

REPORT OF HANDLING FOR APPLICATION 21/03290/FUL

31st JANUARY 2023

ADDRESS:	160 Carmyle Avenue Glasgow G32 8EE
PROPOSAL:	Use of bookmakers (Sui Generis) as hot food takeaway (Sui Generis) and erection of extract flue
DATE OF ADVERT:	14 January 2022
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>One contributor objecting to the proposal. All points are summarised below:</p> <p>The proposal would exacerbate on street parking issues, and impact amenity through increased noise, odour and disturbance/loitering.</p> <p>Comments in response:</p> <p>The impact on amenity, parking and access have been considered as part of the assessment of the application.</p>
PARTIES CONSULTED AND RESPONSES	Not required
PRE-APPLICATION COMMENTS	None
EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
STRATEGIC DEVELOPMENT PLAN POLICIES	NOT APPLICABLE
CITY DEVELOPMENT PLAN POLICIES	CDP1/SG 1 (The Placemaking Principle) CDP 2/SG1 (Sustainable Spatial Strategy) CDP 4/SG 4 (Network of Centres) CDP 11/SG 11 (Sustainable Transport)
OTHER MATERIAL CONSIDERATIONS	No
REASON FOR DECISION	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

	COMMENTS			
PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	21/03290/FUL	Use of bookmakers (Sui Generis) as hot food takeaway (Sui Generis) and erection of extract flue		PDE
	Appeal or Local Review			
	Ref	Proposal	Decision Issued	Decision
	Enforcement			
	Ref	Proposal	Closed	Decision
SITE VISITS (DATES)				
SITING	The application site is a vacant Betting Shop (Sui Generis) unit. The unit is on the ground floor of a two storey corner tenement within Carmyle. The site is part of the Carmyle Local Shopping Facilities. The block consists of a row of retail units - five Class 1 Retail businesses and two Hot Food Takeaways (Sui Generis). Residential properties are on the ground and 1 st levels of the building and directly opposite the application property.			
DESIGN AND MATERIALS	The principle elevation on Carmyle Avenue features one entrance door and four small high level windows and the side elevation onto Gardenside Ave is blank. To accommodate the hot food take away business the small windows on the principle elevation would be replaced with one large window unit (4.7m x 3m). The proposed flue ventilation system would be installed on the side elevation overlooking Gardenside Avenue. It protrudes at ground level and travel up the building terminating one metre above eaves. The flue is directly adjacent to habitable rooms of residential properties within the building. The waste/recycle bins would be sited on adjacent the building on Gardenside Avenue.			
DAYLIGHT	N/A			
ASPECT	Principle entrance is onto Carmyle Avenue			
PRIVACY	N/A			
ADJACENT LEVELS	N/A			
LANDSCAPING (INCLUDING GARDEN GROUND)	N/A			
ACCESS AND PARKING	On street parking only. No additional parking proposed in support of the proposed hot food takeaway. Parking restrictions on the sections of road on the sections of roads at the application site.			
SITE CONSTRAINTS				
OTHER COMMENTS	The application seeks permission for the change of use of a vacant Betting Shop (Sui Generis) to Hot Food Takeaway (Sui Generis), alterations to the shopfront and installation of a flue ventilation system onto the gable wall at Gardenside Ave. No visitor/staff parking proposed. No details confirming hours of operation.			
	<p>Policies</p> <p>The Development Plan consists of The Glasgow and the Clyde Valley Strategic Development Plan (Approved July 2017) and the City Development Plan (CDP) which was adopted on 29 March 2017. The application raises no strategic issues and can therefore be assessed in terms of the City Development Plan (CDP). The proposal, has been assessed against policies CDP1/SG 1 (The Placemaking Principle); CDP 2/SG1 (Sustainable Spatial Strategy); CDP 2/SG1 (Sustainable Spatial Strategy); CDP 4/SG 4 (Network of Centres); CDP 11/SG 11 (Sustainable Transport)</p> <p>Policies CDP 1 (The Placemaking Principle) and CDP 2 (Sustainable Spatial Strategy) are overarching policies which, together with their associated Supplementary Guidance,</p>			

must be considered for all development proposals to help achieve the key aims of the Plan. Notwithstanding, the Supplementary Guidance provides detailed policy criteria which contributes to meeting these overarching policies, and is most relevant to the assessment of this development: **The Placemaking Principle** of the Glasgow City Development Plan aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. SG1 part 2 confirms applications for commercial development will be supported provided it does not have a harmful impact upon neighbouring properties and residential amenity as a result of the nature of the development. The development is expected to make a positive contribution towards visual amenity and not incorporate design or materials harmful to the surrounding area

CDP 2 aims to influence the location and form of development to create a compact city which will support sustainable development to ensure the city is well positioned to build a resilient physical and social environment and an improved quality of life. The Council will support new development proposals that protect and reinforce town local shopping facilities for uses which contribute to vibrant residential neighbourhoods.

Comment

While it is acknowledged the unit previously operated as a Sui Generis Bad Neighbour Development, the betting shop had very little impact on the residents amenity within the building by means of smell, noise and late night disturbance 7 days a week late in the evening. Furthermore, the proposed flue ventilation would project through front elevation of the building at ground level travelling up the building directly adjacent residents' windows. This would not only present a significant erosion of the resident's amenity through noise and odour but it would be a significant negative visual impact on the building and surrounding residents opposite the site. The impact on the adjoining residential properties is fundamental to the Placemaking policy.

