



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

Item 1

29th April 2025

Contact: Sam Taylor Ext: 78654

25/00013/LOCAL – 214 Albert Drive, Glasgow, G41 2NR

**Use of vacant shop (Class 1A) as hot food takeaway (Sui Generis) with
erection of flue to rear**

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): 6 – Pollokshields

Citywide: N/A

Local member(s) advised: Yes o No o

consulted: Yes o No o

PLEASE NOTE THE FOLLOWING:

Any Ordnance Survey mapping included within this Report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. The OS web site can be found at <http://www.ordnancesurvey.co.uk> "

If accessing this Report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale

1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The proposal site is located on the northern side of Albert Drive, on the commercial unit on the ground floor of a mid-terraced three-storey blonde sandstone tenement block, located between Kier Street and Kenmure Street. Residential units occupy the upper floors.
- 1.2 The site is located within the East Pollokshields Conservation Area and is located within the Albert Drive Local Town Centre in an area of High Public Transport Accessibility.
- 1.3 The proposal (24/01060/FUL) seeks consent for a change of use of a vacant shop (Class 1A) to a hot food takeaway (Sui Generis) with the erection of a flue to the rear.
- 1.4 Externally, changes proposed include the installation of an extraction flue to the rear of the property, terminating 1m above the eaves of the tenement. No front elevations were provided for the site. However, roller shutters appear to have been installed without permission, contrary to SG6 (2.93) policy. The enforcement team have been notified.
- 1.5 The proposed opening hours are 12:00-23:00, Monday to Sunday.

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 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 7: Historic Assets and Places
- Policy 12: Zero Waste
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 27: City, Town, Local and Commercial Centres

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP4: Network of Centres
- CDP9: Historic Environment
- CDP11: Sustainable Transport

- 2.3 The relevant Supplementary Guidance is:

- SG1: The Placemaking Principle (Part 2)
- SG4: Network of Centres
- SG9: Historic Environment
- 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 detrimental impact to the character of the Conservation Area, is contrary to Policy 7 of the National Planning Framework 4 (adopted February 2023) and there is no overriding reason to depart therefrom.
03. The proposed development, due to its location within and adjacent to residential properties and impact on the residential amenity of the surrounding area is contrary to Policy 14 of the National Planning Framework 4 (adopted February 2023) and there is no overriding reason to depart therefrom.
04. The proposed development, due to its location within and adjacent to residential properties and impact on the residential amenity of the surrounding area, is contrary to Policy 27 of the National Planning Framework 4 (adopted February 2023) and there is no overriding reason to depart therefrom.
05. The proposed development, due to location within and 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.
06. The proposed development, due to its detrimental impact to the character of the Conservation Area, is contrary to CDP9: Historic Environment and the corresponding Supplementary Guidance SG9: Historic Environment 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. Note: The appellant's statement responds to policies stated as subheadings below

01. **NPF4 Policy1 and NPF4 Policy 2 Tackling Climate etc** - The nature and scale of the proposal means that the above policies are not relevant.
02. **NPF4-Policy 7 Historic Assets and Places** - It is untrue that there are requirements to provide details of the flue colour, which can be provided on request. Drawings 31153/4 and 31153/2 show the means of fixing to the building. Further details are given in the technical specifications. The proposal does no impact on any aspect of that listing of the impact of the character of the conservation area.
03. **NPF4- Policy 12 Zero Waste (and CDP1/SG1 Placemaking- Waste storage and collection)** - It is untrue that no information was provided as the drawings (and technical specifications for the extraction system) make clear, showing a dedicated waste storage facility. A scheme for the disposal of waste was included, which was based on waste being placed outside at the appointed time by the appointed time. There is nothing more which reasonably could be added.
04. **NPF4 Policy 14 Design, Quality and Space** – The proposal meets the six qualities of place by introducing another active venue on the street (prioritising women's safety), provides a range of goods and services, is connected by cycling and by foot, the unit will not be altered and is recycling an existing vacant property.
05. **NPF Policy 27 City, Town, Local and Commercial Centres/ CDP4/SG4** – aims to ensure balance between retail and non-retail are not advantageous to impose as the site has been vacant for 2 years. Aims ensure non-retail uses do not negatively impact amenity of the area have been addressed.
06. **CDP4/SG4 Network of Centres** – This fails to recognise that Glasgow is a tenemental city with commercial uses common to ground floors.
07. **Miscellaneous:** The reasons for refusal by the case officer were flawed and they state opinion as fact. They also do not explain why a hot food takeaway would be detrimental to residential amenity.

4.2 The applicant did not request any further procedure in the determination of the review.

5 REPRESENTATIONS AND CONSULTATIONS

5.1 There were five representations received, including from the Pollokshields Heritage Trust, objecting to the proposal. A summary of the objection is given below:

- This property in question is one of the few, single fronted units with its original frontage of polished granite and curved glass window. The

character has already been diminished by a clumsy box roller shutter being installed to the frontage.

