



Planning Applications Committee

Report by

Executive Director of Neighbourhoods, Regeneration and Sustainability

Item 1(b)

11th March 2025

Contact: Mohammed Hussain Phone: 0141 287 8489

Application Type	Full Planning Permission
Recommendation	Grant Subject to Condition(s)

Application	23/02989/FUL	Date Valid	14.05.2024
Site Address	515 Victoria Road Glasgow G42 8BH		
Proposal	Erection of flue and air conditioning units to rear and security cameras to front and rear (retrospective).		
Applicant	Primo Dolce Holdings QP Ltd Mr Calvin Keyes 126 Cornwall Street Glasgow G41 1AF	Agent	Burns Design Associates Angela Jacobs Carus House 201 Dumbarton Road Glasgow G81 4XJ
Ward No(s)	08, Southside Central	Community Council	02_097 Crosshill and Govanhill
Conservation Area	Crosshill	Listed	Category B
Advert Type	Affecting a Conservation Area/Listed Building	Published	05 May 2024
City Plan	City Development Plan		

Representations/Consultations

Representations

In total 6 representations, all objecting to the application, have been received. The **material** grounds of objection can be summarised as follows:

- High density of flues already present.
- Previous flue at 527 refused in 2017 (17/01510/DC).
- Noise from flue and air conditioning units.
- Fumes/Smell from extractor system.
- The air conditioning units are already installed.
- 3 security cameras are too many.
- Adverse impact on the amenity of rear garden for residents living above.
- Installation of a toilet vent not on plans.
- Unauthorised storage of oil drums at the rear.

Consultations:

Environmental Health. No objection subject to conditions on refuse facilities, Disposal of Cooking Odours/Fumes, Noise and Vibration and Light from the development.

Comments: Noted. Those matters regarding refuse, disposal of cooking odours/fumes, noise and light are not material to this application which is for a physical development rather than a change of use.

Site and Description

The application site is formed of two original shop units, combined into one unit, on the ground floor of a three-storey blonde sandstone tenement located on the east side of Victoria Road. The site is in the Victoria Road, Local Town Centre, the property is category B listed within the Crosshill Conservation Area.

The immediate area of Victoria Road is characterised by commercial properties on the ground floor and residential properties above.

Listed Building Description

Mid/late 19th century. Late Georgian style 3-storey corner tenement, curved corner bay in shallow recess, modern shops at ground; though Queen's cafe looks 1930s. Stone-cleaned polished ashlar, arched windows (mostly sashes with 4-pane glazing pattern); corniced at 1st, end and wall-head stacks altered/ rebuilt in brick; modern tile roof.

Site History

21/02891/FUL Frontage alterations including lighting and awning and use of footway as external seating area. WITHDRAWN 25.11.2021

21/03394/LBA Internal and external alterations and display of illuminated signage. Granted Subject to conditions 02.03.2022

21/03758/FUL Frontage alterations including lighting and awning and use of footway as external seating area. Granted Subject to conditions.09.03.2022.

22/00159/LBA Internal and external alterations. Withdrawn.08.03.2022

22/00160/ADV Display of one externally illuminated fascia sign and one internally illuminated menu board. Granted subject to conditions. 02.03.2022

21/00560/EN Enforcement Enquiry 29.09.2021 CLOSED

Proposal

The application seeks retrospective planning permission for the erection air conditioning units to the rear of the building, CCTV security cameras to the front and rear as well as planning permission for the erection of a high level flue.

The retrospective planning application is the consequence of a planning enforcement enquiry which investigated works which were not part of previously approved plans (21/03758/FUL) (21/03394/LBA).

The unauthorised works include installation of a low-level flue, air conditioning units and security cameras to the front and rear of the property. The Planning Enforcement Officer had concluded that a retrospective planning for the unauthorised works would be acceptable in this case.

The flue and the air conditioning units are located at the rear of the property. There are 3 cameras located at the rear of the building and 2 cameras located at the front of the building. At the rear, there are 2 cameras, one on either side of the back door and another which is located adjacent to the communal rear door used by the residents residing above.

Following discussions with the applicant, the application has been revised to retain the two cameras to the front of the building and reduce the number of cameras at the rear of the building to one. This would be located above the door of the commercial unit. Similarly, the low level flue would be replaced by a full height flue terminating 1m above the eaves of the building.

The air conditioning units are located adjacent to the rear communal door and no changes are proposed.

Specified Matters

Planning legislation 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 point 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

ii. an appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994

Not applicable

iii. a design statement or a design and access statement

Not applicable

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

Not applicable

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

Not applicable

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

ii.

