



## Planning Applications Committee

### Report by

Executive Director of Neighbourhoods, Regeneration and Sustainability

Item 1(b)

5th August 2025

Contact: Lauren Springfield Phone:

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**Application Type** Full Planning Permission

**Recommendation** Grant Subject to Condition(s)

<b>Application</b>	<a href="#">24/00156/FUL</a>	<b>Date Valid</b>	01.04.2024
<b>Site Address</b>	244 Albert Drive Glasgow G41 2NL		
<b>Proposal</b>	Use of retail unit (Class 1A) as hot food takeaway (Sui generis), amalgamation with adjoining hot food takeaway operating from 246 Albert Drive and frontage alterations.		
<b>Applicant</b>	Raja's Pizza Mr Waleed Nizam 244 Albert Drive Glasgow G41 2NL	<b>Agent</b>	David Bell Architect David Bell 1 John's Place Edinburgh EH4 2WL
<b>Ward No(s)</b>	06, Pollokshields	<b>Community Council</b>	Pollokshields
<b>Conservation Area</b>	East Pollokshields	<b>Listed</b>	N/A
<b>Advert Type</b>	Affecting a Conservation Area/Listed Building  Bad Neighbour Development	<b>Published</b>	12 April 2024
<b>City Plan</b>	Albert Drive Local Town Centre		

## Representations/Consultations

### Representations

10no. representations from third parties were received during the neighbour notification period. One of the third parties is the amenity group Architectural Heritage Society of Scotland.

All the representations received object to the proposed development. Of these 10no. representations, 2no. representations were received from one person and as such these representations are 1no. material representation with the points raised in each considered in this Committee Report. Of the remaining 8no. representations, 7no. representations are assessed to be material representations.

Therefore, 8no. material objection representations were received during the neighbour notification period. The material grounds of objection are summarised below:

- Increased vehicle traffic, increased on-street parking and double parking, and potential road and pedestrian pavement safety issues resulting from increased activity generated from the amalgamated premises. 1no. of the representation's references SG4 Assessment Guideline 13: Parking and Servicing Requirements which is related to this ground of objection.

- Increased operational and customer noise pollution from the amalgamated premises which may negatively impact on the residential amenity of neighbours in flats.
- Increased environmental health / public health issues, such as: litter from takeaway packaging, commercial waste disposal, pests, increased cooking and heating fumes and use of existing flue serving Raja's Pizza Bar in the 246 Albert Drive unit which the neighbours have submitted information which shows prior maintenance issues. 1no. of the representation's references SG4 Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes which is related to this ground of objection.
- The proposed shop frontage alterations to the application properties (244 and 246 Albert Drive), as shown on the submitted (and now superseded) Existing Plans and Elevations drawing (dwg no. PL 01), do not comply with relevant policies in SG9, Section A: Works Affecting the Exterior of Listed Buildings and Unlisted Buildings in Conservation Areas, Alterations to Shops and Other Commercial Buildings and as such would not enhance the East Pollokshields Conservation Area.
- The proposed change of use of the 244 Albert Drive commercial unit from Class 1A to hot food takeaway would increase the proportion ground floor units in non-Class 1A use, and specifically *"food, drink and entertainment uses from 16.5% to 33%, exceeding the 20% quota"* which is contrary to SG4 Assessment Guideline 10: Food, Drink and Entertainment Uses. The text in quotes, or a version or if, is used in 5no. of the 8no. material objection representations.

The following non-material objections were raised:

- No advertisement consent application has been submitted.
- Fast food facilities near local primary schools should be avoided.
- Loss of on-street parking spaces for residents.
- Lack of public litter bins on the adopted pavement for customer use and disposal of waste.
- Information stated within the application form regarding the extent of proposed works.
- Disagreement with the content application form submitted on 23 January 2024 where the Description of Proposal section states *"Replacement shop frontage and signage"*, the agent answered *"No"* to the question *"If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use)"*, and the Existing Use is stated to be *"Hot food takeaway"*. The representation states, correctly, that the established use of 244 Albert Drive is Class 1 (now Class 1A) and that it is not hot food takeaway (Sui Generis). This is a non-material objection as the Planning Authority is aware of this information and knows that the content of the application form as submitted is inaccurate. Which is why the description of development for the application has been changed to and validated as *"Use of retail unit (Class 1A) as hot food takeaway (Sui generis), amalgamation with adjoining hot food takeaway operating from 246 Albert Drive and frontage alterations."*
- A planning application (reference 17/01945/DC) at the neighbouring ground floor unit 252 Albert Drive was refused planning permission for the *"Use of shop (class 1) as hot food takeaway (sui generis)."*

Under the terms of the Scheme of Delegation, Executive Director of Neighbourhoods, Regeneration and Sustainability section in paragraph 44 (a) (ii), this application requires to be reported to the Planning Applications Committee as *"there are material objections received in writing by the end of the overall expiry date... from 6 or more third parties to any type of application"*.

