

OFFICIAL**Item 3**

10th December 2024

REPORT OF HANDLING FOR APPLICATION 24/00531/FUL

ADDRESS	Site At Nitshill Road / Corselet Road Glasgow
PROPOSAL	Part use of car park for siting of two steel container units for use as hot food takeaway (Sui generis) and ancillary storage, alterations to units include installation of flue extract (part retrospective).

DATE OF ADVERT	Adverts (Neighbour Notification) Evening Times – published 10 May 2024 Adverts (S3, Bad Neighbour) Evening Times – published 10 May 2024
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>Five neighbour notification letters were issued to neighbouring properties, three neighbour land sites were notified, and the application was included on the Weekly List of Applications.</p> <p>Seven public responses were received from neighbours, all of which raise material objections to the proposed development. The objections are summarised as follows:</p> <ul style="list-style-type: none">• The Darnley Mill is a listed building (Category B, LB33589). The application site is within the curtilage of the listed building. The proposed development would be detrimental to the historic character of the listed building and the area.• Dams to Darnley is a designated local nature resource which should be protected from potentially adverse adjacent land uses, such as hot food takeaways, which could detrimentally affect it through an increase in waste pollution such as food packaging.• The proposed hot food takeaway use is not an appropriate use within the car park of the current Darnley Mill building which is in use as a doctors surgery. The odour from the food preparation could affect visitors to the building.• The community is already well served by a range of fast food and hot food takeaway providers.• This proposal could be sited in one of the existing nearby commercial locations.• Neighbours are concerned about the potential increase in vehicle trips to and from the site, and the related issues of: an increase in traffic congestion along Corselet Road, and an increase in air and noise pollution related to the vehicle trips, customers waiting for food, and customers using the site to eat. Responses reference Corselet Road already experiencing traffic congestion due to recent developments within the area.• Neighbours are concerned about the proposal negatively affecting their residential amenity, such as an introduction of odour pollution, an increase in noise, air and light pollution from vehicles and customers, and waste pollution from food packaging. <p><u>Officer Comments</u></p> <p>The application site is within the curtilage of the Category B listed Darnley Mill Farm. As such, any proposed development within the site must be assessed against CDP9: Historic Environment and the associated SG9. I note that the submitted supporting information does not reference the listed building, nor does the proposed development demonstrate that the listed building has been considered in the design process or in the choice of siting or materials of the containers. Furthermore, the design and materials of the steel containers and their siting to form the hot food takeaway must also be assessed against CDP1: The Placemaking Principle and the associated SG1 Part 2, as well as CDP5: Resource Management and the associated SG5.</p>

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	<p>The application site is also within a Local Site of Importance for Nature Conservation (SINC) and Green Corridor, the Brock Burn including Aurs Burn SINC, and is adjacent to the Dams to Darnley Country Park which is a statutory designated Local Nature Reserve (LNR). As such, any proposed development within the site must be assessed against CDP6: Green Belt and Green Network and CDP7: Natural Environment and the associated IPG6 and SG7. I note that the submitted supporting information does not reference these designated nature sites, nor does the proposed development demonstrate that the designations have been considered in the design process.</p> <p>The application site is currently in use as car parking associated with the Darnley Mill. The Darnley Mill has had a number of uses throughout its history, with the most recent use being a doctors surgery (Class 1A). The change of use from car park to the proposed hot foot takeaway use (sui generis) at this location requires planning permission and must be assessed against CDP2: Sustainable Spatial Strategy as well as CDP4: Network of Centres and SG4.</p> <p>In principle, a change of use from Class 1A to hot food takeaway (sui generis) is not always contrary to policy, but it must be considered in it's holistic context and with the other designations stated above. For clarity – the application site is not within a designated town or retail centre. The near designated centre is the Other Retail and Commercial / Leisure centre in Darnley which is just east along Nitshill Road. The objections to the application site being unsuitable, there being other more appropriate locations nearby, and there being a number of fast food and hot food takeaway businesses within the wider area will be assessed against policies within SG4.</p> <p>The application site is within a Below Base area for public transport accessibility. Due to its very nature, the proposed development will generate vehicle trips to and from the site by customers coming to purchase and takeaway food. As there are no other current commercial uses within the immediate are, which is principally residential, the vehicle trips would be principally related to the new hot food takeaway. Although the proposal is not a drive through restaurant many of the same concerns regarding traffic generation (noise, air, light pollution) and waste management (food packaging pollution) negatively affecting the amenity of nearby land uses and residential neighbours are important considerations. CDP11: Sustainable Transport and the associated SG11 will be used to assess these issues as well as standards for vehicle and cycle parking provision.</p> <p>Amenity issues (noise, light, odour, waste, etc) created by increased traffic from vehicle trips and increased use of the site by visitors are a material consideration and are evaluated for in many CDP and NPF4 policies.</p> <p>All above points are assessed further in the Other Comments section of this report.</p>
<p>PARTIES CONSULTED AND RESPONSES</p>	<p>The following <u>external statutory parties</u> were consulted. Their consultation responses are public and viewable on the Glasgow City Council planning portal page for this application. I summarise their advice below:</p> <p>Scottish Water – no objection, “however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.” Additionally, “Scottish Water will not accept any surface water connections into our combined sewer system.”</p> <p>West of Scotland Archaeology Service (WoSAS) –</p> <p>“The two container units that would be installed under this application would be located within an archaeological consultation trigger, which in this instance has been defined in relation to the former Darnley Corn Mill, which lies around 30m to the south-west. The former mill is category B-listed, and contains a date stone marked 16(44?). Although Historic Environment Scotland’s listed buildings description suggests that this stone may have been re-set, it appears probable that elements of the extant structure may date from the 17th century. However, it is likely that the origins of the mill may pre-date this period, as the earliest known reference to a mill at Darnley is from a document dating from 1553.</p> <p>In terms of the current application, the two container units would sit on an area of existing hardstanding to the north-east of the former mill building. It does not appear that they would directly overlie any of the buildings shown on available historic maps back to the 1st edition Ordnance Survey map of 1864, though a section of a mineral</p>

