



PLANNING APPLICATIONS COMMITTEE

Item 1
9th February 2021

**Report by Head of Planning and Building Standards
Development and Regeneration Services**

Contact: Paul O'Brien Phone: 0141 287 6009

APPLICATION TYPE:	Full Planning Permission
RECOMMENDATION:	Grant subject to Conditions.

APPLICATION	20/00002/FUL	DATE VALID	20.01.2020
SITE ADDRESS	432 Alexandra Parade Glasgow G31 3AA		
PROPOSAL	Erection of drive-thru restaurant (Class 3) and associated works.		
APPLICANT	The Motor Fuel Group C/o APT Planning & Development	AGENT	APT PLANNING & DEVELOPMENT PER TONY THOMAS 6 HIGH STREET EAST LINTON EH40 3AB
WARD NO(S)	22, Dennistoun	COMMUNITY COUNCIL	02_045, Dennistoun
CONSERVATION AREA		LISTED	
ADVERT TYPE	Bad Neighbour Development	PUBLISHED	31 January 2020
CITY PLAN			

REPRESENTATIONS/ CONSULTATIONS

CONSULTATIONS UNDERTAKEN:

Neighbourhoods and Sustainability – Environmental Health Petroleum Officer **-No objection.**

REPRESENTATIONS:

In total 13 representations were received following the Neighbour Notification process. All of which are objections to the proposal.

Three objections to the proposal have been submitted by Councillors. These being Councillor Casey and Councillor MacDougall in addition to a late objection received from Councillor Long. In normal circumstances we would not accept late representations', however an exception was made on this occasion as the objection was submitted at the beginning of the Covid 19 Pandemic when Council officials implemented working from home practices as such a period of grace was afforded while we learned to adopt to new ways of working.

One objection has been submitted on behalf of the Dennistoun Community Council with the remaining 9 objections received from members of the public. The matters raised can be summarised as follows:

- There is a climate emergency and as a Council we should not be encouraging the use of private cars;
- Traffic congestion;
- Noise Pollution;
- Litter nuisance;
- Removal of tree is unacceptable;
- Public safety at risk due to increase in traffic;
- Over provision of take ways and cafes in the local area;
- Unacceptable hours of opening in close proximity to residential properties;
- Negative impact on nearby local independent businesses;
- Proposals do not encourage sustainable modes of transport; &
- Negative impact on surrounding Conservation Area.

SITE AND DESCRIPTION

The application seeks full planning permission for the Erection of drive-thru restaurant (Class 3) and associated works including external seating area and car park. The application site is located within the grounds of an existing 24 hour petrol filling station and will maintain a shared access point. Currently on site a car wash (approved under planning application 17/01500/DC) is in operation. The site is located within ward 22, Dennistoun.

The defined Alexandra Parade Local Town Centre lies approx. 400 metres to the east of the application site. In addition, two units that make up the Craigpark Local Shopping Facility lie on the south side of Alexandra Parade approximately 200 metres to the east of the application site.

A range of ground floor retail and commercial units, professional service uses including Alexandra Park Dental Practice and a betting office as well as a Class 3 uses are located on the north side of Alexandra Parade directly opposite the application site. These units however have residential properties directly above them. To the south of the site lies a 4 storey residential tenement block. Directly to the west of the site lies the existing 24 hour petrol filling station forecourt and associated retail store.

PROPOSED DEVELOPMENT:

The drive-through unit which measures 167 square metres has been located on the widest part of the site. This location also allows the glazed front elevation to address the Alexandra Parade frontage as well as the main part of the petrol filling station site. The resultant orientation of the unit has the rear facing towards the drive thru lane and also the existing landscaped area. The proposed building includes a predominately glazed frontage with composite and timber cladding.

Along the proposed northern elevation will be a proposed terrace area for outdoor consumption of products.

Within the site there will be provision for 6 car parking spaces (3 standard parking bays and 3 disabled parking bays). 4 No cycle parking stands shall be provided on the Alexandra Parade elevation.

Vehicular access to the site shall be as existing off Alexandra Parade and shall be shared with the existing petrol filling station. A new pedestrian access shall be formed onto Alexandra Parade.

Provision has been made for waste and recycling storage within a screened compound.