### **Consultations**

No external or statutory consultations were required or sought for this application.

### **Planning History**

The planning history for 244 Albert Drive is:

01/00038/DC – Display of externally illuminated fascia signage. – Grant Subject to Condition(s)

01/00039/DC – Installation of shopfront. – Grant Subject to Condition(s)

The planning history for 246 Albert Drive is:

91/02487/DC – Display of externally illuminated fascia sign. – Grant Subject to Condition(s)

06/03604/DC – Use of shop as hot food takeaway (Sui Generis) and erection of rear ventilation flue – Grant Subject to Condition(s)

19/03536/FUL – Application to amend condition 2 of planning consent 06/03604/DC to extend opening hours until midnight (24:00) on Friday and Saturday. – Grant Subject to Condition(s)

20/03159/FUL – Application to amend condition 2 of planning consent 19/03536/FUL to extend opening hours until midnight (24:00) Sunday - Thursday. – Grant Subject to Condition(s)

24/00189/EN – Alleged Breach: Flue Not Maintained – Case Closed

## **Site and Description**

### **Site Description**

The application site encompasses two adjacent ground floor commercial units – 244 and 246 Albert Drive.

Raja's Pizza Bar, the applicant's business, is in established and operational use as a hot food takeaway (sui generis) in the ground floor unit at 246 Albert Drive. Planning permission was granted for the hot food takeaway use under the original application 06/03604/DC. This original application has had two further planning applications to amend condition 2 and extend the opening hours of this unit midnight. Please refer to the Site History section of this report.

The ground floor commercial unit at 244 Albert Drive is in established use as Class 1, now Class 1A. This unit has been vacant since 2023. As identified in representations received by third parties, the short period of operation of the unit by a business trading as Tidbits in hot food takeaway (sui generis) use was unauthorised (a breach of planning control) and did not / does not change the established use of this unit from Class 1A to hot food takeaway (sui generis). The unit has remained vacant since at least the submission of the application in January 2024.

The ground floor commercial units are adjacent to one another in a traditional three-storey tenement building, 244 to 252 Albert Drive. The building is finished in blonde ashlar sandstone and slate, and it is a mid-terrace tenement building between two corner tenement buildings (236 and 240 Albert Drive / 34 Keir Street, and 254 and 258 Albert Drive / 29 Herriet Street) forming the block on the north side of Albert Drive.

There are six commercial units at ground floor level on this block: 240 Albert Drive, 244 Albert Drive, 246 Albert Drive, 252 Albert Drive, 254 Albert Drive, and 258 Albert Drive.

### **Designations**

The application site is within the designated Albert Drive Local Town Centre, as defined in **SG4** paragraphs 2.10, 2.11 and Table 3 – Local Town Centres.

As informed by site visits and the Albert Drive Retail Survey 2024, which assesses the existing use classes within designated town centres, these commercial units are currently in the following operation and established use classes:

1. 240 Albert Drive – Vacant operation – 12+ Months Class 1A
2. 244 Albert Drive (within application site) – Vacant operation – 12+ Months Class 1A
3. 246 Albert Drive (within application site) – Raja's Pizza Bar – Hot Foot Takeaway (Sui Generis)
4. 252 Albert Drive – Al Hamra Food Store – Former Class 1, now Class 1A
5. 254 Albert Drive – Emri Barbershop – Former Class 1, now Class 1A
6. 258 Albert Drive – Amzii's Hair & Beauty – Former Class 1, now Class 1A

The existing uses within this block are therefore 5 out of 6 units in established Class 1A use (i.e. 83.33%) and 1 out of 6 units in non-Class 1A use (i.e. 16.67%).

According to the same survey, in the wider Albert Drive Local Town Centre the proportion of units in Class 1A use is 73.7% and the proportion of units in non-Class 1A uses is 26.3%.

The application site is an unlisted building. It is within the designated East Pollokshields Conservation Area, and within Ward 6 – Pollokshields.

## **Access and Parking**

Access to the application site remains unchanged.

The application site is within an area of High Accessibility for public transport.