The Hot Food Takeaway Sui Generis Bad Neighbour development use directly under and adjacent residential dwellings and the proposed flue ventilation would have significant negative impact on the wellbeing and amenity of residents and the character of the area. As such, this Sui Generis Bad Neighbour development would have a significant negative impact on the wellbeing and amenity of residents and detract from the character of the wider residential neighbourhood and would not be considered a sustainable development.

While the proposed alterations replacing the smaller windows with one larger glazed unit may be accepted the proposed change of use to hot food take away and installation of a flue is considered contrary to placemaking and sustainability aims of policies CDP1 and CDP2.

CDP4 Network of Centres and SG4 Network of Centres seeks to protect existing Local Shopping Facilities and local shops and support new provision where required.

Assessment Guideline 8 Protection and Provision of Local Shopping Facilities and Local Shops Part A aims to protect Class 1 Retail uses within these centres to ensure no detrimental impact on the amenity of the local area.

It is acknowledged the proposal does not result in the loss of a Class 1 Retail Unit

Assessment Guideline 10 Food Drink and Entertainment Uses is relevant when assessing development proposals for the following uses: Class 3 (Food and Drink), Class 11 (Assembly and Leisure) and specific Sui Generis uses (including hot food shops, public houses and composite/hybrid uses).

City-Wide:

(i) 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.

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

c) Outwith the City Centre:

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

(ii) 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.

(iii) 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.

* In all calculations of the proportion, the Council will include any use which incorporates a hot food takeaway service and any unimplemented planning permissions for changes of use to hot food shop, public house, or Class 3 use, likely to include a hot food takeaway service

Comment

The aim of this policy is to protect the amenity of residents from incompatible uses such as hot food takeaways. The proposal would result in three Hot Food Take Away Sui Generis uses in this Local Shopping Facility which contains residential properties exceeding the 20% policy maximum. Furthermore, the aim of this policy is to protect the amenity of residents from incompatible uses such as hot food takeaways etc. A change of use introducing a Bad Neighbour Hot Food Takeaway development within direct proximity of residential flats is therefore contradictory to the policy aims. The siting of the flue on the front elevation projecting from ground level immediate adjacent the resident's windows would have an extremely adverse impact on residential amenity within the block and directly opposite the application site.

The introduction of a Hot Food Takeaway (Sui Generis), a Bad Neighbour development, and flue ventilation within a residential building is contradictory to the policy CDP4 AG10

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:

(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.

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.

Note: The title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before a new internal or external flue can be installed. Any grant of planning permission does not remove this obligation, which is a separate legal matter.

Comment

The proposed flue would be on the front elevation of the building, directly adjacent residents windows and onto a building comprising multiple owners. No details confirming that the owner occupiers have been notified of the proposal included with application. No specification of the flue, type of proposed cooking method or the maintenance arrangement of the ventilation system.

	<p>The location of the proposed flue ventilation impacting resident's amenity through noise, odour and a visual intrusion is contrary to policy CDP4 AG12</p> <p>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. The waste/recycle facilities should be stored in a location so as not to cause a nuisance to neighbouring residential or commercial properties, including with regard to odours and accessibility. The bins should be located where they are out of hot summer sunshine, be screened and be emptied and cleaned regularly as this will contribute toward preventing odours and flies. Commercial bin stores must be contained within the site.</p> <p><u>Comment</u> The proposed siting of the waste/recycle facilities on the street adjacent the application site within close proximity of resident's dwellings windows would have a significant detrimental impact on the amenity of residents, the visual character of the wider area and potential to cause</p> <p>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</p> <p>CDP11 & SG11 Sustainable Transport The SG underpins the policy position set out in policy CDP11. This sets out maximum parking standards for certain types of development which also relates to public transport accessibility. Parking levels are determined through a place making approach to the design of the development while ensuring that an appropriate amount of vehicular parking is provided in development. The site is located within a Base accessibility area public transport.</p> <p><u>Comment</u> There is no off-street parking to serve the hot food take away which will no doubt generate a rise in trips to the premise beyond normal day time hours. The increase in visitors to the hot food takeaway will likely lead to on street parking on double yellow lines impacting the junction and dwellings opposite.</p> <p>For the reasons mentioned, the introduction of a Hot Food Takeaway (Sui Generis), a Bad Neighbour development, and flue ventilation within a residential building is contradictory to policies, CDP1, CDP2, CDP4 and CDP11.</p>
RECOMMENDATION	Refuse

Date: 11/03/22	DM Officer	Suzanne Cusick
Date	DM Manager	

REASONS FOR REFUSAL

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 location of the proposed flue ventilation serving the proposed hot food takeaway under habitable windows would have a significant adverse impact on residential amenity. The proposed hot food takeaway and flue ventilation is contrary to policy CDP4 AG12

05. 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

06. The proposed is contrary to CDP11. The increase in visitors to the hot food takeaway will potentially lead to a rise on street parking on double yellow lines impacting the junction and dwellings opposite through congestion and double parking.

ADVISORY NOTES