



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

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Item 1

26 November 2024

24/00103/LOCAL – 150 Copland Road, Glasgow

Use of premises as public house (Sui Generis).

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 05 – Govan

Citywide: N/A

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The proposal site is located on the western side of Copland Road, on the ground floor of a four-storey red sandstone tenement building. There are residential properties above, with commercial units on the ground floor to the north, and a car garage bounding the property to the west.
- 1.2 This unit is currently vacant, but was most recently in use as a bookmakers (sui generis use).
- 1.3 The site is located in a high public transport accessibility area.
- 1.4 It is proposed to change the use of the unit to a public house (sui generis use).
- 1.5 No details have been provided in relation to hours of operation. It is proposed to serve only cold or re-heated food, with no cooking facilities on the premises.
- 1.6 Externally, the only change proposed is to install replacement doors to the property.

2. DEVELOPMENT PLAN POLICIES

- 2.1 NPF4 was adopted by the Scottish Ministers on 13 February 2023 and is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 12: Zero waste
- Policy 14: Design, quality and place
- Policy 23: Health and safety
- Policy 26: Business and industry

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP3: Economic Development
- CDP4: Network of Centres
- CDP11: Sustainable Transport

- 2.3 The relevant Supplementary Guidance is:

- SG1: The Placemaking Principle (Part 2)
- IPG3: Economic Development
- SG4: Network of Centres
- SG11: Sustainable Transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

3.1 The reasons for refusal are set out below:

01. 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.
02. The proposed development, due to its impact on the amenity of the surrounding area, is contrary to Policy 14 of the National Planning Framework 4 (adopted February 2023) as assessed above, and there is no overriding reason to depart therefrom.
03. The proposed development, due to its impact on residential amenity and position of the waste storage, is contrary to CDP1: The Placemaking Principle and the corresponding Supplementary Guidance SG1 (Part 2): The Placemaking Principle of the Glasgow City Development Plan (adopted March 2017) as assessed above, and there is no overriding reason to depart therefrom.
04. The proposed development, due to its nature of the use and impact to the surrounding area, is contrary to CDP3: Economic Development and the corresponding Supplementary Guidance IPG3: Economic Development of the Glasgow City Development Plan (adopted March 2017) as assessed above, and there is no overriding reason to depart therefrom.
05. The proposed development, due to location adjacent to residential flats, is contrary to CDP4: Network of Centres and the corresponding Supplementary Guidance SG4: Network of Centres of the Glasgow City Development Plan (adopted March 2017) as assessed above, and there is no overriding reason to depart therefrom.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below.

01. There is an Economic Case for the new proposal. The existing premises has been vacant for over two years and requires major upgrade and repair. As well as the building fabric being upgraded and maintained the proposed investment will support the creation of new employment opportunities within the local area.
02. The proposal will have limited operational days, ie, not open 7 days a week. These would be restricted to match days and selected special ticketed events.
03. Noise impacts can be satisfactorily addressed.
04. An amended Waste Management Scheme has been included with this appeal showing waste will be handled internally within the property. [Committee should

note that this is revised information and is for them to decide whether or not to consider this.]

05. The applicant has requested that the review be conducted by means of an inspection of the land and a hearing session. Where the Committee decides that the review documents do not provide sufficient information to make a decision, it is for the Committee to determine how further information may be obtained. This can either be by means of further written submissions, the holding of one or more hearing sessions, or a site inspection, or a combination of these, as set out in the Local Review Regulations.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 There were two representations received for the original application. These were both to object to the proposal on the grounds of increased crime and anti-social behaviour; there is already an existing public house across the road from the site; and that this is a residential area with few resources for families rather than football supporters.
- 5.2 There were no representations to this Review.

6 COMMITTEE CONSIDERATIONS

- 6.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.
- 6.2 The following are the relevant policy considerations:
- 6.3 **NPF4 Policy 9: Brownfield, vacant and derelict land and CDP2: Sustainable Spatial Strategy**

NPF4 Policy 9 Intent: To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The relevant policy guidance is:

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other

uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

CDP2 aims to influence the location and form of development to create a 'compact city' form which supports sustainable development. It will also help to ensure that the City is well-positioned to meet the challenges of a changing climate and economy, and to build a resilient physical and social environment which helps attract and retain investment and promotes an improved quality of life.

This is supported by **Strategic Development Frameworks**. The site is within the Govan-Partick Strategic Development Framework Area which has a vision of the area of being an urban district of well-connected but distinct neighbourhoods, providing a very high quality of life, creating a context for nationally significant economic development and a narrowing of social inequalities. The area will be recognised as a leading Innovation District, where technical excellence contributes to inclusive growth and the building of a liveable place.

Committee should note:

- This property has been vacant for approximately two years.
- The site is within the Govan-Partick Strategic Development Framework Area.

Committee should consider whether:

- This proposal will result in the sustainable re-use of a vacant property.
- The proposal is appropriately located, supporting the development of a compact city form, and will contribute to the future strategic aims for the area.

6.4 **NPF4 Policy 14: Design, quality and place and CDP1: The Placemaking Principle/SG1: The Placemaking Principle (Part 2)**

NPF4 Policy 14 Intent: To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

The relevant policy guidance is:

- 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.

CDP1: This overarching policy states that new development should encourage placemaking by being design-led, aspiring towards the highest standards of design while directing development to the right place. All development should respect and protect the City's heritage by responding to its qualities and character of its site and surroundings. Development should make the City an appealing place to live, work and visit for all members of society, providing high quality amenity to existing and new residents.

SG1 (Part 2) includes the following specific policy advice:

Non Residential Development Affecting Residential Areas

Policy CDP1 encourages development to be informed by a place based approach, which means new development should be responsive to its context and seek to build upon the benefits of proximity. It is critical that new development is compatible with existing and future uses.

This guidance aims to ensure that any non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

Residential areas are supported by a range of uses that help to reinforce the community by creating focal points as well as reducing the need to travel. Generally the following uses are deemed to be compatible and complementary to residential areas and will be encouraged:

- a) schools;
- b) local shops;
- c) community facilities;
- d) public buildings;
- e) small businesses (particularly Class 2);

- f) health facilities; and
- g) social and recreational facilities.

All proposals for non-residential uses will be considered against the following criteria:

- a) Outwith the Network of Centres and Economic Development Areas identified in the Plan (see Policy CDP3 - Economic Development and Policy CDP4 - Network of Centres), permission will not normally be granted for uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours) or which propose the storage of quantities of hazardous substances in close proximity to housing; and
- b) Uses which prove acceptable to the Council will require to provide adequate screening for any outside storage of materials and introduce traffic mitigation measures, where appropriate, in order to preserve the amenity of the surrounding residential area.

Alterations to Shops and Other Commercial Buildings

This guidance seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally, and cause no dis-amenity to neighbours, see also SG1 - Placemaking, Part 1. Small alterations are often made to commercial property, for example, to install a new frontage or canopy, fit a security feature or an air-conditioning system. All of these changes can affect the appearance and visual amenity of both the property and the street scene. When changes are made to properties within residential buildings, they can also have an adverse effect on residential amenity, for example as a result of noise.

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, see also SG9 - Historic Environment; and
- c) not adversely affect residential amenity as a result of noise, vibration, etc.

All additional fittings to commercial units and shopfronts should not detract from the visual appearance of the building by obscuring the active shop window or adding clutter to the building.

Committee should note:

- It is proposed to change the use of this ground floor unit to a public house (sui generis use); and there are existing residential properties above.
- The application site is outwith the Network of Centres, but is within an Economic Development Area and is a mixed use (industrial, residential and commercial) area.

- Externally, the only change proposed is to install replacement doors to the property.

Committee should consider whether:

- The proposed use is compatible with the surrounding area and is consistent with the qualities of successful places.
- The proposal will adversely affect residential amenity through effects of increased noise, traffic or other disturbance.
- The proposed external alterations respect the period, style and architectural character of the building.

6.5 **NPF4 Policy 12: Zero waste and CDP1/SG1 (Part 2): The Placemaking Principle – Waste Storage, Recycling and Collection**

NPF4 Policy 12 Intent: To encourage, promote and facilitate development that is consistent with the waste hierarchy.

The relevant policy guidance is:

- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

SG1 (Part 2) provides the following guidance:

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.

Committee should note:

- The application stated an existing external bin storage area (located on the public pavement on Mafeking Street) would be utilised. During a site visit, no bin storage area was present.
- As part of this Review, the applicant has submitted a revised plan showing internal bin storage areas, and advised that a commercial uplift

arrangement would be put in place. It is for Committee to decide whether or not to accept this revised information, or to request further information.

- Committee should consider whether they are completely satisfied with the proposed waste management arrangements.

6.6 **NPF4 Policy 23: Health and safety and CDP1/SG1 (Part 2) - Noise**

NPF Policy 23 Intent: To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

The relevant policy guidance is:

- d) 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.

SG1 (Part 2) provides the following guidance:

It is advised that developers liaise with the Council's Environmental Health Service in the early stages of the planning process. Preplanning application discussions can be very useful to determine the risk of noise being a significant consideration and to identify the supporting information and detail on noise likely to be required.

Prior to commencing any noise impact assessment, the appointed noise consultant should contact the Council's Environmental Health Service to agree the relevant noise assessment methodology and establish appropriate noise assessment criteria to avoid unnecessary delay in the planning process.

Committee should note:

- A Noise Impact Assessment was provided with the application, and included suggested mitigation measures. As part of this review the Council's Environmental Health team were consulted who advised that this report was not acceptable and was not detailed enough to allow for any determination. They strongly advised Committee to request a more thorough assessment. This should include, but is not limited to, details of any internal noise or vibration factors (such as speakers or televisions) and how the effects of these will be mitigated; details of how noise from servicing/deliveries will be managed; details of how any noise escaping from the premises through entrance/exit doors will be mitigated; and details of the residential properties above to allow for a detailed impact assessment.

- Committee should consider whether this Review should be continued to request a more detailed noise impact assessment.

6.7 **NPF4 Policy 26: Business and industry and CDP3/IPG3: Economic Development**

NPF Policy 26 Intent: To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

The relevant policy guidance is:

- c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

IPG3 includes the following specific policy advice:

This SG seeks to safeguard existing businesses and jobs to meet the city's vision and objectives, and support the ongoing progress of the city's economy. It is imperative that the CDP's Placemaking and Sustainable Spatial Strategy principles - which are underpinned with their aspiration to deliver high quality places for people, that sustain current and future livelihoods - are taken into consideration alongside this guidance.

Economic Development Areas

The Council seeks to ensure that Economic Development Areas 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.

Committee should note:

- The application site is within the Woodville Street Economic Development Area, and the proposed use is outwith the use classes encouraged in this area.
- The property was previously in use as a bookmakers, but has been vacant for approximately two years. No marketing information has been provided, contrary to policy.
- The site adjoins a vehicle garage/mechanic on Mafeking Street and a hot food takeaway on Copland Road.
- There is an existing public house on Copland Road, opposite this site.

Committee should consider whether:

- The proposal is compatible with the business/industrial character of the area, and its continuation as an Economic Development Area.
- The proposal will prejudice the operation of adjoining businesses.
- The lack of marketing information is acceptable in this case.

6.8 **CDP4/SG4: Network of Centres – Food, Drink and Entertainment Uses**

The Council has to strike a balance between the encouragement of uses that make the City more vibrant, and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents. The following guidance therefore deals primarily with issues of amenity arising from food, drink and entertainment development proposals. Applicants must address both the Locational Guidance and Technical Guidance outlined below:

Assessment Guideline 10: Food, Drink and Entertainment Uses

In order to protect residential amenity, the following 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.

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.
- (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.

Committee should note:

- The street block currently contains a convenience store (Class 1A) and a hot food takeaway (Sui Generis). The introduction of this public house would result in 66% of units being in use as a public house or hot food shop, contrary to policy.
- There are existing residential properties immediately above the proposed site, contrary to policy.
- No hours of operation have been provided. The applicant has indicated that these can be agreed with the Council.

