

REPORT OF HANDLING FOR APPLICATION 24/00456/FUL

ADDRESS:	150 Copland Road Glasgow G51 2UB
PROPOSAL:	Use of premises as public house (Sui Generis).

DATE OF ADVERT:	15 March 2024
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>Two representations have been received; one in support of the development and one objecting to the development. The points of objection raised have been listed below:</p> <ol style="list-style-type: none"> 1. Increase of crime and anti-social behaviour Response: The impact to the amenity of the surrounding area has been addressed in the assessment below. 2. Existing public house across the road from the site Response: This has been addressed in the assessment below. 3. This is a residential area and families live here. We are hard pressed as it is with very little resources in the area for families and children/ fast food and alcohol seem to be predominant, catering for only football supporters. Response: This has been addressed in the assessment below.
PARTIES CONSULTED AND RESPONSES	No external consultations undertaken.
PRE-APPLICATION COMMENTS	No pre-application advice sought.

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
NPF4 POLICIES	<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 the application:</p> <p>Policy 1: Tackling the Climate and Nature Crises Policy 2: Climate Mitigation and Adaptation Policy 12: Zero Waste Policy 14: Design, Quality and Place</p>

CITY DEVELOPMENT PLAN POLICIES	<p>CDP 1: The Placemaking Principle CDP 3: Economic Development CDP4: Network of Centres</p> <p>The policies should be read in conjunction with the associated Supplementary Guidance, which explains in detail how the Council expects the CDP policies to be implemented and how they will be used in the consideration of planning applications:</p> <p>SG 1: Placemaking IPG3 (SG3): Economic Development SG 4: Network of Centres</p>
OTHER MATERIAL CONSIDERATIONS	None.
REASON FOR DECISION	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.

	COMMENTS
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PLANNING HISTORY	23/01214/FUL – Use of premises as public house (Sui Generis). – Refused
SITE VISITS (DATES)	A site visit was not deemed to be necessary; the Case Officer has been able to undertake a full assessment based on the information provided and resources available.
SITING	The application relates to a ground floor unit which is part of a tenement block located on Copland Road. The ground floor unit is currently vacant, however, its most recent use was a bookmakers. There are three storeys of residential flats above the unit and ground floor commercial uses to the north. There is a car garage bounding the site to the west. The application site is within Ward 5 – Govan.
DESIGN AND MATERIALS	<p>The proposal consists of a change of use to public house (Sui Generis) and a replacement external door.</p> <p>The plans indicate that new signage will be displayed on the premises, however, this would be subject to assessment under a separate application for advertisement consent.</p>
DAYLIGHT	No Development Plan issues.
ASPECT	The front elevation of the building faces east.
PRIVACY	No Development Plan issues.
ADJACENT LEVELS	No Development Plan issues.
LANDSCAPING (INCLUDING GARDEN GROUND)	Not relevant to this application.
ACCESS AND PARKING	No concerns subject to conditions regarding cycle parking and the external doors. In addition, an advisory note should also be applied.
SITE CONSTRAINTS	Low Coal Risk Area
OTHER COMMENTS	<p><u>Assessment</u></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.</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"> a) Whether the proposal accords with the statutory Development Plan; b) Whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017.

National Planning Framework 4 (NPF4)

The policies of relevance to this proposal within the National Planning Framework 4 are considered below:

Due to the scale, nature and location of the proposed development, the following policies are considered:

Policy 1 is an overarching policy which states:

"When considering all development proposals significant weight will be given to the global climate and nature crises."

Comment: The officer takes this into consideration in the assessment. See below.

Policy 2 is an overarching policy which requires:

a) "Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported."

Comment: The proposed development generally complies with criteria (a) – (c) above, as it aims to extend the life of the existing building by way of a change of use with minimal alterations to the frontage.

The relevant criteria in Policy 12 states:

b) "Development proposals will be supported where they:

i. reuse existing buildings and infrastructure;

ii. minimise demolition and salvage materials for reuse;

iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;

iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;

v. use materials that are suitable for reuse with minimal reprocessing."

Comment: The proposed development generally complies with the criteria above, as it reuses and extends the life of an existing building.

Policy 14 requires:

a) "Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.

c) 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."

