REPORT OF HANDLING FOR APPLICATION 23/00993/FUL

Item 3

27th May 2025

ADDRESS:	143-143A Dumbarton Road Glasgow
PROPOSAL:	Amalgamation of premises to form cafe (Class 3) and associated external alterations.

DATE OF ADVERT:	No advert required
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	One representation has been received. It objected to the proposal on the grounds that it would result in commercial competition with nearby shops. **Case Officer comment:** An increase in competition between businesses constitutes a private interest and is not a material planning consideration.
PARTIES CONSULTED AND RESPONSES	**GCC Environmental Health** No response
PRE-APPLICATION COMMENTS	No pre-application discussions however it is noted that planning permission was recently refused on this site for: *Use of hot food take away and adjoining shop as cafe/bakery, frontage alterations and use of pavement as outside seating associated with the premises* (Ref 22/00986/FUL).

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
NPF4 POLICIES	<u>Policy 1 Tackling the climate and nature crises</u> Policy 1 promotes development that addresses the global climate emergency and nature crisis. When considering all development proposals significant weight will be given to the global climate and nature crises. **Comment:** The proposal relates to existing shop units in a highly accessible town centre and as such, is not considered to raise any significant issues in regard to the global climate and nature crises. It is considered that the proposal accords with Policy 1. <u>Policy 12 Zero Waste</u> Policy 12 promotes development that is consistent with the waste hierarchy. Development proposals that are likely to generate waste when operational will set out how much waste the proposal is expected to generate and how it will be managed including: i) provision to maximise waste reduction and waste separation at source, and ii) measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

	Comment: The proposal does not set out how much waste the proposal is expected to generate and how it will be managed. It is considered that insufficient information has been provided to demonstrate the proposal accords with Policy 12. <u>Policy 14 Design, quality and place</u> Policy 14 promotes well designed development. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. **Comment:** It is considered that the replacement shopfront would use high quality materials and be of an appropriate design. It would be timber framed with a fascia at original level and a stall riser. It is considered the proposal accords with Policy 14. <u>Policy 27</u> <u>City, town, local and commercial centres</u> Policy 27 promotes development in our city and town centres, which will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living. a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported. b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town and local centres. c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. **Comment:** The proposal is consistent with the Town Centre First approach as it relates to the reuse of vacant units within an existing town centre. The proposal would result in the loss of two Class 1A units. For the reasons set out below, it is considered this would have an adverse impact on vitality and viability of the town centre. Furthermore, it is considered the proposal would adversely affect the residential amenity of neighbouring properties due to the position of the ventilation. Overall, it is considered the proposal is contrary to Policy 27.
CITY DEVELOPMENT PLAN POLICIES	<u>CDP 1 & SG 1 The Placemaking Principle</u> CDP 1 The Placemaking Principle requires a holistic, design-led approach to development to achieve the City Development Plan's key aim of creating and maintaining a successful, high quality, healthy place. SG 1 Part 1 sets the context and approach to placemaking established in CDP 1. It notes that placemaking principles should inform all development. New development should not have an undue adverse impact on the amenity of adjacent land or property. SG 1, Part 2 provides more detailed guidance. It states that proposals for alterations to shops and other commercial buildings should: a) respect the period, style and architectural character of the building; b) not detract from the historic character of a listed building or property within a conservation area, see also SG9 - Historic Environment; and c) not adversely affect residential amenity as a result of noise, vibration, etc. All additional fittings to commercial units and shopfronts should not detract from the visual appearance of the building by obscuring the active shop window or adding clutter to the building. Frontage alterations should be carried out in accordance with the following guidance:

	a) alterations to frontages should always be designed to take account of the age and style of the buildings in which they are located; b) on older properties (e.g. tenements), the original fascia should be retained or, if it is concealed by a dropped fascia (see Definition), this should be removed and the original fascia reinstated. If a sub-fascia is fitted, this should be glazed (the glazing could be reflective, coloured or etched if it is hiding fittings or existing lowered ceilings). Glazing should run from the bottom of the fascia down to the pavement. A stallriser may be used; c) lowered ceilings in older buildings can hide original features. In listed buildings, lowered ceilings should be removed to expose the original ceiling. Where lowered ceilings are proposed, they will only be acceptable where they are set back 1 metre behind the glass, or raked back at an angle, to avoid interruption of the glazed shopfront with an incongruous feature; d) in buildings where timber-framed shopfronts are still the established pattern, then timber should be used for the framing; e) if a unit extends across two adjacent buildings at different levels, then the fascia should be stepped, rather than carried through at the lower level; and f) extensive use of tiles or render is discouraged. **Comment:** The proposal includes the installation of a highly ornate shopfront. It is acknowledged the materials would accord with policy. Notwithstanding, it is not considered the shopfront design would complement the style and appearance of the building. The building is restrained in design and does not contain a significant amount of decoration. The proposed shopfront would be highly ornate and it is considered that this would significantly detract from the character and appearance of the building. The reeded glass upper fan light is likely designed to hide an internal suspended ceiling and reads externally as a dropped fascia which deadens the shopfront (when compared to the existing) and should be removed from the proposal. It is considered that cooking fumes from the café would have an adverse impact on neighbouring properties. This is due to the proximity of the low-level ventilation system to the flats above and has been assessed in more detail under CDP 4 & SG 4 below. It is considered the proposal is contrary to CDP 1 and SG 1 on the grounds of design and amenity. <u>CDP 4 & SG 4 Network of Centres</u> CDP 4 Network of Centres states that the Council will favour proposals that Support the retail function and/or improve the quality and diversity of Glasgow's Major Town Centres, subject to compliance with criteria set out in SG 4. SG 4 contains seeks to protect the retail character of Major Town Centres whilst maintaining a range of appropriate other uses. In assessing proposals for non-retail use within Major Town Centres, the following criteria from Assessment Guideline 4 will be applied: *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.* The proposal is for a café and should be assessed against the specific guidance for food, drink and entertainment uses in SG 4 in Assessment Guideline 10. The parts relevant to this application are: *To protect residential amenity, the following factors will be taken into consideration when assessing whether the location of proposed food, drink and entertainment uses is acceptable: a) 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.* *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.* The application would require the treatment and disposal of cooking/heating fumes and should therefore be assessed against the following criteria from SG 4 Assessment Guideline 12: *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. *d) A suitably qualified engineer must undertake the design and installation of the ventilation system.* *e) If the applicant cannot adequately address the Council's requirements in terms of ventilation, the Council may require to control the method of cooking through the use of conditions.* SG 4 Assessment Guideline 13 requires that parking and servicing requirements associated with proposed food, drink and entertainment uses must comply with Section B of SG 11 Sustainable Transport and must not result in parking and/or traffic congestion. SG 4 Assessment Guideline 14 requires 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, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required. **Comment:** The two units are currently vacant and their shopfronts in poor condition. It is considered that the proposed change of use and associated shopfront improvements would contribute positively to the appearance of the town centre and provide an active frontage in accordance with SG 4 Assessment Guideline 4 a)(i). The June 2023 retail survey indicates that the proportion of Class 1A units in Partick/Byres Road Town Centre is less than 70%. There is no long-term pattern of vacant units on the street block frontage and the proportion of non-Class 1A units (147 and 157 Dumbarton Road) is at 40%. The proposed amalgamation of units and change of use would mean 75% of the units on the street block frontage would be in authorised non-Class 1A use. This is well in excess of 30% minimum specified by SG 4 Assessment Guideline 4 a)(iii). The June 2023 retail survey records both units as being vacant, with 143 Dumbarton Road having been so for more than 12 months. Whilst the units are currently vacant, no marketing information has been submitted to demonstrate that the units have been advertised for Class 1A use. In the absence of this information, there is no evidence that the proposal would deliver the re-use of long-term vacant units in accordance with the requirements of SG 4 Assessment Guideline 4 b)(i). Consequently, it is considered there is still a reasonable prospect of Class 1 use being resumed in the unit and an exception is not justified. For the above reasons, the replacement of two Class 1A units with a single Class 3 unit is contrary to the specific criteria set out in SG 4 Assessment Guideline 4. It is considered the proposal fails to protect the retail function of the town centre and as a result, would have an adverse impact on the vitality and viability of the town centre. With regard to residential amenity, the proposed hours of trading (08:00am – 19:00pm) accord with the requirements of SG 4 Assessment Guideline 10 c)(iii) and could be subject to condition. The application site lies directly beneath flats on the upper floors of the tenement block. A sample menu has been provided which indicates the café would sell hot drinks, cakes, sandwiches/paninis, hot potatoes, ice cream, warm pastries and sweet pastries. The applicant has confirmed that a full kitchen is not required for the proposed sample menu. A kitchen extract grille would be installed in the fascia of the Cooper's Well Street frontage. This would sit directly below windows of the flats above whilst a second low level extraction vent grille to serve the main café area would be in the same façade. Due to the close proximity of neighbouring residential properties on the upper floors of the tenement, a low-level ventilation system would not be suitable in this location.

