

REPORT OF HANDLING FOR APPLICATION 21/03470/FUL

ADDRESS:	57 West Regent Street Glasgow G2 2AE
PROPOSAL:	Use of public house (Sui generis) as nightclub (Class 11)
DATE OF ADVERT:	26 November 2021
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	No representations received following the neighbour notification and press advertisement process.
PARTIES CONSULTED AND RESPONSES	No external consultation
PRE-APPLICATION COMMENTS	None received
EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	No Design and Access statement. A Planning Statement has been submitted in support of the application which provides historical background to the building, confirms sensitive designations (B listed building within Central Conservation Area), summarises a visual condition and very brief analysis of the proposal against policy.
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
STRATEGIC DEVELOPMENT PLAN POLICIES	NOT APPLICABLE
CITY DEVELOPMENT PLAN POLICIES	CDP1 Placemaking SG1 Placemaking CDP2 Sustainable Development CDP4 Network of Centres SG4 Network of Centres CDP9 Historic Environment
OTHER MATERIAL CONSIDERATIONS	Category B listed building located in the Central Conservation Area.
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				
PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	01/02299/DC	Use of public house/microbrewery (99/01249) and restaurant/public house (97/00249) (both Public House Licences) as a single restaurant and public house (Public House Licence)	04.10.2001	LA
	98/00086/DC	Use of retail units as restaurant (restaurant license).	02.04.1998	GC
	98/00090/DC	Internal alterations and display of signage in association with use of premises as licensed restaurant.	21.04.1998	GC
	99/01248/DC	Internal and external alterations to listed building associated with use of premises as public house with micro brewery and erection of rear ventilation duct.	30.08.1999	GC
	99/01249/DC	Use of shop units as public house with micro brewery and erection of rear flue.	16.08.1999	GC
	21/03470/FUL	Use of public house (Sui generis) as nightclub (Class 11)		PDE
	21/03471/LBA	Use of public house (Sui generis) as nightclub (Class 11) ## WITHDRAWN ##	22.11.2021	IW
	Appeal or Local Review			
	Ref	Proposal	Decision Issued	Decision
	Enforcement			
	Ref	Proposal	Closed	Decision
	02/00433/EN	Enforcement Enquiry		CLOSED
	02/00434/EN	Enforcement Enquiry		CLOSED
07/00472/EN	Enforcement Enquiry	25.02.2008	CLOSED	
07/00473/EN	Enforcement Enquiry	25.02.2008	CLOSED	
SITE VISITS (DATES)				
SITING	<p>The property subject of this application is ground floor level of a 5 storey traditional building located at 57 West Regent Street, which is on the south side of the street just west of the junction with Renfield street. This is a mixed use Category B listed building located in the Central Conservation Area. The site currently operates as a public house (sui generis), the upper levels are vacant, and a Class 11 Nightclub operates within the basement of a building further east. The area is characterised by a range of Class 2 Offices, Class 3 Restaurants, Pubs (Sui Generis). There are residential flats (Sui Generis) within the building at 55 West Regent Street/65 Renfield Street accessed via Renfield street. The adjoining property, 55 West Regent Street has recently received planning permission for 96No. serviced apartments (sui generis).</p>			
DESIGN AND MATERIALS	<p>The application site is ground level of a five storey traditional red sandstone building with attic space. The application is for a change of use to a Class 11 Nightclub operating until 4am. No proposed internal or external changes to the fabric of the building.</p>			
DAYLIGHT	N/A			
ASPECT	The premise faces north onto West Regent Street.			
PRIVACY	N/A			
ADJACENT LEVELS	N/A			

