



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Ms Natasha Cockburn Phone: 0141 287 8613

ITEM 2 contd
19th August 2014

APPLICATION TYPE	Listed Building Consent
RECOMMENDATION	Grant Subject to Condition(s)

APPLICATION	14/00729/DC	DATE VALID	01.04.2014
SITE ADDRESS	69 Nithsdale Road Glasgow G41 2AJ		
PROPOSAL	Internal and external alterations including frontage alterations and formation of rear fire exit to B listed building.		
APPLICANT	Spirit Pub Company Sunrise House Ninth Avenue Burton Upon Trent DE14 3JZ	AGENT	Rough Design Partnership LTD 38 Buccleugh Street EDINBURGH EH8 9LP
WARD NO(S)	06, Pollokshields	COMMUNITY COUNCIL	02_096, Shawlands/Strathbungo
CONSERVATION AREA	Strathbungo	LISTED	B
ADVERT TYPE	Affecting a Conservation Area/Listed Building	PUBLISHED	4 April 2014
CITY PLAN	Town Centre (DEV4)		

REPRESENTATIONS/ CONSULTATIONS

This Listed Building Consent application has received 34 objections including objections from Nicola Sturgeon MSP, The Strathbungo Society and Cllr MacLeod. The issues raised in the letters of objection received are considered later in the report and are summarised as follows;

1. The proposal fails to comply with City Plan 2 policies, namely SC11(Food, Drink and Entertainment Uses), DES 3 (Protecting and Enhancing the City's Historic Environment), DES 9 (Alterations to Shops and Other Commercial Buildings), DG/DES 3 Protecting and Enhancing the City's Historic Environment and the Strathbungo Conservation Area Appraisal.
2. The proposal will create significant noise issues from patrons and live music for neighbouring residential properties which surround the application site.
3. The conversion of one entrance into a fire escape to the front will affect neighbouring amenity as it will concentrate smokers in one area, increase noise pollution, smoke pollution and street clutter.
4. The proposed rear fire exit and stairs would be of an excessive size and the design would not be in keeping with the listed status of the property.

5. The proposed stair would provide unobstructed views into gardens and habitable rooms of neighbouring residential properties.
6. The proposed window to the rear elevation would adversely impact on the privacy of neighbours to the rear.
7. The formation of a fire exit door into the lane from the back court will cause a greater footfall in the lane area and congregation in the recessed door which will generate additional noise and disturbance, particularly at night.
8. The projection of the screens and door onto the lane may create an obstruction for vehicles including LES Cleansing who access bins from the rear lanes.
9. The frontage alterations would result in the loss of two traditional windows at ground floor level.
10. The frontage alterations would result in the loss of two traditional wooden storm doors.
11. The proposal would result in the loss of trees within a conservation area.
12. The proposed works have the potential to increase traffic volumes within a street which is already heavily congested which could be detrimental to traffic and pedestrian safety.
13. Potential reduction in property values as a result of the development.
14. Potential for light pollution to the rear elevation of the premises.
15. Loss of daylight and sunlight to neighbouring properties.
16. Sufficient information has not been provided in order to determine the application (existing plans and elevations).
17. There is no need for a fire escape.
18. The partial demolition of the wall in the back court will be detrimental to the character of the Conservation Area.
19. The proposal will create an increased size and more custom, impacting on parking provision in the area.
20. The approval of this application could set a precedent for the applicant to apply for a rear decking area like the previous refused application (13/00358/DC & 13/00295/DC).

Consultations

City Design	–	No objection.
Transport Planning	–	No objection.
Fire Safety	–	No objection (verbal response)

SITE AND DESCRIPTION

The application site is a public house located on the west side of Nithsdale Road. The extended ground floor premises occupies the end position of a late 19th Century Georgian 3 storey tenemental terrace. The site is Category B Listed and lies within the Strathbungo Conservation Area.

Proposal

The proposal comprises internal and external and external alterations including the formation of a fire exit to the rear.