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

Not applicable

2. restricting the grant of planning permission

Not applicable

iii.

1. requiring the Council to consider imposing a condition specified by Scottish Ministers

Not applicable

2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered the condition and that it will either be imposed or need not be imposed.

Not applicable

Policies

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 7 - Historic assets and places

The Glasgow City Development Plan

CDP1 & SG1 - The Placemaking Principle

CDP4 & SG4 - Network of Centres

CDP9 & SG9 – Historic Environment

Assessment and Conclusions

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (As subsequently amended) require that planning applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

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.

The issues to be taken into account in the determination of this application are therefore considered to be:

- a) Whether the proposal accords with the statutory Development Plan.
- b) Whether the proposal will protect the character of the listed building and the character and appearance of the wider conservation area;
- c) Whether any other material considerations (including objections) have been satisfactorily addressed.

Each development proposal will be considered on its individual merits and must respond to its setting appropriately to ensure protection and enhancement of amenity in the area.

In respect of (a) the Development Plan comprises National Planning Framework 4 (NPF4) which was adopted on 13th February 2023 and the Glasgow City Development Plan which was adopted on 29th March 2017.

National Planning Framework 4:

The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory Development Plan and Glasgow City Council as Planning Authority must assess all proposed development against its policies.

The following policies are considered relevant to the application:

Policy 1 (Tackling the climate and nature crises) and Policy 2 (Climate mitigation and adaptation) are applicable to all new development and must be considered in light of the proposals impact on the environment.

Comment:

The aim of the policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The development consists of the adaption and reuse of a property. The existing use of the property is Class 3 and therefore no change of use has occurred. The proposal to install a full height flue up the rear of the building, two air conditioning units and security cameras is of such a scale that it would not have a notable impact on the climate.

The proposal complies with **Policies 1 and 2.**

Policy 7: Historic places and assets

Policy 7 of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Development proposals in or affecting a conservation area should only be supported where the character and amenity of the conservation area

and its setting are preserved or enhanced. Proposals to or affecting the setting of a listed building should only be supported where they will preserve its character, special architectural and/or historical interest, and setting.

Comments: The ground floor restaurant forms part of a Category 'B' Listed Building and the site is within the Crosshill Conservation Area. The proposed flue and air conditioning units are positioned at the rear of the property to avoid any negative impact on the character of the area. This will ensure that these are not highly visible from public areas within the Conservation Area and will not affect the architectural features of the principal elevation of the listed building. The flue and the air conditioning units are an integral part of the operations of the restaurant. It is normal practice to locate flues and air conditioning units at the rear of buildings to avoid a negative impact on the architectural interest of listed buildings and the character and amenity of Conservation Areas.

The cameras at the front and rear are for security purposes. Their size and position do not have an adverse impact of the architectural character of the listed building or the character of the wider conservation area.

The proposal complies with **Policies 7**.

NPF4 Conclusion:

Taking all the above into considerations the proposal would meet the requirements of NPF4.

Glasgow City Development Plan

The City Development Plan consists of high-level policies (in line with Scottish Government guidance), with statutory Supplementary Guidance providing further information or detail in respect of these policies. Many of the policies in NPF4 are reflected by policies and statutory guidance associated with the Glasgow City Development Plan.

The following CDP policies are considered particularly relevant to the application assessment:

CDP1: The Placemaking Principle & SG 1 – Placemaking

Policy CDP1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. This Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels.

Supplementary Guidance **SG1 'Placemaking'** supports CDP1 and comprises two parts. Part 1 provides the context and approach of Placemaking established in Policy CDP1 and Part 2 contains detailed assessment criteria for development.

SG1 provides some general advice on commercial uses within residential areas or buildings. Primarily new uses should be appropriate for their setting and not impact on residential amenity. However, the use of the property does not form part of this application.

SG1 Part 2 : Alterations to Shops and Other Commercial Buildings seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally and cause no dis-amenity to neighbours.

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.
- c) not adversely affect residential amenity as a result of noise, vibration, etc.

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.
- 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.

Comment:

There have been several objections raising concerns regarding the noise and smell from the existing flue. The existing flue is low-level, located on the roof of a single storey extension at the rear of the property. Therefore, any fumes which are expelled at a low level can result in smell nuisance to neighbouring properties and, as a consequence, can affect the residential amenity of the neighbours.