	Although the applicant states that a full kitchen is not required for the proposed sample menu, as the proposal is for a Class 3 use, it is considered that a condition which sought to control the type of food or the cooking processes carried out within the café/ bakery would not satisfy the requirement of enforceability. It would not be reasonable for the Planning Authority to enforce such a strict level of control over Class 3 premises. For the same reason, it would also fail the test of reasonableness. Taking the above into account, it is considered that the proposal would adversely affect the residential amenity of neighbouring flats due to the effects of odours and fumes from the cooking and heating of food and it is not consistent with SG 4 Assessment Guidelines 4, 10 and 12. The proposal relates to existing shop units in a highly accessible town centre. No parking is proposed and it is not considered the proposal would adversely affect traffic congestion. Existing on-street parking is available and servicing would be subject to existing controls. It is not considered the proposal raises any significant issues in respect of with SG 4 Assessment Guideline 13, CDP 11 or SG 11 Sustainable Transport. The floor plan drawing indicates a bin store would be provided beneath the stairs at the rear of the café. It is not clear whether the area beneath the stairs is large enough to meet requirements for bin storage. No further detail on waste storage and collection has been provided. Insufficient detail has been provided with regard to waste collection and management and it is therefore considered the proposal fails to meet the requirements of SG 4 Assessment Guideline 14.
OTHER MATERIAL CONSIDERATIONS	There are not considered to be any other material considerations.
REASON FOR DECISION	**REASONS FOR REFUSAL** 1. 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. 2. The proposed development is contrary to the adopted National Planning Framework 4, Policy 27 City, Town, Local and Commercial Centres a) and c) and to Glasgow City Development Plan, Policy CDP 1 The Placemaking Principle and Supplementary Guidance SG 1 Placemaking (Part 2), Policy CDP 4 Network of Centres and Supplementary Guidance SG 4 Network of Centres (Assessment Guidelines 4: Proposed Non-Retail Uses within Major Town Centres, 10: Food, Drink and Entertainment Uses, 12: Treatment and Disposal of Cooking/Heating Fumes and 14: Waste Management and Disposal). 3. The style and design of the proposed shopfront would be contrary to Policy CDP 1 The Placemaking Principle and Supplementary Guidance SG 1 Placemaking (Part 2) as it would not complement that of the building and would significantly detract from the character of the building. 4. The proposal, which would result in 75% of the units on the street block frontage being in authorised non-Class 1A use, would detract from the vitality and viability of the Major Town Centre by decreasing its mix of uses and, therefore, is contrary to National Planning Framework 4, Policy 27. 5. The proposal would result in the unacceptable loss of Class 1A retail units and in 75% of the units on the street block frontage being in authorised non-Class 1A use, which would erode the retail character of the Major Town Centre to the detriment of its vitality and viability and therefore is contrary to SG 4, Assessment Guideline 4. 6. The proposal does not demonstrate that the property has been appropriately marketed for Class 1A use for a minimum period of 12 months prior to submission of the non-Class 1A proposal and that the marketing exercise was

