



Glasgow City Council  
Planning Local Review Committee

**Item 1**

1st April 2025

Report by Executive Director of Neighbourhoods,  
Regeneration and Sustainability

Contact: Sam Taylor Ext: 78654

24/00232/LOCAL – 124 Newlands Road, Glasgow G44 4ER  
Use of vacant shop (class 1A) as hot food takeaway (Sui generis) with  
erection of flue to rear.

**Purpose of Report:**

To provide the Committee with a summary of the relevant considerations in the  
above review.

**Recommendations:**

That Committee consider the content of this report in coming to their decision.

Ward No(s): 7

Citywide: n/a

Local member(s) advised: Yes  No  consulted: Yes  No

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## **1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS**

- 1.1 The application site relates to a property which occupies the ground floor of a four storey red sandstone tenement near to the junction with Cathcart Road in the south side of the city. This property has been vacant for some considerable time, having previously been occupied by a retail shop. Adjoining the shop is a single storey building which may at one time have housed electrical equipment but is now empty and without a roof. The site is within the Newlands Road Local Shopping Facility.
- 1.2 The proposal is to change the use of the vacant shop (class 1A) to a hot food takeaway. A galvanised steel flue to run below ceiling, through rear window (stonework unaffected) rising up rear wall to terminate at one metre above roof finish, secured by anti vibration brackets.
- 1.3 The proposed hours of operation (including deliveries and refuse collection) are 8am to 11pm Sunday to Thursday and 8am to midnight on Friday and Saturday.

## **2 DEVELOPMENT PLAN POLICIES**

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan (CDP) policies and Supplementary Guidance are:
- |           |   |
|-----------|---|
| Policy 12 | Zero Waste                                |
| Policy 13 | Sustainable Transport                     |
| Policy 14 | Design, quality and place                 |
| Policy 15 | Local living and 20-minute neighbourhoods |
| Policy 23 | Health and safety                         |
| Policy 27 | City, town, local and commercial centres  |
- 2.2 The relevant City Development Plan policies and Supplementary Guidances are:
- |             |                           |
|-------------|---------------------------|
| CDP1/SG1:   | The Placemaking Principle |
| CDP4/SG4:   | Network of Centres        |
| CDP11/SG11: | Sustainable Transport     |

## **3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)**

- 3.1 The reasons for refusal are set out below:
- 01 The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The proposed development, due to its location within and adjacent to residential properties and impact on the residential amenity of the surrounding

area is contrary to Policy 14 of the National Planning Framework 4 (adopted February 2023) and there is no overriding reason to depart therefrom.

03. The proposed development, due to its location within and adjacent to residential properties and impact on the residential amenity of the surrounding area, is contrary to Policy 27 of the National Planning Framework 4 (adopted February 2023) and there is no overriding reason to depart therefrom.
04. The proposed development, due to its location within and adjacent to residential properties and impact on residential amenity, is contrary to CDP4: Network of Centres and the corresponding Supplementary Guidance SG4: Network of Centres of the Glasgow City Development Plan (adopted March 2017) as assessed above, and there is no overriding reason to depart therefrom.

## **4 APPEAL STATEMENT**

- 4.1 A summary of the material points raised in the appeal statement is given below:
  01. Full technical specifications for the extraction system were provided with the proposal, which would ensure heat, noise, odours and smells are effectively addressed.
  02. Provision for the proper and effective storage of waste within the premises was made by incorporating a dedicated waste storage facility. In addition, a scheme for the disposal of waste was included, which stipulates that waste will only be placed outside at the appointed time for collection by the appointed contractor. This would ensure that bins do not obstruct pedestrian movement, and that litter is not an issue.
  03. Considering the six qualities of policy 14 of NPF4, it is apparent that the proposal has taken them into account and meets all of them. The proposal involves the use of an existing building, and no exterior changes are proposed; therefore, the design is not a concern.
  04. In terms of creating attractive and vibrant spaces, it is better for all units to be occupied, as only one of the four units is in non-retail use, rather than leaving the specter of empty and derelict units. The measures put in place will ensure that the proposed development does not impact the amenity of the surrounding area.
  05. The application site is within a defined town centre and is easily accessible by public transport, cycling, and walking, it is accepted that the proposal accords with the policy.

## **5 RELEVANT PLANNING HISTORY**

5.1 The previous planning application history for the property includes the following:

- 12/02465/DC – Refuse – Use of shop (Class 1) as hot-food takeaway (Sui-Generis) with associated external alterations and installation of carbon filtration system.
- 17/00700/DC – Refuse – Use of shop (Class 1) as hot food takeaway (Sui-Generis).

## **6 REPRESENTATIONS AND CONSULTATIONS**

6.1 One representation was received in objection to the application from a nearby property. It can be summarised as follows:

- Cooking smell
- Excessive noise
- Generation of food waste
- Clustering
- Previously refused change of use to hot food takeaway

## **7 COMMITTEE CONSIDERATIONS**

7.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

7.2 The following are the relevant policy considerations:

### **7.3 NPF4**

#### **Policy 12 Zero Waste**

Policy 12 promotes development that is consistent with the waste hierarchy.

