



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Mr D Russell Phone: 0141 287 6034

ITEM 1 (g)

29th November 2011

APPLICATION TYPE Full Planning Permission

RECOMMENDATION Grant Subject to Condition(s)

APPLICATION	11/01985/DC	DATE VALID	12.09.2011
SITE ADDRESS	11 Kennedy Path Glasgow G4 0PP		
PROPOSAL	Use of betting shop (Class 2) as bakery/cafe (Sui Generis)		
APPLICANT	Vishnu Trivedi 14/2 15 Grafton Place GLASGOW G1 2TE	AGENT	
WARD NO(S)	10, Anderston/City	COMMUNITY COUNCIL LISTED	02_034, Townhead
CONSERVATION AREA		PUBLISHED	
ADVERT TYPE			
CITY PLAN	Residential		

REPRESENTATIONS/CONSULTATIONS

Land and Environmental Services – No objection. Recommend conditions on noise, odours and refuse.

No letters of representation were received to this application. This report is being presented to the planning applications committee as the application relates to land in which the Council has ownership and financial interests.

SITE AND DESCRIPTION

The application site is a vacant betting office within a row of single storey shops facing East onto Kennedy Path with Dobbie's Loan Place to the rear. The site lies within the Townhead residential area, however, the nearest residence is approximately 40 metres North of the site. The applicant is proposing to use the vacant premises as a combined bakery/café use. Such a hybrid use combining a Class1 bakery and a Class 3 café is considered *sui generis* in planning terms.

The only physical changes proposed to the property are the installation of ventilation/extraction equipment to the rear.

POLICIES

DEV 2 - Residential and Supporting Uses.

SC 11 - Food, Drink and Entertainment Uses.

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 to this application.
- ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994.
Not applicable to this application.
- iii. A Design Statement or a Design and Access Statement.
Not applicable to this application.
- 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 to this application.

B. Summary of the terms of any Section 75 Planning Agreement

Not applicable to this application.

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 to this application.
- ii.
 1. Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31).
No direction has been made by Scottish Ministers/Not applicable.
 2. Restricting the grant of planning permission.
No direction has been made by Scottish Ministers/Not applicable.

ASSESSMENT AND CONCLUSIONS

The applicant is seeking full planning permission for the use of betting shop (Class 2) as bakery/café (*sui generis*) at 11 Kennedy Path, Glasgow.

Policy DEV 2 - Residential and Supporting Uses states the following:-

The areas designated 'RESIDENTIAL AND SUPPORTING USES' include the City's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space.

The Council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision.

The proposed bakery/café will see the occupation of a former betting office in this small parade of local shops and improve the level of supporting facilities for local residents and hence improve residential amenity.

Policy SC11 - Food, Drink and Entertainment Uses sets out locational and technical standards for food uses. There are no locational requirements for such a use, however, there are technical requirement in respect of odour disposal and opening hours.

A condition will be attached regarding odour disposal for the kitchen. The proposed hours of operation (7am until 6pm) are considered acceptable in planning terms.

CONDITIONS AND REASONS

01. The development shall be implemented in accordance with drawing number(s):-

Unnumbered Location Plan received 22/08/2010,
Unnumbered Proposed Plan received 12/09/2010,

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

Reason: As these drawings constitute the approved development.

02. 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 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

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

03. The use of the premises shall be restricted to the following days and hours of operation:-

7am until 8pm, 7 days a week.

Reason: To protect local residents from exposure to noise and disturbance at unsocial hours.

04. Disposal of Cooking Odours/Fumes

- (a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a suitable duct carried up the rear wall and terminating at a point 1 metre above eaves. The duct shall be free from any obstruction such as a plate, cowl, 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 before the use commences. The elements to be included are:-
 - (i) Canopies - A 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) Secondary Filtration - an open fibre disposable filter and a pleated, non-woven felt type filter and a non-woven bag type filter shall be installed in the system in that order.
 - (v) Main Filter Media - a mixed media activated filter shall be installed as final treatment of flue gases.
 - (vi) Air Input - An 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 management scheme for the ventilation and filtration system, including all aspects referred to in (a) and (b) above shall be submitted to and shall be approved in writing by, the Planning Authority before the use commences and shall be implemented as approved for the duration of the use.
- (d) Mechanical and electrical installations shall be 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.

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

05. 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 development/the relevant part of the development is occupied.

Reason: To ensure the proper disposal of waste and to safeguard the environment of the development.

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 should consult with Land and Environmental Services (Environmental Health) concerning this proposal in respect of legislation administered by that Service which is likely to affect this development.

02. Before the ventilation system for the disposal and treatment of cooking odours from the premises is installed, the applicant should submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the proposed system will satisfy the requirements of sections (a) and (b) of the condition relating to the disposal of cooking odours/fumes.
03. Before the use commences, the applicant should, following the testing of the installed ventilation system, submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the installation meets its design specification.
04. 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.
05. 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).

for Executive Director of Development and Regeneration Services

DC/DRU/(H)
16/11/2011

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