LANDSCAPING (INCLUDING GARDEN GROUND)	N/A
ACCESS AND PARKING	No impact on existing parking or access to the site.
SITE CONSTRAINTS	<p>Category B listed building located in the Central Conservation Area.</p> <p>This building is currently on the Buildings at Risk register.</p>
OTHER COMMENTS	<p>The proposal is for the proposed change of use from Public House (Sui Generis) to Class 11 Nightclub and extension of the operating hours from 24.00 to 04.00 am, Monday to Sunday. A supporting statement was submitted with the application</p> <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. 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"> a) whether the proposal accords with the statutory Development Plan; b) whether the proposal preserves or enhances the character or the appearance of the Conservation Area; c) whether the proposals would impact on the setting of nearby listed buildings; d) whether any other material considerations (including objections) have been satisfactorily addressed. <p>In respect of (a), the Development Plan comprises the Clydeplan Strategic Development Plan, approved in July 2017 and the Glasgow City Development Plan adopted on the 29th March 2017.</p> <p>CDP 1 & SG 1 – The Placemaking Principle</p> <p>Placemaking is underpinned by a design-led approach to planning. This approach is not restricted to influencing the appearance of a building, street or place; rather it is a holistic approach that considers the area’s context and balances the range of interests and opportunities to create multiple interconnected benefits through a collaborative process.</p> <p>To achieve the Plan’s key aim of creating and maintaining a high quality, healthy place, an overarching policy, Policy CDP 1: The Placemaking Principle, will be applied to all development proposals throughout the City. By giving increased weight and importance to placemaking and the impact of development on health and wellbeing, it is intended that there will be an obligation for developers to demonstrate how the Placemaking Principle has been applied. This should include clear evidence of the benefits of adopting the approach for all stakeholders in the development process.</p> <p>The scope of The Placemaking Principle is intentionally wide to ensure that it becomes embedded in all new development and not just large scale regeneration. Engagement should be proportionate to the development that will take place. This approach will enable Glasgow to ensure that new development contributes towards the creation of new and improved places which are fit for people.</p> <p>SG 1 supports the above policy by providing guidance to promote the overarching Placemaking Principle being applied to all development in the city.</p>

The guidance will set out how developers will be expected to incorporate a designed approach within the context of the Placemaking Principle CDP1 and Glasgow's interpretation of the Six Qualities of Place. It will provide a toolkit, designed to illustrate how development should seek to respond to the physical and spatial context (Character Environments) as well as a means to demonstrate how the development has responded to the expectations set out in Policy CDP1.

SG 1 also provides guidance on a number of specific topics outlined below

- Residential development;
- Amenity;
- Sustainable development;
- Public realm;
- Air quality;
- Managing noise;
- Waste storage, recycling and collection in new development;
- Development affecting commercial premises;
- Signs and advertising;
- External fittings to buildings; and
- Detailed design guidance

With regards to non-residential development in proximity to residential dwellings/flats, SG1 part 2 also confirms applications will be supported if demonstrated it does not harm residential amenity. Commercial development should not impact upon neighbouring properties and residential amenity as a result of the nature it generates.

Comment

In regard to a non-residential development adjacent residential development, the principle of the public house (sui generis) at this site has been established. The supporting statement acknowledges a city as a place to live and contributes to a sense of place where communities can be formed. Subsequent comments in support of the proposal, advise the level of amenity in terms of noise impacting residential amenity has to be contextual and amenity in the city centre locations will not be the same level afforded to residents in a less urban setting but should not prejudice commercial development within the city centre. This is acknowledged but not accepted. All residents, regardless of location, are entitled to live without annoyance of smell, noise, disturbance of neighbouring uses impacting their everyday health and wellbeing. A Noise Impact Assessment was requested to demonstrate how the proposed extended operating hours until 4am on the ground floor of this building would not negatively impact the amenity of residents within the block or provide possible mitigation measures that could prevent any impact. It was confirmed this would not be submitted.

Under policy CDP4/SG4, the Council do not to permit extended opening hours beyond 24.00 for restaurants and Sui Generis uses in the City where these are directly below or in close proximity to residential properties. The existing surrounding uses that operate beyond 24.00 are long established and assessed against the adopted planning policies of that time. It is considered the cumulative impact of the existing noise and the noise/disturbance of the proposed extension of hours of this Class 11 Nightclub will have an unacceptable impact on resident's amenity.

The proposal is considered contrary to policy CDP1/SG1

CDP 2 – Sustainable Spatial Strategy

This Policy 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 policy states that the council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable city and should be read in conjunction with CDP1 The Placemaking Principle. The Council will support new development proposals that, among other things:

- Contribute to the development of vibrant and accessible residential neighbourhoods.
- Protect & promote the City Centres diverse functions and the role as the sustainable regional centre of the West of Scotland

Comment

While the principle of the public house (sui generis) is accepted in this location, the proposed development will have a negative impact on the existing residents and future residents and is considered to conflict with the aims of CDP 2. As also discussed above under CDP1, the proposed increase in operating hours would have a significant detrimental impact on resident's wellbeing and amenity and would not be considered sustainable development.

