

Report of Handling for Application 24/01060/FUL

ADDRESS:	214 Albert Drive Glasgow G41 2NR	<div>Item 3</div> <div>29th April 2025</div>
PROPOSAL:	Use of vacant shop (Class 1A) as hot food takeaway (Sui Generis) with erection of flue to rear	

DATE OF ADVERT:	07 June 2024	
NO REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	OF	Five representations including Pollockshields Heritage Trust were received, the points of objection are summarised below: <ul style="list-style-type: none">• 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.
PARTIES CONSULTED AND RESPONSES	The Council's Environmental Services had no objection subject to the installation of the flue.	
PRE-APPLICATION COMMENTS	No pre-application advice was sought.	

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	<p>Policy 1: Tackling the Climate and Nature Crises</p> <p>Policy 2: Climate Mitigation and Adaptation</p> <p>Policy 7: Historic Assets and Places</p> <p>Policy 12: Zero Waste</p> <p>Policy 13: Sustainable Transport</p> <p>Policy 14: Design, Quality and Place</p> <p>Policy 27: City, Town, Local and Commercial Centres</p>
CITY DEVELOPMENT PLAN POLICIES	<p>CDP 1: The Placemaking Principle</p> <p>CDP4: Network of Centres</p> <p>CDP9: Historic Environment</p> <p>CDP11: Sustainable Transport</p> <p>The policies should be read in conjunction with the associated Supplementary Guidance, which explains in detail how the Council expects the CDP policies to be implemented and how they will be used in the consideration of planning applications:</p> <p>SG1: Placemaking</p> <p>SG4: Network of Centres</p> <p>SG9: Historic Environment</p> <p>SG11: Sustainable Transport</p>
OTHER MATERIAL CONSIDERATIONS	None
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			
	98/03426/DC	Installation of roller shutters.	22.06.1999	GC
	08/02841/DC	Installation of two air conditioning units to rear of property.	10.02.2009	GC
	17/00271/DC	Installation of two condenser units to rear of shop.	05.04.2017	GC
	24/01060/FUL	Use of vacant retail unit (Class 1a) as hot food takeaway (Sui Generis) with erection of flue to rear.		PDE
Site Visits (Dates)	13 September 2024 – Use of vacant shop (Class 1A) as hot food takeaway (Sui Generis) with erection of flue to rear.			
Siting	The application property is a ground floor retail unit within a three-storey sandstone tenement located on the north side of Albert Drive. The surrounded by similar properties with commercial units on the ground floor and residential above within Albert Drive. The site is within Ward 06 Pollockshields.			
Design and Materials	<p>Ventilation and Flue: The proposal would have an impact the rear of the property. The proposed extraction unit and flue would be taken from the kitchen area at the rear of the property and attached on the exterior of the property extending from the ground floor to approx 1.0m above the roof. The flue would pass adjacent to several residential properties above the property.</p> <p>Front of property: The applicant provided no existing or proposed front elevations. As the front of the property has some historical merit as mentioned above. This part of the application could not be assessed and possibly protected.</p>			
Daylight	Not applicable to this application.			
Aspect	Not applicable to this application.			
Privacy	Not applicable to this application.			
Adjacent Levels	Not applicable to this application.			
Landscaping (Including Garden Ground)	Not applicable to this application.			
Access and Parking	No changes to the access or parking are proposed.			
Site Constraints	<p>The site is within the Albert Drive Local Shopping Centre and within East Pollockshields Conservation Area.</p> <p>The site is within High Risk Coal Area</p>			
Other Comments	<p>Assessment</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.</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 any other material considerations (including objections) have been satisfactorily addressed. 			

In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017.

National Planning Framework 4 (NPF4)

The policies of relevance to this proposal within the National Planning Framework 4 are considered below:

Due to the scale, nature and location of the proposed development, the following policies are considered:

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaption.

Policies 1 and 2 are overarching policies which must be taken into consideration for all development proposals: when considering all development proposals significant weight will be given to the global climate and nature crises.

Comment: Due to the scale of the proposed development, the proposal does not directly address the global climate emergency and nature crises. The proposed development is for internal works to the property.

Policy 7 requires:

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."

