</p>
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	heating of food(s) with reception area and associated respite rooms. Notice Issued – Appeal Dismissed.
<b>Site Visits (Dates)</b>	11 <sup>th</sup> February 2025.
<b>Siting</b>	Ground and basement commercial unit within contemporary 7-storey building with serviced apartments on upper floors. Within the Central Conservation Area and Ward 10 – Anderston/City/Yorkhill. The unit has been in operation, without the benefit of planning permission, as a homeless shelter since November 2023.
<b>Design and Materials</b>	<p>Use of vacant premises as homeless facility (night shelter and soup kitchen) to provide a 24-hour accessible facility (retrospective) providing hot meals and beverages and sleeping accommodation for the night. Consent is sought on a temporary basis for up to 5 years.</p> <p>The proposal details the entrance at street level with a small reception area partitioned off from the remainder of the ground floor, with stair leading to the basement which houses the night shelter. The submitted drawings indicate 4 no. rooms equipped with mattresses on the floor to provide sleeping space for 27 individuals. These beds are only available to 9am the following morning and cannot be used as ongoing accommodation.</p> <p>There is a maximum of 6 staff working within the shelter at any one time, with the minimum being 2.</p> <p>The applicant advises that the soup kitchen serves approximately 350 people a day, however only 100 "vulnerable" individuals will sit and eat within the shelter, such as older users. The remainder will be issued a meal to take away. 55,000 meals a month are served by HPS. Food is prepared in a central kitchen within their Broomielaw premises, and then brought to the site where it is served.</p> <p>A site visit was conducted on 11<sup>th</sup> February 2025 at which it became apparent that the shelter was operating beyond the scope set out in the submitted application, with regard to the number of occupants able to spend the night (increase from 27 to 33 beds) and the use of the ground floor of the building as break-out or meeting space for staff and other stakeholders. In the weeks since the site visit the Council has also become aware that the ground floor has subsequently been turned into a kitchen servery and eating space for patrons, utilised on a daily basis, with gazebos erected on the footway to provide shelter for queuing patrons.</p>
<b>Daylight</b>	Not applicable.
<b>Aspect</b>	Not applicable.
<b>Privacy</b>	
<b>Adjacent Levels</b>	Not applicable.
<b>Landscaping (Including Garden Ground)</b>	Not applicable.
<b>Access and Parking</b>	Access, on the basis of the submitted proposal, is from the street into a small reception area with desk, partitioned off from the remainder of the ground floor. Stairs lead directly to the night shelter at basement level. However, it is noted that the main ground floor area, indicated to be out with the scope of the application, appears now to be in use as a kitchen/servery and eating area, accessible directly from the street.

	No dedicated parking provision as existing or proposed.
<b>Site Constraints</b>	Within the Central Conservation Area.
<b>Other Comments</b>	<p><b><u>Assessment</u></b></p> <p>Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. In addition, under the terms of Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 64 of the same Act requires the Council to pay special regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <ul style="list-style-type: none"> <li>a) whether the proposal accords with the statutory Development Plan;</li> <li>b) whether the proposal preserves or enhances the character or the appearance of the Conservation Area;</li> <li>c) whether any other material considerations (including objections) have been satisfactorily addressed.</li> </ul> <p>In respect of (a), the development plan comprises NPF4 adopted 13 February 2023 and the Glasgow City Development Plan adopted on the 29 March 2017.</p> <p><b>NPF4</b></p> <p>In respect of NPF4 policies 1 and 2, there are overarching policies which should be considered for all development proposals, regardless of scale. In this case, there are no physical alterations proposed and there is no flue or extract equipment required which may impact on emissions. This is also a small-scale development which is bringing vacant space back into active use. Therefore, this proposal is considered to comply with these policies.</p> <p>In respect of NPF4 policy 12, this proposal will generate operational waste. No waste management plan has been provided.</p> <p>NPF4 Policy 14 – Design, Quality and Place seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.</p> <p>Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.</p> <p>Development proposals will be supported where they are consistent with the six qualities of successful places, and the following is of direct relevance:</p> <p><i>Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.</i></p> <p>This is the first of the 6 qualities of place and prescribes:</p>

*Designing for:*

- *lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance and use of physical safety measures.*

**Comment:** The proposed use is considered to be detrimental to the place qualities of the locality by reason of the impact on the perceived safety of walking routes in the vicinity resulting from nightly instances of long queues obstructing the footway, and the associated fear of crime and anti-social behaviour evidenced by crime reports during the period of operation. More detail on this evidence and its effects is provided in assessment other material considerations below.