There is no proposed change to vehicle parking for the site. No off-site provision exists, and no off-street provision is proposed. While it is noted that the surrounding area does have ongoing parking issues as raised by representations made to this application and in consultations made to the Liveable Neighbourhoods programme project for Pollokshields East to Gorbals which focuses on Albert Drive, it is noted that the site is in a highly sustainable location in terms of transport which is discussed further below.

## **Proposal**

The description of development is *“Use of retail unit (Class 1A) as hot food takeaway (Sui generis), amalgamation with adjoining hot food takeaway operating from 246 Albert Drive and frontage alterations.”* The proposed development comprises the:

- Amalgamation of the two units – 244 and 246 Albert Drive – into one commercial unit. The act of amalgamating two units into one unit is development and does require explicit planning permission. However, the physical work proposed to amalgamate the two units into one unit is a single internal alteration that does not require explicit planning permission. The internal alteration is the formation of a new door opening in an existing partition wall at the rear of the 244 Albert Drive unit as shown on the Ground Floor Plan Proposed on the revised Existing & Proposed Plans and Elevations drawing (dwg no. PL01 Rev C) submitted on 28 July 2025.
- The change of use of the newly formed amalgamated unit from its partial established use as Class 1A (i.e. the 244 Albert Drive unit area) into overall hot food takeaway (Sui generis) use is development and requires explicit planning permission.
- The external alterations to the shop frontage as shown on the revised Existing & Proposed Plans and Elevations drawing (dwg no. PL01 Rev C) submitted on 28 July 2025 are:
  - Replacement of the existing shop frontage for 244 Albert Drive with a new timber framed door and windows glass frontage, finished in black paint
  - Replacement of existing shop frontage for 246 Albert Drive with a new timber framed door and windows glass frontage, finished in black paint
  - Installation of stall risers with black granite effect tiles and dark grey grouting
  - Replacement of existing large fascia on 246 Albert Drive with a new timber fascia at original depth to match the fascia proportions of the building
  - Installation of new dead panel timber sub-fascias to overlay new shop security shutters housings, finished in black paint and left free of signage / advertising
  - Repair / refurbishment of the existing stone moulding that sits above the fascia
  - Replacement / refurbishment of timber mouldings that separate the unit fascias, finished in black paint
  - Installation of 4no. projecting signage downlights over 246 Albert Drive shop frontage, in black finished aluminium
  - Installation of 3no. projecting signage downlights over 244 Albert Drive shop frontage, in black finished aluminium

## **Specified Matters**

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

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

#### **i. An environmental statement**

Not applicable.

**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 to the condition and that it will either imposed or need not be imposed.**

Not applicable.

## **Policies**

### **National Planning Framework 4 (NPF4) Policies**

Policy 1. Tackling the climate and nature crises

Policy 2. Climate mitigation and adaptation

Policy 7. Historic assets and places

Policy 9. Brownfield, vacant and derelict land and empty buildings

Policy 12. Zero waste

Policy 13. Sustainable transport

Policy 14. Design, quality and place

Policy 23. Health and safety

Policy 27. City, town, local and commercial centres

## **City Development Plan (CDP) Policies**

CDP1 and SG1 (Part 2): The Placemaking Principle

CDP2: Sustainable Spatial Strategy

CDP4 and SG4: Network of Centres

CDP9 and SG9: Historic Environment

CDP11 and SG11: Sustainable Transport

## **Material Considerations**

The East Pollokshields Conservation Area Appraisal

## **Assessment and Conclusions**

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.

Under the terms of Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Council is required to have 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 preserves or enhances the character or appearance of the Conservation Area;
- c) whether any other material considerations (including objections and supplementary guidance) 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) and (b), the Development Plan comprises the National Planning Framework 4 adopted 13th February 2023 and the Glasgow City Development Plan adopted on the 29th March 2017 as well as associated supplementary guidance which supports both plans.

## **Policies 1 and 2 of NPF4 and CDP2 of the CDP**

Policy 1 is an overarching policy which requires planning authorities to *“When considering all development proposals significant weight will be given to the global climate and nature crises.”*

Policy 2 seeks to ensure that proposals are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible (criteria a) and allow adaptation to current and future risks of climate change (criteria b).

