

REPORT OF HANDLING FOR APPLICATION 22/00423/FUL

<p>Item 3</p> <p>31st January 2023</p>
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ADDRESS:	11 Dowanhill Street Glasgow G11 5QS
PROPOSAL:	Use of unit (Class 1) as restaurant (Class 3) and installation of flue

DATE OF ADVERT:	15 April 2022
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	None to date
PARTIES CONSULTED AND RESPONSES	GCC Environmental Health: no comments received.
PRE-APPLICATION COMMENTS	Pre-application advice was not requested.

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	<p>The Glasgow City Development Plan consists of high level policies with statutory. Supplementary Guidance providing further information or detail in respect of these policies. The following are considered relevant to the application. CDP 1 and CDP 2 are overarching policies which must be considered for all development proposals.</p> <p>CDP 1 The Placemaking Principle CDP 2 Sustainable Spatial Strategy CDP 4 Network of Centres CDP 11 Sustainable Transport SG 1 Placemaking SG 4 Network of Centres SG 11 Sustainable Transport</p>
OTHER MATERIAL CONSIDERATIONS	
REASON FOR	Planning permission is sought for use of a unit (Class 1) as cafe/restaurant (Class 3) and installation of flue. The site is on Dowanhill Street, which is a traditional shopping street in

DECISION

Partick/Byres Road Major Town Centre but the site is not in a Retail Core Area.

CDP 4 and SG 4 Network of Centres

Policy CDP 4 Network of Centres applies a 'Town Centre First' approach where town centres are the preferred location, not just for retail uses, but for a range of uses including cultural and community facilities, leisure, entertainment, recreation, as well as homes and businesses. It favours proposals that support the retail function and/or improve the vitality and viability of Major Town Centres. Proposals should be appropriate to the function of the Centre and the size of its catchment.

SG 4 Network of Centres, Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres sets criteria for assessing the proposed changes of use from Class 1. It seeks to protect the retail character of Major Town Centres while maintaining a range of appropriate other uses. In particular, it seeks to protect the retail character of individual streets in those Centres with a traditional shopping street layout.

In addition, SG 4 Network of Centres provides guidance for the assessment of proposals for Class 3 uses. The Council must 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.

Therefore, applications must address the Locational and the Technical Guidance in SG 4 which include Assessment Guidelines 10: Food, Drink and Entertainment Uses, 12: Treatment and Disposal of Cooking/Heating Fumes, 13: Parking and Servicing Requirements and 14: Waste Management and Disposal.

Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres

1. In all Major Town Centres (except Partick/Byres Road Retail Core Areas*):

a) If the proportion of ground floor Class 1 shop units is more than 70%** , an application for a change of use of ground floor units from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will:

- (i) Contribute positively to the character and appearance of the Town Centre and provide an active frontage;
- (ii) Not have an unacceptable effect on Town Centre or residential amenity; and
- (iii) In the traditional shopping streets of Major Town Centres, result in not more than 30%** of the shop units within a street block frontage being in non-Class 1 use and not more than 3 adjacent non-Class 1 units within a street block. This provision does not apply to indoor mall shopping environments.

b) If the proportion of ground floor Class 1 shop units is less than 70%** , further changes of use will not be supported unless it can be demonstrated that the proposal will satisfy a) above and will achieve at least one of the following:

- (i) Deliver the re-use of long-term vacant units***; and/or
- (ii) Accord with relevant Spatial Supplementary Guidance.

c) It will not be necessary to satisfy the criteria within Sections a)(iii) and b) where there is a long-term pattern of vacant units within an individual street block .

d) The loss of an operating retail unit, where there are vacant units within a centre, will normally be resisted. Where a proposal forms part of a comprehensive redevelopment within a Town Centre, the Council will consider the loss of operational retail units in the context of the units' significance and as part of the overall redevelopment scheme.