Rear Elevation

To form the fire exit, the existing rear window would be formed into a fire door including panic bar and notice.

The fire exit would extend 4.8m from the rear external wall of the property and extend into an L shape to the east by 3.9m. An opening would be formed within the boundary wall to the side and 1800mm high double, solid core timber doors would be fitted.

The structure would include new metal stairs and timber landings, stepping down from the rear. There would be 1.8m high timber screens within the galvanised metal frame at each side.

An emergency light would be fitted adjacent to the new fire door.

The flat roof of the existing extension would be repaired as required and all redundant vents and ducting would be removed and infilled and finished to match existing.

Front Elevation

Existing double doors to the northern end of the front elevation would be replaced with new timber, outward opening fire escape doors to create a new fire escape to the front elevation.

The existing outward opening double doors to the southern end would be replaced with new inward opening timber storm doors with mouldings and central vertical ribbed bead to match existing.

The two existing, non-original windows with multi-panes would be replaced with clear glazing.

Internal Alterations

Internally, the layout of the pub will be altered to update facilities. Alterations include:

- Relocation of the stage; a new opening formed for access to the rear fire exit; an existing cupboard removed to extend seating and reposition fire alarm; fixed seating removed to be replaced with booth seating.
- A new opening formed and existing opening closed to the female toilets.
- The existing bar counter, back gantry, lowered ceiling removed to form new horseshoe shaped bar with raised floor and feature back gantry.
- Existing fixed seating and load bearing partition wall removed to make way for safe passage for the new fire escape at the front elevation and new fixed seating installed against the wall.

PLANNING HISTORY

13/00358/DC & 13/00295/DC (Full Planning & Listed Building) - External and internal alterations including frontage alterations, installation of canopies and formation of raised rear deck (associated with external seating area for public house).

Refused in August 2013 - Adverse impact of the proposed external seating area on surrounding residential amenity and the impact of proposed awnings and conversion of windows to form door openings on the character of the B Listed Building and surrounding Strathbungo Conservation Area.

06/01200/DC & 06/01201/DC (Full Planning & Listed Building) - Erection of canopy and removal of two cowl lights to front of public house.

Refused in June 2006 – Adverse impact on visual amenity from canopies.

POLICIES

The Development Plan consists of The Glasgow and the Clyde Valley Strategic Development Plan 2012 and the Glasgow City Plan 2 which was adopted in December 2009. There are no policies of relevance to the assessment of the proposal in the Strategic Development Plan. In terms of City Plan 2, the site lies within a DEV 4 Town Centres policy area.

The following City Plan 2 policies are considered relevant to the assessment of the application.

DES 3 & DG/DES 3 – Preserving and Enhancing the City's Historic Environment

DES 9 & DG/DES 2– Alterations to shops and other commercial buildings.

SPECIFIED MATTERS

Planning legislation now requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee report. The remainder of the information, and a response to each of the points to be addressed, is detailed below.

A. Summary of the main issues raised where the following were submitted or carried out

i. An Environmental Statement

Not applicable to this application.

ii. An Appropriate Assessment under the Conservation (Natural Habitats etc.) Regulations 1994

Not applicable to this application.

iii. A Design Statement or a Design and Access Statement

Not applicable to this application.

iv. Any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk flooding)

Not applicable to this application.

B. Summary of the terms of any Section 75 Planning agreement

Not applicable to this application.

C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32

These Regulations enable Scottish Ministers to give directions.

i. with regard to Environmental Impact Assessment Regulations (Regulation 30)

Not applicable to this application

ii. 1. **Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)**

Not applicable to this application.

2. **Restricting the grant of planning permission**

Not applicable to this application.

iii. 1. **Requiring the Council to consider imposing a condition specified by Scottish Ministers.**

Not applicable to this application.

2. **Requiring the Council not to grant planning permission with satisfying Scottish Ministers that the Council has considered the condition.**

Not applicable to this application.

