

REPORT OF HANDLING FOR APPLICATION 23/02610/FUL

ADDRESS:	63 Saxon Road Glasgow G13 2YQ	Item 3 8th October 2024
PROPOSAL:	Use of church hall (Class 10) as restaurant (Class 3) and hot food takeaway (Sui generis), includes installation of extract flue and formation of entrance door.	

DATE OF ADVERT:	17 November 2023
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>One representation was received in objection to the application. It can be summarised as follows:</p> <ul style="list-style-type: none"> • Road safety • Proposed use may encourage young people to gather and create noise • Increase in litter and impact on local drains • Odour and noise from ventilation • Local area is zoned as residential <p>Case Officer comment:</p> <ul style="list-style-type: none"> • Road safety including parking has been considered in detail below • Anti-social behaviour including noise and litter is the remit of the Police and is not a material planning consideration • Ventilation has been considered in detail below • The Scottish planning system is discretionary and does not allow areas to be zoned for a particular use. Consequently, this application is required to be assessed on its own merits against the Development Plan and any other material considerations.
PARTIES CONSULTED AND RESPONSES	None
PRE-APPLICATION COMMENTS	None

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 following NPF4 policies are considered to be relevant to the proposal. The summaries below highlight key aspects of the policies which specifically relate to the proposal.</p> <p><u>Policy 12 Zero Waste</u></p> <p>Policy 12 promotes development that is consistent with the waste hierarchy. Development proposals that are likely to generate waste when operational will set out</p>

	<p>how much waste the proposal is expected to generate and how it will be managed including:</p> <ul style="list-style-type: none"> i) provision to maximise waste reduction and waste separation at source, and ii) measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities. <p><u>Policy 14 Design, quality and place</u></p> <p>Development proposals that are poorly designed or detrimental to the amenity of the surrounding area will not be supported.</p> <p><u>Policy 15 Local Living and 20 minute neighbourhoods</u></p> <p>Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area.</p> <p><u>Policy 23 Health and safety</u></p> <p>The intent of Policy 23 is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing</p> <p><u>Policy 27 City, town, local and commercial centres</u></p> <p>Development proposals for non-retail uses including hot food takeaways 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.</p>
<p>CITY DEVELOPMENT PLAN POLICIES</p>	<p>The following City Development Plan policies and associated Supplementary Guidance are considered to be relevant to the proposal. The summaries below highlight key aspects of the policies which specifically relate to the proposal.</p> <p><u>CDP 1 & SG 1 The Placemaking Principle</u></p> <p>CDP 1 The Placemaking Principle requires a holistic, design-led approach to development to achieve the City Development Plan's key aim of creating and maintaining a successful, high quality, healthy place.</p> <p>SG 1 Part 1 sets the context and approach to placemaking established in CDP 1. It notes that placemaking principles should inform all development. New development should not have an undue adverse impact on the amenity of adjacent land or property.</p> <p>SG 1 contains specific guidance on community facilities, which it defines as: 'facilities which provide for the health and well-being, educational, recreational, leisure, spiritual and cultural needs of the local community'.</p> <p>The Council will safeguard against the loss of community facilities, unless it can be demonstrated that they are no longer needed by the community they serve and are not needed for other community or recreational use.</p> <p>Proposals which involve the loss of land and/or buildings valued as a community facility will only be permitted if evidence can be provided to prove:</p> <ul style="list-style-type: none"> a) there is adequate existing local provision of facilities of equivalent community value; or b) the facility can be replaced, to at least its existing level and quality, within the new development; or c) suitable replacement community facilities of equivalent quality, quantity and community value will be provided at new locations accessible in terms of active travel and public transport; or d) there is no longer a need within the local community for the facility.