Comment: The proposed development would introduce a public house (Sui Generis) into an area which has a mix of uses including industrial, residential and commercial. The application site is positioned on the ground floor of a residential tenement block and the proposed use in this location would raise significant concerns in terms of residential amenity. The proposal identifies a bin storage area on the footway adjacent to the south elevation of the building. This would have a detrimental impact on residential amenity and the visual amenity of the area. Whilst the footway has a large width, the provision of bin storage would reduce the available space for pedestrians. As such, the position of the bin storage area is not acceptable. **It should be noted that the bin store is not existing**

A Noise Assessment has been included with the application documents. It concludes that mitigation measures would be required to prevent a detrimental impact to residential amenity. Should the proposed development be acceptable, planning conditions would be required with regards to the mitigation measures to safeguard the amenity of the surrounding residential properties.

Given the concerns regarding residential amenity detailed above, the proposed use is not considered to comply with Policy 14 of NPF4.

City Development Plan

CDP 1 & SG 1 – Placemaking

Policy CDP1 & SG1 also applies to this application.

SG1 states:

Proposals for alterations to shops and other commercial buildings should:

- a) Respect the period, style and architectural character of the building;*
- b) Not detract from the historic character of a listed building or property within a conservation area; and*
- c) Not adversely affect residential amenity as a result of noise and vibration.*

Comment: In relation to the proposed use, the development raises concerns in terms of residential amenity as a result of noise. A Noise Assessment has been included with the application documents. It concludes that mitigation measures would be required to prevent a detrimental impact to residential amenity. Should the proposed development be acceptable, planning conditions would be required with regards to the mitigation measures to safeguard the amenity of the surrounding residential properties.

The external alterations are not considered to have a detrimental impact on the visual amenity of the building nor the surrounding area. The external alterations will be further assessed against the criteria set out below.

Frontage Alterations - The following guidance applies:

- a) alterations to frontages should always be designed to take account of the age and style of the buildings in which they are located;*
- b) on older properties (e.g. tenements), the original fascia should be retained or, if it is concealed by a dropped fascia (see Definition), this should be removed and the original fascia reinstated. If a sub-fascia is fitted, this should be glazed (the glazing could be*

- reflective, coloured or etched if it is hiding fittings or existing lowered ceilings). Glazing should run from the bottom of the fascia down to the pavement. A stallriser may be used;
- c) lowered ceilings in older buildings can hide original features. In listed buildings, lowered ceilings should be removed to expose the original ceiling. Where lowered ceilings are proposed, they will only be acceptable where they are set back 1 metre behind the glass, or raked back at an angle, to avoid interruption of the glazed shopfront with an incongruous feature;
- d) in buildings where timber-framed shopfronts are still the established pattern, then timber should be used for the framing;
- e) if a unit extends across two adjacent buildings at different levels, then the fascia should be stepped, rather than carried through at the lower level; and
- f) extensive use of tiles or render is discouraged.

Comment: The existing frontage of the building does not hold any architectural or historical merit and it is considered that the design and scale of the proposed frontage alterations would be in keeping with the style of the building. As such, it is considered that the frontage alterations comply with the SG1 criteria.

Waste Storage, Recycling & Collection – The following guidance applies:

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives, see also SG 1 - Placemaking, Part 1. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applicants must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.

Comment: The proposal identifies that the existing bin storage area will be utilised for the proposed use. The bin storage area is positioned on the footway adjacent to the south elevation of the premises. This location is visually prominent within the street scene and would not accord with the guidance set out within SG1. The bin storage would also reduce the width of usable footway for pedestrians which raises concerns in terms of road safety. This storage area is not existing, unlike as described in the drawings. In any case the location is not acceptable.

CDP3 & IPG3 (SG3) – Economic Development

The application site is located within an Economic Development Area, therefore, the main policy that would be applicable is CDP3 & IDG3 (SG3). The guidance states:

The Council seeks to ensure that Economic Development Areas without SEIL or ACWEI status (see map) continue to give preference to proposals in Use Classes 4 'Business', 5 'General Industrial' or 6 'Storage or Distribution', of the Town and Country Planning (Use Classes)(Scotland) Order 1997. It is recognised that there may be circumstances where proposals for uses outwith these Use Classes will be acceptable. The Council may consider such a proposal favourably, provided that it would not:

- (i) have a detrimental impact on the character of the economic development area, and its continuation as an industrial and business location;*
- (ii) have an adverse impact on the quantity, quality or distribution of EDA land supply; and*
- (iii) would not prejudice the operation of adjoining businesses;*

The Council will also consider the following where appropriate:

- (i) the site or property has been vacant for a considerable period of time and marketed unsuccessfully for Class 4, 5 or 6 throughout that period;*
- (ii) the proposal is the only practical means of retaining a listed building of architectural or historic significance; or*
- (iii) the proposal would provide facilities aimed primarily at meeting the needs of businesses and employees within the economic development area.*

Comment: The proposal is for a public house (Sui Generis) which is outwith the use classes encouraged within an Economic Development Area. The existing use of the premises is a Bookmakers (Sui Generis), however, the premises has been vacant for approximately 2 years and no information has been submitted to confirm that it has been marketed unsuccessfully for Class 4, 5 or 6 throughout this period. The application site is not listed nor is it of architectural or historic significance.

There is one public house within the immediate vicinity of the application site. The addition of the proposed public house would result with an overprovision of public houses within the Economic Development Area due to their close proximity. In addition, it is not considered that the proposed use would be aimed primarily at meeting the needs of businesses and employees within the Economic Development Area.

The application site has a business adjoining the building to the west. The proposed use could have a detrimental impact to the amenity of this adjoined business and the businesses within the surrounding vicinity. As such, the proposed use would not be considered appropriate within this setting.

Given the above, it is considered that the proposed development would not be suitable in this location and could not be supported under the criteria of CDP3 & IPG3 (SG3).

CDP 4 & SG 4 – Network of Centres

Assessment Guideline 10: Food, Drink and Entertainment Uses

In order to protect residential amenity, certain factors will be taken into consideration when assessing whether the location of proposed food, drink and entertainment uses is acceptable.

a) City-Wide:

(i) Proposals for food, drink and entertainment uses must not result in a detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes. No more than 20% of the number of units in a street block frontage, containing or adjacent to residential uses, should be in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use.*

(ii) Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.

(iii) The Council will not support food, drink and entertainment uses (including extensions to existing uses or extensions of opening hours) in rear lanes that are immediately adjacent to residential properties, unless part of a comprehensive redevelopment of an existing rear lane or creation of a new rear lane, where it can be demonstrated that residential amenity will not be adversely affected.

c) Outwith the City Centre:

(i) Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.

(ii) Applications for extensions to existing public houses, Class 11 and Sui Generis uses must not increase the floorspace for public use under residential flats, or extend into residential backcourt areas.

(iii) Hours of operation will be agreed with the Planning Authority, based on local circumstances and the impact of the proposal on residential amenity, but shall not exceed 08:00 to 24:00 hours.

*Note: A Late Hours Catering Licence will also be required for any premises serving food, on or off the premises, after 23:00 hours. This Licence will not generally be granted beyond 24:00 hours if the premises are in a building with residents living above. * In all calculations of the proportion, the Council will include any use which incorporates a hot food takeaway service and any unimplemented planning permissions for changes of use to hot food shop, public house, or Class 3 use, likely to include a hot food takeaway service.*

	<p>Comment: The application site is positioned on the ground floor of a residential tenement block. As such, the proposed use would be located within close proximity to residential properties which does not comply with CDP4 and SG4. As such, the use could not be supported under this policy.</p> <p>In respect of (b) other material considerations include the views of statutory and other consultees and the contents of letters of representations. Two representations have been received and comments addressed.</p> <p><u>Conclusion</u></p> <p>This application has been assessed against NPF4 and the City Development Plan whilst taking into account any other material considerations. Whilst the proposed development is considered to comply with NPF4 Policies 1, 2 and 12, it does not fully comply with NPF4 Policy 14, City Development Plan Policies 1, 3, 4 and SG1, IPG3 (SG3) and SG4 as outlined above. When assessed as a whole, the proposed development will have a detrimental impact to the amenity of the surrounding uses which cannot be supported. As such, for the reasons outlined in the assessment above, it is recommended that this application for Full Planning permission be refused.</p>
RECOMMENDATION	Refuse

Date: 16.04.2024	DM Officer	Laura Johnston
Date: <u>18/04/2024</u>	DM Manager	Ross Middleton