

REPORT OF HANDLING FOR APPLICATION 24/01723/FUL

ADDRESS:	742 Pollokshaws Road Glasgow G41 2AE
PROPOSAL:	Use of coffee shop/sandwich bar (Class 1A) as hot food takeaway (Sui Generis) and installation of extraction flue
DATE OF ADVERT:	02 August 2024
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>One objection received after the advert expiry date, however, the main concerns are summarised below:</p> <p>There is already a flue directly at the back of the property and an additional flue would result in unacceptable noise, odour and have an impact upon the appearance of the shared garden. The flue would increase shadow and air pollution. There are also concerns that the flue would damage the listed building with Strathbungo conservation area.</p> <p>Officer Response: The comments have been noted. It is considered that the proposed use would have a detrimental impact to residential amenity which has been detailed further within the assessment below.</p>
PARTIES CONSULTED AND RESPONSES	No external consultations undertaken.
PRE-APPLICATION COMMENTS	No pre-application advice 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>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:</p> <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>

	Policy 14: Design, Quality and Place Policy 27: City, Town, Local and Commercial Centres
CITY DEVELOPMENT PLAN POLICIES	CDP 1: The Placemaking Principle CDP4: Network of Centres CDP9: Historic Environment CDP11: Sustainable Transport 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: SG1: Placemaking SG4: Network of Centres SG9: Historic Environment SG11: Sustainable Transport
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	<u>Planning applications</u> 12/00851/DC – Installation of ATM and alarm box to front of listed commercial premises. – Refused 12/00853/DC – Display of signage associated with ATM and illuminated projecting sign. – Refused 21/01860/FUL – Installation of retractable awning to shopfront. – Refused 22/02416/FUL – Installation of awning. – Granted subject to conditions <u>Enforcement</u> 19/00539/EN – Enforcement Enquiry – Closed 21/00195/EN – Enforcement Enquiry – Closed
SITE VISITS (DATES)	A site visit was not deemed to be necessary; the Case Officer has been able to undertake a full assessment based on the information provided and resources available.
SITING	The application relates to a ground floor unit which is part of a tenement block located on Pollokshaws Road. The ground floor unit is currently in use as a coffee shop/sandwich bar (Class 1A) with 3 storeys of residential flats above. The surrounding area is characterised by rows of residential tenement blocks with ground floor commercial uses. The application site is a Category B listed building and is located within Strathbungo Conservation Area. The application site is within Ward 6 – Pollokshields.
DESIGN AND MATERIALS	The proposal consists of a change of use from a coffee/sandwich shop (Class 1A) to a hot food takeaway (Sui Generis) with the installation of extraction flue on the rear elevation terminating 1 metre above the eaves. The proposed plans show no alterations to the existing internal refuse and recycling store. The supporting statement submitted states the refuse will be placed outside for uplift at the appointed time by the appointed contractor.

	<p>The proposed opening hours are 8am-11pm Monday – Thursday and 8am-12midnight Friday and Saturday.</p> <p>A proposed sample menu has been submitted which includes breakfast items, toasties, hot deli rolls and cold deli rolls.</p>
DAYLIGHT	No Development Plan issues.
ASPECT	The front elevation of the building faces south east.
PRIVACY	No Development Plan issues.
ADJACENT LEVELS	No Development Plan issues.
LANDSCAPING (INCLUDING GARDEN GROUND)	Not relevant to this application.
ACCESS AND PARKING	No concerns.
SITE CONSTRAINTS	High Coal Risk Area
OTHER COMMENTS	<p><u>Assessment</u></p> <p>Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise.</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. <p>In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017.</p> <p>National Planning Framework 4 (NPF4)</p> <p>The policies of relevance to this proposal within the National Planning Framework 4 are considered below:</p> <p>Due to the scale, nature and location of the proposed development, the following policies are considered:</p> <p><u>Policy 1</u> is an overarching policy which states:</p> <p><i>“When considering all development proposals significant weight will be given to the global climate and nature crises.”</i></p> <p>Comment: The officer takes this into consideration in the assessment. See below.</p> <p><u>Policy 2</u> is an overarching policy which requires:</p> <ul style="list-style-type: none"> a) <i>“Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</i> b) <i>Development proposals will be sited and designed to adapt to current and future risks from climate change.</i> c) <i>Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”</i> <p>Comment: The proposed development generally complies with criteria (a) – (c) above, as it aims to extend the life of the existing building by way of a change of use with minimal external alterations.</p>

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 Strathbungo 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.

The relevant criteria in 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 highly 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 – City, town, local and commercial centres

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 residential block, 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

Policy CDP1 & SG1 also applies to this application.

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 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 propose use. A supporting statement has been submitted which states the refuse will only be placed outside for uplift at the appointed time by the appointed contractor. 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 – Network of Centres

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, 38% of the existing street block consists of hot food takeaway and public house uses. The addition of the proposed hot food takeaway would increase this to 46%. As such, this would be detrimental to residential amenity and would not accord with the above supplementary guidance.

The applicant has provided a sample menu which consists of breakfast muffins, toasties and hot and cold deli rolls. This type of food would typically not require a flue, therefore, it is likely the menu proposed would differ from what is sold on site if the application was to be granted.

The applicant has stated that the hours of operation would be 8am to 11pm Monday to Thursday and 8am to midnight on Friday and Saturday.

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."

Overall, 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 extract, 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 – Historic Environment:

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

	<p><i>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.</i></p> <p>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 Strathbungo 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.</p> <p>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.</p> <p><u>CDP 11 & SG 11 – Sustainable Transport</u></p> <p>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 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. One representation has 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 4, 9 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: 11.09.2024	DM Officer	Laura Johnston
Date: <u>13/09/2024</u>	DM Manager	Ross Middleton