ASSESSMENT AND CONCLUSIONS

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. Section 59 (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty of care on the Planning Authority to have special regard the desirability of preserving the building or its setting or any features of the special architectural or historic interest which it possesses.

The principal planning issues to be addressed with respect to this application are considered to be:

- a) whether the proposal accords with the Development Plan;
- b) whether the proposals are acceptable having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of its impact on the Category 'B' Listed Building, its setting, and any features of special architectural or historic interest it may possess.
- c) whether the proposal is appropriate having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 with respect to the development and its impact on the character and appearance of the Strathbungo Conservation Area.
- d) whether any other material consideration, such as consultations or representation, have been satisfactorily addressed in the assessment of the proposal.

In respect of (a) above

The development plan comprises The Glasgow and Clyde Valley Strategic Development Plan 2012 and the Glasgow City Plan 2 (adopted December 2009). The Strategic Development Plan does not contain any specific policies relevant to the assessment of this application. Within the City Plan, the following policies are considered to be relevant;-

DEV 4 – Town Centre

The development site is within an area covered by Development Policy Principle DEV 4 – Town Centre. Areas designated 'Town Centre ' are the City's Tier 2 (Major) and Tier 3 (Local) town centres outwith the City Centre. Their designation is based on the size and range of their retail function, accessibility by public transport, importance as principal focal points and range of supporting community facilities.

Under the sequential approach to site selection, they are, together with the City Centre, the preferred locations for retail and commercial leisure development. In considering proposed developments, the Council will give priority to improving the environmental quality, vitality, viability and residential amenity of these areas in accordance with relevant City Plan policies.

Comment:

The proposed use remains unchanged, accordingly, the proposal is in accordance with the DEV 4 Town Centre designation.

DES 3 - Protecting and Enhancing the City's Historic Environment and corresponding Development Guide **DG/DES 3 - Design Guidance for Listed Buildings and Properties in Conservation Areas**

All works to listed buildings must be carried out in a way which protects their character as buildings of special architectural and historic interest.

The Council encourages the sensitive alteration and extension of listed buildings where this will not harm their special interest. To this end, proposals for the alteration of a listed building must: respect the original layout and plan form of the building; not result in the loss of historic fabric, including fixtures and fittings, which contribute to the building's special interest; incorporate detailed design and materials which reflect the period, style and architectural character of the building; and replace missing traditional features, such as period doors or decorative plasterwork with good quality replicas of the originals.

Inappropriate repairs can cause damage to historic fabric. Repairs should be carried out using materials that match the original in every respect including density and porosity, colour, texture and coursing pattern. Alternative materials, such as high quality historic repair mortars, should only be used in exceptional circumstances, and after prior agreement with the Council's Conservation Officer. Mortar repairs should match the original pointing in every respect including materials, width and profile.

Glasgow contains a large number of fine period interiors, many of which have been subjected to a number of unsympathetic alterations over their lifetime. While many rooms and other areas within buildings have survived intact, it is essential that any proposed new interventions preserve and enhance the most significant interior spaces and detailing including, principal apartments, main corridors, entrance areas and stairwells, and decorative plasterwork (cornicing, ceiling roses and any other features), marbled fireplaces, panelled doors (integral architraves and cornices), vestibule doors, timber and stone stairs, handrails, balusters, newel posts, stairwell and room skylights, lantern lights, room and window panelling, close tiles, mosaic floors, and stained or etched glass. Any subdivision of principal rooms and spaces should not result in very fine interiors being lost as a result of development.

Proposals for new development in, or affecting the setting of, a conservation area, must: preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area; be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment; protect significant views into, and out of, the area; retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and retain trees which contribute positively to the historic character of the area.