CDP2 aims to *“influence the location and form of development to create a ‘compact city’ form which supports sustainable development.”* It states that the Council will support new development proposals that:

- “1. Accord with the current National Planning Framework...; ...*
- 5. Protect and reinforce town centres as the preferred locations for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities; ...*
- 9. Focus economic development in ... town centres and other appropriate sustainable locations; ...*
- 10. Contribute to the development of vibrant and accessible residential neighbourhoods; ...”*

**Case Officer Assessment:** The proposed development complies with Policy 1 due to its scale, siting and nature. The amalgamation of the two commercial units into one commercial unit, the associated

change of use of the floorspace area of the 244 Albert Drive unit through this amalgamation, and the shopfront external alterations will have minimal to no impact on the global climate and nature crises.

The proposed development complies with Policy 2 and CDP2 as, again, the amalgamation of two adjoining commercial units into one unit and the use of the amalgamated unit as a hot food takeaway in a Local Town Centre and in an established urban area of the city with a high accessibility to public transport is consistent with compact urban growth, focusing economic development in designated town centres which reinforces them as the preferred location for uses which generate footfall, and is sited to minimise lifecycle greenhouse gas emissions.

Raja's Pizza Bar is an existing and operating hot food takeaway business in a commercial unit (246 Albert Drive) which has permission for this use (planning reference 06/03604/DC). The expansion of the business into the adjoining unit and the internal and external alterations proposed to amalgamate these units is considered minor in scale in relation to Policies 1 and 2 of NPF4 and in line with the relevant aims of CDP2.

### **Policy 7 of NPF4 and CDP9 and SG9 of the CDP**

**Policy 7** of NPF4 is similar in its intent as **CDP9** and **SG9** of the CDP in that these policies aim to protect and enhance the historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. This includes works to unlisted buildings within Conservation Areas. With regards to shopfront alterations specifically there is a requirement to preserve original features and restore traditional shopfront arrangements where possible.

**Case Officer Assessment:** The application site has an established history as two commercial units. As it is within an unlisted building, the details of the internal alteration works are not defined as development and do not require planning permission. The development is specifically the amalgamation and use of 244 Albert Drive as additional space for the existing hot food takeaway business operating in 246 Albert Drive, and the external shop frontage alterations. The revised Existing & Proposed Floor Plans and Elevations drawing (dwg no. PL01 Rev C) shows these works.

The proposed development retains the two shop frontages as distinct from one another, although the units will be internally connected, and replaces the existing non-original and non-traditional shop frontage both units – fully glazed windows and doors, aluminium framed and door, no stall risers, overlarge fascias – with more traditional shop frontages in design and materiality.

The proposed use of the following are welcome and a long negotiated outcome of discussions between the applicant, their agent and the planning authority: timber framed windows; doors with wooden panels and glazing; timber framed fan lights; stall risers in tile and mortar finish; timber fascia panels that match the depth and proportion of the original fascia panel level as visible underneath the current overlarge fascia; and use of a timber sub-fascia panel to overclad the new security shutter housing and visually hide the existing lowered ceiling. The proposed externally mounted security shutters with hidden housing are considered acceptable subject to a condition which restricts the installation of solid security shutters. The repair of the existing and original stone moulding feature which is horizontal above the replacement fascia panels and the repair or replacement of the timber moulding brackets which are vertical between the replacement fascia panels is also welcome. The black and dark grey colour finish will visually unify the shop frontages.

The proposal is therefore compliant with the relevant criteria in SG9 paragraph 2.91 which are criteria (b), (c), (e)(ii) and (e)(iii), and by association SG9 paragraph 2.17 criteria (a) and (c) – (e) and Policy 7 criteria (d)(i) – (d)(iii).

As such, the proposed development would preserve and enhance the character and appearance of East Pollokshields Conservation Area as the external shop frontage alterations will replace non-original and non-traditional frontages with more traditional frontages in design and materiality and set a positive visual tone for this block and the surrounding Albert Drive Local Town Centre.

### **Policies 9 and 12 of NPF4 and CDP4 and SG4 of the CDP**

**Policies 9 and 12** of NPF are similar in their intent to **CDP4** and **SG4** with regards to directing development to the right location which includes maximising the use of existing vacant buildings and units, and the appropriate waste management for hot food takeaway (Sui Generis) uses. Food and drink uses which increase the vibrancy of identified centres will be supported but only where appropriate arrangements for the management of waste are provided.

**Case Officer Assessment:** The proposed development will bring into active use a ground floor commercial unit in a designated Local Town Centre which has been vacant for more than 12 months.

This complies with the Policy 9 criteria (d), Policy 12 criteria (b)(i), and the identified relevant aims of CDP4 above which refer to directing appropriate footfall generating uses to Town Centres and to protecting and revitalising designated Town Centres.