	<p>In terms of (d), applicants are expected to provide evidence to prove the lack of current and future local need in order to justify the loss of a community facility. The following information will be required:</p> <ul style="list-style-type: none"> a) details of attempts made to attract other community uses for which the premises are suitable; b) details of the current or most recent use of the facility; c) evidence of spare capacity or an agreement to accommodate displaced users at other equivalent facilities and evidence that users will be able to easily access the replacement facility by sustainable and active transport methods; and d) evidence that community engagement was undertaken to gauge the level of interest in and viability of the continued use of the premises as a community facility. <p>SG 1 requires that external fittings such as flues are located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards.</p> <p>SG 1 requires that the base walls of access ramps on the public face of a building should match the colour and materials of the wall to which the ramp is attached, in order to minimize the visual impact of the ramp.</p> <p><u>CDP 2 Sustainable Strategy</u></p> <p>The Council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable City. In doing so, the Council will support new development proposals that: 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.</p> <p><u>CDP 4 & SG 4 Network of Centres</u></p> <p>The proposal is for a composite hot food shop/Class 3 use and should be assessed against the specific guidance for food, drink and entertainment uses in Assessment Guideline 10.</p> <p>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:</p> <ul style="list-style-type: none"> a) City-Wide: <ul style="list-style-type: none"> (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. ... c) Outwith the City Centre: <ul style="list-style-type: none"> (i) Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings. ... (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. <p>The treatment and disposal of cooking/heating fumes should be considered. The application should be assessed against Assessment Guideline 12.</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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;
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	<p>(ii) Full specifications of the proposed ventilation system, including the design, size, location and finish;</p> <p>(iii) A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and</p> <p>(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.</p> <p>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.</p> <p>d) A suitably qualified engineer must undertake the design and installation of the ventilation system.</p> <p>e) If the applicant cannot adequately address the Council's requirements in terms of ventilation, the Council may require to control the method of cooking through the use of conditions.</p> <p>SG 4 Assessment Guideline 13 requires that parking and servicing requirements associated with proposed food, drink and entertainment uses must comply with Section B of SG 11 Sustainable Transport and must not result in parking and/or traffic congestion.</p> <p>SG 4 Assessment Guideline 14 requires that proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.</p> <p><u>CDP 11 & SG 11 Sustainable Transport</u></p> <p>CDP 11 aims to ensure that Glasgow is a connected City, characterised by sustainable and active travel, by: supporting better connectivity by public transport; discouraging non-essential car journeys; encouraging opportunities for active travel; and reducing pollution and other negative effects associated with vehicular travel.</p> <p>SG 11 sets out the Council's requirements for cycle parking and car parking.</p>
OTHER MATERIAL CONSIDERATIONS	It is not considered that there are any other material considerations.
REASON FOR DECISION	<ol style="list-style-type: none"> 1. 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. 2. No evidence has been submitted to satisfy the criteria for safeguarding community facilities set out in paragraphs 1.46 and 1.47 of Supplementary Guidance 1 - The Placemaking Principle (Part 2). This would result in the unjustified loss of a facility that could provide benefit to the local community and is contrary to Glasgow City Development Plan Policy CDP 1 The Placemaking Principle and Supplementary Guidance SG 1 Placemaking (Part 2) and Policy CDP 2 Sustainable Spatial Strategy.

	COMMENTS
PLANNING HISTORY	None
SITE VISITS (DATES)	It was not considered that a site visit was required. A desktop assessment was carried out using Google Streetview.
SITING	<p>The proposal relates to a church hall on the corner of Saxon Road and Knightswood Road. The building no longer operates as a church hall. Sales particulars available online indicate that the building was sold in September 2022.</p> <p>The surrounding area is predominantly residential and contains some alternative small-scale uses including a retail unit immediately adjacent to the hall to the east. The site is approximately 60 metres north of Knightswood Secondary School.</p>
DESIGN AND MATERIALS	<p>The proposal is to change the use of the building to a composite use comprising a restaurant and hot food takeaway.</p> <p>An entrance door with ramp would be installed in place of a window on the west elevation. A galvanised flue would be installed on the east facing roof slope in line with the existing chimney. Its highest point would be approximately 2.3 metres above eaves level. Refuse and recycling storage would be provided at the rear of the building.</p> <p>The proposed hours of operation (including deliveries and refuse collection) are 8am to 11pm 7 days per week.</p>
DAYLIGHT	The external alterations are minor and would not have an adverse impact on daylight to neighbouring properties.
ASPECT	The building has aspect on all four elevations.
PRIVACY	No new windows are proposed and it is therefore not considered the proposal would adversely impact on the privacy of neighbouring properties.
ADJACENT LEVELS	Relatively flat.
LANDSCAPING (INCLUDING GARDEN GROUND)	No landscaping proposed.
ACCESS AND PARKING	A new entrance door with ramped access would be provided on the west elevation.
SITE CONSTRAINTS	It is not considered that there are any site constraints that would affect this proposal.
OTHER COMMENTS	<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; and b) whether any other material considerations (including objections) have been satisfactorily addressed. <p>The Development Plan comprises NPF4 (adopted on 13 February 2023) and the Glasgow City Development Plan (adopted on 29 March 2017). The relevant Development Plan policies are summarised above.</p> <p><u>Principle of Development</u></p> <p>The site is located between a busy road and a convenience shop. The site is in non-residential use and the proposed commercial unit is considered to be modest in scale. In principle, it is not considered that the proposed change of use would significantly detract from the residential character of the area. It is considered that the type and scale of development could contribute to local living and 20 minute neighbourhood ambitions.</p>