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railway line running to the Darnley Lime Works was shown as running through the area on the 2nd edition of 1898; however, it is likely that this feature will have been removed by construction of the existing car park. The units would not overlie the line of the lade that provided water to power the mill, as this was shown on the 1st edition running from a sluice on the Brock Burn around 260m south-west of the mill itself, before returning to the burn in the area to the east of the mill complex. This would suggest that construction of the proposed restaurant is unlikely to encounter sub-surface remains associated with the former mill, at least as this was represented on 19th century maps. While it is possible that earlier structures could have been present in the vicinity of the mill, the fact that the site has already been disturbed by its use as a car park suggests that the potential for the current application to encounter material of this type is likely to be limited. In addition, the supplied plans indicate that the two container units would be supported above the surface of the current car park, without the need to excavate substantial foundations; this would also serve to limit the potential for the development to encounter or remove sub-surface archaeological features, deposits or artefacts. As a result of these factors, I can confirm that I would not consider archaeological work to be required in relation to this application."

The Coal Authority – "The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is listed as exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities. Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal."

In addition, the following GCC departments / teams were consulted:

NRS Heritage

Recommendation:

"Refuse."

Conclusions:

"A Design and Access statement has not been submitted and the Planning Statement does not consider the impact of the proposed development on the setting of the listed building.

The B listed, former Darnley Mill Farm occupies a prominent location close to the junction of Nitshill Road (A726), Corselet Road and Kennishead Road. Although altered and extended, the listed group of buildings is a prominent and valuable historic feature in the landscape, which is not encroached by neighbouring development but has an open setting, particularly to the north.

Thus, a key vista of the historic asset is from Nitshill Road, across the application site, towards the north range of the listed buildings, with its pitched slate roofs, conical-roofed circular turret and crow-stepped gable of the house on its west side, framed by trees to the south and east.

It is observed that the scale bars on the submitted plans and elevations do not match the scales stated on the drawings. Consequently, the sizes of the proposed cabins are not clear because measurements taken using the stated scales are significantly different from measurements produced by using the scale bars, e.g., cabins' length with 1:50 scale is approx.18.6m but using the scale bar the length is approx. 12.4m. Assuming the smaller dimensions are correct, the following comments are made.

On balance, it is considered that the proposed siting of large steel containers, which would be highly visible from the main road and more so in winter months when trees and shrubs are not in full leaf, would detract from the setting of the listed buildings. The industrial character of the containers is considered unsympathetic to the setting of the listed buildings and would not be mitigated by the proposed timber cladding."

Suggested Conditions with Reasons / Reasons for Refusal:

"Due to the location, design and materials of the proposed steel container units, the part use of car park for siting of two steel container units for use as hot food takeaway (Sui generis) and ancillary storage, alterations to units include installation of flue

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extract (part retrospective) would unacceptably harm the setting of the B listed Darnley Mill Farm group of buildings and is contrary to Policy 7 Historic Assets and Places of National Planning Framework 4 (NPF4) and to policies CDP 1 The Placemaking Principle and CDP 9 Historic Environment and to Supplementary Guidance SG 1 Placemaking and SG 9 Historic Environment of the Glasgow City Development Plan and there a no material which outweigh the proposal's variance with the adopted Development Plan.”