- Cooking smell
- Excessive Noise
- Waste
- Clustering
- Too many takeaways in Albert Drive
- Impact on shared garden with proposed takeaway.

5.2 During the appeal process, a further four representations were made, including a reiteration from Pollokshields Heritage Trust, all objecting to the proposal. The following additional points were made:

- The development would undermine the Council's "Albert Drive Renaissance" project and "Pollokshields Liveable Neighbourhoods, Stage 2 Report, Re-Imagining Albert Drive Streetscape" including negative feedback around the number of takeaways.
- The business will negatively affect the CDP's policy on 20 minute neighbourhoods as the potential diversity of businesses accessible within walking distance will ultimately decrease.
- Dispersal of cooking fumes into neighbouring residences
- Noise during unsociable hours from delivery drivers
- Double parking issues from delivery drivers
- Concern around rodents (cockroaches and mice are already a concern in the area)
- More light pollution and noise will reduce nature and biodiversity for several species.

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 relevant policy considerations

6.3 **NPF4 Policy 1: Tackling the Climate and Nature Crises, NPF4 Policy 2: Climate Mitigation and Adaptation**

NPF4 Policy 1 states that: "When considering all development proposals significant weight will be given to the global climate and nature crises."

NPF4 Policy 2 states that:

- a) "Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”
- Committee should consider whether they are completely satisfied the development takes into account the climate and nature crises.

6.4 **NPF4 Policy 7: Historic Assets and Places, NPF4 Policy 14: Design, Quality and Place, CDP9: Historic Environment & SG9: Historic Environment, CDP1: The Placemaking Principle and SG1: The Placemaking Principle (Part 2)**

NPF4 Policy 7 states that:

- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
 - i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.

Policy 14 intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy required development to be designed to improve the quality of an area regardless of scale. Development 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.

Policy 14 states that 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. Further details of the six qualities of place can be found in Annex D of NPF4.

CDP/SG1 Part One includes the six Qualities of Place that apply to all development proposal:

- A place with character and identity: a place that is distinctive.

- A successful open space: a place that is useable, high quality and multi-functional.
- A legible and safe place: a place that is accessible, easy to navigate, and welcoming.
- A place that is easy to move around: a place that is well-connected and focussed on active travel.
- A vibrant and diverse place: a place that has multiple uses and high levels of street level activity.
- A place which is adaptable and sustainable: a place that is adaptable for future needs and demonstrates sustainable design.

This overarching policy for CDP/SG1 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 provides the following detailed guidance in relation to this proposal:

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, respecting the historic character of the property, and cause no dis-amenity to neighbours as a result of noise, vibration, etc.

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.

3.11 Chiller/Air Conditioning Units/Flues

The following guidance applies:

- a) external fittings such as air conditioning units should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards;
- b) within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window; and
- c) the title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before any structure is

fitted to a wall in common ownership. Any grant of planning permission does not remove this obligation, which is a separate legal matter.

SG9: Historic Environment states that: As a general rule, modern exterior apparatus including, gas and water pipes, gas and electricity meter boxes, balance flues, gas ventilation grilles, satellite dishes, solar panels, wind turbines, burglar alarms, security lights and cameras, air conditioning and ventilation plant, should not be located in such a manner or position that they would harm the character of a Listed Building or affect the visual amenity of the Conservation Area.

Proposals for external fittings should comply with the following:

- a) fittings should be sited to minimise their visual impact and to minimise any harm they may have on the character, appearance and setting, of a Listed Building or Conservation Area;
- b) fittings should not be seen from public view at street level;
- c) fittings should not be affixed to the front elevation of a Listed Building or unlisted building in a Conservation Area; and
- d) where fittings are acceptable, they should be painted out or be manufactured in a colour to match the background to which they are attached and be fixed into mortar joints, as far as possible, to prevent damage to masonry or brickwork.

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 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 fullest specification, when fitted at the application site. The 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.

Committee should note:

- The building is unlisted, but lies in a conservation area. The only external alteration proposed is for a flue vent to the rear. No other details of external alterations are provided.
 - No details of cooking methods have been given, but a sample menu was shared. This however did not clarify which methods will be used.
 - It is proposed to disperse fumes at the rear of the property.
 - No maintenance schedule has been provided, contrary to policy.
 - The external alterations included within this proposal are to the rear of the building and cannot be seen from the public. However, no painting of the flue to match brickwork is mentioned, which is not compliant with policy.
 - The site is directly above residential units and the flue vent would be within 1m of a number of residential windows.
-
- Committee should consider if the development adversely affects the architectural character of the conservation area.
 - Committee should consider if they are satisfied that dis-amenity to neighbours would not occur as a result of noise and vibration from the flue vent and the use of the cooking equipment proposed.
 - Committee should consider if they are satisfied that the external fittings would minimise their visual impact on the character and setting of the listed building.
 - Committee should consider whether they are completely satisfied with the arrangements for the dispersal of cooking fumes.

6.5 **NPF4 Policy 12: Zero Waste, CDP1/SG1: The Placemaking Principle - Waste Storage, Recycling and Collection and CDP4/SG4: Network of Centres**

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

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 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 provides the following detailed guidance:

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applications must provide full details of

the provision for waste storage, recycling and collection in the initial submission for planning permission.