Comment:

This particular frontage is located in a prominent position within an established commercial area of the Strathbungo Conservation Area. A service lane runs behind the property, with the rear elevations of the residential Regent Park Square in close proximity. Single frontages such as this are often part of a larger building or street block of unified frontages which are visually important to the street setting, particularly when part of a Listed Building or within a Conservation Area. The proposed works to the front elevation are considered to be acceptable and will not affect the architectural character of the property. The multi-paned windows are not original, and although a recognisable feature of the premises, their replacement with fixed clear glazing within a timber frame is acceptable. The internal works will upgrade facilities and would not affect the character of the property. It is appropriate for an external fire exit stair to be located to the rear of a property and in this instance the stair will be fixed to a later extension of the property and located to the rear. The addition of the external stair is therefore not of concern in terms of the character of the Listed Building or the surrounding Conservation Area.

In respect of (b) above

As discussed in relation to (a) above, the proposed development is considered acceptable having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of its impact on the Category 'B' Listed Building, its setting, and any inherent features of special architectural or historic interest.

In respect of (c) above

As discussed in relation to (a) above, the proposed development is considered acceptable having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 with respect to the development and its impact on the character and appearance of the Strathbungo Conservation Area

DES 9 – Alterations to Shops and Other Commercial Buildings and corresponding development guide **DG/DES 2 - Alterations to Shops and Other Commercial Buildings**

Proposals for alterations to shops and other commercial buildings should: respect the period, style and architectural character of the building; not detract from the historic character of a listed building or property within a conservation area; and not adversely affect residential amenity as a result of noise, vibration, etc.

Commercial premises should not extend into existing backcourts as this would lead to an unacceptable reduction in the area of the backcourt and a consequent reduction of residential amenity.

There should be no door access from the commercial unit into the backcourt, as this would allow noise and commercial bustle into the exclusively residential part of the tenement.

An exception may be made where an applicant can show that the door is required to comply with Fire Regulations, in which case the door should incorporate a "break glass" device to prevent improper use.

Comment:

The frontage alterations are designed to take account of the age and style of the building. The materials of the proposed doors and windows are timber, which is a traditional material and the proportions of the windows of the frontage will not be altered. There are no proposed frontage alterations other than the replacement of the windows and doors. In terms of rear access, the proposal is for a fire exit and the applicant has shown in the drawings that the door will incorporate a "break glass" device to prevent improper use.

(e) Other Material Considerations

1. The proposal fails to comply with City Plan 2 policies, namely SC11(Food, Drink and Entertainment Uses), DES 3 (Protecting and Enhancing the City's Historic Environment), DES 9 (Alterations to Shops and Other Commercial Buildings), DG/DES 3 Protecting and Enhancing the City's Historic Environment and the Strathbungo Conservation Area Appraisal.

Comment:

The proposal has been assessed against the relevant City Plan 2 Policies and the assessment is indicated in (a) above. Policy SC11 is not relevant to this application as the use is established and there is no outside seating for food or drink proposed.

2. The proposal will create significant noise issues from patrons and live music for neighbouring residential properties which surround the application site.

Comment:

The pub is already an established use in the area and has been situated at this location for a substantial period of time; this proposal is for the installation of a fire exit to the rear which will not create additional noise. Any noise disturbances that may occur now and in the future would be dealt with through other legislation.

3. The conversion of one entrance into a fire escape to the front will affect neighbouring amenity as it will concentrate smokers in one area, increase noise pollution, smoke pollution and street clutter.

Comment:

The conversion of the entrance increases the safety of patrons by introducing a new fire exit. The pub is already an established use in the area and it is not anticipated that the conversion of the two entrances into one entrance will create more of an impact on neighbouring residential amenity than already exists. Noise or anti-social behaviour would be controlled through other legislation. No street furniture is proposed in the application and the addition of any street furniture would be the subject of a separate planning application.

4. The proposed rear fire exit and stairs would be of an excessive size and the design would not be in keeping with the listed status of the property.