Comment: The external alterations consist of the installation of a flue positioned on the rear elevation of the building. The flue will not be visible from any public elevation. The proposed location will minimise any harm it may have on the character, appearance and setting of the East Pollockshields Conservation Area. No details of the colour of the proposed flue are provided, therefore, it is not possible to establish whether the flue will be manufactured in a colour to match the background to which they are attached. Details have also not been provided with regards to the fixings to prevent damage to masonry or brickwork. Given the omission of information, the proposal cannot be considered to comply with Policy 7.

Policy 12 states:

b) "Development proposals will be supported where they:

i. reuse existing buildings and infrastructure;

ii. minimise demolition and salvage materials for reuse;

iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life; iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;

v. use materials that are suitable for reuse with minimal reprocessing."

Comment: The proposed development generally complies with the criteria above, as it reuses and extends the life of an existing building.

Policy 13 states:

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

Comment: The proposal is for the change of use of an existing commercial unit within a tenement. The proposal includes no car parking which is in accordance with the low/no car parking in an area well served by public transport ambition of this policy. As such, the proposal accords with Policy 13 on sustainable transport.

Policy 14 requires:

a) "Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported."

Comment: The proposed development would provide a hot food takeaway (Sui Generis) within a tenemental property to the detriment of the residential amenity of the flatted properties above and the adjacent residential flats. This would likely lead to a loss of residential amenity. As such, the proposed development does not comply with Policy 14 of NPF4 due to the detrimental impact to residential amenity in the surrounding area.

Policy 27: 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.

Comment: The proposed development would provide a hot food takeaway (Sui Generis) within a tenemental property to the detriment of the residential amenity of the

flatted properties above and the adjacent residential flats. In addition, there is a surplus of sui generis uses within the Local Town Centre, therefore, the addition of another hot food takeaway would be detrimental to the character and amenity of the area. Overall, the proposed use would highly likely lead to a loss of residential amenity and detract from the character of the area, therefore, the proposal cannot be supported under Policy 27.

City Development Plan

CDP 1 & SG 1 – Placemaking

CDP 1: The Placemaking Principle

Policy CDP 1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. CDP 1 states that new development should aspire towards the highest standards of design while providing high quality amenity to existing and new residents in the City. New development should respect the environment by responding to its qualities and character, while protecting the City's heritage.

SG1 states:

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; and*
- c) Not adversely affect residential amenity as a result of noise and vibration.*

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 the obligation, which is a separate legal matter.*

Comment: The proposed kitchen extract flue would be positioned on the rear elevation of the premises. This is a discrete position, as the rear elevation is not visible from the street. The Council's Environmental Services had no objection to the position or height of the flue. The flue location is in accordance with the criteria of SG1.

With regards to noise and vibration, planning conditions can control this, should the application be granted.

Waste Storage, Recycling & Collection – The following guidance applies:

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives, see also SG 1 - Placemaking, Part 1. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applicants must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.

Comment: The proposal identifies that the existing bin storage area within the unit will be utilised for the proposed use. No further details of the collection have been provided however if minded to grant consent then this could be subject of a condition to ensure appropriate arrangements are put in place.

CDP 4 & SG 4:

Assessment Guideline 10: Food, Drink and Entertainment Uses

In order to protect residential amenity, certain factors will be taken into consideration when assessing whether the location of proposed food, drink and entertainment uses is acceptable.

a) City-Wide:

(i) Proposals for food, drink and entertainment uses must not result in a detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes. No more than 20% of the number of units in a street block frontage, containing or adjacent to residential uses, should be in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use.*

(ii) Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.

(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.

c) Outwith the City Centre:

(i) Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.

(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.

*Note: A Late Hours Catering Licence will also be required for any premises serving food, on or off the premises, after 23:00 hours. This Licence will not generally be granted beyond 24:00 hours if the premises are in a building with residents living above. * In all calculations of the proportion, the Council will include any use which incorporates a hot food 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.*

Comment: At present, 8.8% of Albert Drive (**Figures at 30/08/2024**) consists of hot food takeaway and public house uses. The addition of the proposed hot food takeaway at this location would not have an adverse impact on the availability of retail units within Albert Drive.

The applicant has stated that the hours of operation would be 12pm to 11pm 7 days a week.

