

Report of Handling for Application 24/01547/FUL

ADDRESS:	114 Union Street Glasgow
PROPOSAL:	Conversion of upper floor offices (Class 4) to form thirteen residential flats (Sui generis), with alterations to roof including, height extension to fire escape stair, removal of lift shaft overrun, formation of flat roof and installation of plant.

DATE OF ADVERT:	5 July 2024
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	None.
PARTIES CONSULTED AND RESPONSES	None.
PRE-APPLICATION COMMENTS	None.

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	Policy 27 City, town, local and commercial centres
CITY DEVELOPMENT PLAN POLICIES	<div>CDP1 The Placemaking Principle</div> <div>CDP2 Sustainable Spatial Strategy</div> <div>CDP4 Network of Centres</div> <div>CDP6: Green Belt and Green Network</div> <div>CDP9 Historic Environment</div> <div>SG1 The Placemaking Principle</div> <div>SG2 Sustainable Spatial Strategy</div> <div>SG4 Network of Centres</div> <div>SG6: Green Belt and Green Network</div> <div>SG9 Historic Environment</div>
OTHER MATERIAL CONSIDERATIONS	Although the premises are not listed, they are located within the Central Conservation Area.
REASON FOR DECISION	Reason to Refuse - does not meet DP 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			
Planning History	Development Management		
	Ref	Proposal	Decision Issued
	24/00895/FUL	Erection of flue to rear.	31.07.2024
	98/02330/DC	Use of shop (class 1) as sandwich bar/cafe (class 3).	02.11.1998
Site Visits (Dates)	27/08/2024		
Siting	Floors 1 to 5 of 114 Union Street, located immediately opposite the east pedestrian entrance to Central Station.		
Design and Materials	<p>The proposals are for conversion of all upper floors to form 13 flats comprising:</p> <ul style="list-style-type: none"> 1st floor - 1 x 1-bed flat and 2x 2 bed flats 2nd floor - 1 x 1-bed flat and 2x 2 bed flats 3rd floor - 1 x 1-bed flat and 2x 2 bed flats 4th floor - 1 x 1-bed flat and 2x 2 bed flats 5th floor - 1 x 2 bed flat <p>Associated external alterations as part of the proposals include a marginal increase in height of the rear fire escape to allow for great head height and the removal of the existing lift and external over-run at roof level.</p> <p>The proposals also include the installation of replacement windows within the flats. All front windows would be replaced with double glazed timber frames with profiles to match existing. All rear windows and windows to the lightwell would use double glazed uPVC with high visual transmission glazing. In order to achieve greater daylight for rear flats at first and second floor, the applicant is also proposing to remove mullions and drop the cill levels to achieve a greater area of unrestricted glazing. The submitted drawings would also suggest a mix of glazing bars to some windows, but not to others.</p>		
Daylight	All habitable rooms will have access to natural light, which is discussed in greater detail in relation to SG1, Paragraph 2.52 below.		
Aspect	<p>Front flats facing Union Street</p> <p>Flats 2, 3 (1st floor) 5, 6 (2nd floor), 8, 9 (3rd floor), 11, 12 (4th floor) and 13 (roof level) will have their principal aspect over Union Street.</p> <p>Windows from both bedrooms in flats 2, 5, 8, and 11 will solely be onto an internal glazed lightwell. Flat 13 at roof level will also have aspect to the rear, as the back of the building extends to 4th floor only.</p> <p>Flats facing onto Union Place</p> <p>Flats 1, 4, 7 and 10 will have a principal aspect onto Union Place, which is quite narrow and as a consequence, they will have a reduced standard of natural daylight.</p> <p>Both the kitchen/lounge/dining room and one of the smaller bedrooms within these flats also have aspect onto the internal lightwell.</p>		
Privacy	Windows of habitable rooms in directly opposing flats separated by the lightwell will be approximately 5.3 metres apart. In order to protect privacy and residential amenity, it is intended to install obscured glazing on all south facing windows of the kitchen/lounge/dining rooms of flats 1, 4, 7 and 10.		