The agent submitted details in writing of the existing waste storage, management and disposal for Raja's Pizza Bar and unit 246 Albert Drive. The existing method of waste management for this business – i.e. commercial contract for pavement pick up at dedicated collection times from a commercial waste management company – was discussed with the Council's waste and operations support officer and confirmed to be acceptable for the proposed development. Large commercial waste bins sitting permanently on the adopted public pavement for use by the business was confirmed by the same officer to be unacceptable. As there is no space within the application site for large commercial waste bins to be sited, either internally or externally, in unit storage and commercial pick up from kerbside is the only acceptable solution for waste management of this application site and operation. In short – the proposed development will continue to use the existing accepted waste storage, management and disposal as the existing Raja's Pizza Bar unit. Material objections raised in representations regarding the potential for increased environmental health issues relating to the existing business operation are noted, solutions have been discussed, and any further issues relating to the application site will be addressed through environmental health processes by the Council.

As such, the proposal complies with Policy 12 criteria (c) and SG4 Assessment Guideline 14.

### **Policy 13 of NPF4 and CDP4, CDP11, SG4 and SG11 of the CDP**

**Policy 13, CDP4 and SG4, and CDP11 and SG11** aim to ensure all proposed developments deliver appropriate sustainable transport. In particular good access to public transport, walking, wheeling and cycling networks and cycle parking are required where appropriate.

SG11 Table 2.3: Shopping and Commercial and Table 2.4: Recreational demonstrates that the minimum cycle parking provision standard for Retail as per Table 2.3 (i.e. Class 1A) will likely be the same as the standard for Public Houses, Restaurants, Cafes, Social Clubs, Licensed Clubs and Functions Rooms as per Table 2.4 (i.e. hot food takeaway) for the size and scale of this unit. This means that whether unit 244 Albert Drive is in use as Class 1A or as hot food takeaway (sui generis), the minimal cycle parking provision standard is the same – 1 customer space and 1 employee space.

SG11 paragraph 6.1 confirms that SG11 sets out maximum car parking standards by development type, including retail and commercial uses, and that the standards are related to public transport accessibility. SG11 paragraph 6.7 continues that parking provision for minor non-residential developments should be assessed against the maximum parking standards set out in the Tables.

SG11 Table 3.3: Shopping and Commercial Parking and Table 3.4: Recreational Parking state that the maximum car parking standard for the proposed use of hot food takeaway at this site in a High Accessibility area is 2 spaces per 100sqm PFA. As this is a maximum standard, there is no requirement for the applicant to provide any dedicated car parking provision under policy.

**Case Officer Assessment:** As described in the Access and Parking section of this report above, the existing pedestrian, cycle and vehicle access to the application site and to the proposed amalgamated unit will remain the same. No off-street vehicle parking facilities are proposed, however, the development is in a High Accessibility public transport area. The continued use of existing on-street parking is therefore appropriate and complies with SG11. Seven on-street secure cycle parking rack locations exist on the adopted public pavement along Albert Drive, three of which are within view and proximity of the application site, and these racks can be used to meet the minimum cycle parking standard for visitor and employee cycle parking requirements.

The proposed change of use accords with the above relevant policy requirements of Policy 13, SG4 Assessment Guideline 13, and SG11.

The material objections raised in representations relating to the existing issue of double parking along Albert Drive and in proximity to the application site are noted. However, this is not a planning authority issue, it is a parking enforcement and Police Scotland issue. The use of the unit by a Class 1A business or as an amalgamated unit in hot food takeaway (Sui Generis) use will likely have the same traffic, parking, and road safety issues. The site's location in a High Accessibility area, in a designated Town Centre, and in proximity to public cycle parking racks makes the proposed development compliant with policy.



## **Policies 14, 23 and 27 of NPF4 and CDP1, CDP4, SG1 (Part 2), and SG4 of the CDP**

**Policies 14 and 23** and **CDP1 and SG1 (Part 2)** share the same objectives to promote quality spaces, places and environments through well designed development that uses a design-led approach that applies the Place Principle. Furthermore these policies explicitly state that development which is detrimental to the visual and residential amenity of a site and the surrounding area, or detrimental to the health and wellbeing of people and places, will not be supported. Sensitive design of shopfronts is required which respects the surrounding character and architectural style of the building. Security features should be sensitively designed and sited to minimise visual intrusion.

**Policy 27** is similar in its intent to **CDP4 and SG4** with regards to facilitating appropriate development within designated city and town centres, using the Town Centre First approach to help these centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living. Appropriate development protects and enhances the character and amenity of existing uses, including residential amenity of properties and the health and wellbeing of the community.

