



Glasgow City Council

Local Review Committee

**Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability**

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**Use of unit (Class 1) as restaurant (Class 3) and installation of flue at 11
Dowanhill Street**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 23

Citywide:

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

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The site consists of a ground floor shop unit with tenement flats above. It is within Partick/Byres Road Major Town Centre (but not the retail core area) and has high accessibility by public transport.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant City Development Plan policies and Supplementary Guidance are:

CDP1 The Placemaking Principle
CDP2 Sustainable Spatial Strategy
CDP4 Network of Centres
CDP11 Sustainable Transport

SG1 Placemaking (part 2)
SG4 Network of Centres
SG11 Sustainable Transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal are set out below:

01. For the reasons noted below, the proposed development is contrary to City Development Plan Policy CDP 4 Network of Centres and Supplementary Guidance SG 4 Network of Centres (Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres).

02. The proposal would result in an unacceptable loss of a Class 1 retail unit in Partick/Byres Road Major Town Centre to the detriment of the retail character and retail function of the Town Centre.

03. The proposal does not demonstrate that the shop is a long term vacant unit which been appropriately marketed for a minimum of 12 months prior to the submission of the non-class 1 proposal and that the exercise has been unsuccessful in attracting Class 1 operators. Consequently, the proposal would fail to maintain the retail function of the Town Centre to the detriment of its vitality and viability.

04. The proposal would increase the proportion of non-Class 1 units in the street block from 43% to 57% and therefore would fail to maintain an appropriate balance and diversity of uses within the street block frontage and thereby detract from the vitality and viability of the Town Centre.

05. The consideration of the Planning Authority is that there is still a reasonable prospect of Class 1 use being resumed in the unit and an exception is not justified.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below:

- Change of use to Class 3 is required to apply for an alcohol licence in response to customer demands.
- The application seeks to enhance a facility currently enjoyed within a 20 minute neighbourhood.
- The proposal conforms to the principles of placemaking and 20 minute neighbourhoods and contributes toward the creation of a 'café culture'.
- Shopping trends have changed and the future of such units is strictly for leisure.

5 REPRESENTATIONS AND CONSULTATIONS

5.1 There were no representations to the application and no consultation responses were received.

6 COMMITTEE CONSIDERATIONS

6.1 The key issues for Committee to consider are:

SG1 The Placemaking Principle

Commercial Premises

Alterations to Shops and Other Commercial Buildings and Chiller/Air Conditioning Units/Flues

The only external alteration proposed is the installation of a stainless steel flue terminal in the location of the previous chimney that will terminate 1.1 metres above eaves level.

- Committee should consider whether this will:
 - respect the period, style and architectural character of the building
 - adversely affect residential amenity as a result of noise, vibration, etc.
 - add clutter to the building

SG4 Network of Centres

Major Town Centres

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

This guideline seeks to protect the retail character of Major Town Centres, whilst 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.

- The site is within Partick/Byres Road Major Town Centre, but is not within a Retail Core Area.
 - The proposal is for a
 - The proposal will provide an active frontage.
 - The proportion of ground floor shop units in Class 1 use within the Centre is 54%
 - Approximately 5% of Class 1 units are vacant
 - The number of units in non-Class 1 use in the street block is currently 43%, this change of use would take this to 57%, contrary to guidance.
 - There is a Class 1 unit within the street block that has been vacant for over 12 months (in use 13/08/2019, vacant 18/09/2020).
 - The proposal would not result in 3 adjacent non-Class 1 units, in accordance with guidance.
 - No information has been provided to demonstrate that the unit is long-term vacant
- Committee should consider whether there is a long-term pattern of vacant units within the street block.
 - If there is no such pattern, Committee should consider whether the proposal will contribute positively to the character and appearance of the town centre and have an acceptable effect on town centre or residential amenity.

Food, Drink and Entertainment Uses

Assessment Guideline 10: Food, Drink and Entertainment Uses

This guideline seeks to protect residential amenity.

The proposed hours of operation are not indicated. Should Committee be minded to grant permission this can be controlled by condition. These should be based on local circumstances and the impact of the proposal on residential amenity, but should not exceed 08:00 to 24:00 hours.

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

- Plans show the proposed cooking equipment and include full details of the fume dispersal method.
 - Full specifications of the proposed ventilation system are provided.
 - No maintenance schedule for the ventilation system is provided.
 - Cooking fume dispersal is proposed to be via an existing disused chimney that has been taken down and slated over. The chimney is to be fitted with a venti-flex flue liner and have a stainless steel flue terminal installed externally terminating 1.1 meters above the eaves of the building.
- Committee should consider whether they are satisfied that the proposed arrangements for the dispersal of fumes is suitable

Assessment Guideline 13: Parking and Servicing Requirements

- No dedicated parking is to be provided.
- Committee should consider whether the proposal will result in parking and/or traffic congestion.

Assessment Guideline 14: Waste Management and Disposal

- Plans show an internal refuse and recycling store, in accordance with guidance.
- Committee should consider whether they are completely satisfied that suitable arrangements for the management and disposal of waste can be provided. Should Committee be minded to grant planning permission, this can be controlled by a condition.

SG11 Sustainable Transport

Cycle Parking

Restaurants should provide a minimum 1 space per 50sqm public floor area for customers and 1 space per 10 staff for staff, therefore a minimum of 1 cycle parking/storage space should be provided.

- The proposed public floor area is approximately 30sqm.
 - The proposed number of staff is not provided.
 - No dedicated cycle parking for staff or customers is indicated.
 - There are 2 cycle racks on Dowanhill Street, one approximately 34 metres to the north of the application site and another approximately 32 metres to the south.
- Committee should consider whether adequate cycle parking will be provided.

Vehicle Parking

Minor Non-residential Developments

For restaurants in areas of high accessibility a maximum of 2 spaces per 100sqm public floor area should be provided.

- No dedicated vehicle parking is indicated.
- Committee should consider whether adequate vehicle parking will be provided.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions (see over for draft conditions); or
- b. Refuse planning permission.

DRAFT CONDITIONS

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:

Monday to Sunday 08:00 to midnight.

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 ##### and terminating at a point 1 metre above #####. 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 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.

05. Provision shall be made in the design of the development for the parking of cycles in accordance with the requirements of City Development Plan, Supplementary Guidance 11: Sustainable Transport, Section 4 Cycle Parking. The cycle parking shall be available for use in accordance with the approved drawings before the development is occupied.

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

2 Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

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: n/a

What are the potential climate impacts as a result of this proposal? n/a

Will the proposal contribute to n/a

*Glasgow's net zero
carbon target?*

**Privacy and Data
Protection Impacts:**

Are there any potential
data protection impacts
as a result of this report
N

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

3 Recommendations

That Committee consider the content of this report in coming to their decision.