SITE HISTORY

- **19/00008/FUL** - Erection of a drive through coffee shop (composite shop and food and drink use (Class 1/Class 3), associated parking and works – **WITHDRAWN**
- **17/01500/DC** – Use of part of petrol filling station forecourt as car wash with storage/amenity cabin (retrospective) – **GRANTED**
- **17/01621/DC** - Display of 1no 4m high illuminated advertisement sign and 6no non illuminated

wall mounted signs – **REFUSED**

- **17/02899/DC** - Formation of vehicular access. – **REFUSED.**

POLICIES

CDP 1: The Placemaking Principle & SG 1: Placemaking
CDP 2: Sustainable Spatial Strategy
CDP 4: Network of Centres & SG 4: Network of Centres
CDP 5: Resource Management & SG 5: Resource Management
CDP 8: Water Environment & SG 8: Water Environment
CDP 11: Sustainable Transport & SG 11: Sustainable Transport

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 applicable

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)

A Statement on Energy and Transport Assessment have been submitted in support of the application. No flood risk or drainage impact assessment is required.

B. Summary of the terms of any legal 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

ASSESSMENT AND CONCLUSIONS

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 Clydeplan Strategic Development Plan and, as of 29 March 2017, the City Development Plan (CDP). There are no specific policies of relevance to the application proposal in the Strategic Development Plan.

The City Development Plan consists of high level policies (in line with Scottish Government guidance), with statutory Supplementary Guidance providing further information or detail in respect of these policies. Some Supplementary Guidance is currently still under preparation and these items are considered as Interim Policy Guidance.

The following policies are considered particularly relevant to the application assessment:

CDP 1 - The Placemaking Principle & SG 1 Placemaking

This 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.

In order to be successful, new development should aspire to achieve the six qualities of place as defined in Scottish Planning Policy, and reinforced by Creating Places and Designing Streets. These are:

- It is distinctive;
- It is safe and pleasant;
- It is easy to move around and beyond;
- It is welcoming;
- It is adaptable; and
- It is resource efficient.

These priorities will ensure development does not detract from the quality and character of the existing environment, but instead respects and fully integrates with the existing townscape and helps to reinforce and build on the City's assets

SG 1 also provides guidance on a number of specific topics outlined below

- Residential development;
- Amenity;
- Sustainable development;
- Public realm;
- Air quality;
- Managing noise;

- Waste storage, recycling and collection in new development;
- Development affecting commercial premises;
- Signs and advertising;
- External fittings to buildings; and
- Detailed design guidance

Council Comment: The proposed design and specification of external materials is in keeping with the building style for the proposed use. The proposed restaurant building includes a predominately glazed frontage with external cladding. Provision has been made for waste and recycling storage within a screened compound.

NON RESIDENTIAL DEVELOPMENT AFFECTING RESIDENTIAL AREAS:

The Plan does not identify land use zones to direct particular types of development. Instead, Policy CDP1 Placemaking encourages development to be informed by a place based approach, which means new development should be responsive to its context and seek to build upon the benefits of proximity. It is critical that new development is compatible with existing and future uses.

Residential areas are supported by a range of uses that help to reinforce the community by creating focal points as well as reducing the need to travel. Generally the following uses are deemed to be compatible and complementary to residential areas and will be encouraged:

- schools;
- local shops;
- community facilities;
- public buildings;
- small businesses (particularly Class 2);
- health facilities; and
- social and recreational facilities.

All proposals for non-residential uses will be considered against the following criteria:

- Outwith the Network of Centres and Economic Development Areas identified in the Plan (see Policy CDP3 - Economic Development and Policy CDP4 - Network of Centres), permission will not normally be granted for uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours) or which propose the storage of quantities of hazardous substances in close proximity to housing; and
- Uses which prove acceptable to the Council will require to provide adequate screening for any outside storage of materials and introduce traffic mitigation measures, where appropriate, in order to preserve the amenity of the surrounding residential area.

Council Comment:

It is considered that the proposed use given the surrounding context and through the use of safeguarding conditions will not generate unacceptable levels of disturbance, traffic, noise or vibration to the detriment of residential amenity for neighbouring properties.

Taking all of the above into consideration the proposal accords with policies CDP 1 & SG 1 – The Placemaking Principle of City Development Plan.