Policy 23 criteria (e) states that *“Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.”*

Policy 27 criteria (a) states that *“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.”*

Policy 27 criteria (c) qualifies this general support by stating that *“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.”*

SG4 paragraphs 2.10 and 2.11, and Table 3 – Local Town Centres, confirms that Albert Drive is a designated Local Town Centre. The principal aim of Local Town Centres is to provide a primary shopping function by utilising the compact urban form, typically a high street and tenements with ground floor commercial and residential above, and dense local population to support retail. Non-retail uses including hot food takeaway are “other uses” and their introduction to a centre through the change of use of existing retail units must *“not undermine the shopping function or overall health of the centre.”* The stated SG4 Aims for Local Town Centres in Table 3 are:

- *“Maintain a balance between retail and non-retail uses that protects the shopping function and permits other appropriate town centre uses.*
- *Reduce vacancy levels.*
- *Promote accessibility in order to reduce car dependency and promote social inclusion.*
- *Support investment in the built / physical environment in order to ensure that centres are desirable places to visit and attractive places to invest in.*
- *Support local enterprise.”*

SG4 Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centres requires that: *“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.*

b) If the proportion of f ground floor Class 1 shop units is less than 70%, applications for change of use from Class 1 to non-Class 1 may be permitted where it is demonstrated that the proposal will satisfy a)(i) and (ii) above **and** will achieve at least **one** of the following:

- i. Protect the retail function of the Centre by resulting in not more than 3 adjacent non-Class 1 units within a street block;
  - ii. Deliver the re-use of long-term vacant premises\*\*; and/or
  - iii. Accord with the relevant Spatial Supplementary Guidance.
- c) It will not be necessary to satisfy the criteria within Section b) where there is a long-term pattern of vacant units in a Centre (ie. where the vacancy rate has exceeded 10% for the preceding 2 years or more).
- d) The loss of an operating retail unit, where there are vacant units in a Centre, will normally be resisted.

Note:

**For food, drink and entertainment uses**, refer also to Assessment Guidelines 10-14.

\* All calculations should include vacant units.

\*\* Long-term vacant units are those where the unit is unoccupied and an appropriate marketing exercise has been carried out over a minimum 12 month period (or 18 months if the unit is a significant Class 1 unit, such as a large supermarket or major department store) and has been unsuccessful in attracting Class 1 operators. The applicant will be expected to submit documentation to include details of floorspace, costs and length of lease offered to interested parties to ensure these factors are not unnecessarily acting as a deterrent to Class 1 use. This will remain confidential information. Temporary uses (open for less than 12 weeks and in accordance with the lawful use) will contribute towards the 12 month vacancy period, provided the marketing exercise is ongoing during that period."

The relevant criteria in SG4 Assessment Guideline 10: Food, Drink and Entertainment Uses requires that: "In order to protect residential amenity, the following 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. ...

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."

SG4 Assessment Guideline 12: Treating and Disposal of Cooking/Heating Fumes requires that cooking odours are appropriately dealt with through installation of an appropriate ventilation system.

**Case Officer Assessment:** There are two policy topics to consider within this assessment.

The first is the acceptability of the principle of the proposed development and, specifically, the amalgamation of the two commercial units into one commercial unit in this building and in the designated Albert Drive Local Town Centre.

The second is the detail of the proposed development, and whether the proposal in its entirety will have an unacceptable effect on the residential amenity of neighbours and/or on the character and appearance of the surrounding area which is within the designated Albert Drive Local Town Centre and the designated East Pollokshields Conservation Area.

#### Principle of the Proposed Development

The principle of the amalgamation of the two units into one unit, the bringing back into active use of the long-term vacant (defined as more than 12 months of vacancy) unit 244 Albert Drive through this amalgamation, and the overall use of the amalgamated unit as a hot food takeaway is compliant with Policy 27 criteria (a), CDP1 point 2, the identified points in CDP4, and the stated aims of SG4

paragraphs 2.10 and 2.11, and Table 3 – Local Town Centres. The proposed development would demonstrably reduce vacancy levels, support local enterprise through the expansion and ongoing operation of an existing local business, and would support investment in the build / physical environment to ensure that Albert Drive Local Town Centre is a desirable place to visit and attractive place to invest in.

The proposed development must also comply with the requirements of the following specific policies to comply in principle.