The established use of the building is a church hall (Class 10). When operational, the hall would have provided for the health and well-being, educational, recreational, leisure, spiritual and cultural needs of the local community. It is therefore considered that it constitutes a community facility as defined by SG 1.

No evidence has been submitted to demonstrate that the loss of the church hall as a community facility meets the criteria set out in SG 1, and it is therefore considered the principle of development is contrary to the Development Plan.

Design

It is considered that the proposed flue would be relatively concealed due its position at the centre of the east facing roof slope. Consequently, it is not considered that it would adversely affect the appearance of the building or result in a significant loss of visual amenity to the surrounding area.

In accordance with SG 1, it is considered that the colour and materials of the base wall of the ramp should be subject to condition to ensure it matches the building. It is considered that the design of the proposed side door could be subject to condition to ensure it would not significantly detract from the appearance of the publicly visible west elevation.

Residential Amenity

The proposed operating hours (8am – 11pm, Sun-Sun) accord with the guidelines contained in SG 4. On this basis, it is not considered that the proposed operating hours are unsociable. It is considered that the opening hours could be controlled by condition to ensure that the residential amenity of the surrounding area is protected.

It is considered that the specification and details of the extraction system should be controlled condition to ensure it complies with the specific requirements set out in SG 4.

The site is bound by roads, a retail unit and amenity greenspace. The nearest residential property would be in excess of 20 metres from the proposed flue. Subject to conditions controlling the specification of the extraction system, it is considered that this is an adequate distance to ensure that nearby residential properties are not adversely affected by fumes or odours.

Transport

SG 11 requires that restaurants provide a minimum level of cycle parking of 1 space per 50 sq/m of public floor area and 1 space per 10 staff. The public floor area is approximately 70 sq/m which equates to a minimum of 1 space. No information has been provided on staffing numbers. It is considered that cycle parking should be controlled by condition to ensure adequate provision.

The site is in an area of base accessibility. In accordance with SG 11, restaurants are required to provide 4 car parking spaces per 100 sq/m of public floor area. The proposal is not required to provide car parking as the public floor area falls below this threshold at 70 sq/m.

Unrestricted car parking is available in surrounding streets and it is considered that this is adequate to serve the development. The proposal is relatively small scale and it is not considered that it would generate significant additional traffic compared with its existing use.

Waste Management

The proposed plan indicates that waste storage would be provided at the rear of the building. In principle, it is considered that this is an appropriate location for waste storage. It is considered that details of waste management and collection should be controlled by condition to ensure compliance with SG 4.

	<p><u>Conclusion</u></p> <p>It is considered that the proposal is contrary to the Development Plan as it has failed to justify that the loss of the church hall as a community facility is acceptable in policy terms. It is considered that the points raised by the representation have been addressed above. It is not considered that there are any other material considerations that outweigh the Development Plan. It is therefore considered that the proposal is unacceptable and should be refused.</p>
RECOMMENDATION	Refuse

Date: 28/02/2024	DM Officer	David Haney
Date <u>28/02/2024</u>	DM Manager	Mark Thomson