CDP 2: Sustainable Spatial Strategy

This states that the council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable city. In doing so, the Council will support new development proposals that, among other things:

- Utilise brownfield sites in preference to greenfield sites;
- Prioritise the remediation and reuse of vacant and derelict land;
- Contribute to the development of vibrant and accessible residential neighbourhoods;
- Support higher residential densities in sustainable locations;

- Protect and enhance the integrity and character of the city's historic and natural environment.
- Protect and enhance the function and integrity of the Green Belt and contribute towards the development of an integrated green infrastructure;

Council Comment:

In summary, the proposed development is considered to comply with this policy in so far as the proposed development will utilise a potential brownfield site rather than occupy a greenfield site in addition it will help contribute to the development of vibrant and accessible residential neighbourhoods.

CDP 4: Network of Centres & SG 4: Network of Centres

FOOD, DRINK & ENTERTAINMENT USES:

The Council has to strike a balance between the encouragement of uses that make the City more vibrant, and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents. The following guidance therefore deals primarily with issues of amenity arising from food, drink and entertainment development proposals. Applicants must address both the Locational Guidance and Technical Guidance outlined below:

LOCATIONAL GUIDANCE:

Assessment Guideline 10: Food, Drink & Entertainment Uses

In order to protect residential amenity, the following factors will be taken into consideration when assessing whether the location of proposed food, drink and entertainment uses is acceptable:

a) City Wide:

- 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.
- Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.
- 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.

Outwith the City Centre:

- Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.
- 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.
- 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.

Council Comment:

With regards to this site there is no defined street block frontage as the site is located within the grounds of an existing stand alone petrol filling station. Taking hours of operation into consideration the existing petrol filling station operates on a 24 hour basis with limited services available after 11 pm each night. The existing Sui Generis use (Dominos) directly to the north of the site from 11 am to 11 pm Sunday to Thursday and from 11 am until 1 am Friday and Saturdays'. The existing Class 1 (Greggs) to the north of the application site operates from 7am until 5 pm Monday to Saturday and from 8am until 4 pm on a Sunday. Taking the existing surrounding operations into consideration the use shall be restricted by way of condition to 7am until 10pm Monday to Saturday and 8 am until 10pm on a Sunday. A similar condition

shall be attached with regards to servicing of the site.

Assessment Guideline 11: Outdoor Food and Drink Areas

Outwith the City Centre: The provision of outdoor food and drink areas abutting existing premises will generally be supported where:

- They will not give rise to noise and activity levels likely to have an unacceptable impact on residential amenity;
- They are not likely to have a detrimental impact on the privacy of adjacent residential backcourts and amenity spaces;
- When located outwith Town Centres, they are not directly overlooked by residential property;
- They will not interfere with the safe passage of pedestrian or vehicular traffic;
- Hours of operation, including setting up and removal of external furniture, are limited to between 08:00 hours and 22:00 hours (when located within Town Centres) or 08:00 hours and 21:00 hours (when located outwith Town Centres);
- High quality furniture and boundary treatment can be provided; and (vii) External furniture can be stored within the associated premises when not in use.

Council Comment: The applicant proposes an external seating area on the Alexandra Parade elevation. This is the furthest possible point from any residential properties and it is considered that its location would not have a detrimental impact on the privacy or overall residential amenity of any nearby residential properties. The site however is not located within in town centre as such a safeguarding condition shall be attached limiting the use of the outdoor seating area to 8am – 9pm seven days a week.

Taking the above into consideration and subject to safeguarding conditions' the proposal is considered to be in accordance with the locational aspects of policy.

TECHNICAL GUIDANCE:

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:

- 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;
- Full specifications of the proposed ventilation system, including the design, size, location and finish; A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and
- 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.

c) Where the Planning Authority accepts that an externally mounted high level flue cannot be provided (ie. due to physical or visual amenity constraints rather than ownership issues), an alternative ventilation system may be considered acceptable, subject to the Planning Authority being completely satisfied that the proposal complies with a) and the following additional criteria:

- Within Town Centres, where it can be demonstrated that there will be no unacceptable impact on the amenity of surrounding residential properties.

- Outwith Town Centres, where it can be demonstrated that there are no residential properties within close proximity to the proposal.

It is recommended that the applicant consults the guidance document published in 2005 by DEFRA: Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems with specific reference to Annexes B and C.

d) A suitably qualified engineer must undertake the design and installation of the ventilation system.

e) If the applicant cannot adequately address the Council's requirements in terms of ventilation, the Council may require to control the method of cooking through the use of conditions.