The application site is positioned on the ground floor of a residential tenement block and the proposed use is a Sui Generis Use Class. This is contrary to Assessment Guideline 10's requirement that "Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings."

The proposal is contrary to Assessment Guideline 10.

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

a) Proposals for a food and drink use will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided, to the complete satisfaction of the Council. The following information will be required:

(i) Plans to show all proposed cooking/heating equipment, with full details of the fume dispersal method. This information must be shown on both the Plan and the Elevation drawings; (

ii) Full specifications of the proposed ventilation system, including the design, size, location and finish;

(iii) A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and

(iv) Prior to the installation of any system for the dispersal of cooking fumes or odours, a certificate from a member of the Building Engineering Services Association (BESA) shall be submitted confirming that the proposed fume/odour treatment method will operate to its full specification, when fitted at the application site. This requirement will be secured by a suspensive condition imposed on any relevant planning permission granted.

b) Dispersal of cooking/heating fumes should be by an externally mounted flue, erected on the rear or side elevation to a height sufficient to disperse fumes above any nearby property

Comment: The proposed kitchen extract flue would be positioned on the rear elevation of the premises. This is a discrete position, as the rear elevation is not visible from the street. The flue location is in accordance with this supplementary guidance. There is a lack of maintenance information to support the proposed extraction system, however a safeguarding condition would ensure adequate maintenance of the flue. Subject to conditions, the proposal could be in accordance with Assessment Guideline 12.

CDP9 & SG9:

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.

Comment: The proposed flue is to be located on the rear elevation of the property and will not be visible from any public elevation. The proposed location will minimise any harm it may have on the character, appearance and setting of the East Pollockshields Conservation Area. No details of the colour of the proposed flue are provided, therefore, it is not possible to establish whether the flue will 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.

Given the omission regarding the colour of the rear flue the proposal cannot be considered to correspond with the guidance provided in SG9: Historic Environment.

CDP 11 & SG 11:

CDP11 aims to ensure that Glasgow is a connected City, characterised by sustainable and active travel. SG 11 supports the above policy by providing guidance on how

	<p>development proposals will be expected to address the transport implications that they give rise to.</p> <p>Variation of SG 11 may be justified against the following factors: public transport accessibility; density and open space considerations; placemaking, townscape and design requirements; house size and house form; car availability; existing pressure on on-street parking in the surrounding area; practical considerations in relation to conversions, redevelopments and subdivisions; and residential moorings.</p> <p>Comment: The site is within a high accessibility, inner urban area zone. No additional parking / cycle parking has been proposed as part the application and this is considered to be acceptable given the scale and location of the proposed development. As such, the proposal accords with CDP11 and SG11.</p> <p>In respect of (a) the proposal is contrary to the Development Plan.</p> <p>In respect of (b) other material considerations include the views of statutory and other consultees and the contents of letters of representations. Five representations have been received and comments addressed.</p> <p><u>Conclusion</u></p> <p>This application has been assessed against NPF4 and the City Development Plan whilst taking into account any other material considerations. Whilst the proposed development is considered to comply with NPF4 Policies 1, 2, 12 and 13, it does not fully comply with NPF4 Policies 7, 14 and 27. Furthermore, the proposal does not fully comply with City Development Plan Policies CDP4, CDP9 and SG4, and SG9 as outlined above. When assessed as a whole, the proposed development will have a detrimental impact to the amenity of the surrounding uses which cannot be supported. As such, for the reasons outlined in the assessment above, it is recommended that this application for Full Planning permission be refused.</p>
Recommendation	Refuse.

Date: 28/11/2024	DM Officer	Mohammed Hussain
Date: <u>03/12/2024</u>	DM Manager	Ross Middleton

Reasons for Refusal

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 listed building and 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 listed building and 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.

Drawings

The development shall not be implemented in accordance with the drawing(s)

1. 31153 LOCATION PLAN Received 15 April 2024
2. 31153/1 EXISTING FLOOR PLAN Received 15 April 2024
3. 31153/11 SITE PLAN Received 15 April 2024
4. PROPPSED FLOOR PLAN Received 15 April 2024
5. 31153/3 EXISTING ELEVATIONS Received 15 April 2024
6. 31153/4 PROPOSED ELEVATIONS Received 15 April 2024

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority