



Glasgow City Council
Planning Local Review Committee

Item 1

31st January 2023

Report by Executive Director of Neighbourhoods.
Regeneration and Sustainability

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22/00031/LOCAL 160 Carmyle Avenue

**Use of bookmakers (Sui Generis) as hot food takeaway (Sui Generis) and
erection of extract flue**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above Planning Local Review.

Recommendations:

Consider the contents of this report in determining the proposal

Ward No(s): 19

Citywide: n/a

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

PLEASE NOTE THE FOLLOWING:

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1. LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The site is a vacant Betting Shop (Sui Generis) unit on the ground floor of a two-storey corner tenement within Carmyle Local Shopping Facility which has retail and commercial units at ground floor level with flats above. This Local Shopping Facility is within the City's Network of Centres. The street block has 6 retail/commercial properties - three Class 1 (Shops), one hot food take-away (Sui Generis) and two vacant units, including the application premises. The surrounding area is residential in character, and there are dwellinghouses opposite the application property.
- 1.2 The property's principal elevation is on Carmyle Avenue, and features an entrance door and four small, high level windows. The side elevation onto Gardenside Avenue is blank. To accommodate the hot food take away, the four small windows on the Carmyle Avenue elevation would be replaced with one large window. The proposed flue would be installed on the Gardenside Avenue elevation, it would protrude from the wall approximately 2.9 metres above ground level, and terminate 0.9 metres above the eaves. It would be located adjacent to windows of residential properties within the building. The hours of operation would be 3pm to 10pm, seven days per week. The waste/recycle bins would be located adjacent to the application premises, on the public footpath at Gardenside Avenue.

2. DEVELOPMENT PLAN POLICIES

- 2.1 The relevant policies are:
- CDP1 The Placemaking Principle
 - CDP2 Sustainable Development Strategy
 - CDP4 Network of Centres
 - CDP11 Sustainable Transport
- 2.2 The relevant Supplementary Guidance is:
- SG1 The placemaking Principal (Part 2)
 - SG4 Network of Centres
 - SG11 Sustainable transport

3. REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal to which the review relates are:

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02. The proposal is contrary to Policy CDP1 and CDP2 & SG1. The principle of introducing a Sui Generis Hot Food Takeaway and flue ventilation within a residential building immediately adjacent habitable windows would conflict with the amenity and wellbeing of the residents through adverse odours/fumes and

noise disturbance issues and have a detrimental impact on the wider residential area. The proposal is contrary to the placemaking and sustainability principles of the policies.

03. The introduction of a Hot Food Takeaway (Sui Generis), a Bad Neighbour development, within a building containing residential properties would exceed the 20% policy maximum. The proposed change of use and installation of a flue ventilation system under and next to habitable windows would have significant detrimental impact on residential amenity through noise, odour and disturbance. The proposal is contradictory to policy CDP4 AG10.

04. The street front location of the proposed waste/recycle facilities will adversely impact resident's amenity through noise, odour and is a negative visual blight on the wider area. The proposal is contrary to policy CDP4 AG14.

4. APPEAL STATEMENT

- 4.1 The issues raised by the applicant can be summarised as follows:
- Staff will move customers on once they have been served, to prevent noise emanating from the premises late at night.
 - Any rubbish that is dropped by any customer will be tidied up by the staff
 - The refuse bins will be store at the rear of the building and brought out on collection day.

5. REPRESENTATIONS AND CONSULTATIONS

- 5.1 There was one representation to the planning application, and no consultations with external organisations.
- 5.2 The following is a summary of the issues raised:
- The proposal would exacerbate on-street parking issues, and impact amenity through increased noise, odour and disturbance/loitering, and storage of bins on the pavement.

6. COMMITTEE CONSIDERATIONS

- 6.1 Committee need to consider if the proposal is in accord with the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations. The following are the relevant City Development Plan considerations:

Supplementary Guidance 1 The Placemaking Principal (Part 2)

Alterations to Shops and Other Commercial Buildings

This guidance seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally, and do not cause dis-amenity to neighbours.

In addition, it indicates proposals for alterations to shops and other commercial buildings should respect the period, style and architectural character of the

building. and not adversely affect residential amenity as a result of noise, vibration, etc.

The guidance further indicates alterations to shop frontages should always be designed to take account of the age and style of the buildings in which they are located; the original fascia should be retained or, if it is concealed, it should be reinstated; and a stallriser may be used.

Committee should note:

- The four existing high level windows and front wall would be replaced by a large single window, with a white upvc frame, which would extend from a new 300mm high stallriser to the bottom of the original fascia.

Committee should consider:

- If the proposed shopfront alterations would enhance the appearance of the building and the street scene; respect the period, style and architectural character of the building, or cause dis-amenity to neighbours

SG4 Network of Centres

Locational Guidance

Assessment Guideline 10: Food, Drink and Entertainment Uses (AG10)

This guidance recognises 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 guidance also indicates 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. In addition, 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.