NRS Landscape

Recommendation:

“Changes required, refusal at present.”

Application of Policies:

“There appears to be no fence or other boundary to the site. This could lead to a lot of litter, etc. entering the planting areas, especially towards the Brock Burn. We would want to see a fence (2m+) especially on the eastern boundary, which will require the trees there to be trimmed back (crown raised) to the car-park edge up to 2.5m from ground level. Any vegetation overhanging the units will be damaged by the installation of the units and could be affected by the vent/flue from the kitchen unit. Best option may be to move units further from the carpark boundary.

There is also no indication of how this unit will be serviced, (electric, gas, water, sewerage, etc.) again leading to concerns over pollution, emissions, etc. ending up in the Brock Burn. If the storage unit is to be refrigerated there is a possibility of constant noise from a generator or other power source.

In terms of landscape, we would want to see the boundaries of the car park improved especially to Nitshill Road. At present the site gives a poor abandoned impression to Nitshill Road and Corselet Road with vegetation encroaching on the public footway.”

Conclusions:

“We need to see a complete tree survey of all trees on site and adjacent to the site that could extend their crowns or root zones in to the site. This includes the large overgrown hedge to Corselet Road and the vegetation just outside the eastern boundary of the site. We also want to see a complete landscape scheme for the boundaries of the site and the maintenance/management plan of the site.”

NRS Biodiversity / Greenspace

“Greenspace and Biodiversity find the siting of a hot food takeaway outside an Health Centre an unusual and perhaps inappropriate request that should also be raised with NHS given potential conflicts with the improvement of public health in Glasgow.

From a Greenspace and Biodiversity perspective we would request that if the proposal is determined then consideration is given to the provision of litter bins, given the proximity of the proposal to the Local Nature Reserve and Country Park adjacent to the car park, and that also, given the proximity of this nature conservation area, an enhancement of the car park area for biodiversity is included through the inclusion of hedging or planters. Note that the latter would also assist in fulfilling NPF4 (Policy 3 Biodiversity) requirements for the proposal.”

NRS Transport Planning

Recommendation:

“Interim”

Comments / Conclusions:

“The site is within a below base accessibility area.

It is proposed that the existing vehicular access is to be used, shared with another user. This from Corselet Road.

The application states there are 43 existing parking spaces, of which 38 are proposed for this land use. The Site Plan shows 27 spaces within the redline boundary. SG11 policy sets vehicle parking thresholds as a maximum. The nearest use class would be between vehicle parking for Restaurants, Cafes, Social Clubs, Licensed Clubs and

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	<p>Function Rooms Base Accessibility at 4 spaces per 100 sqm PFA and for Drive Through Restaurants Base Accessibility 10 spaces per 100 sqm PFA. It is estimated that even for the higher allowance under a drive through the parking is significantly above Supplementary Guidance threshold 11.</p> <p>For Cycle parking the nearest use is considered to be Public Houses, Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms 1 space per 50 sqm public floor area 1 space per 10 staff.</p> <p>Cycle parking is a minimum SG11 threshold and has to be demonstrated as safe secure and sheltered with trip end facilities for employees.”</p> <p><u>Suggested Conditions with Reasons / Reasons for Refusal:</u></p> <p>“The development as proposed does not reflect the City Development Plan SG11 in terms of parking thresholds both for cycles, and vehicles and as it currently stands the proposed development cannot conditioned to City Development Plan Supplementary Guidance 11. As such it does not uphold the City Development Plan aims of sustainable development.”</p> <p>NRS Public Health</p> <p>“I would have no grounds to object from an Environmental Health point of view.”</p> <p>NRS Flood Risk Management</p> <p>“Due to the nature of the proposals, the Flood Risk Management team have no comment.”</p>
PRE-APPLICATION COMMENTS	<p>The applicant and agent did not seek pre-application advice or discussions with Glasgow City Council prior to submission of this application. Therefore, the case officer was unable to provide advice on whether the proposed development complied with the relevant Policy and Guidance of NPF 4 and the City Development Plan.</p> <p>The Council has formalised the means for obtaining pre-application advice of this type in order to make this stage of the Planning process more accessible and efficient for applicants, agents and Planning staff. The Council welcomes pre-application discussions between the applicant, their agent(s) and its planning staff in advance of making an application for any scale of development. As stated above, the agent and applicant failed to avail themselves of this service.</p>
EIA – MAIN ISSUES	None
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	Not applicable
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	<p>A Design and Access Statement has not been submitted.</p> <p>A Planning Statement was prepared and submitted by the agent. It concludes that the proposed development complies with policies in National Planning Framework 4 (NPF4) and the City Development Plan (CDP).</p> <p>Specifically, it references compliance with NPF4 policies 9, 14, and 15 and with CDP policies CDP1 / SG1, CDP2, CDP4 / SG4, and SG11. But it picks and chooses sections of general policy text, then simply states that the proposal complies without fully assessing the proposal against all relevant policies and policy criteria and without looking at the intention of policies holistically or by applying the placemaking principle. The Statement also ignores the important material consideration that the application site is within the curtilage of the Category B listed Darnley Mill (LB33589), that it is within and adjacent to</p> <p>The Planning Statement is incomplete in its identification of key policy issues and general in its assessment. It therefore is not convincing in its conclusions.</p> <p>As such, it has been considered as part of this assessment but is determined to hold little weight.</p>