Council Comment: The applicant has indicated that the unit will be occupied by 'Starbucks' and no commercial cooking or frying will take place on the premises. The kitchen facility will be utilised for the serving of hot / cold beverages, pre prepared food, toasted or heated by way of compact turbo chef ovens. Ventilation provision will be by means of localised light commercial intake / extract unitary fans. A safeguarding condition shall be set that should cooking ever take place on site, prior to this full details of the method of dispersal of cooking fumes shall be submitted to and approved in writing by the planning authority to ensure no impact on the surrounding residential amenity by way of odour nuisance.

Assessment Guideline 13: Parking and Servicing Requirements

Parking and servicing requirements associated with proposed food, drink and entertainment uses must comply with Section B of SG 11 Sustainable Transport and must not result in parking and/or traffic congestion.

Council Comment: This aspect is detailed below under the assessment against City Development Plan Policy CDP 11 and corresponding Supplementary Guidance SG 11 - Sustainable Transport.

Assessment Guideline 14: Waste Management and Disposal

Proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.

Council Comment: The applicant has submitted details of a screened external storage yard for safe storage of refuse. A safeguarding condition requesting further details requesting details of refuse arrangements is to be attached to ensure the proper disposal of waste and to safeguard the environment of the development.

Taking all of the above into consideration and subject to safeguarding conditions the proposed development is considered to meet both the Locational and Technical criteria of policy and as such is considered to be in accordance with City Development Plan Policy CDP 4 – Network of Centres and corresponding Supplementary Guidance SG 4 – Network of Centres.

CDP 5: Resource Management & SG 5: Resource Management

All new build development is required to be supported by a Statement on Energy, in order to ensure that the development is designed to reduce the need for energy. A competent statement of energy was submitted. This has been reviewed by the Council's internal consultee and deemed to be acceptable.

In terms of energy efficient design measures the proposed development includes a highly efficient Air Source Heat Pump system, heat recovery ventilation, LED lighting, with a low design wattage.

In terms of Low and Zero Carbon Generating Technologies, the proposed development includes Photovoltaics, Air Source Heat Pumps and Heat Exchange and Recovery systems. The initial design reviewed a number of options ranging from a decentralised CHP/heating system, PV array, Solar Thermal and biomass. Due to the building use and form, there is a small heating demand and therefore, an electrically led CHP system for instance, would not be beneficial. The building is to be used as a restaurant/food service building and as such would benefit from cooling as well as heating. This cooling

load would potentially be higher than the heating load. considering this factor, along with the need to alleviate fossil fuel heating/DWH sources in the near future, by using an ASHP (all electric) system, the building would not only benefit from increased staff and customer comfort, it would also provide future proofing. As mains electric is to be adopted, a PV array will be installed to the roof, which will reduce operational energy use, as well as offsetting the generated carbon.

Taking the above into consideration the proposed development is considered to comply with Policy CDP 5 and Supplementary Guidance SG 5 – Resource Management. A standard safeguarding condition ensuring continued compliance with this shall be attached.

CDP 8: Water Environment & SG 8: Water Environment

Policy CDP 8 and Supplementary Guidance SG 8 Water Environment aim to aid adaptation to climate change, protect and improve the water environment, support the development of integrated green infrastructure throughout the City, meet the requirements of the Flood Risk management (Scotland) Act 2009 and Scottish Planning Policy 2014 and contribute to the overall reduction of flood risk and make satisfactory provision for SUDS.

Planning applications of 5 or more dwellings or **development of more than 250 sqm floor area** will require to be accompanied by a completed Flood Risk Screening checklist to identify any potential flood risk to the proposal. The Council considers flood risk to be a key consideration which may significantly influence the acceptability, nature, design and capacity of a development.

If any flood risks are identified during the screening exercise, there will be a requirement to carry out a Flood Risk Assessment (FRA) in accordance with supplementary guidance. Where an FRA is deemed necessary, the Council will expect both the FRA to be undertaken and its findings to be incorporated into the proposed development. Where this is not the case, planning permission will not be granted.

The FRA must clearly identify specific flood risks and quantify issues that need to be addressed. The FRA will also require to demonstrate that the flood mitigation strategy can be delivered, in compliance with all other relevant legislative requirements of Scottish Planning Policy, the Flood Risk Management (Scotland) Act 2009 and SEPA.

The creation of a surface water drainage strategy is fundamentally important to the design development for any new development of 5 or more dwellings or **development of more than 250 sqm floor area**. This strategy will set out the key principles of the surface water drainage strategy and demonstrate appropriate spatial planning.