The proposal is considered contrary to Policy 14.

NPF4 Policy 23 – Health and Safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

**Comment:** The noise impacts of the proposal are referenced in objections but are considered to be more closely related to anti-social behaviour related to the premises but occurring on the street, which is covered in detail later in this report. There is no noise nuisance from plant or the use itself, within the envelope of the building, and accordingly no direct conflict with Policy 23.

### **City Development Plan**

**CDP 1: The Placemaking Principle:** This general policy emphasises the creation of high-quality, healthy, and sustainable places. Developments must contribute positively to the surrounding area's character and amenity and aspire to be safe, pleasant, and welcoming (as stated in the six qualities of place set out in policy).

**SG1: Placemaking Part 1 & Part 2 Supplementary Guidance 1 (SG1)** elaborates on the placemaking principles and includes specific guidance on how developments should address issues such as crime prevention and anti-social behaviour. It encourages developers to design spaces that are safe, welcoming, and discourage behaviours that can lead to public nuisance.

### **Legibility & Safety**

This section of the policy seeks to improve understanding of the urban environment and the individual's perception of safety by requiring development proposals to, inter alia:

- j) Incorporate community safety measures, such as active surveillance, within public realm areas, where appropriate.
- k) Incorporate active frontages, where appropriate, as buildings can provide passive surveillance for open space and active travel routes which can significantly affect people's perceptions of public space in term of enjoyment and safety.
- l) Seek to ensure that safe and accessible environments are created where the fear of crime does not undermine quality of life or community cohesion.

**Comment:** The proposal as submitted does not provide active or passive surveillance of the public areas adjacent to the entrance to the shelter, nor does it incorporate an active frontage. However, it is acknowledged that the operation has expanded since the submission of the current application to include the ground floor of the building and as

