

## REPORT OF HANDLING FOR APPLICATION 21/01465/FUL

<b>ADDRESS:</b>	424 Duke Street Glasgow G31 1PX
<b>PROPOSAL:</b>	Use of bank (Class 2) as restaurant (Class 3) with takeaway facility (Sui Generis) and erection of flue to rear.
<b>DATE OF ADVERT:</b>	4 June 2021
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	A single objection from a member of the public has been received on the grounds that the proposal would impact on amenity by way of food odour, public nuisance, littering and increased traffic and parking problems within the local area.  These issues are addressed in the policy assessment below.
<b>PARTIES CONSULTED AND RESPONSES</b>	
<b>PRE-APPLICATION COMMENTS</b>	
<b>EIA - MAIN ISSUES</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES</b>	NOT APPLICABLE
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	NOT APPLICABLE
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>STRATEGIC DEVELOPMENT PLAN POLICIES</b>	NOT APPLICABLE
<b>CITY DEVELOPMENT PLAN POLICIES</b>	CDP1 SG1 – The Placemaking Principle CDP4 SG4 – Network of Centres
<b>OTHER MATERIAL CONSIDERATIONS</b>	Local Town Centre
<b>REASON FOR DECISION</b>	V02

**COMMENTS**

PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	03/00924/DC	Display of one internally illuminated ATM collar box sign.	21.05.2003	GC
94/01513/DC	Alterations to frontage installation of ATM.	01.08.1994	GC	
94/01513/V1	Alterations to frontage installation of ATM. Deletion of a Condition *** WITHDRAWN ***	25.06.1996	IW	
94/01514/DC	Alterations to frontage.	01.08.1994	GC	
98/03277/DC	Display of two internally illuminated double sided projecting box signs, one set of non illuminated individual letters and one non illuminated ATM collar surround.	23.02.1999	GC	
99/03048/DC	Display of fascia signage.	06.01.2000	GC	
06/04028/DC	Display of three sets of non illuminated individual lettering, two internally illuminated projecting signs and one non illuminated logo sign.	05.03.2007	GC	
11/01109/DC	Display of three internally illuminated box signs.	08.07.2011	RF	
12/02144/DC	Display of two internally illuminated projecting signs, 4 fascia signs, illuminated ATM header and 3 vinyls	24.01.2013	RF	
13/00458/DC	Display of two projecting signs, 4 fascia signs and illuminated ATM header.	26.04.2013	GC	
16/02163/DC	Display of various illuminated and non-illuminated signage	03.11.2016	GC	
21/01465/FUL	Use of bank (Class 2) as restaurant (Class 3) with takeaway facility (Sui Generis) and erection of flue to rear.		PCO	
Appeal or Local Review				
Ref	Proposal	Decision Issued	Decision	
Enforcement				
Ref	Proposal	Closed	Decision	
<b>SITE VISITS (DATES)</b>				
<b>SITING</b>	The application site is a groundfloor vacant commercial premises located on the south side of Duke Street within a traditional 4 storey tenement block. The application site has a dual frontage on Duke Street and Whitevale Street. The application site has controlled parking on Duke Street but not on Whitevale Street.			
<b>DESIGN AND MATERIALS</b>	External alterations in the plan show only the formation of a rear flue running the length of the building to above eaves level.			
<b>DAYLIGHT</b>	N/A			
<b>ASPECT</b>	Dual aspect to north and east.			
<b>PRIVACY</b>	It is unlikely that there will be a significant impact on privacy given that the previous use was a commercial premises.			
<b>ADJACENT LEVELS</b>	Flat.			

<b>LANDSCAPING (INCLUDING GARDEN GROUND)</b>	The site plan shows that the rear court is outwith the redline of the application site.
<b>ACCESS AND PARKING</b>	Duke Street is a controlled parking zone. The application site is located within an area rated as high accessibility. Whilst it is noted that an objection has been raised on the grounds of parking, it is considered that this is unlikely to be a significant issue. The site is well served by public transport options, there is onstreet unallocated parking within the surrounding area. The application site and surrounding area is characterised by tenement development where occupiers have no right to a parking space. Therefore, its considered that there would be no impact on parking in the surrounding area.
<b>SITE CONSTRAINTS</b>	N/A
<b>OTHER COMMENTS</b>	N/A
<b>RECOMMENDATION</b>	<p>Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <ul style="list-style-type: none"> <li>a) whether the proposal accords with the statutory Development Plan;</li> <li>b) whether any other material considerations (including objections) have been satisfactorily addressed.</li> </ul> <p>In respect of (a), the Development Plan comprises the Clydeplan Strategic Development Plan, approved in July 2017 and the Glasgow City Development Plan adopted on the 29th March 2017.</p> <p>In respect of the Placemaking Aims of <b>CDP1</b>, the application site is located within a Town Centre area, where subject to meeting specific policy considerations of the Retail Policy, a restaurant and takeaway use would not be out of character with the local area.</p> <p>In relation to the Sustainable Strategy aims of <b>CDP2</b>, it is considered that whilst the proposed use would see the reuse of an existing unit, it is considered that this would be to the detriment of the residential community within the building above the unit. Therefore this does not appear a sustainable use of the property.</p> <p><b>Policy SG4</b> states that local shopping facilities and local shops offer provision to serve the daily shopping needs of local residents. Assessment Guideline 8 of SG4 sets out criteria for proposals the loss of Class 1 shop units. As the proposal does not result in the loss of a Class 1 shop unit Assessment Guideline 8 of SG4 is not applicable to the application.</p> <p>Assessment Guideline 10 of SG4 sets out factors to be taken into consideration when assessing proposals for food, drink and entertainment uses. City wide:</p> <ul style="list-style-type: none"> <li>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.</li> <li>(ii) Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.</li> <li>(iii) 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.</li> </ul> <p>Outwith the City Centre:</p>

- (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 terms of the above criteria, 2 out of 7 premises in the street block frontage are already in use as hot food takeaways or public house therefore the street block is already significantly above the 20% threshold set in Assessment Guideline 10. The proposed use of the premises as a composite hot food shop/Class 3 use would result in 42.8% 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, contrary to Assessment Guideline 10.

The premises is situated within the ground floor of an otherwise existing residential building and the proposal would partly comprise of a Sui Generis use. Therefore, on this consideration the proposal is also contrary to Assessment Guideline 10.

With regard to the treatment and disposal of cooking/heating fumes, Assessment Guideline 12 of SG4 states that 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. As it is proposed to erect a flue to disperse fumes and which would terminate over 1 metre above eaves level the proposal accords with AG12. The proposed flue would be discreetly positioned on the rear elevation of the building. It would not detract from and would not be harmful to the character and appearance of the building or the character and appearance of the area, consistent with SG1 Part 2.

Assessment Guideline 14 of SG4 states that 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. The policy states that this should be on site waste storage. The applicant proposes an internal waste store in keeping with policy.

In relation to **SG11** Sustainable Transport, it is noted that parking would be on-street as existing and there is no land available within the application site to provide off-street parking. However, it is not anticipated that proposed use would generate significantly more demand for parking than the existing Class 2 use and the application site is in a High Accessibility area for public transport therefore the non-provision of off-street parking is acceptable.

Notwithstanding the proposal meets some of the above policy requirements, these do not outweigh the material consideration that the proposal is contrary to Assessment Guideline 10 of SG4.

It is therefore recommended that the proposal be refused.

Date:	DM Officer	<b>Gerry Mimmagh</b>
Date	DM Manager	

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## ADVISORY NOTES