AG10 further indicates Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings. The hours of operation will be agreed with the Planning Authority, based on local circumstances and the impact of the proposal on residential amenity, but shall not exceed 08:00 to 24:00 hours.

Committee should note:

- The property is located below residential premises;
- There are 6 units in the street block, including 1 (17% of units) existing hot food take-away. The proposal would take the proportion of hot food take-aways to 34% i.e. above the 20% policy threshold;
- The proposed flue on the Gardenside Avenue elevation would protrude from the wall approximately 2.9 metres above ground level, and terminate 0.9 metres above the eaves. It would be close to windows on the adjacent residential property.

- The hours of operation would be 3pm to 10pm, seven days per week

Committee should consider:

- If the proposal would have a detrimental effect on the amenity of residents through the effects of increased noise, activity and/or cooking fumes;
- If having more than 20% of the units in the street block being hot food take-aways can be justified in this case?
- If the hours of operation are acceptable in this case

Technical Guidance

Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes

This guidance indicates 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 is required:

- (i) Plans to show all proposed cooking/heating equipment, with full details of the fume dispersal method. This information must be shown on both the Plan and the Elevation drawings;
- (ii) Full specifications of the proposed ventilation system, including the design, size, location and finish;
- (iii) A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and
- (iv) Prior to the installation of any system for the dispersal of cooking fumes or odours, a certificate from a member of the Building Engineering Services Association (BESA) shall be submitted confirming that the proposed fume/odour treatment method will operate to its full specification, when fitted at the application site. This requirement will be secured by a suspensive condition imposed on any relevant planning permission granted

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.

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

Committee should note:

- fumes would be dispersed via an externally mounted flue on the Gardenside Avenue elevation of the property, terminating 0.9 metres above the eaves;
- Plan and elevation drawings show the proposed cooking equipment and fume dispersal method, but full details are not provided.
- Full specifications and a maintenance schedule of the ventilation system are not provided.

Committee should consider:

- If they are satisfied that the arrangements for the dispersal of fumes are suitable

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.

Committee should note:

- Waste/recycle bins would be located adjacent to the application premises, on the public footpath at Gardenside Avenue.

Committee should consider:

- whether they are completely satisfied that suitable arrangements for the management and disposal of waste would be provided.

SG11 Sustainable Transport

Cycle Parking

Wherever possible, cycle parking should be provided within the curtilage of the development site. In certain locations, e.g. centres in the City's network, it is recognised that this may not always be possible for customer/visitor parking for shops, public houses, restaurants, etc. In these instances, the Council will often consider it more appropriate to provide cycle parking for general public use.

Committee should note:

- No off-street cycle parking is proposed;
- The premises are in Carmyle Local Shopping Facility which is within the network of centres;

Committee should consider:

- If the lack of cycle parking provision is acceptable in this case.

Vehicle Parking

To encourage the use of non-car transport modes, this Supplementary Guidance sets out maximum car parking standards for certain types of development, including retailing, leisure and commercial uses.

On-street parking will be considered for certain development types where off-street parking may be neither practical nor feasible, e.g. tenemental infill, terraced housing or the retention of listed buildings.

Committee should note:

- No off-street vehicle parking is proposed;
- The premises is the ground floor corner unit of a two-storey corner tenement within Carmyle Local Shopping Facility
- There are double yellow line parking restrictions on the sections of road fronting the premises on both Carmyle Avenue and Gardeside Avenue.

Committee should consider:

- If the lack of off-street parking is acceptable in this case.

7. COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions (see draft conditions).
- b. Refuse planning permission
- c. Request further information before determining the review.

8. DRAFT CONDITIONS

8.1 The following are draft conditions for consideration should the Local Review Committee be minded to grant planning permission:

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

02. The use of the premises shall be restricted to the following days and hours of operation: 1500 to 2200 hours. 7 days a week.
Reason: To protect local residents from exposure to noise and disturbance at unsocial hours.

03. 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 rear roof parapet. 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.

04. Before any work on the site is begun, details of the materials and finish of the proposed flue and the proposed specification and a maintenance scheme of the proposed ventilation system 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.

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.

Approved Drawings

The development shall be implemented in accordance with the approved drawing(s):

1. AKCA102 Proposed Ground Floor Layout Received 29 October 2021
2. AKCA105 Existing and Proposed Front Elevation Received 29 October 2021
3. AKCA106 Existing and Proposed Side Elevations Received 29 October 2021

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

2 Policy and Resource Implications

Resource Implications:

Financial:

Legal:

Personnel:

Procurement:

Council Strategic Plan: N/a

Equality and Socio-Economic Impacts:

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

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

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

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: No

What are the potential climate impacts as a result of this proposal? None

Will the proposal contribute to Glasgow's net zero carbon target? None

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
No

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

3 Recommendations

Committee consider the contents of this report in determining the proposal