The proposal is considered contrary to policy CDP2

CDP 4 & SG 4 – Network of Centres

CDP 4 aims to ensure that all Glasgow residents and visitors have access to a network of centres that are vibrant, multi-functional and sustainable destinations by supporting proposals that maintain and strengthen the role of Glasgow City Centre as the key economic driver, protect and revitalise town centres, support the 'Town Centres First' principle by directing footfall generating uses to Town Centres, encourage sustainable transport and embrace the principles of placemaking. In this regard, the Council will favour proposals that support the primary retails, office and leisure functions of the City Centre. SG4 supports CDP4 by providing guidance on the role and function of the City's Network of Town Centres.

The Network comprises the City Centre, Major Town Centres, Local Town Centres, Other Retail and Commercial Leisure Centres and Local Shopping Facilities. These are the key locations for retail and commercial leisure development in the City. The position of each centre within the Network reflects its scale and range of functions. The City Centre sits at the top of the Town Centre hierarchy by virtue of the scale and diversity of its retail, employment, commercial leisure, education, and tourism functions. Its retail and commercial core is formed by the Principal Retail and Commercial Area. The PRCA is the favoured location for large scale retail and commercial leisure development serving a city wide or larger catchment. Policy CDP 4 promotes proposals that support the primary retail, employment and leisure functions of the City Centre, in accordance with the City Development Plan and associated Supplementary Guidance. The PRCA includes a diversity of land uses in addition to retail including housing, offices, leisure and entertainment. These activities contribute to the vitality of the City Centre and will be encouraged where they comply with relevant Assessment Guidelines. In this instance AG 2 and within Section 4. Food Drink and Entertainment Uses; Class 3, Class 11 and Sui Generis Hot Food Takeaways uses.

Assessment Guideline 2: City Centre City Centre Principal Retail and Commercial Area and Zone 1 b) Non-retail proposals within the City Centre (but excluding the Primary Retail Streets where Assessment Guideline 3 applies) will be assessed having regard to the maintenance of a range of shopping and retail facilities within any given area, particularly where residential uses dominate.

Comment

The application site is part of the Principal Office/Retail and Commercial Area (PRCA) but out with any of the Primary Retail Streets. While the principle of this proposed Class 11 Use may be preferred within this area this is subject to the impact on the residential properties affected by the development through noise and disturbance. In this instance, the proposed increase in operating hours would have a significant detrimental impact on the wellbeing and amenity of existing residents within the block and the future residents of the recently approved Serviced Apartments.

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

	<p>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.</p> <p><u>(ii) Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.</u></p> <p><u>(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.</u></p> <p>b) Within the City Centre:</p> <p><u>(i) Public houses, Class 11 and Sui Generis uses must not be located within existing residential buildings.</u></p> <p><u>(ii) Public houses, Class 11 and Sui Generis uses will not be supported where they are likely to have a detrimental impact on noise levels in close proximity to existing residential buildings, unless satisfactory mitigating measures enable the retention of the current levels of residential amenity and provided the proposal is acceptable in other respects.</u></p> <p><u>(v) Hours of operation will be limited to between 08:00 hours and 24:00 hours, depending on local circumstances. Uses, such as public houses, night clubs and casinos, wishing to operate beyond 24:00 hours will be assessed on their individual merits and location within the City Centre.</u></p> <p>Comment</p> <p>As discussed, the proposed Class 11 Night Club is located adjacent residential properties therefore extending the operation hours to 4am would have a detrimental impact on residents' amenity and wellbeing through noise and disturbance and will not be supported.</p> <p>The proposal is contrary to policy CDP4/SG4</p> <p>CDP 9 & SG 9 – Historic Environment</p> <p>This policy aims to ensure the appropriate protection, enhancement and management of Glasgow's heritage assets by providing clear guidance to applicants. The Council will protect, conserve and enhance the historic environment in line with Scottish Planning Policy/Scottish Historic Environment Policy for the benefit of our own and future generations. The Council will assess the impact of proposed developments and support high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interest of its listed buildings, conservation areas, scheduled monuments, archaeology, historic gardens and designed landscapes and their settings. The Council is unlikely to support development that would have a negative impact on the historic environment.</p> <p>Comment</p> <p>The application proposal does not impact on any external alterations which would negatively affect the character or appearance of the Listed Building or the Central Conservation Area.</p> <p>Conclusion</p> <p>All material considerations have been considered. The proposal was not considered to be in accordance with the Development Plan policies CDP1, CDP2 and CDP4 and there were no material considerations which outweighed the proposal's variance with the Development Plan</p>
RECOMMENDATION	Refuse

Date: 01/03/22

DM Officer

Suzanne Cusick

Date: 15/03/22

DM Manager

Susan Connelly

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REASONS FOR REFUSAL

ADVISORY NOTES