	<p>Whilst bedroom windows of flats facing southwards onto the lightwell will have oblique views into opposing flats, the resultant views are over a limited area of floorspace and will not significantly impact on privacy levels.</p> <p>As for east facing flats onto Union Place, the NCP car park is located immediately opposite, approximately 5.8 metres away. The car park features low parapets within each parking level and the pedestrian access stairs between each floor incorporates extensive glazing. Consequently, patrons of the car park would be able to look directly overlook rear habitable rooms on all levels which would result in significant overlooking and privacy issues for the intended occupants.</p>
Adjacent Levels	Not applicable.
Landscaping (Including Garden Ground)	No external amenity areas or landscaping.
Access and Parking	No on-site car or cycle parking provision proposed.
Site Constraints	No other significant site constraints.
Other Comments	<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. 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. <p>In respect of (a), the Development Plan comprises National Planning Framework 4, approved by the Scottish Parliament on 11th January 2023 and adopted on 13th February 2023, and the Glasgow City Development Plan adopted on the 29th March 2017.</p> <p>NPF4</p> <p>In terms of NPF4, Part 2 recognises that 'good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.'</p> <p>Policy 27(e) deals with Town centre living, with the following being of particular relevance;</p> <ul style="list-style-type: none"> e) Development proposals for residential development within city/town centres will be supported, including: <ul style="list-style-type: none"> ii. The re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area. iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential. <p>Comment: The proposals are established office suites, most of which are vacant. The conversion or residential purposes would be compatible in principle with criteria (i) and (ii) above.</p> <ul style="list-style-type: none"> g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:

- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or
- ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

Comment: There is an established Class 3 premises on the ground floor, albeit this is currently vacant (formerly Caffè Nero). Planning permission has recently been approved for the installation of a full height flue on the rear elevation to facilitate unrestricted cooking, subject to the use of appropriate levels of filtration and dispersal. Currently, there are existing air handling condenser units located below the windows of proposed 1st floor flats at the rear, albeit, the recently approved proposals for a flue note the intention to remove units no longer in use.

The proposals seek to replace all windows, including those on the rear elevation. In order to ensure that the proposed flats will not experience adverse noise issues, a safeguarding condition on noise limits and design thresholds for window design and mitigation measures will be required.

It is accepted that, where replacement windows are justified, they can be designed to ensure suitable mitigation of noise impacts and could be reserved by condition.

In terms of access, the proposed flats would have independent access via the established close stair on Union Street and the existing internal escape stair onto Union Place to the rear.

However, as the arrangement of east facing flats would have a very oppressive outlook, resultant residential amenity would be very poor. On this basis, the proposal does not accord with Policy 27.

Glasgow City Development Plan 2017

With regard to the Glasgow City Development Plan, as the proposals are for part conversion to flats, Section 2 'Residential Development' of SG1 'The Placemaking Principle' is applicable and sets out the Council's requirements for conversion and subdivision to residential use.

CDP1 'Placemaking' and SG1 'Placemaking'

Paragraph 2.52(a) of SG1 sets out the general development standards for conversions and includes an expectation that all dwellings ideally will have dual aspect. Where single aspect is proposed, developers must demonstrate that flats will have comparable or higher amenity to dual aspect flats. This will include deliberation on a flats outlook.

In this regard, a total of 12 bedrooms with 8 of the 13 flats will have bedroom windows looking directly onto an internal lightwell. As this is not a public aspect nor would it offer any form of visual relief for occupants, it does not represent an aspect. On this basis, only the roof level flat offers dual aspect. Whilst flats on first to fourth floor are would be relatively generous in size, this would not outweigh the absence of aspect and the associated implications on residential amenity.

Paragraph 2.52(b) of SG1 confirms that all habitable rooms should receive natural daylight and ventilation. The CDP defines habitable rooms as all rooms other than halls, landings, bathrooms, toilets and small utility rooms.

As noted above, a high proportion of habitable rooms will gain daylight from the central lightwell and from Union Place, the latter being particularly narrow and canyon like, which restricts natural light. The supporting information submitted with the application noted that, as a consequence of window sizes, daylighting levels exceed the standards set by building standards. This approach would have merit in circumstances where there isn't such a high degree of physical restriction in close proximity to habitable windows and wasn't considered to sufficiently support the case in this instance. Consequently, the applicant submitted an 'Interior Daylight Survey', the findings of which confirmed that with modifications to some rear window apertures, including the removal of mullions and lowering of cills, 27 of the 35 rooms tested (77%) were predicted to meet the relevant thresholds within BRE 209.