- SG4 Assessment Guideline 5 criteria (a) as the existing proportion of ground floor Class 1A shop units in the Albert Drive Local Town Centre is more than 70% (as assessed in the **Designations** section of this report above).
- SG4 Assessment Guideline 10 criteria (a)(i) which states that 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, and that proposals must not result in a detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes.

#### Detail of Proposed Development

The detail of the proposed development demonstrates the required compliance with SG4 Assessment Guideline 5 criteria (a) as it will contribute positively to the character and appearance of the Town Centre and provide an active frontage (criteria (a)(i)) through the external shop frontage alterations which have already been assessed to comply with Policy 7 of NPF4 and CDP9 and SG9 of the CDP. The case officer considers the proposed external shopfront alterations also comply with:

- Policy 14 criteria (a) as the works will improve the quality of the application site and surrounding area; and
- SG1 (Part 2) paragraph 3.6 criteria (a) and (b), paragraph 3.8 criteria (a) – (f), and paragraph 3.10 criteria (a) as they replace non-original and non-traditional design and materials with traditional design and materials which respects the architectural character of the building and preserves the historic character of the East Pollokshields Conservation Area;

The detail of the proposed development demonstrates the required compliance with SG4 Assessment Guideline 10 criteria (a)(i) as the amalgamation of the two units into one unit will change the total number of units in the block from 6 to 5. This reduction in units means that the proportion of units in Class 1A use on the block is 4 out of 5 (i.e. 80%), and the proportion of units in hot food takeaway use on the block is 1 out of 5 (i.e. 20%).

Furthermore, the proposal will not have “*an unacceptable effect on town centre or residential amenity*” as required by SG4 Assessment Guideline 5 criteria (a)(ii) or a “*detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes*” as required by SG4 Assessment Guideline 10 criteria (a)(i). The amalgamated unit will use the existing and permitted flue to disperse cooking fumes, which is in compliance with SG4 Assessment Guideline 12 criteria (a) and (b), and the oversight of the ongoing maintenance and operation of that flue (noise and cooking fumes) is in the remit of the Council’s environmental health officers, not planning officers. A recent report on a deep clean of the flue has been submitted by the applicant to demonstrate recent maintenance which is also required to continue by condition. The existing and permitted hours of operation for Raja’s Pizza Bar will be applied to the amalgamated unit and will not result in an unacceptable increase in noise and activity from operation of the business or customer use. A condition is also recommended which requires the amalgamated unit to share the existing kitchen at 246 and prevents installation of a further kitchen within 244. This condition should ensure that the unit operates as described in the application i.e. an expansion of the floorspace of the existing hot food takeaway and not a new separate hot food takeaway. This condition is considered necessary as the installation of a further kitchen could potentially generate significantly more fumes, noise and disturbance to residential amenity as a result. Subject to the conditions described above the proposal is therefore in general compliance with Policy 23 criteria (e).

On balance, the proposed development is assessed to be compliant with Policy 27 criteria (a) and (c).

#### Representations

In response to the material representations received:

- Increased vehicle traffic, increased on-street parking and double parking, and potential road and pedestrian pavement safety issues resulting from increased activity generated from the amalgamated premises. 1no. of the representation’s references SG4 Assessment Guideline 13: Parking and Servicing Requirements which is related to this ground of objection.

*Existing issues with inappropriate parking are not a consideration for this application. The location is considered to be a sustainable location in terms of transport with good options for public transport, walking and wheeling to the site. As a result it is identified as a location of High Accessibility where the need to travel by car is minimised and therefore appropriate for the use proposed. Parking requirements have been discussed above.*

- Increased operational and customer noise pollution from the amalgamated premises which may negatively impact on the residential amenity of neighbours in flats.

*As discussed above the recommended conditions are considered appropriate to limit the operation of the amalgamated unit to a level that does not result in significant harm to residential amenity.*

- Increased environmental health / public health issues, such as: litter from takeaway packaging, commercial waste disposal, pests, increased cooking and heating fumes and use of existing flue serving Raja's Pizza Bar in the 246 Albert Drive unit which the neighbours have submitted information which shows prior maintenance issues. 1no. of the representation's references SG4 Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes which is related to this ground of objection.

*As above the conditions limit the cooking facilities to those existing so should not result in additional disturbance from cooking operations.*

- The proposed shop frontage alterations to the application properties (244 and 246 Albert Drive), as shown on the submitted (and now superseded) Existing Plans and Elevations drawing (dwg no. PL 01), do not comply with relevant policies in SG9, Section A: Works Affecting the Exterior of Listed Buildings and Unlisted Buildings in Conservation Areas, Alterations to Shops and Other Commercial Buildings and as such would not enhance the East Pollokshields Conservation Area.