	<p>such could be capable of meeting these requirements.</p> <p>The above notwithstanding, fear of crime is referenced by this policy, and whilst this is in relation to design matters rather than the associated impacts of a specific use on the surrounding environment, fear of crime is considered to be a material consideration in the assessment of this proposal, as covered later in this report.</p> <p>The following policies of <b>SG1</b> (Part 2) are also relevant:</p> <p><b>Community Safety</b></p> <p>4.20 It is expected that new development will incorporate crime prevention and community safety measures within their layout and design.</p> <p><b>Comment:</b> The development does not include effective measures to prevent crime, but this is again recognised to be guidance which more closely relates to the design of developments rather than changes of use which do not involve significant physical alterations.</p> <p>Overall, the proposal is not considered to directly contravene <b>CDP 1</b> or <b>SG 1</b>, but the themes discussed above give rise to their further consideration in terms of the wider impacts of the proposed use, beyond the design elements. Community safety and fear of crime are themes which are raised in objections submitted to the proposal and there is further detailed commentary later in this report.</p> <p>The community and social benefits of the proposal are acknowledged to align with the Placemaking aims of CDP 1 and SG 1 insofar as it contributes to the creation of new and improved places that are fit for people, reinforcing social and community networks. SG 1 states that <i>places should be accessible and are successfully designed where they can be used by as many people as possible, regardless of background or ability</i>.</p> <p><b>SG4: Network of Centres</b></p> <p>SG4 sets out the requirements for waste management and disposal for premises serving food and drink.</p> <p><b>Assessment Guideline 14:</b> Waste Management and Disposal</p> <p>Proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.</p> <p>The proposal does not show details of internal provision for the storage of waste and relies on waste being transported to 2 no. large-wheeled bins located on the footway at the entrance to the shelter. This arrangement is considered to be detrimental to the amenity of the street scene and the character and appearance of the surrounding conservation area. However, it is noted that had the proposal been considered acceptable, a more suitable solution could be secured by planning condition.</p> <p><b>SG10: Meeting Housing Needs</b></p> <p><b>Care in the Community</b></p>
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	<p>Where elements of care are associated with a development, the following considerations apply:</p> <p>3.9 All new development should:</p> <ul style="list-style-type: none"> <li>a) meet placemaking and design standards, as set out in SG1: Placemaking and Design;</li> <li>b) provide a mix of accommodation units, where appropriate;</li> <li>c) provide high quality indoor and outdoor amenity space;</li> <li>d) demonstrate high standards of design and inclusive design;</li> <li>e) ensure safe, easy and inclusive access for all people regardless of disability, age or gender, both into the building or site and to local amenities such as shops, community and leisure facilities;</li> <li>f) ensure adequate privacy levels are maintained for residents;</li> <li>g) demonstrate no adverse impact on the character and amenity of the surrounding area; and</li> <li>h) demonstrate that it is compliant with the Care Inspectorate's National Care Standards</li> </ul> <p>From the above: Part (g): The policy requires that new developments must demonstrate no adverse impact on the character and amenity of the surrounding area.</p> <p><b>Comment:</b> Whilst the operator has stated that the shelter does not provide care as such, the criteria above are nevertheless considered appropriate to apply to assessing the proposal given the related nature of the operation.</p> <p>The overnight homeless shelter has been linked to significantly increased reports of anti-social behaviour and crime in the locality, reflected in objections submitted to this application and evidenced in Police Crime Reports provided at the request of the Council. These incidents show that the shelter is negatively impacting the surrounding area's character and amenity.</p> <p>The proposal is therefore contrary to <b>CDP 10</b> and <b>SG10</b>.</p> <p>With regard to c) whether any other material considerations (including objections) have been satisfactorily addressed:</p> <p>Fear of crime has been raised in objections to the proposal and Police Scotland have released data relating to incidents on Glassford Street, prior to and since the commencement of the homeless shelter use.</p> <p>Fear of crime as a material consideration has been demonstrated to have validity in planning case law, but can only be afforded significant weight in the decision-making process on the following basis:</p> <ul style="list-style-type: none"> <li>• The fear of crime must be objectively justified;</li> <li>• The fear of crime must have a reasonable basis (evidence that it is likely to happen)</li> <li>• The fear of crime must relate to the use.</li> </ul> <p>The homeless shelter operation is considered to have commenced in late December 2023. The total number of Police call outs to Glassford Street in the 12 months up to and including December 2023 was 514. In the 12 months from January – December 2024 that number rose to 894, an increase of 74%. Whilst it is noted that in the 12 months since the shelter operation commenced, 33% of the call outs to Glassford Street</p>
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resulted from incidents reported by HPS themselves, due to their relatively proactive attitude to incident reporting and barring problematic individuals, this does not obscure the fact that the presence of the shelter has resulted in a significant increase in Police incidents/call outs.

The nature of incidents which have increased during the period of HPS operation is varied and includes disturbances, public nuisance, drug/substance misuse, intruders, thefts, assaults and sexual offences.

These incidents show that the shelter is negatively impacting the surrounding area's character, safety and amenity. Therefore, the fear of crime and anti-social behaviour which has arisen through the existence of the unauthorised use appears to be founded as it can be objectively justified by the evidence provided by Police Scotland, and can be related to the use of the site as a homeless shelter given the stark increase in incidents reported since the operation commenced.

Representations:

4 letters of objection were received, the main points of which can be summarised as follows:

- *The proposed use results in a conflicting and incompatible use and function given the proximity to residential properties and businesses;*

**Comment:** The impacts of the behaviour of patrons of the shelter are considered, as concluded in the assessment above, to establish a fear of crime which has a detrimental impact on the character and amenity of the area

- *No information on how cooking odours would be managed;*

**Comment:** The applicant has confirmed that food is cooked off-site (at HPS Broomielaw premises) and transported to the site in sealed containers to be served. Open cooking does not occur on-site and therefore there is no requirement for a flue to manage cooking odours.