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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. Unlikely 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 3: Biodiversity</p> <p>Policy 4: Natural Places</p> <p>Policy 7: Historic Assets and Places</p> <p>Policy 12: Zero Waste</p> <p>Policy 13: Sustainable Transport</p> <p>Policy 14: Design, Quality and Place</p> <p>Policy 23: Health and Safety</p> <p>Policy 27: City, Town, Local and Commercial Centres</p>
CITY DEVELOPMENT PLAN POLICIES	<p>CDP1 and SG1 Part 2: The Placemaking Principle</p> <p>CDP2: Sustainable Spatial Strategy</p> <p>CDP4 and SG4: Network of Centres</p> <p>CDP5 and SG5: Resource Management</p> <p>CDP6 and IPG6: Green Belt and Green Network</p> <p>CDP7 and SG7: Natural Environment</p> <p>CDP9 and SG9: Historic Environment</p> <p>CDP11 and SG11: Sustainable Transport</p>
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	<p>Ref: 22/02714/FUL</p> <p>Description: Erection of restaurant (Class 3), with separate covered external seating area, to part of car park site. ## WITHDRAWN ##</p> <p>Decision: Withdrawn Before Validation</p> <p>Ref: 23/00147/FUL</p>

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	<p>Description: of restaurant (Class 3) ## WITHDRAWN ##</p> <p>Decision: Withdrawn After Validation</p>
SITE VISITS (DATES)	18 June 2024
SITING	<p>The application site is an area of asphalt car park, located to the north of the Category B listed former Darnley Mill at 500 Corselet Road, which it formerly served, and includes the driveway from the vehicular access off Corselet Road to the west of the listed building which it still serves. It is brownfield land, but it is not vacant or derelict.</p> <p>The site is bounded: to the north by Nitshill Road and a grass verge; to the west by Corselet Road with primarily residential neighbourhoods beyond as well as part of the wider curtilage of the listed building; to the south by the listed building and remainder of its curtilage; and, to the east by a partially-fenced tree line leading down to Brock Burn and the Dams to Darnley Country Park which itself is a designated Local Nature Reserve (LNR), two local Sites of Important Nature Conservation (SINCs), a Green Corridor and is part of the designated Green Belt in Glasgow. Along Nitshill Road to the east is the designated Other Retail and Commercial Leisure Centre in Darnley.</p> <p>The application site is within Ward 3 – Greater Pollok.</p>
DESIGN AND MATERIALS	<p>The proposed development comprises:</p> <ul style="list-style-type: none"> • The change of use of the site from car parking associated with the Darnley Mill building which is currently in Class 1A use to a hot food takeaway (sui generis); • The erection of two steel containers on the site (retrospective); • External alterations to the steel containers to form the hot food takeaway premises with the associated erection of a raised access ramp and staircase to the front elevation, and the erection of a raised walkway / deck and staircase between containers; and, • Associated undefined works to the car park. <p>The siting of the steel containers on the application site is unauthorised development and the application is part retrospective as at the time of submission the steel containers were already on site. However, I note that when I undertook a site visit on the 18 June 2024, the steel containers were no longer on the application site or on the wider site including the Darnley Mill building, its secured area, or the land to the south of the Darnley Mill.</p> <p>The Planning Statement states that “It is anticipated that opening hours will be 8:00am – 8:00pm and that 4/5 persons will be employed.”</p> <p>Design</p> <p>Based on measurements from the submitted drawings, the proposed steel containers are approximately 37 sqm each (12.3m wide x 3m deep) totalling a combined footprint area of 74 sqm. They have a height of 2.9m, and when set on the raised foundations as shown on the drawings they have a maximum overall height of 3.9m from ground level to the tallest point of the steel containers at the northern elevation of the structures. With the proposed flue, the overall height reaches 4.2m from ground level. The proposed flue is sited on the southeastern corner of western steel container which will serve as the kitchen area. Nine light fixtures are shown to be fixed to the western (front) elevation of this container to illuminate the raised platform which would give customers access to the windows where food orders would be placed and delivered.</p> <p>The Planning Statement says that the existing steel containers are painted black and were located on the southern part of the site in the location shown on the drawings. The containers were not on the site on 18 June 2024 during the site visit. No drawings or photographs were submitted to the application which show the site or the steel containers “as existing.”</p> <p>The associated works to the car park are “undefined” as the submitted Planning Statement says the following: “[t]he site currently has the benefit of lighting, delineated parking spaces and landscaping though the latter will be the subject of restoration and improvement” and “[c]ycle parking will be provided as will litter receptacles.” However,</p>

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	<p>the submitted drawings do not show the scope or detail of development on the site for new lighting, landscaping, or cycle parking.</p> <p>Four large waste bins are shown on the southeastern boundary of the site and south of the steel containers. 13 parking bays are removed along the eastern boundary and the northeastern corner to make space for the proposed development.</p> <p>It is noted that although signage is shown on the submitted drawings, an application for advertisement consent has not been submitted by the applicant. The indicative signage will not be assessed in this application.</p> <p>Materials</p> <p>The proposed finish of the containers is stated in the Planning Statement and indicated in the drawings as follows:</p> <p>External Walls – vertical black / dark grey timber cladding</p> <p>Flue – black finish, indicative metal material</p> <p>Steel Container Raised Supports – stated steel supports with indicated galvanised finish and orange corner castings / fittings</p> <p>Roof – not stated or shown</p> <p>Gutters and Rainwater Downpipes – not stated or shown</p> <p>Windows and Doors – not stated, indicatively shown as either black finish or dark glazed finish with an unstated material for the frame and for the door</p> <p>External Ramp, Deck and Steps – natural / brown timber</p>
DAYLIGHT	Not applicable to this application.
ASPECT	The front elevation of the development faces west towards the car park and towards the residential properties across Corselet Road.
PRIVACY	The nearest existing car parking space in the application site is approximately 40m from the nearest residential window. It is unlikely that the proposed development will directly result in increased overlooking into residential properties and a subsequent loss of privacy, and as such no further information has been requested of the applicant on this point.
ADJACENT LEVELS	<p>The site itself is relatively flat although there is a sloping of the land from the south to the north.</p> <p>The eastern boundary of the site is defined by the edge of the car parking area, the start of the tree line, and a partial, damaged, and short post-and-wire fence. The eastern site boundary is also the northwestern boundary for the Dams to Darnley Country Park and associated nature designations (as set out in Site Constraints of this report). The land along this shared boundary quickly slopes downward to the east towards Brock Burn.</p> <p>The proximity of the proposed development to the Dams to Darnley Country Park is a concern. The nearest steel container is only 0.2m from the edge of the car park, and the indicated waste bins are 0.5m. The development does not include a new fence or other physical boundary to separate it from the Dams to Darnley Country Park and no physical boundary currently exists. Increased use of the application site by employees and visitors would require increased safety measures as access to the land to the east of the site could be dangerous, and could also result in waste pollution such as food packaging and leftover food itself from the proposed development littering the application site, the Brock Burn, and the Dams to Darnley Country Park.</p>
LANDSCAPING (INCLUDING GARDEN GROUND)	<p>The proposed development does not include any landscaping or boundary works to improve the existing site or protect and improve the surrounding area.</p> <p>No biodiversity enhancements have been proposed.</p> <p>No tree survey for the trees along the eastern boundary has been submitted. No justification as to why the steel containers are in such close proximity to the eastern</p>

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	boundary of the site, the tree line, and the designated nature sites (as summarised in the Site Constraints section below).
ACCESS AND PARKING	<p>The application site is in an area of below base accessibility for public transport.</p> <p>Access to the application site remains unchanged.</p> <p>Based on the submitted drawings there are currently 40 parking bays (although the application form incorrectly says there are 43 parking bays). The proposed Block Plan drawing shows there will be 27 remaining bays, 2 of which are indicated to be oversized parking bays presumably for use as disabled parking bays.</p> <p>No cycle parking is shown on the submitted drawings.</p>
SITE CONSTRAINTS	<p>The site is identified as being within the following site constraint categories:</p> <ul style="list-style-type: none"> • Listed Building – Category B for Darnley Mill (LB33589) • City Wide Site of Importance for Nature Conservation (SINC) • Green Network designation – Local SINC – Brock Burn, including Aurs Burn • Green Network designation – Green Corridor – Brock Burn, including Aurs Burn • Green Network designation – Local Nature Reserve (LNR) – Dams to Darnley • The Coal Authority High Risk Area • HPA / BGS – Potential for Radon <p>The site is identified as being near to the following site constraint categories:</p> <ul style="list-style-type: none"> • Near to Archaeological Site • Open Space designation – Dams to Darnley Country Park which is a Public Park and Garden under Open Space land use category 6.1 • Green Network designation – Local SINC – Darnley Glen • Green Belt
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>In addition, under the terms of Section 59 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <ol style="list-style-type: none"> a) whether the proposal accords with the statutory Development Plan; b) whether the proposal protects the character of the Listed Building; c) whether any other material considerations (including objections and supplementary guidance) have been satisfactorily addressed. <p>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.</p> <p>In respect of (a) 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.</p> <p>The proposed development is contrary to the objectives of Policies 1, 2 and 14, CDP1, CDP2, CDP5 and SG5. Although it is a local scale development, the introduction of a poorly designed hot food takeaway in a car park within the curtilage of a listed building, outwith a designated town or retail centre, in a below base accessibility location for public transport, and near adjacent residential neighbourhoods and designated nature sites is contrary to the Development Plan. The development is not sited and designed to minimise lifecycle greenhouse gas emissions as far as possible, as required by Policy 2.</p>

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Its location does not support a “compact city form which supports sustainable development” as required by the sustainable spatial strategy aims set out in CDP2.

No details have been provided that demonstrate energy efficient design, practice and technologies have been considered in the design of this proposal and no Statement on Energy (SoE) has been submitted so it is not possible to assess if the proposed development has been designed taking this requirement into account.

In the absence of a Statement on Energy the proposal is contrary to SG5 paragraphs 4.3, 4.4, 4.6, 7.1 – 7.3. And, as demonstrated in the following assessment against other relevant policies, the proposed development is considered to be poorly designed, detrimental to the amenity of the surrounding area, and inconsistent with the six qualities of successful places and is therefore contrary to Policy 14 and the placemaking objectives of CDP1.

The proposed development is contrary to Policies 3 and 4, and CDP6, CDP7 and the associated IPG6 and SG7. NRS Landscape objects to the proposed development as submitted. The submitted supporting drawings and Planning Statement do not show or detail landscaping works for the site. This information is required by virtue of the type of proposed development and its location within and adjacent to designated nature sites (set out above in the Landscaping and the Site Constraints sections).

The absence of design solutions within the proposal to mitigate against adversely affecting these designated nature sites cannot be overlooked. As such, the proposed development does not demonstrate that it will conserve, restore or enhance the existing biodiversity and habitat connectivity of the area, or that it will protect the adjacent designated nature sites as required by Policy 3 (a) and (c); Policy 4 (a) and (d); IPG6 paragraphs 2.8, 2.10, 2.11 and Table 2; and, SG7 paragraphs 3.8, 5.2 and 5.3.

Furthermore, a tree survey has not been submitted and, due to the proximity of the development to the tree line on the eastern boundary, this information is required to assess the acceptability of the proposed development. The absence of this information is contrary to SG7 paragraph 8.3 (a) and (d).

The proposed development is significantly contrary to Policy 7, CDP1, CDP9 and the associated SG1 Part 2 and SG9. NRS Heritage objects to the proposed development. The proposed development, due to its siting, quality of design and use of unsuitable materials would be significantly detrimental to the historic character of the Darnley Mill listed building and its setting.

The absence of an accompanying assessment, such as a Design Statement, on the cultural significance of the listed building is contrary to Policy 7 (a). The proposal's siting in front of the historic principal elevation of the Darnley Mill, which faces north onto Nitshill Road, would obscure a significant view of the listed building in its historical context and landscape, and is contrary to SG9 paragraph 2.121. Moreover, the cladding of existing steel containers would do little to disguise the structures and the resulting development would not integrate with, relate to, or compliment the listed building and as such would only serve as an obvious and poorly sited addition in its curtilage.

The poor quality of design and use of unsuitable materials is contrary to SG1 Part 2 paragraph 5.3, 5.4, 5.7, and 5.11; and, SG9 paragraph 2.123.

The proposed development is contrary to Policy 12, CDP1 and SG1 Part 2. Insufficient information has been submitted to demonstrate that waste storage, recycling and collection will be sufficiently managed on site, and that it will not create public amenity (noise, visual, traffic, littering) issues for visitors and residential neighbours. Waste bins have been shown on the submitted drawings but no written statement has been submitted as required by Policy 12 (c) and SG1 Part 2 paragraph 7.1.

Moreover, the indicative siting of the waste bins in proximity to the eastern boundary and the designated nature sites raises material concerns of waste pollution arising for the operation of the development.

The proposed development is contrary to Policy 13, CDP11 and SG11. NRS Transport Planning also concludes that the proposal is contrary to CDP11 and

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	<p>SG11. The site is in a below base accessibility area for public transport, as defined in SG11. The vehicle parking provision retained within the site (27 bays, 2 of which are disabled bays) is significantly above the maximum vehicle parking standard amount set out in SG11 Table 3.4 for “Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms” and for “Drive Through Restaurants” uses in a base accessibility location. As the steel containers have no internal public floor area (PFA), the maximum acceptable number of vehicle parking bays for this proposal is therefore 10 general bays and 3 disabled bays if the more generous standard for Drive Through Restaurants is applied.</p> <p>No cycle parking provision is shown on the submitted drawings, but SG11 Table 2.4 which states that a minimum of 1 space per 50 sqm public floor area 1 space per 10 staff is required for hot food takeaways which fall within the Public Houses, Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms development type. The maximum vehicle parking standard is significantly exceeded by 17 bays. The minimum cycle parking standard is not met and no details of the cycle parking location or storage type is provided. The proposed development is therefore contrary to Policy 12 (b)(ii) and 12 (b)(v), and SG11 paragraphs 4.3, 6.7, Table 2.4 and Table 3.4.</p> <p>The proposed development is contrary to Policy 23 and CDP1. Given the proposed use for hot food takeaway, the site’s location in isolation from other retail, leisure or food uses, and the below base accessibility it is a reasonable conclusion that the change of use will directly result in an increase in vehicle trips to and from the site. This increase in vehicle trips will also likely result in an increase in air, noise and light pollution in a principally residential area.</p> <p>Additionally, the proposed development includes a flue for the dispersal of cooking fumes and lighting on the front elevation of the western steel container. No information has been submitted to demonstrate that the proposed development will either: not significantly increase air, noise, and light pollution in the area to the detriment of existing public and residential amenity; or that the proposal has or will accept mitigation measures to control potential pollution. As such it is contrary to Policy 23 (d) and (e), and CDP1 aims 4, 9, 13 and 14.</p> <p>The proposed development is contrary to Policy 27, CDP4 and SG4. As concluded in the assessment sections above, the proposed development will undermine the amenity of the area particularly in relation to the visual amenity and historic character of the listed building, the public amenity of the designated nature sites, and the potential residential amenity of residential properties in the neighbourhoods across Corselet Road. It is therefore contrary to Policy 27 (c).</p> <p>The proposed development complies with Assessment Guideline 10 of SG4. It is, however, contrary to Assessment Guideline 12 (a) and Assessment Guideline 14 due to insufficient information, and Assessment Guideline 13 as it does not comply with SG11.</p> <p><u>Officer Conclusion</u></p> <p>In respect of (a) and (b), the proposed development is significantly contrary to the statutory Development Plan and would not protect the character of the Listed Building.</p> <p>With respect to part (c), seven material objection representations were received and there are no other material considerations which would justify granting permission.</p> <p>It is recommended that this full planning permission application be refused.</p>
RECOMMENDATION	Refuse

Date	25 July 2024	DM Officer	Lauren Springfield
Date	<u>26/07/2024</u>	DM Manager	Ross Middleton

Reasons for Refusal

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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. For the reasons noted below, the proposed development is contrary to NPF4 Policy 1: Tackling the Climate and Nature Crises, Policy 2: Climate Mitigation and Adaptation, Policy 3: Biodiversity, Policy 4: Natural Places, 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, and Policy 27: City, Town, Local and Commercial Centres. It is also contrary to City Development Plan Policies CDP1 and SG1 Part 2: The Placemaking Principle, CDP2: Sustainable Spatial Strategy, CDP4 and SG4: Network of Centres, CDP5 and SG5: Resource Management, CDP6 and IPG6: Green Belt and Green Network, CDP7 and SG7: Natural Environment, CDP9 and SG9: Historic Environment, and CDP11 and SG11: Sustainable Transport.
03. The proposed development is contrary to NPF4 Policy 1: Tackling the Climate and Nature Crises, NPF4 Policy 2: Climate Mitigation and Adaptation as well as CDP5 and SG5: Resource Management of the City Development Plan (adopted 2017) in that the development does not demonstrate that it has been sited and designed to minimised lifecycle greenhouse gas emissions as far as possible. A Statement of Energy has not been submitted in support of the application and does not provide evidence that the proposal achieves the Gold Standard as required by CDP5 and SG5. The proposal therefore fails to demonstrate a commitment to achieve the required energy efficient design, practice and technologies to make energy and CO2 savings for new development.
04. The proposed development is contrary to NPF4 Policy 3 (a) and (c), NPF4 Policy 4 (a) and (d) as well as CDP6 and IPG6, CDP7 and SG7 of the City Development Plan (adopted 2017) in that the development does not demonstrate that it will conserve, restore or enhance the existing biodiversity and habitat connectivity of the site and the area or that it will protect the designated nature sites within and adjacent to the site.
05. The proposed development is contrary to NPF4 Policy 7, NPF4 Policy 14, and CDP1 and SG1 Part 2: The Placemaking Principle of the City Development Plan (adopted 2017) in that the proposal uses inappropriate, poor quality building materials which would significantly detract from the character, special architectural or historic interest, and setting of the category B Darnley Mill Listed Building (LB33589) and the surrounding area.
06. The proposed development is contrary to NPF4 Policy 7 and CDP9 and SG9: Historic Environment of the City Development Plan (adopted 2017) in that the proposal, by virtue of its siting, detailed design and materials, would be significantly detrimental to the special architectural and historic interest of the category B Darnley Mill Listed Building (LB33589). The proposal would result in development within the listed building's curtilage that would crowd and obscure significant views of the principal elevations of the Listed Building and compromise the historical context of its position in the landscape and the built environment. The proposal does not relate to the main building in terms of materials or design and would therefore significantly detract from its character, special architectural or historic interest, and setting.
07. The proposed development is contrary to NPF4 Policy 12, NPF4 Policy 27, CDP1 and SG1 Part 2: The Placemaking Principle, and CDP4 and SG4: Network of Centres specifically Assessment Guideline 14: Waste Management and Disposal of the City Development Plan (adopted 2017) in that the proposal does not demonstrate to the satisfaction of the Council that waste storage, recycling and collection will be sufficiently managed on the site, and that it will not create public amenity (noise, visual, traffic, littering) issues for visitors and residential neighbours.
08. The proposed development is contrary to NPF4 Policy 13, and to CDP11 and SG11: Sustainable Transport of the City Development Plan (adopted 2017) in that the maximum vehicle parking standard is exceeded by 17 bays, and the minimum cycle parking standard is not met and does not demonstrate where, and what type of, safe, sheltered, and secure provision can be provided on site.
09. The proposed development is contrary to NPF4 Policy 23 and CDP1 of the City Development Plan (adopted 2017) in that the change of use to hot food takeaway in this location will directly result in an increase in vehicle trips to and from the site and will likely cause an increase in air, noise and light pollution in a principally residential area, and as such will negatively affect the existing public and residential amenity of the site and the surrounding area. No information has been submitted to demonstrate that the proposed development is seeking to mitigate these issues.
010. The proposed development is contrary to NPF4 Policy 27, CDP4 and SG4: Network of Centres of the City Development Plan (adopted 2017) as it does not meet the requirements of Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes in that the applicant has failed to demonstrate to the satisfaction of the Council that suitable arrangements for the dispersal of cooking/heating fumes are in place to the detriment of public and residential amenity.

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011. The proposed development is contrary to NPF4 Policy 27, CDP4 and SG4: Network of Centres of the City Development Plan (adopted 2017) as it does not meet Assessment Guideline 13: Parking and Servicing Requirements in that the proposal does not comply with the parking standards associated with proposed food uses as required by SG11.

Refused Drawings

The development shall not be implemented in accordance with the following refused drawing(s):

- 01. CR/TM/1/1 REV A LOCATION PLAN – AS PROPOSED Received 29 April 2024
- 02. CR/TM/1/3 REV A BLOCK PLAN – AS PROPOSED Received 29 April 2024
- 03. CR/TM/1/4 REV A BLOCK PLAN – AS PROPOSED Received 29 April 2024
- 04. CR/TM/1/5 REV A SITE PLAN – AS PROPOSED Received 19 April 2024
- 05. CR/TM/2/2 FLOOR PLANS – AS PROPOSED Received 23 February 2024
- 06. CR/TM/3/2 ELEVATIONS AS PROPOSED Received 23 February 2024
- 07. CR/TM/3/3 ELEVATIONS AS PROPOSED Received 23 February 2024
- 08. CR/TM/4/2 ELEVATIONS AS PROPOSED – SECOND CONTAINER – STORAGE Received 23 February 2024

Informatives

- 01. The applicant is advised that one further application, by the same applicant, for a development of the same character or description, and for the same part of that site (as this refusal) within 12 months of the date of this notice is exempt from planning fee charges.
- 02. Should, for any reason, the applicant be unclear about the reasons for the refusal of permission in this case, or if further information is desired concerning the reason for refusal, the applicant is requested to contact the planning authority to seek clarification.