** All calculations should include vacant units.

*** Long-term vacant units are those where the unit is unoccupied and an appropriate marketing exercise has been carried out over a minimum 12 month period (or 18 months if the unit is a significant Class 1 unit, such as a large supermarket or major department store) and has been unsuccessful in attracting Class 1 operators. The applicant will be expected to submit documentation to include details of floorspace, costs and length of lease offered to interested parties to ensure these factors are not unnecessarily acting as

a deterrent to Class 1 use. This will remain confidential information. Temporary uses (open for less than 12 weeks and in accordance with the lawful use) will contribute towards the 12 month vacancy period, provided the marketing exercise is ongoing during that period.

Assessment: In relation to 1, b), in Partick/Byres Road Major Town Centre the proportion of ground floor Class 1 shop units is less than 70%.

The applicant has not submitted marketing information, with details of floorspace, costs and length of lease offered to interested parties, to demonstrate that an appropriate marketing exercise has been carried out over a minimum 12 month period, that these factors are not acting as a deterrent to Class 1 use and that the proposal will deliver the re-use of a long term vacant unit.

Consequently, it is considered that there is still reasonable prospect of a Class 1 use being resumed. Therefore, the proposal is contrary to 1 b) of SG 4 Assessment Guideline 4.

In relation to c), there are seven units in the street block frontage. The most recent retail survey on 25 February 2022 found one vacant unit at 21 Dowanhill Street. The previous survey in September 2020 also found one vacant unit at 21 Downanhill Street. The 2019 survey found all units occupied. On balance, it is not considered that there is a long-term pattern of vacant units within the street block.

In relation to d), it is not evident whether the shop was vacant or an operating unit, prior to submission of the current application on 24 February 2022. The Council's retail survey on 25 February 2022 found the shop was already occupied by the applicant. There was no retail survey in 2021 but the September 2020 and August 2019 surveys found the shop in Class 1 use.

Turning to a) (i), whether the proposal will contribute positively to the character and appearance of the Town Centre and provide an active frontage. A restaurant (Class 3) is proposed, which is a use appropriate to a town centre location. It is considered that a restaurant could provide an active frontage and contribute positively to the appearance of the Town Centre.

In relation to a) (ii), a high level flue is proposed, which subject to conditions would disperse cooking fumes above neighbouring residential flats. Proposed days and hours of operation have not been provided but could be controlled by condition. Therefore, it is considered that the proposal would not adversely affect amenity.

In respect to a) (iii), prior to the applicant occupying the shop unit, the proportion of non-Class 1 use in the street block frontage was 43%. The restaurant for which planning permission is sought does not result in more than 3 adjacent non-Class 1 units within a street block but it does increase the non-Class 1 uses to 57% and therefore is contrary to a) (iii).

As SG 4 Network of Centres, Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres, Part 1 requires compliance with all the provisions of a) and at least one of b), the failure to comply with a) (iii) and b) means that the proposal does not comply with the whole of Assessment Guideline 4, Part 1.

SG 4, Assessment Guideline 10: Food, Drink and Entertainment Uses

Assessment Guideline 10 a) states "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."

c) Outwith the City Centre: (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.

Assessment: The proposal will not increase the percentage of the units in the street block frontage in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use. Hours of operation for the café have not been provided but could be controlled by condition. The effects of cooking fumes are