It is important to note that the use of the premises as a café is already established. As such, there has been no assessment of the potential impacts of noise or fumes from the ongoing café use nor was there any planning requirement to install a flue. However, as a result of a low level flue to expel fumes from cooking operations and complaints regarding smells to Environmental Health, the applicant is attempting to resolve an ongoing amenity issue.

Neighbours have commented on the number of flues at the rear of properties and cite the refusal of a flue in a nearby property in 2017. Examining the block frontage of where the property is situated, it is noted there are five Class 3 establishments from a total of 9 commercial properties. Each premises requires its own flue and therefore from a visual perspective at the rear it may seem there is a high density of flues within a short distance. However, the installation of a full-height flue should address the fumes/smells which some neighbours are experiencing from the current low-level flue.

The two air conditioning units which have been installed are also located at the rear of the property, away from any residential window and out of sight from public view. Residents have complained that the air conditioning units have already been installed and that a constant 'humming' noise can be heard. However, as discussed above, a retrospective planning was deemed appropriate. A condition has been attached limiting the external noise of equipment to an acceptable level in a residential setting. The neighbours also have recourse to report excessive noise to the Council's Environmental Services.

With regard to the CCTV cameras, it is noted that there are currently three cameras at the rear of the building. There are two, with one at either side of the restaurant's back door. There is a third camera which is located above the resident's communal rear door.

There is no justification for the installation of three CCTV cameras to the rear of the building and Planning have requested that two cameras be removed. The applicant was advised to remove

- The camera adjacent to the resident's communal rear door.
- Any one camera above the rear door of the commercial unit.

The rear cameras are considered to have an adverse impact on the amenity and privacy of the rear garden for the residents. The Council understands the need to protect the property and employees, however, the rear garden is a communal space to be used primarily by the residents living above the cafe and not as an area for employees to socialise or take breaks. One camera above the shop rear door is sufficient and has been captured within revised plans.

The position and size of the cameras installed on the front elevation of the building do not have an adverse impact on the residential amenity or the character of the listed building or the wider conservation area.

A flue by its nature is a visually obtrusive addition to any building, however, in this instance, given its necessity for the restaurant's operation and the need to maintain the quality of the environment, its location at the rear of the building is considered to be acceptable.

The proposal accords with the aspirations of **CDP1 and SG1**.

The property is B listed property and within Crosshill Conservation area. Therefore, CPD9 and SG9 are applicable in this instance.

CDP 9: The Historic Environment

The policy aims to ensure the appropriate protection, enhancement and management of Glasgow's heritage assets by protecting, conserving and enhancing the historic environment for the benefit of existing and future generations. These policies aim to ensure the appropriate protection, enhancement

and management of Glasgow's heritage assets by providing clear guidance to applicants. This will be achieved by assessing the impact of proposed developments and supporting 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, archaeological remains, historic gardens and designed landscapes and their settings, or by mitigating unavoidable adverse effects on them.

SG9: The Historic Environment

The policy favours the retention of all Listed Buildings. Listed Buildings must be allowed to adapt to new uses and the Council will respond favourably to creative ideas and good design, in order to ensure their retention, subject to other policies in the Plan and supporting SG, particularly Placemaking.

In spatial terms, it is the whole Conservation Area (made up of all buildings and the spaces between these buildings) that is of architectural or historic interest. Planning control is, therefore, directed at maintaining the integrity of the entire Conservation Area and enhancing its special character.

External Fittings

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.
- 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 proposal to install a flue, air conditioning units and cameras at the rear of the property will not have an adverse impact on the listed building or the wider Conservation Area. The proposed flue is considered to be appropriately positioned so that it is not visible from public areas and shall not have a negative impact upon the character of the listed building. The flue terminates over 1m above the eaves height of the building and therefore should not give rise to amenity/odour impact to neighbouring sensitive properties.

The front cameras due to their size and location will not have an adverse impact on the listed building or the Conservation Area.

CDP 4 Network of Centres

This policy aims to ensure that all of Glasgow's residents and visitors have good access to a network of centres which are vibrant, multi-functional and sustainable destinations providing a range of goods and services.

SG 4 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.
 - (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 Council's Environmental Services were consulted. There were no adverse comments from Environmental Services subject to recommended conditions pertaining to the operation of the flue. The restaurant has been operational since 2023 and the ventilation system is in place. It was noted by the Planning Enforcement Officer the existing flue was contrary to policy and it should extend the full height of the building and extend above the eaves and recommended a retrospective planning application. Appropriate conditions have been attached to ensure the flue operate efficiently.

City Development Plan Conclusion

Taking all the above into consideration the proposal is considered to fully comply with the relevant City Development Plan policies.