Committee should consider:

- If the introduction of a public house would result in increased noise or activity, to the detriment of residential amenity.
- Whether or not the public house being located below existing residential accommodation is acceptable in this case.
- What opening hours may be acceptable in this case.

Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes

- a) Proposals for a food and drink use will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided, to the complete satisfaction of the Council. The following information will be required:
 - (i) Plans to show all proposed cooking/heating equipment, with full details of the fume dispersal method. This information must be shown on both the Plan and the Elevation drawings;
 - (ii) Full specifications of the proposed ventilation system, including the design, size, location and finish;
 - (iii) A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and
 - (iv) Prior to the installation of any system for the dispersal of cooking fumes or odours, a certificate from a member of the Building Engineering Services Association (BESA) shall be submitted confirming that the proposed fume/odour treatment method will operate to its full specification, when fitted at the application site.

This requirement will be secured by a suspensive condition imposed on any relevant planning permission granted.

- b) Dispersal of cooking/heating fumes should be by an externally mounted flue, erected on the rear or side elevation to a height sufficient to disperse fumes above any nearby property.
- e) Where the Planning Authority accepts that an externally mounted high level flue cannot be provided (ie. due to physical or visual amenity constraints rather than ownership issues), an alternative ventilation system may be considered acceptable, subject to the Planning Authority being completely satisfied that the proposal complies with a) and the following additional criteria: Outwith Town Centres, where it can be demonstrated that there are no residential properties within close proximity to the proposal.

Committee should note:

- It is proposed to serve only cold or re-heated food. The floor plan does not indicate where this food will be stored or re-heated, or the method of re-heating, contrary to policy.
- There is no flue present or indicated for the proposal.
- There are residential properties immediately above.
- Committee should consider whether they are completely satisfied with the information provided and that there will be no adverse impact on neighbouring residents with regard to cooking fumes/odours.

6.9 CDP11/SG11: Sustainable Transport

This policy seeks to ensure all new development is delivered with consideration for active travel.

Cycle Parking

The Council shall require the provision of cycle parking in new development and redevelopment proposals in line with the minimum cycle parking standards specified in Tables 2.1 – 2.6.

- a) Wherever possible, employee cycle parking should be located within buildings or a secure compound. Where such a location is not feasible, provision should be close to areas of high activity, such as the main entrance of developments, to ensure cycling is encouraged through enhanced security provided by passive surveillance.
- f) Cycle parking should always be safe, sheltered and secure. The form of cycle parking provided should facilitate the securing of the frame of the bike to the “stand”. “Sheffield” racks are a good, and preferred, example of such provision.

- g) Employment sites shall provide on-site showers, lockers, changing and drying facilities, as a means of promoting walking and cycling to work. These are important trip-end facilities that can positively affect an individual's decision to walk, run or cycle regularly.

Minimum Standards for Public Houses, Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms:

Customer: 1 space per 50 sqm public floor area

Staff: 1 space per 10 staff

Committee should note:

- No information has been provided relating to cycle parking for either staff or customers, contrary to policy.
- The nearest public cycle racks are located outside Ibrox Subway Station, approximately 30m away.
- Committee should consider whether adequate cycle parking provision can be provided.

Vehicle Parking

Maximum Standards for Public Houses, Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms:

3 spaces per 100 sqm PFA

Committee should note:

- The application form states 4 car parking spaces are provided, but no location detail has been provided.
- Committee should consider whether adequate vehicle parking provision can be provided.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

8 Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. n/a

What are the potential equality impacts as a result of this report? no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage. n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: n/a

What are the potential climate impacts as a result of this proposal? n/a

Will the proposal contribute to Glasgow's net zero carbon target? n/a

Privacy and Data Protection Impacts:

Are there any potential
data protection impacts
as a result of this report
N

If Yes, please confirm that
a Data Protection Impact
Assessment (DPIA) has
been carried out

9 Recommendations

That Committee consider the content of this report in coming to their decision.