Following consultation with Flood Risk Management it has been confirmed that as this site is not within the predicted fluvial flood extent and is less than 250 sqm in floor area, the requirement for a Flood Risk Assessment and Drainage Impact Assessment does not apply. A condition has been attached however requesting details of how surface water generated by the site will be managed, including details of any connections to the existing sewer network.

CDP 11: Sustainable Transport & SG 11: Sustainable Transport

CYCLE PARKING:

Whilst there is no specific guidance on cycle parking for drive-thru facilities, it is considered that standards associated with restaurants would be appropriate. Therefore, provision has been provided at a rate of 1 space per 50sqm PFA plus 1 space per 10 staff members. A total of four 'Sheffield' cycle stands will be introduced adjacent to the unit entrance, which could accommodate 8 bicycles at any one time.

VEHICLE PARKING:

SG 11 Table 3.4- Recreational Parking: Drive through Restaurants states that in areas of high accessibility the basic maximum standard of vehicular parking provision is 5 spaces per 100 sqm of public floor area. The applicant proposes 6 parking spaces (including 3 disabled parking bays) for **93 sqm** of public floor area which is in excess of policy requirement.

ELECTRIC VEHICLE PARKING:

There is no requirement for passive electric vehicle parking spaces in this type of development as per City Development Plan.

TRANSPORT ASSESSMENT:

A Transport Assessment prepared by DW Transportation was submitted in support of the application. The conclusion of this report demonstrates that the site is accessible from the surrounding area by all modes of transport, confirming that the site location will encourage sustainable travel in place of private car use, reflecting the aims of local and national transport planning policies. The introduction of the proposed development is expected to attract some new turning movements in and out of the site. However, new trips on the wider network are expected to be negligible as most vehicle trips would be pass-by, linked with the existing petrol station or diverted traffic due to accidents/ roadworks on motorway. The proposed development is minor in nature and the adjacent highway network is expected to be able to support the negligible increase in traffic generated by the proposed development, without any significant delay or impact to the surrounding road network and so off-site improvements are not necessary. The submitted Transport Assessment and its conclusions has been reviewed and has been deemed acceptable.

Taking the above into consideration subject to proposed conditions, the proposal accords with policies CDP 11 & SG 11.

In terms of issue (a), therefore, the proposal is considered to be in line with the Development Plan, having regard to the designated land use and all relevant policies as addressed above.

In respect of (b), with regard to the letters of representation, the grounds may be summarised, with appropriate comment, as follows:

- There is a climate emergency and as a Council we should not be encouraging the use of private cars;

Council Comment: The City Development Plan does not contain any policies specifically prohibiting development that generates any car movements. The Development Plan as a whole promotes sustainable development throughout the city through its policies. The above development has been assessed against the relevant City Development Plan policies and is considered to be in accordance with the development plan.

- Traffic congestion;

Council Comment: The applicant has submitted a Transport Assessment which states the proposed development is minor in nature and the adjacent highway network is expected to be able to support the negligible increase in traffic generated by the proposed development, without any significant delay or impact to the surrounding road network and off-site improvements are not necessary. The Transport Assessment has been reviewed by the Council and its conclusions accepted.

- Noise Pollution;

Council Comment: The hours of operation are to be conditioned in line with existing commercial uses in the vicinity.

- Litter nuisance;

Council Comment: A standard safeguarding condition requesting details of all refuse provision and storage shall be provided for the written approval of the planning authority prior to the commencement of any works on site.

- Removal of tree is unacceptable;

Council Comment: The proposal will result in the removal of two trees, one within the site boundary and another immediately to the south of the site. Given that the site is not located within a conservation area and none of the trees are on land belonging to the Council none of the trees benefit from protected status. Following a consultation with our internal landscape architect no

objection was received and safeguarding conditions have been recommended.

- Public safety at risk due to increase in traffic;

Council Comment: As part of the determination process a consultation has been undertaken with DRS Transport Planning Team. Following a full review of all associated documents no concerns have been raised with regards to public safety due to increased traffic.

- Over provision of take ways and cafes in the local area;

Council Comment: The proposal is in line with City Development Plan Policy CDP 4 and SG 4 Network of Centres with regards to Food, Drink and Entertainment Uses.