However, the resultant changes to window in order to improve daylight would result in a disjointed appearance to the facade and despite the oblique views, this part of the works would not be supportable.

It is not clear from the report how light levels for habitable windows facing onto the lightwell have been arrived at or adjusted to reflect their limitations as part of these finding.

The survey also notes that windows on the west façade are obstructed by scaffolding on the neighbouring building. These are recognised as temporary obstructions and the results have been adjusted to remove these impacts. Additionally, glazing transmittance was considered to be poor in general, due to dirt on the windows and the adjusted results have again been scaled to account for this. As the survey is based on an assessment methodology and is not an in-situ test of the rooms in question, it is unclear why either of these factors should allow for the findings to be adjusted.

Paragraph 2.52(c) of SG1 requires that access to upper floors should be provided internally, which is achievable in this instance.

Paragraph 2.52(d) of SG1 notes a requirement for internal access from each dwelling to both the front and rear of the building, to enable occupants to reach refuse/recycling facilities and private/communal amenity space (an exception may be made in properties where a path is provided around the side of the building). In this case, the main residential access is via Union Street and a further access is also available onto Union Place to the rear.

The proposals include an internal refuse/recycling store located at the rear of ground floor, which is accessible via the doorway to Union Place. The drawings suggest that this is also accessible from the ground floor commercial premises, although the annotations on the drawing confirm that they are for the sole use of the flats. For the proposal to be acceptable, the latter would need to be safeguarded by condition whilst demonstrating suitable separate arrangements for the commercial unit.

Paragraph 2.52(e) of SG1 confirms that parking provision should accord with SG11 - Sustainable Transport, which has no minimum standard for the City Centre. The site is located in the City Centre, where the Council seeks to discourage private car use in developments. In this regard, it is accepted that car parking provision is neither desirable nor achievable in this instance. As the surrounding public roads are subject to parking restrictions, no adverse car parking issues would arise.

Paragraph 2.54 of SG1 highlights that where a building and/or site makes the provision of private garden space difficult, developers should look at the possibility of creative

alternative solutions, such as shared roof gardens or private terraces or balconies for flats. Where little external common garden space is being provided, developers will be expected to bring forward mitigation measures to improve internal amenity, such as larger flats, more generous room sizes and the maximisation of window sizes in all habitable rooms.

It is accepted that delivery of on-site amenity space is not achievable in this instance.

The proposals will see the removal of the existing lift and external over-run at roof level which is a welcome intervention. There would also be a nominal increase in height of the rear stair core and forming a new link between the 5th floor flat and the stair core for escape purposes. The resultant changes are fairly minor, are not generally publicly visible and would not materially impact on the appearance of the building.

On balance, the proposal does not accord with CDP1/SG1 as a consequence of poor aspect from a high number of flats and the inappropriate rear alterations proposed.

CDP2 Sustainable Spatial Strategy and SG2 Sustainable Spatial Strategy

The Councils City Centre Living Strategy seeks to repopulate the city centre by almost double the existing population and to achieve 40,000 residents by 2035.

As part of SG2, the City Centre Strategic Development Framework recognises that the main opportunities for the creation of new homes in the City Centre lie in the redevelopment of vacant land and buildings, conversions of former/redundant commercial buildings and the conversion of upper floors as part of vertically mixed-use buildings.

Whilst the principle of residential uses at this location aligns with SG2, due to the shortcomings of these particular flats as identified in SG1 above, they wouldn't be supportable in this instance.

CDP4 Network of Centres and SG4 Network of Centres

Paragraph 4.3 of SG4 acknowledges that 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.

With this in mind, Assessment Guideline 10: Food, Drink and Entertainment Uses notes that 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.

In this instance, as the ground floor premises is an established, albeit currently vacant, Class 3 use, no policy issues arise here.

CDP6: Green Belt and Green Network SG6: Green Belt and Green Network

The proposals should be considered against all development plan standards in place at the date of assessment. Since registration of the applicant in June 2024, SG6 was adopted in September 2024 which introduces new standards for open space provision associated with residential developments of 10 or more, including conversions.

The proposal generate a total contribution amount of £16,412, which can be broken down as follows:

- the provision of open space in the City Centre
£580 x 22 bedrooms = £12,760
- outdoor sports provision
£111 per x 22 bedrooms = £2,442
- food growing.
£55 x 22 = £1,210

In the event that planning permission was to be granted, this amount would need to be secured through s75 agreement to accord with CDP6/SG6.