Development proposals that are likely to generate waste when operational will set out how much waste the proposal is expected to generate and how it will be managed including:

- 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.

Committee should note that:

- No area has been indicated on the floor plans for the storage of waste. However, this could be conditioned to ensure appropriate arrangements are made.
- Committee should consider whether the waste storage, recycling and collection provision is appropriate.

### **Policy 13 Sustainable Transport**

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.

- Committee should note that the proposal includes no car parking, area is well served by public transport.

### **Policy 14 Design, quality and place**

Development proposals that are poorly designed or detrimental to the amenity of the surrounding area will not be supported. Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable, Adaptable.

- Committee should note that the proposed flue is of galvanised steel and proposed towards rear. No exterior changes are proposed.
- The proposed development is within a tenemental flatted properties above.
- Committee should consider whether residential amenity would be detrimentally affected by the proposal.

### **Policy 15 Local Living and 20 minute neighbourhoods**

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.

- Committee should note that the proposed development is within a residential neighbourhood.

### **Policy 23 Health and safety**

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.

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.

- Committee should note that the Noise impact assessment has not been submitted. However, the submitted technical specification shows that noise impact from the proposed extraction flue, fan and discharge is less than NR25 and would be effectively addressed.

### **Policy 27 City, town, local and commercial centres**

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.

- Committee should note that there is a flatted properties above and residential flats adjacent to the proposed development.
- Committee should consider whether the proposal would impact the residential amenity.

## **CITY DEVELOPMENT PLAN POLICIES**

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.

### **NPF4 Policy 12: Zero Waste, NPF4 Policy 14: Design, Quality and Place and CDP1/SG1: The Placemaking Principle - Waste Storage, Recycling and Collection**

NPF4 Policy 12 Intent: To encourage, promote and facilitate development that is consistent with the waste hierarchy.

### Waste Storage, Recycling & Collection:

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.

- Committee should note that no area has been indicated on the floor plans for the storage of waste. However, this could be conditioned to ensure appropriate arrangements are made.
- Committee should consider whether the waste storage, recycling and collection provision is appropriate.

### Chiller/Air Conditioning Units/Flues:

NPF4 Policy 14 intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy required development to be designed to improve the quality of an area regardless of scale.

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.

- Committee should note that the proposed extraction flue would be positioned to the rear elevation of the premises, obscured from public view.
- The technical specifications for the extraction system were provided with the proposal. However, there is no flue maintenance information provided. As such a safeguarding condition would ensure adequate maintenance of the flue.
- Committee should consider whether the noise impact is effectively addressed.

### **NPF4 Policy 27 City, town, local and commercial centres and CDP 4 & SG 4 Network of Centres**

NPF4 Policy 27 emphasizes the importance of supporting the vitality and viability of city, town, and local centres. It aims to ensure that these areas

remain vibrant places where people can live, work, shop, and access essential services.

### 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.

Committee should note that:

- the hours of operation would be 8am to 11pm Sunday to Thursday and 8am to midnight on Friday and Saturday.
- two out of four units in the street block being in Sui Generis use, and therefore more than 20% of the street block in hot food shop, public house or composite uses.
- The application site is a ground floor commercial unit within a four storey residential tenemental property, and the proposed use is a Sui Generis Use Class.

Committee should consider whether

- The opening hours until midnight are appropriate, given that the proposed location is surrounded by residential units.
- It is acceptable to have more than 20% of the street block designated for Sui Generis use.



## 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.

- Committee should note that the extraction flue is proposed on the rear elevation. However, there is no flue maintenance information provided.
- Committee should consider whether any residential amenity issues would be created by the proposal, and whether further details of the specification, installation and maintenance of the flue are required.

### **CDP 11 & SG 11 – Sustainable Transport**

**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.

**SG 11** sets out the Council's requirements for cycle parking and car parking.

- Committee should note that the proposal is for the change of use of an existing commercial unit within a tenement and the scale of the proposal does not require car parking provision.
- Committee should consider whether no additional parking space proposed is acceptable.

## 8 COMMITTEE DECISION

8.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions;
- b. Refuse planning permission; or
- c. Continue the application for further information.

### Policy and Resource Implications

#### Resource Implications:

*Financial:* n/a

*Legal:* n/a

*Personnel:* n/a

*Procurement:* n/a

**Council Strategic Plan:** n/a

#### Equality and Socio-Economic Impacts:

*Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.* n/a

*What are the potential equality impacts as a result of this report?* no significant impact

*Please highlight if the policy/proposal will help address socio-economic disadvantage.* n/a

#### Climate Impacts:

*Does the proposal support any Climate* n/a

*Plan actions? Please specify:*

*What are the potential climate impacts as a result of this proposal?* n/a

*Will the proposal contribute to Glasgow's net zero carbon target?* n/a

**Privacy and Data Protection Impacts:**

Are there any potential data protection impacts as a result of this report  
N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

**9 RECOMMENDATIONS**

9.1 That Committee consider the content of this report in coming to their decision.