- *No information on how noise will be managed and mitigated;*

**Comment:** Noise emanating from within the building and plant noise is not considered to result in nuisance. However, street activity and noise associated with the shelter are considered elsewhere in this report in the context of anti-social behaviour.

- *Lack of engagement with local residential and business communities;*

**Comment:** Whilst this is noted, the proposal is a local development which does not require the applicant to engage in formal pre-application engagement with the local community. Policy CDP1 expects new developments to be informed by demonstrable efforts to responsibly engagement with all stakeholders. However, the failure to undertake engagement at pre-app stage is not considered to amount to a justification to refuse the application given the statutory requirements set for Local Developments.

- *Lack of waste and recycling strategy, with bins left on the street;*

**Comment:** Wheeled bins do appear to be stored on the footway as evidenced by the site visit. This accords with the submitted plans and is not considered to be an appropriate solution as it is detrimental to amenity by way of impact on the vitality of the street scene and the character and appearance of the surrounding conservation area.



- *The night shelter operation has resulted in an increase in anti-social behaviour in the locality, including: drug use; aggressive behaviour between patrons of the shelter; intimidation of patrons of neighbouring businesses;*

**Comment:** This is discussed in detail above.

- *Queues for night shelter blocking entrances to other businesses;*

**Comment:** This is noted and whilst in itself is not a material consideration, the impacts of the behaviour of patrons has been assessed in detail elsewhere in this report and are considered to have an unacceptable effect on amenity.

- *Increase in rough sleepers in the locality, including within private accommodation;*

**Comment:** This cannot be corroborated conclusively by Police incident reporting analysis, although a small increase in intruder related calls is noted.

2 letters of support were received, the main points of which can be summarised as follows:

- *The use aligns with the Placemaking aims of the City Development Plan insofar as it contributes to the creation of new and improved places that are fit for people, reinforcing social and community networks.*

**Comment:** The community and social benefits of the proposal are not considered to outweigh the impacts on the residential and business community of the anti-social behaviour increases described in detail elsewhere in this report.

- *The use aligns with Equalities Act, referenced by the Placemaking policies of the City Development Plan, which states that local authorities have a responsibility to: a) eliminate relevant discrimination, harassment, victimisation; b) advance equality of opportunity by removing or minimising disadvantage suffered by, and taking steps to reach, engage and meet the needs of, relevant groups, and c) foster good relations between people protected by the current equalities legislation and the wider community by tackling prejudice and promoting understanding.*

**Comment:** The responsibility placed on the Council to remove or minimise disadvantage is duly noted. However, as above, the impacts on the residential and business community of the anti-social behaviour increases described in detail elsewhere in this report are given significant weight in assessing the suitability of the proposal at this location, and on balance are not mitigated by the potential to minimise disadvantage to an extent that they overcome the harmful effects of the fear of crime.

**Conclusion:** The development has been linked strongly to an increase in anti-social behaviour and crime in the Glassford Street locality since the commencement of operation in December 2023. The associated fear of crime is considered to be objectively justified by the evidence base, and can be related to the use of the site as a homeless shelter given the stark increase in incidents reported since the operation commenced but is not directly contrary to the Council's placemaking policy and guidance, but is considered to be a material consideration in the assessment of the proposal as detailed above.

The increased scope and intensity of the shelter operation since submission of the planning application is also noted and has led to further reports of anti-social behaviour and nuisance to the community and local businesses. This, along with the representations provided demonstrates that there is a reasonable basis or foundation

	<p>for these concerns and that they are attributed to the use.</p> <p>The community and social benefits of the proposal, and its areas of compliance with the Glasgow City Development Plan are not considered to outweigh the impacts on the local residential and business community of the anti-social behaviour and crime increases recorded, and the resulting elevated fear of crime. These impacts also contribute to the proposal's contravention of NPF4 Policy 14 by way of detriment to the place qualities of the locality with respect to the safety of walking routes, and City Development Plan policy CDP10 and associated Supplementary Guidance SG10 with regard to its impact on the character and amenity of the area.</p> <p>On balance it is considered that planning permission should be refused.</p>
<b>Recommendation</b>	<b>Refuse.</b>

Date: 22/04/2025	DM Officer <b>Alan Shand</b>
Date	DM Manager