SG4 Assessment Guideline 14: Waste Management and Disposal

Proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.

Committee should note:

- The appeal statement notes there is a dedicated space for waste storage, and states that 'a scheme for the disposal of waste was included which was based on the waste only being placed outside at the appointed time for uplift by the appointed contractor. This would ensure that bins did not obstruct pedestrian movements and that litter would not be an issue'
 - There is no mention of how waste is to be segregated and recycled at the source.
- Committee should consider whether they are completely satisfied with the stated waste/refuse management arrangements.

6.6 NPF4 Policy 13 and CDP11/SG11: Sustainable Transport

NPF4 Policy Intent: To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

SG11 provides the following detailed guidance:

Cycle Parking

The Council shall require the provision of cycle parking, in line with the minimum cycle parking standards specified (below), as well as the following guidance:

- 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 development, to ensure cycling is encouraged through enhanced security provided by passive surveillance.
- b. 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.
- c. 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 standard for Restaurants/Cafés:
Staff: 1 space per 10 staff
Customer: 1 space per 50sqm public floor area.

Committee should note:

- The Appeal Statement does not give information into the number of staff members on site, but the amount of publicly accessible ground floor has a floor area is 17sqm.
 - There is no staff cycle parking proposed, contrary to policy.
 - There is no customer cycle parking proposed contrary to policy.
 - There are, however, public cycle racks located nearby, at the junction of Pollokshaws Road and Nithsdale Road.
- Committee should consider whether the lack of cycle parking provision is justified in this case.

Vehicle Parking

Vehicle parking provision should be assessed against the standards set out below.

Maximum standard for Restaurants/Cafés:
High Accessibility: 2 spaces per 100sqm public floor area

Committee should note:

- The publicly accessible ground floor has a floor area of 17sqm.
 - No vehicle parking is proposed.
 - The site is located within a High Public Transport Accessibility Area.
- Committee should consider whether the lack of vehicle parking provision is justified in this case.

6.7 NPF4 Policy 27: City, town, local and commercial centres and CDP/SG4: Network of Centres

NPF4 Policy Intent: To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

The relevant guidance is:

- a. Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b. Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:

- i. Hot food takeaways, including permanently sited vans;
- ii. Betting offices; and
- iii. High interest money lending premises.

Committee should consider whether:

- The proposal will enhance and improve the vitality and viability of the town centre, and give compliment the neighbouring businesses.
- The introduction of a hot food takeaway in this location would undermine the character and amenity of the area or the health and wellbeing of communities.

SG4 provides the following detailed guidance:

Food, Drink and Entertainment Uses

This section is relevant when assessing development proposals for the following uses: Class 3 (Food and Drink), Class 11 (Assembly and Leisure) and specific Sui Generis uses (including hot food shops, public houses and composite/hybrid uses). This guidance states 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.

Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centres

In assessing proposals within Local Town Centres, the Council will seek to maintain a sustainable level of retail within each Centre, whilst also supporting other appropriate uses in order to enhance the vitality of these Centres.

- a) If the proportion of ground floor Class 1 shop units is more than 70%, applications for change of use from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will:
 - i) Contribute positively to the character and appearance of the Town Centre and provide an active frontage; and
 - ii) Not have an unacceptable effect on town centre or residential amenity

Committee should note:

- If this application was granted 86% of the town centre would be Class 1, therefore would be subject to part a) of AG5.
- Committee should consider whether the proposed use contributes positively to the town centre and not cause an unacceptable effect to residential amenity.

Assessment Guideline 10: Food, Drink and Entertainment Uses

The following criteria will be applied:

- 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.

b. Outwith the City Centre:

- i. Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.
- ii. Applications for extensions to existing public houses, Class 11 and Sui Generis uses must not increase the floorspace for public use under residential flats, or extend into residential backcourt areas.
- iii. Hours of operation will be agreed with the Planning Authority, based on local circumstances and the impact of the proposal on residential amenity, but shall not exceed 08:00 to 24:00 hours.

* When calculating the proportion of hot food shops, the Council will include any use which incorporates a hot foot takeaway service and any unimplemented planning permissions for changes of use to hot food shop, public house, or Class 3 use, likely to include a hot food takeaway service.

Committee should note:

- Currently there are no public house, Class 3 or Sui Generis uses on the block, and so if this was granted, the 20% threshold above would not apply.
 - The proposal is outwith the City Centre, so is subject to the above quoted policy and cannot have a detrimental effect on residents and not be located within or adjacent to residential buildings.
 - The site is located immediately adjacent to/below an existing residential unit, contrary to policy.
 - The proposed opening hours are 08:00-23:00 Monday to Thursday, and 08:00-24:00 Friday to Saturday, and so a Late Hours Catering Licence will be required for operation according to policy.
- Committee should consider whether the proposed use, hours of operation, and proximity to residential units will have a negative impact on residential amenity.

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.