



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Regeneration and the Economy

Contact: Mr A Shand Phone: 0141 287 8633

Item 1

6th November 2018

APPLICATION TYPE	Full Planning Permission		
RECOMMENDATION	Grant Subject to Condition(s)		
APPLICATION	18/02242/FUL	DATE VALID	25.07.2018
SITE ADDRESS	181 Albert Drive Glasgow G41 2ND		
PROPOSAL	Erection of flue to rear of shop.		
APPLICANT	Baker King 181 Albert Drive GLASGOW G41 2ND	AGENT	David Jarvie 27 Aytoun Road GLASGOW G41 5HW
WARD NO(S)	06, Pollokshields	COMMUNITY COUNCIL	02_077, Pollokshields
CONSERVATION AREA	East Pollokshields	LISTED	B
ADVERT TYPE	Affecting a Conservation Area/Listed Building	PUBLISHED	05.10.2018
CITY PLAN	CDP 4 – Network of Centres		

REPRESENTATIONS/ CONSULTATIONS

8 letters of objection were received in relation to this application including an objection from Pollokshields Community Council.

The grounds of concern may be summarised as follows, and are addressed in the report below:

- *The proposed flue and associated cooking equipment will lead to an expansion of the business operation and an associated increase in cooking odours;*
- *The ventilation flue will not prevent cooking odours permeating the residential properties above and those within the street block defined by Albert Drive, Glenapp Street, Leslie Street and Kenmure Street as it would vent below the ridgeline of the tenement roof;*
- *There is an over-provision of hot-food takeaways in this part of Pollokshields. Further provision would increase parking pressure and exacerbate noise, litter and anti-social behaviour problems;*
- *The proposed flue would be detrimental to the character and appearance of the East Pollokshields Conservation Area and the character of the B-listed tenement to which it would be attached, thereby failing to comply with SG 9 – Historic Environment;*

17 letters of support were also received. The grounds of support may be summarised as follows:

- *The proposal would have no significant detrimental impact on residential amenity;*
- *The proposal would not be detrimental to visual amenity;*

- *The proposal would assist in improving the range and quality of bakery products on offer to the local community, helping the business to survive, protecting jobs and meeting local demand;*

Land and Environmental Service – Environmental Health were consulted and have no objection to the proposal subject to appropriate conditions.

SITE AND DESCRIPTION

The property in question is a ground floor retail unit within a B-listed 3-storey and attic blonde sandstone tenement on the south side of Albert Drive. The property is currently in use as a bakery (Class 1) and lies within the Albert Drive Local Town Centre and the East Pollokshields Conservation Area. Ward 06 – Pollokshields.

The proposal seeks to introduce a ventilation flue to the rear elevation, terminating above eaves level. The flue would serve a new deep fat fryer and 4 ring gas hob which are required for the production on-site of certain sweets and desserts which are currently prepared off-site and brought in for sale. No change of use is proposed.

SPECIFIED MATTERS

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

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

i. an environmental statement

Not applicable

ii. an appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994

Not applicable

iii. a design statement or a design and access statement

Not required for 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

B. Summary of the terms of any Section 75 planning agreement

Not applicable

C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32

These Regulations enable Scottish Ministers to give directions

i. with regard to Environmental Impact Assessment Regulations (Regulation 30)

Not applicable

ii. 1. requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)

Not applicable

2. restricting the grant of planning permission

Not applicable

iii. 1. requiring the Council to consider imposing a condition specified by Scottish Ministers

Not applicable

2. requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.

Not applicable.

POLICIES

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where an application is made under the Planning Acts, it shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The two main issues to consider in the assessment of this application are:-

- (a) whether the proposal accords with the Development Plan; and
- (b) whether any other material considerations have been satisfactorily addressed.