Comment:

As discussed above, the fire exit is to the rear of the property and is an appropriate size and design in relation to the property and surrounding conservation area. However, a condition is recommended requiring the applicant to provide an elevation showing the proposed door opening through the brick boundary wall for approval by the Planning Authority prior to the commencement of this aspect of the works.

5. The proposed stair would provide unobstructed views into gardens and habitable rooms of neighbouring residential properties.

Comment:

The fire exit would not allow for overlooking into gardens for any long period of time as it is a passage way for people to walk through in the case of an emergency. If any overlooking was to occur during the time it is used this would be short glimpses only during an emergency exit.

6. The proposed window to the rear elevation would adversely impact on the privacy of neighbours to the rear.

Comment:

The proposal has been amended and no longer includes a window on the rear elevation.

7. The formation of a fire exit door into the lane from the back court will cause a greater footfall in the lane area and congregation in the recessed door which will generate additional noise and disturbance, particularly at night.

Comment:

The fire exit would be used during an emergency only. Anti-social behaviour would be an issue covered by other legislation if required. A Fire Safety expert has been consulted as part of this application and has confirmed that the fire exit should be readily accessed and kept clear at all times to allow the safe passage of patrons from the pub.

8. The projection of the screens and door onto the lane may create an obstruction for vehicles including LES Cleansing who access bins from the rear lanes.

Comment:

Transport Planning have been consulted as part of this application and have no objections. In regards to obstructions in the lane, the lane is not an adopted road and any development that does encroach on an adopted footway or road carriageway would require a 'Stopping up Order'. In addition, the fire door is recessed so would not open directly onto the lane.

9. The frontage alterations would result in the loss of two traditional windows at ground floor level.

Comment:

As discussed in (a) above, the frontage alterations are an appropriate design and material for use on the B Listed Building within the Strathbungo Conservation Area.

10. The frontage alterations would result in the loss of two traditional wooden storm doors.

Comment:

As discussed in (a) above, the frontage alterations are an appropriate design and material for use on the B Listed Building within the Strathbungo Conservation Area.

11. The proposal would result in the loss of trees within a conservation area.

Comment:

There is some vegetation on parts of the site and any trees located within a Conservation Area are protected. However, the application does not include the removal of any trees and the vegetation on this site is not considered to be significant. A condition has been recommended to ensure no trees or shrubs are removed as part of the application without prior approval.

12. The proposed works have the potential to increase traffic volumes within a street which is already heavily congested which could be detrimental to traffic and pedestrian safety.

Comment:

As above, Transport Planning has been consulted and do not have any objections to the proposal. As the lane is a shared surface that both pedestrians and vehicles can use, any vehicles driving on the lane would be expected to take cognisance of pedestrians. I have visited the site and after making several site observations the indicated traffic movement on the lane appeared to be low. Therefore, it is not anticipated that there will be any traffic safety issues as a result of the fire escape at this location. In addition, the installation of a fire exit would not increase the volume of traffic in the area.

13. Potential reduction in property values as a result of the development.

Comment:

Property values are not a material planning consideration so it would not be expedient to comment on this.

14. Potential for light pollution to the rear elevation of the premises.

Comment:

As the proposal is for a fire exit, an emergency light is proposed to the rear. This would only be used in an emergency but for clarity and the avoidance of doubt, a condition has been recommended to ensure emergency lighting is only used in the event of an emergency.

15. Loss of daylight and sunlight to neighbouring properties.

Comment:

There is no enlargement in the size of the rear extension of the property other than the proposed fire exit. As this is located to the north of the adjacent garden ground to the properties on Nithsdale Road it is considered that a sunlight test would be excessive for the scale of the external development. The proposal passes the required daylighting tests.

16. Sufficient information has not been provided in order to determine the application (existing plans and elevations)

Comment:

Existing plans and elevations are shown in drawing number 01. PLN REV THREE.