- Unacceptable hours of opening in close proximity to residential properties;

Council Comment: The hours of operation are to be conditioned in line with existing commercial uses in the vicinity.

- Negative impact on nearby local independent businesses;

Council Comment: Business competition is not a material planning consideration. The end user of the site is not assessed, only the use of the site is assessed.

- Proposals do not encourage sustainable modes of transport;

Council Comment: The proposal incorporates cycle parking provision in line with City Development Plan Policy SG 11 – Sustainable Transport. In addition the proposal increases pedestrian connectivity to the site.

- Negative impact on surrounding Conservation Area.

Council Comment: The site is not located within a Conservation Area.

CONCLUSION

The above demonstrates that the proposed development complies with the relevant policies of the Development Plan. Other material considerations including the consultation responses and letters of objection have been considered, however these do not outweigh the proposal's accordance with the Development Plan. On the basis of the foregoing, it is recommended that the application for planning permission be granted subject to the attached safeguarding conditions.

APPROVED DRAWINGS

SITE LOCATION PLAN	WPS-MFG-072-PL001_A	03/01/2020
PROPOSED SITE PLAN	WPS-MFG-072-PL004	03/01/2020
PROPOSED UNIT PLAN	WPS-MFG-072-PL005_A	20/01/2020
PROPOSED UNIT ELEVATIONS	WPS-MFG-072-PL006	03/01/2020
PROPOSED SITE SECTIONS	WPS-MFG-072-PL007	03/01/2020
KITCHEN LAYOUT	WPS-MFG-072-PL008	20/01/2020

CONDITIONS AND REASONS

01. Light from the development shall not give rise to:

(a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%

(b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)

(c) "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each

source in the potentially obtrusive direction out of the area being lit.)

Reason: In the interests of limiting the effects of light pollution on the environment and the users of surrounding developments, and of energy efficiency.

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:
07:00 to 22:00 Monday to Saturday; &
08:00 to 22:00 Sunday.

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

04. The use of the external seating area shall be restricted to the following days and hours of operation:
08:00 to 21:00 7 days a week.

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

05. The arrival of delivery vehicles at the premises shall be restricted to the following days and hours:
06:00 to 22:00 Monday to Saturday; &
07:00 to 22:00 Sunday.

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

06. 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 the 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.

07. 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.

08. Before any work on the site is begun full details of any tree works shall be submitted for the written approval of the Planning Authority, including the submission of an Arboricultural Impact Assessment, method statement, design details of hard surfacing within the Root Protection Area and an accompanying schedule including information on species, height, canopy spread, base level and condition. A detailed plan shall be submitted which shows the exact location of all existing trees at the site and the location and details of a method of tree protection, to comply with BS 5837:2012 Trees in relation to design, demolition and construction, for the written approval of the planning authority. The approved protection shall be in place prior to the commencement of any work on the site and shall be retained in place until completion of the development.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

09. Before any work on the site is begun, a detailed plan to comply with BS 5837:2012 Trees in relation to design, demolition and construction, which shows the exact location of all existing trees on the site, including their root protection area (RPA), shall be submitted to and approved in writing by the planning authority. An accompanying schedule shall include information on species, height, canopy spread, base level and condition. The plan and schedule, ie the tree survey, shall also indicate those trees which it is intended to retain and those which it is intended to remove and details of any tree works to retained trees.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

10. With the exception of tree works detailed in the approved application, existing trees on the site shall not be lopped, topped, felled or removed without the prior written approval of the planning authority. Details of such trees and the proposed operations on each of them shall be submitted to the planning authority. Any proposals for felling or removal shall include proposals, including a programme, for replacement tree planting.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

11. Before any work on the site is begun, a detailed plan which shows the root protection area (RPA), the location and details of a method of tree protection and temporary works, including scaffolding and access routes, to comply with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations shall be submitted to and approved in writing by the planning authority. The approved protection shall be in place prior to the commencement of any work on the site, shall be inspected by the Planning Authority and shall be retained in place until completion of the development.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

12. The minimum depth of topsoil shall be 150mm for grass areas, 450mm for shrub areas and 900mm for trees on clean subsoil free from builder's rubble and other deleterious materials. Topsoil shall be free from pernicious weeds and shall have a pH value of approximately 7.0.

Reason: To ensure that favourable conditions are created for survival of the planting.

13: Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.