In respect of (a), the Development Plan comprises the Glasgow and Clyde Strategic Development Plan and the City Development Plan. There are no specific policies of relevance to the application proposal in the Strategic Development Plan. The following policies in the City Development Plan are considered relevant to the assessment of the application:

CDP 1 – The Placemaking Principle
 IPG 1 – Placemaking
 CDP 4 – Network of Centres
 SG 4 – Network of Centres
 CDP 9 – Historic Environment
 SG 9 – Historic Environment

ASSESSMENT AND CONCLUSIONS

The principal planning issues to be addressed in this instance are considered to be whether the proposal would have any detrimental impact on the amenity of neighbouring residents or the character and appearance of the B-listed building or the surrounding East Pollokshields Conservation Area.

MATERIAL CONSIDERATIONS

In respect of b), consultation responses and letters of representation may be material considerations in the determination of the application.

Letters of Representation

8 letters of representation were received objecting to the proposed development. The issues and concerns raised are summarised as follows:

- *The proposed flue and associated cooking equipment will lead to an expansion of the business operation and an associated increase in cooking odours;*
- *The ventilation flue will not prevent cooking odours permeating the residential properties above and those within the street block defined by Albert Drive, Glenapp Street, Leslie Street and Kenmure Street as it would vent below the ridgeline of the tenement roof;*

- *There is an over-provision of hot-food takeaways in this part of Pollokshields. Further provision would increase parking pressure and exacerbate noise, litter and anti-social behaviour problems;*

Comment: The current use of the premises is a Class 1 bakery. The planning authority has not been asked to consider any change of use, and the applicant has provided a supporting statement clarifying that the additional cooking equipment (4-ring hob and deep fat fryer) is required for on-site preparation of baked desserts which are already sold on the premises but are currently prepared off-site. It is therefore considered that the additional cooking equipment does not change the main use of the premises, which remains Class 1, and that providing the proposed ventilation flue is considered adequate to suitably discharge cooking odours, no erosion of residential amenity is anticipated.

- *The proposed flue would be detrimental to the character and appearance of the East Pollokshields Conservation Area and the character of the B-listed tenement to which it would be attached, thereby failing to comply with SG 9 – Historic Environment;*

Comment: The site lies within a Local Town Centre, where food and drink uses are commonplace, and associated fixtures and fittings, such as flues are not an unexpected feature. The flue would be appropriately located to the rear and is considered to be capable of future removal. More detail is provided later in this report.

ASSESSMENT

CDP 1 and SG 1 – Placemaking

The Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels.

SG 1 – Placemaking Part 2. Section 3: Commercial Premises states that following guidance applies:

- 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 this obligation, which is a separate legal matter.*

The application proposes no external alterations to the frontage of the unit, with the only external alteration being the erection of a flue to the rear elevation. The siting of the flue to the rear elevation would preserve the visual amenity of the streetscene, thereby complying with the above criteria.

CDP 4 and SG 4 – Network of Centres

The City is characterised by the diversity of its Town Centres which range from nationally significant shopping destinations to small scale centres serving local neighbourhoods. They generally have a strong retail character but also provide a mix of other uses such as financial and other professional services, leisure and entertainment uses, housing, office and community facilities. They are the focus of community life within the City as well as being a significant source of employment for local people. The following principles will guide the management of development in Town Centres:

- Support local services in accessible locations;
- Maintain an appropriate balance between retail and other uses;
- Promote local distinctiveness and the quality of the physical environment;
- Encourage enterprise and accommodate new local businesses; and
- Protect them from development elsewhere that would undermine their vitality and viability.

Assessment Guideline 12 states that 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 current use of the premises is a Class 1 bakery. The planning authority has not been asked to consider any change of use, and the applicant has provided a supporting operational statement clarifying that the additional cooking equipment (4-ring hob and deep fat fryer) is required for on-site preparation of baked desserts which are already sold on the premises but are currently prepared off-site. It is therefore considered that the additional cooking equipment does not change the main use of the premises, which remains Class 1. It is however considered that given the proposed cooking methods, the technical standards of Assessment Guideline 12 should apply. Accordingly, as the proposed ventilation flue is considered adequate to suitably discharge cooking odours, subject to compliance with conditions, no erosion of residential amenity is anticipated in this respect.