CDP9 Historic Environment and SG9 Historic Environment

As already noted, all windows are to be replaced with modern double-glazed units with frames of a format that matches the original design and proportions. Whilst front windows to Union Street will have timber frames, those to the rear shall have uPVC frames.

In cases of non-listed buildings such as this, paragraph 2.54 of SG9 confirms that replacement will generally be supported where:

- a) existing windows are of an inappropriate design;
- b) existing windows are proven to be incapable of repair (a proposal to remove original windows should be accompanied by a statement demonstrating that they are beyond repair and justifying replacement);
- c) any proposed windows, visible from a public area, match the originals exactly in their design, profile, method of opening and materials (uPVC is not acceptable). This would include details such as glazing bars and horns and the re-use of any stained/leaded/etched glass in the existing windows; and
- d) proposed windows on rear or side elevations, not visible from a public area, match the original proportions, but may have a different material and/or method of opening.

Most windows, with the exception of one at roof level, appear to be original.

Notwithstanding the above policy position, the introduction of Class 7A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 brings about permitted development rights for some replacement window proposals.

Prior approval is required for replacement windows on a principal elevation in a conservation area, where the window would not be the same, or substantially the same, as the window to be altered or replaced in the following respects—

- (i) the manner in which the window is opened and closed,
- (ii) the number, orientation and colour of the panes comprised in the window,
- (iii) the dimensions and colour of the frame of the window or any astragal bars comprised in the window.

The applicant has confirmed that all front windows shall be upgraded to double glazed timber frame units with profiles to match existing.

	<p>Replacement windows on a rear elevation in a conservation area now represent permitted development. As the enlarged rear windows include downtaking of building fabric to achieve reduced cill levels, they go beyond what could be considered as replacement windows and require be assessed within the context of SG1 and SG9 as part of this application.</p> <p>Paragraph 2.14 of SG9 acknowledges the importance of small scale works such as changes to windows are carried out in a sensitive way.</p> <p>With this in mind, Paragraph 2.17 notes that proposals for alterations, or extensions, to unlisted buildings in Conservation Areas must:</p> <ul style="list-style-type: none"> a) respect and complement the period, style and architectural character of the building; b) in the case of extensions, be subservient to the existing building in scale, height, massing and protect its proportions and setting; c) follow the further detailed guidance contained in this SG for repairs, alterations and extensions; d) avoid the loss of existing traditional features of value; and e) not erode the character of the building or Conservation Area by the use of inappropriate design details or poor quality materials (developers/applicants should seek advice on materials from the Council). <p>Whilst the building is not listed, it is not without merit, with the rear elevation incorporating good quality brick façade with stone detailing to window cills and mullions. Windows to main rooms are also symmetrical in proportion and regular in design, appearance and finish.</p> <p>Removing the mullions and enlarging the apertures to select floors on the rear elevation would result in a discordant appearance that would detract from the appearance of the building, notwithstanding their secluded nature. On this basis, this aspect of the proposal would not accord with CDP9/SG9.</p> <p>Conclusion</p> <p>As a consequence of the arrangement of the building and the proximity to neighbouring buildings, a high proportion of the proposed flats would have no meaningful aspect, and in several instances, no aspect at all, from habitable rooms. Privacy of all east facing flats would be highly compromised due to the proximity of premises on the east side of Union Place and ease of overlooking. Despite an extensive review exercise being undertaken by both the applicant and the department to try to resolve these issues, appropriate alternative arrangements could not be arrived at. Whilst it is the council policy to actively repopulate the city centre, this cannot be at the expense of providing an acceptable standard of accommodation for its intended occupants.</p> <p>Furthermore, the proposed external alterations to window apertures associated with mitigation measures to obtain a suitable level of daylight to habitable rooms would result in inappropriate and piecemeal alterations to the façade.</p> <p>The proposal would therefore be contrary to the aims of policy CDP1 and CDP9 and corresponding supplementary guidance SG1 and SG9. As such, 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.</p>
Recommendation	Refuse.
Date: 04/04/2025	DM Officer Sean McCollam
Date: <u>24/04/2025</u>	DM Manager Susan Connelly