14. During the period of the works on site monthly inspection reports, prepared by a suitably qualified professionals on Arboricultural matters, shall be submitted to the Planning Authority for written approval.

These reports shall deal with the integrity of tree protection measures, any planned and agreed works

within the root protection areas (RPA), service works, and any other site access issues that may impact on the trees to be retained.

No further tree removals shall be carried out without the submission of a tree replacement plan submitted to the Planning Authority for prior written approval.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

15. All tree works shall be carried out in accordance with the specifications detailed Condition 8, unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain the contribution of existing trees to the landscape quality and biodiversity of the area.

16. Before any landscaping works on the site is begun, a maintenance schedule for the landscaping scheme/open space, including a calendar detailing the maintenance of each component of the landscaping scheme and the number of operations within each month, and details of the responsibilities of relevant parties, shall be submitted to and approved in writing by the planning authority.

Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.

17. Before any work on the site is begun, a programme for the implementation/phasing of the landscaping in relation to the construction of the development shall be submitted to and approved in writing by the planning authority.

Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.

18. Before any work on the site is begun, a scheme of landscaping shall be submitted to and approved in writing by the planning authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. All landscaping, including planting, seeding and hard and soft landscaping, shall be completed in accordance with the approved scheme.

Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.

19. When submitting the required Building Warrant application for this development an updated Statement on Energy (SoE) shall be submitted to and approved in writing by the planning authority. The SoE shall demonstrate how the development will incorporate low and zero-carbon generating technologies to achieve at least a 20% cut in CO2 emissions and that the Gold Hybrid Standard are to be met, as per City Development Plan policy CDP 5: Resource Management & accompanying Supplementary Guidance SG5: Resource Management. The development shall thereafter be constructed in compliance with the approved SoE. Formal confirmation of the constructed development's compliance with the SoE, carried out by a suitably qualified professional, shall be submitted to and approved in writing by the planning authority before the development/the relevant part of the development is occupied.

Reason: To reduce energy consumption and greenhouse gas emissions by ensuring that the development is designed and constructed to be energy efficient, and utilises cleaner and more renewable sources of energy.

20. Prior to the commencement of works on site, details of how the surface water generated by the site will be managed, including details of any connections to the existing sewer network shall be submitted to and approved in writing by the Planning Authority.

Reason: To enable the planning authority to consider this/these aspect(s) in detail.

21. External materials shall be as indicated on the approved elevation drawings. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture.

Written approval shall be obtained before the materials are used on site.

Reason: To enable the planning authority to consider this/these aspect(s) in detail.

22. For the avoidance of doubt, the signage zones on the proposed building are not hereby approved and are taken to be indicative only.

Reason: In order to safeguard the property itself and the amenity of the surrounding area.

23. Provision shall be made in the design of the development for the parking of cycles. This provision shall be in accordance with the requirements of Glasgow City Council City Development Plan, Supplementary Guidance 11: Sustainable Transport, Section 4 Cycle Parking. Details on showers, changing and drying facilities (employment sites).

Reason: In order to promote cycling to work.

Reason: To ensure that cycle parking is available for the occupiers/users of the development.

24. The use of the property shall be restricted to Drive-Thru only.

Reason: To safeguard the amenity of the property itself and the surrounding area.

25. Details of all boundary treatments shall be submitted to and approved in writing by the planning authority prior to the commencement of construction works on site.

Reason: To enable the planning authority to consider this/these aspect(s) in detail.

26. An acoustic fence/ barrier shall be erected between the southern boundary of the site and the neighbouring tenement gable/backcourt. Full specification details to be submitted for the prior written approval of the Planning Authority, prior to the commencement of the approved drive thru operation.

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

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. Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, to be the subject of an application for express consent.
02. Before the lighting system is installed, the applicant should submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the proposed system will satisfy the requirements of the light pollution condition.
03. Before the use commences, the applicant should, following the testing of the installed lighting system, submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the system complies with its design specification.
04. The applicant is advised to contact the Local Authority Petroleum Officer prior to the commencement of any works on site.
05. Prior to implementation of this permission, the applicant should contact Development and Regeneration Services (Transport) at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.
06. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984.
07. Construction and/or demolition work associated with this development should conform to the

recommendations/standards laid down in BS5228 Part 1: 1997 "Noise and Vibration Control on Construction and Open Sites". Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 should be employed at all times to ensure noise levels are kept to a minimum.