17. There is no need for a fire escape.

Comment:

Previously there has only been one means of fire escape which was to the front. The addition of a new fire escape improves the existing situation and is welcomed by the Fire Department. After discussing the application with a colleague in Licensing, it was confirmed that should a new fire escape to the rear be added, the capacity of the pub can be increased. A condition is recommended to ensure the structure is used as a fire escape only.

18. The partial demolition of the wall in the back court will be detrimental to the character of the Conservation Area.

Comment:

The wall in the back court is a non-original brick wall located within a side lane and the creation of an opening at this location would not be detrimental to the character of the Strathbungo Conservation Area.

19. The proposal will create an increased size and more custom, impacting on parking provision in the area.

Comment:

The floor space of the pub will not be increased as part of this application as the proposal is purely for a fire exit.

20. The approval of this application could set a precedent for the applicant to apply for a rear decking area like the previous refused application (13/00358/DC & 13/00295/DC).

Comment:

Application reference 13/00358/DC & 13/00295/DC was an application for an area of decking for the purpose of an external seating area for the pub and was refused due to the impact of a seating area at this location on neighbouring residential amenity. This application is for the formation of a fire escape and should the applicant wish to install an area of decking, a new application would have to be submitted to the Planning Authority.

Conclusion

In conclusion, the external alterations respect the character of the B Listed Building and will not adversely impact on the character and appearance of the surrounding Strathbungo Conservation Area, through the use of appropriate materials and design.

It is therefore considered that the proposed development does not harm the character of the B Listed Building and accords with the relevant policies of City Plan 2. There are no material considerations to consider which would outweigh the proposal's compliance with the development plan. It is therefore recommended that Listed Building Consent is granted, subject to conditions.

CONDITIONS AND REASONS

01. The development shall be implemented in accordance with drawing number(s)

01. PLN REV THREE

as qualified by the undernoted condition(s), or as otherwise agreed in writing with the Planning Authority.

Reason: As these drawings constitute the approved development.

02. An elevation showing the proposed door opening through the brick boundary wall shall be provided for approval by the Planning Authority prior to the commencement of this aspect of the works.

Reason: To safeguard the character of the listed building.

03. All replacement windows shall be timber framed.

Reason: To safeguard the character of the listed building.

04. Door threshold levels shall be on a level consistent with the existing footway levels so as to avoid a tripping hazard and open into the premises.

Reason: In the interests of pedestrian safety.

05. Communal storage bins should not be more than 15 metres from the access road and not block emergency access or be placed on road carriageway; this includes the carriageway in Lane.

Reason: In order to safeguard the property itself and the amenity of the surrounding area.

06. Any redundant street furniture or redundant signing, footway, lighting to be replaced by the developer in consultation with LES.

Reason: In the interests of pedestrian safety.

07. For the avoidance of doubt and in the interest of clarity the fire exit to the rear shall be used as a fire exit only at all times hereafter and shall not be used for any other purpose, unless otherwise agreed in writing by the Planning Authority

Reason: In order to safeguard the property itself and the amenity of the surrounding area.

08. For the avoidance of doubt and in the interest of clarity lighting proposed to the rear shall be illuminated only in the event of an emergency.

Reason: In order to safeguard the property itself and the amenity of the surrounding area.

09. Before any work on the site is begun, a detailed plan which shows the exact location of all existing trees on the site shall be submitted to and approved in writing by the planning authority. An accompanying schedule shall include information on species, height, canopy spread, base level and condition. The plan and schedule, ie the tree survey, shall also indicate those trees which it is intended to retain and those which it is intended to remove.

Reason: In order to safeguard the property itself and the amenity of the surrounding area.

ADVISORY NOTES TO APPLICANT

01. Prior to implementation of this permission, the applicant should contact Development and Regeneration Services (Transport) at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.
02. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to allow to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984.
03. All on street loading and or waiting will comply with existing and/or any future changes to Traffic Regulation Orders.
04. Land and Environmental Cleansing Services to be consulted on any servicing requirements.

for Executive Director of Development and Regeneration Services

DC/ NCB/
14/08/2014

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