	<p>considered below.</p> <p>SG 4, Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes</p> <p>This states, inter alia, 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.</p> <p>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.</p> <p>c) Where the Planning Authority accepts that an externally mounted high level flue cannot be provided (i.e. 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:</p> <p>(i) Within Town Centres, where it can be demonstrated that there will be no unacceptable impact on the amenity of surrounding residential properties.</p> <p>Assessment: In this case, an externally mounted flue is not proposed. Instead, a flue liner would be inserted up a disused flue of a chimney which has previously been taken down and slated over. A stainless steel flue terminal would be installed in the location of the former chimney and terminate 1.1 metre above eaves level. No comments have been received from Environmental Health but, subject to conditions, it is considered the proposal should disperse cooking fumes above neighbouring flats and therefore would not have a detrimental effect on the amenity of residents through the effects of cooking fumes. As such, it is consistent with SG 4 Assessment Guidelines 4, 10 and 12.</p> <p>SG 4, Assessment Guideline 14: Waste Management and Disposal.</p> <p>Guideline 14 states: "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."</p> <p>Assessment: internal refuse and recycling storage is shown on the submitted plan. Subject to condition, the proposal is consistent with Assessment Guideline 14.</p> <p>SG 4, Assessment Guideline 13: Parking and Servicing Requirements and CDP 11 and SG 11 Sustainable Transport</p> <p>Parking would be on-street as existing and there is no land available within the application site to provide off-street parking. However, SG 11 sets maximum car parking standards and, as the site has High Accessibility to public transport and is in a controlled parking zone, lack of off-street parking accepted. It is considered that the development would not result in parking and/or traffic congestion.</p> <p>Conclusion</p> <p>For the reasons noted above, the proposal is contrary supplementary guidance SG 4 policy CDP 4 and therefore would not contribute to the placemaking and sustainability aims of overarching policies CDP 1 and CDP 2.</p> <p>The application is considered to be contrary to the adopted Development Plan and there are no material considerations, which outweigh the Development Plan. It is therefore, recommended that planning permission is refused.</p>
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	COMMENTS
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PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	17/01095/DC	Display of illuminated and non-illuminated signage.	19.06.2017	GC
	17/01105/DC	Alterations to frontage and rear of retail unit including installation of air conditioning unit and use of footway as external seating.	07.09.2017	GC
	17/01164/DC	The removal of the existing shopfront. Construction of a new shopfront, alterations to the fascia and new signage ##WITHDRAWN##	18.05.2017	IW
SITE VISITS (DATES)				
SITING	Shop unit on the ground floor of a 4-storey tenement on the west side of Dowanhill Street, in the street block frontage between Dumbarton Road and Chancellor Street. It is in Partick and Byres Road Major Town Centre but not in a Retail Core Area. The upper floors of the tenement are occupied by residential flats.			
DESIGN AND MATERIALS	<p>No shopfront alterations are proposed. The proposed floor plan shows the rear of the shop would be fitted out as a kitchen. Equipment for cooking and heating food would be a 6-ring cooker and oven. Internal storage of refuse and recycling is shown.</p> <p>To disperse cooking fumes above neighbouring residential flats, a flue liner would be inserted up a disused flue of a chimney which has previously been taken down and slated over. A stainless steel flue terminal would be installed in the location of the former chimney and would terminate 1.1 metre above eaves level.</p>			
DAYLIGHT	N/A			
ASPECT	N/A			
PRIVACY	No issues raised.			
ADJACENT LEVELS	N/A			
LANDSCAPING (INCLUDING GARDEN GROUND)	N/A			
ACCESS AND PARKING	As existing with no off-street parking			
SITE CONSTRAINTS				
OTHER COMMENTS	<p>The most recent Town Centre Survey on 25 February 2022 found the existing uses in the street block frontage to be:</p> <p>9 Dowanhill Street, West End Fabrics, Household textile retailer, Class 1 11 Dowanhill Street, Homemade at No 11 (the applicant) 17 Dowanhill Street, Style Bar, Hairdresser, Class 1 21 Dowanhill Street, Vacant shop (Jennifer Kent), Class 1 25 Dowanhill Street, Irezumi Tattoo Studio, Class 2 27 Dowanhill Street, Orro Estate Agent, Class 2 33 Dowanhill Street, 33 Dowanhill, Beautician, Class 2</p> <p>The previous survey in September 2020 found 11 Dowanhill Street was occupied by CoLab Store (Class 1). Other units in the street block frontage were the same as the 2022 survey, with just that at no 21 vacant.</p> <p>The August 2019 survey found all units in the street frontage occupied and the occupants were the same as the September 2020 survey.</p> <p>Proposed hours of operation not provided</p>			
RECOMMENDATION	Refuse			

Date:	20/05/2022	DM Officer	Karen Rattray
Date	<u>23/05/2022</u>	DM Manager	Iain Mason