08. 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.
09. 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 Chief Executive, Glasgow City Council

DC/ POB/
02/02/2021

BACKGROUND PAPERS

PLEASE NOTE THE FOLLOWING:

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Glasgow City Council

Development and Regeneration
231 George Street
Glasgow G1 1RX

Executive Director: Richard Brown

Reference No: 20/00002/FUL

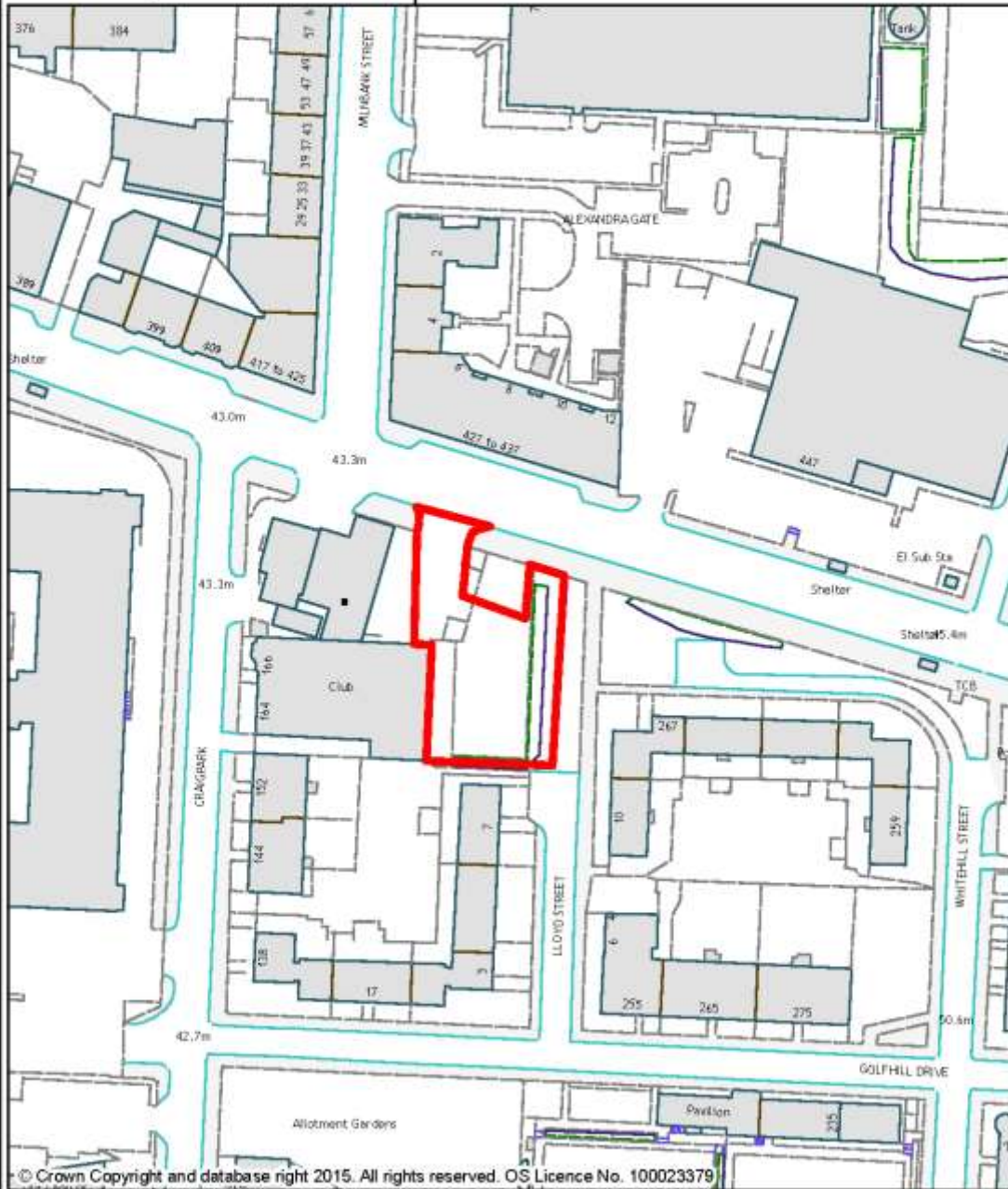
Address:

432 Alexandra Parade G31 3AA

Scale: 1:1,250

Indicative Site Location

Ward: 22



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Location of Site (for details refer to Report)