*During the course of the application significant amendments to the plans have been made and the proposals are now considered to be appropriate and an improvement to the site's appearance and contribution to the conservation area.*

- The proposed change of use of the 244 Albert Drive commercial unit from Class 1A to hot food takeaway would increase the proportion ground floor units in non-Class 1A use, and specifically "food, drink and entertainment uses from 16.5% to 33%, exceeding the 20% quota" which is contrary to SG4 Assessment Guideline 10: Food, Drink and Entertainment Uses. The text in quotes, or a version of it, is used in 5no. of the 8no. material objection representations.

*This is considered above and as an amalgamation rather than a new unit the proportions of these uses does remain at 20% as required by the guidance.*

## **Conclusion**

The above demonstrates that the proposed development complies with the relevant policies of the Development Plan, subject to conditions. On the basis of the foregoing, it is recommended that the application for planning permission be granted subject to the following suggested conditions.

In terms of issues (a) and (b), therefore, 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 (c), with regard to the material considerations, the representations received have been fully considered in this assessment as has the East Pollokshields Conservation Area Appraisal and no consultations were required.

## **Drawings**

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

01. PL 02 SITE LOCATION PLAN; Received 23 January 2024
02. PL 01 Rev C EXISTING & PROPOSED PLANS AND ELEVATIONS; Received 28 July 2025

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

## **Conditions and Reasons**

01. The development to which this permission relates shall be begun no later than the expiration

of three years beginning with the date of grant of this permission.

Reason: In the interests of certainty and the proper planning of the area, and to comply with section 58(1) of the Town and Country Planning (Scotland) Act 1997, as amended.

02. Prior to its use on site, details of the new security shutters and its housing, including specification and materials, shall be submitted to the Planning Authority for approval. No solid roller shutters or projecting roller shutter housings shall be included in the development.

Reason: In order to protect the appearance of both the property itself and the surrounding area

03. The hours of operation for the hot food takeaway use shall be restricted to 11:30 hours to 24:00 hours (midnight) 7 days a week.

Reason: In order to safeguard residential amenity.

04. (a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of suitable ducts carried up the adjoining gable wall and terminating at a point 1 metre above eaves level. The duct shall be free from any obstruction such as a plate, cowl, or 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 prior to the start of the use hereby approved. The elements to be included are:

- (i) Canopies - A suitable 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) Air Input - A suitable 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 and management scheme for the ventilation and filtration systems including all aspects referred to in conditions (a) and (b) above shall be submitted to, and shall be approved in writing by, the Planning Authority prior to the commencement of the use hereby approved and shall thereafter be implemented as approved.

- (d) Mechanical and electrical installations shall be suitably 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, all to the written satisfaction of the Planning Authority.

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

05. Noise from or associated with the completed development (the building and fixed plant) 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 (NRC) 35 between the hours of 0700 hours and 2400 hours and Noise Rating Curve (NRC) 25 at all other times.

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

06. All mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

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

07. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall

be completed before the units are amalgamated.

Reason: In order to protect the appearance of both the property itself and the surrounding area

08. No canopies shall be included in the development, without the prior approval of the Planning Authority.

Reason: In order to protect the appearance of both the property itself and the surrounding area.

09. No further kitchen or cooking facilities shall be installed within 244 Albert Drive and the hot food use of this unit hereby approved shall be solely served by kitchen facilities contained within 246 Albert Drive.

Reason: To ensure compliance with CDP Policy 4 and the associated Supplementary Guidance 4 and to ensure the scale of the use is appropriate in terms of residential amenity.

#### **Reason(s) for Granting this Application**

01. 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.

#### **Advisory Notes to Applicant**

01. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build or maintain this approved development. Such consent should be obtained prior to the commencement of works on site
02. The applicant is advised that, if the proposals hereby approved are altered in any way, for example as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the planning authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.
03. Commercial waste from the premises requires to be disposed of in accordance with the Duty of Care requirement under section 34 of the Environmental Protection Act 1990. Waste transfer notes require to be obtained for the disposal of such waste and retained for a period of two years.
04. Premises used for the purposes of a food business require to register under the Food Premises (Registration) Regulations 1991. An application form for registration of the premises or change of details of an existing registration can be obtained from Land and Environmental Services (Environmental Health).

#### **Advisory Notes to Council**

None

for Executive Director of Neighbourhoods, Regeneration and Sustainability

DC/LSP/30/07/2025