In terms of issues **(a)** the proposal is considered to accord with the Development Plan, having regard to the designated land use and all relevant policies as addressed above.

In respect of **(b)** the proposal will protect the character of the listed building and the character and appearance of the wider conservation area.

In respect of **(c)** other material considerations include the views of statutory and other consultees and the contents of letters of objection and letters of support. The Council's Environmental Services were consulted as part of the assessment of the application. As noted above, in total 6 representations have been received, all of which object to the planning application.

Those concerns regarding the noise, fumes installation of camera impacting on the rear communal garden and the retrospective nature of the proposal have been addressed within this report.

The flue and the air conditioning units are located at the rear of the building and not visible from the public view.

The proposed flue will replace the low level flue and should remove any fumes emitted from the extraction system. The air conditioning units are discreetly located behind the property. There are no obstacles impeding the residents above from accessing their garden. The camera adjacent to the resident's communal door will be removed by the applicant and one camera above the rear door of the commercial unit will also be removed. There were no objections to the cameras at the front of the building. Due to their size and position the front cameras do not have an adverse impact on the listed building or the wider conservation area.

The Council's Environmental Services had no adverse comments in relation to the application.

CONCLUSION

The above demonstrates that the proposed development complies with the Development Plan. Other material considerations have been considered however these do not outweigh the proposal's accordance with the Development Plan.

On the basis of the foregoing, it is recommended that the application for full planning permission be granted subject to conditions.

Approved Drawings

The development shall be implemented in accordance with the approved drawing(s)

1. 2804 PL08 EXISTING AND PROPOSED BACK ELEVATIONS Received 5 December 2023
2. 2804 PL08 EXISTING AND PROPOSED FRONT ELEVATION Received 5 December 2023
3. PL03 A LOCATION PLAN Received 5 December 2023

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

Conditions and Reasons

01. Noise from or associated with the air conditioning units shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

02. (a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a duct carried up the rear of the property and terminating at a point 1 metre above eaves level. The duct shall be free from any obstruction such as a plate, cowl, cap or any other deflection at its termination point.

(b) A ventilation and filtration system incorporating at least the following elements shall be installed and operational before the use commences. The elements to be included are:

- (i) Canopies - A canopy (or canopies) shall be located above all cooking appliances.
- (ii) Air Flow - The canopy face velocity shall be not less than 0.5 m/s.
- (iii) Primary Grease Filtration - Labyrinth (baffle) grease filters shall be installed within the canopy or canopies.
- (iv) Secondary Filtration - An open fibre disposable filter and a pleated, non-woven felt type filter and a non-woven bag type filter shall be installed in the system in that order.
- (v) Main Filter Media - A mixed media activated filter shall be installed as final treatment of flue gases.
- (vi) Air Input - An air input system shall be provided by means of a pleated inlet filter, supplying clean filtered air equivalent to at least 80% 'make-up' of the extracted air.

(c) A maintenance/management scheme for the ventilation and filtration system, including all aspects referred to in (a) and (b) above shall be submitted to and approved in writing by the planning authority before the use commences and shall be implemented as approved for the duration of the use.

(d) Mechanical and electrical installations shall be arranged to ensure that the ventilation system is in operation during periods when the premises are open for the preparation and/or cooking of food.

Reason: To protect local residents from nuisance resulting from the disposal of cooking odours.

03. The existing low level flue shall be completely removed and the new full height flue shall be installed within three months from the date of this permission.

Reason: To protect local residents from nuisance resulting from the disposal of cooking odours.

04. The unauthorised CCTV security camera positioned above the residents communal entrance door to the rear of the property and one of the CCTV security cameras positioned above the rear entrance to the application premises shall be removed and stonework or other surfaces made good within three months of the date of this permission.

Reason: To protect the privacy of residents of neighbouring residential properties.

Reason: To safeguard the character of the listed building.

Advisory Notes to Applicant

01. Before the ventilation system for the disposal and treatment of cooking odours from the premises is installed, the applicant should submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the proposed system will satisfy the requirements of sections (a) and (b) of the condition relating to the disposal of cooking odours/fumes. Before the use commences, the applicant should, following the testing of the installed ventilation system, submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the installation meets its design specification.
02. The grant of planning permission does not remove the requirement for Listed Building Consent for any alterations, either internal or external, which may be required in order to implement this planning permission.

Reason(s) for Granting this Application

The proposal was considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's accordance with the Development Plan.

BACKGROUND PAPERS

None.

PLEASE NOTE THE FOLLOWING:

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