CDP 9 and SG 9 - Historic Environment

These aim to protect, preserve and enhance the City's historic environment and heritage assets in line with Scottish Planning Policy and Scottish Historic Environment Policy. SG 9 contains detailed guidance for listed buildings and conservation areas.

All works to Listed Buildings must be carried out in a way which protects their character as buildings of special architectural and historic interest. Listed Buildings must be allowed to adapt to new uses and the Council will respond favourably to creative ideas and good design, in order to ensure their retention, subject to other policies in the Plan and supporting supplementary guidance, particularly Placemaking.

Proposals for new development in, or affecting the setting of Conservation Areas, must: preserve and enhance the special character and appearance of the area and respect its historic context; be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment; protect significant views into, and out of, the area; retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and retain trees which contribute positively to the historic character of the area.

As a general rule, modern exterior apparatus, including ventilation flues, should not be located in such a manner or position that they would harm the character of a Listed Building or affect the visual amenity of the Conservation Area. Proposals for external fittings should comply with the following:

- a) fittings should be sited to minimise their visual impact and to minimise any harm they may have on the character, appearance and setting, of a Listed Building or Conservation Area;
- b) fittings should not be seen from public view at street level;
- c) fittings should not be affixed to the front elevation of a Listed Building or unlisted building in a Conservation Area; and
- d) where fittings are acceptable, they should be painted out or be manufactured in a colour to match the background to which they are attached and be fixed into mortar joints, as far as possible, to prevent damage to masonry or brickwork.

The site lies within a Local Town Centre, where food and drink uses are commonplace, and associated fixtures and fittings, such as flues, are not an unexpected feature. The flue would be appropriately located to the rear, thus minimising its impact on the character and appearance of the surrounding conservation area. Furthermore, the flue is considered to be capable of future removal, and this constitutes a material consideration in assessing its impact on the special character of this B-listed building as being acceptable. On balance, it is considered that the proposed rear flue would not be so detrimental to the historic merits of the East Pollokshields Conservation Area or the B-listed building as to warrant refusal.

CONCLUSION

he proposed ventilation flue is considered to comply with the relevant policies of the City Development Plan and, accordingly, would not cause significant detriment to the amenity of neighbouring residents, the character and appearance of the East Pollokshields Conservation Area, or the special historic character of this B-listed building, subject to compliance with recommended conditions.

CONDITIONS AND REASONS

01. 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.

02. Disposal of Cooking Odours/Fumes

(a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a duct carried up the rear elevation and terminating at a point 1 metre above eaves level. 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) 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 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.

03. All external fittings including roof terminals, burglar alarms, air conditioning and ventilation plant, ducts and grilles, balanced flues and security fittings shall be factory finished or painted out to match the colour of the background to which they are attached.

Reason: To safeguard the character of the listed building and the character of the surrounding conservation area.

04. The flue shall be attached to the wall of the building by fittings into the mortar joints, unless otherwise approved in writing by the planning authority. Any proposals to drill into the stone shall be accompanied by a written supporting statement.

Reason: To safeguard the character of the listed building.

REASON(S) FOR GRANTING THIS APPLICATION

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 grant of planning permission does not remove the requirement for Listed Building Consent for any alterations, either internal or external, which may be required in order to implement this planning permission.

02. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build or maintain this approved development. Such consent should be obtained prior to the commencement of works on site
03. 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.
04. 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.

for Executive Director of Regeneration and the Economy

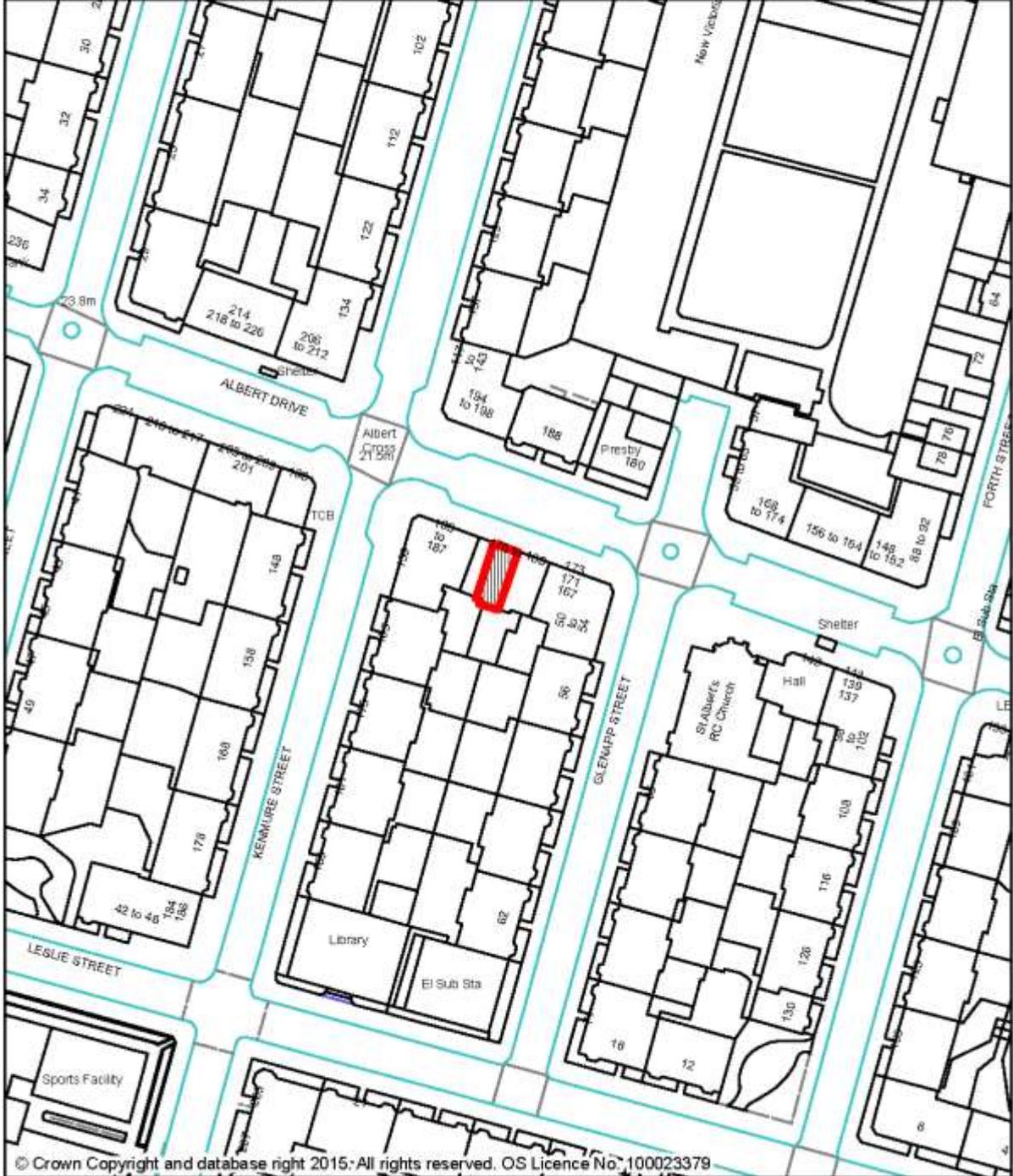
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BACKGROUND PAPERS

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 <p>Glasgow City Council Development and Regeneration 231 George Street Glasgow G1 1RX Glasgow CITY COUNCIL Executive Director: Richard Brown</p>	<p>Reference No: 18/02242/FUL Address: 181 Albert Drive, Glasgow, G41 2ND</p>
<p>Scale: 1:1,250</p>	<p>Indicative Site Location Ward: 6</p>
	
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