	unsuccessful in attracting Class 1A operators and therefore is contrary to SG 4, Assessment Guideline 4. 7. 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 to SG 4 requirements is not justified. 8. Due to the kitchen extract vent below neighbouring residential flats, the proposed development would adversely affect the wellbeing and amenity of residents of the flats on the upper floors of the tenement due to the effects of cooking odours and fumes. Therefore, the proposal does not meet the requirements of SG 4 Assessment Guideline 4, Assessment Guideline 10, and Assessment Guideline 12 and is contrary to National Planning Framework 4, Policy 27; Policy CDP 1; and SG 1. 9. Insufficient information has been provided to demonstrate the proposal has made suitable arrangements for the management and disposal of waste. Consequently, the proposal does not meet the requirements of SG 4 Assessment Guideline 14 and is contrary to National Planning Framework 4, Policy 12.

	COMMENTS

PLANNING HISTORY

Development Management

Ref	**Proposal**	**Decision Issued**	**Decision**
01/00546/DC	Use of office as hot food shop (microwave cooking only)	21.08.2001	GC
98/01819/DC	Use of shop (class 1) as office (class 2).	05.08.1998	GC
98/03101/DC	Display of two externally illuminated fascia panel signs.	29.01.1999	GC
21/00117/FUL	Use of retail unit (Class 1) as hot food takeaway (sui generis) and use of public footpath as external seating area.	12.05.2021	VW
22/00986/FUL	Use of hot food take away and adjoining shop as cafe/bakery, frontage alterations and use of pavement as outside seating associated with the premises.	13.03.2023	RF

Enforcement

Ref	**Proposal**	**Closed**	**Decision**
19/00178/EN	Enforcement Enquiry	20.01.2020	CLOSED

SITE VISITS (DATES): 21 July 2023

SITING

The application site is on the ground floor of a four-storey tenement block at Partick Cross at the junction of Dumbarton Road and Coopers Well Street. It comprises two adjoining commercial units at 143-143A Dumbarton Road.

The planning use of both units is Class 1A of The Town and Country Planning (Use Classes) Order 1987 (as amended). It is noted that 143A Dumbarton Road was previously in unauthorised use as a hot food takeaway (Sui Generis). Both units are currently vacant.

There are 5 commercial units on the ground floor of the street block, comprising:

- The application site at 143 and 143A Dumbarton Road
- A dessert café/restaurant at 145 Dumbarton Road. The unit was previously recorded as a Hairdresser/Beautician in the 2019 retail survey and there is no planning history of a change of use to Class 3 being approved. The planning use of the unit is therefore Class 1A.
- A fried chicken restaurant at 147 Dumbarton Road (Class 3)
- The Dolphin public house at 157 Dumbarton Road (Sui Generis)

DESIGN AND MATERIALS	The existing shopfronts would be replaced with a single shopfront that would wrap around the corner of the building. A new entrance would be provided on Coopers Well Street at the north-east corner of the building. A takeaway hatch would be inserted on the Dumbarton Road elevation. The new shopfront would comprise: • Clad fascia with painted lining boards. Painted text would be lit static LED cowl lights on both elevations. • Double glazed top lights with reeded glass inner pane. Circular and cross hardwood astragals planted on • Timber framed openable windows with arched astragal detail Windows fitted with sealed double-glazed units • Stile and rail pilasters with moulded capitals • New painted timber stallriser with planted on hardwood mouldings • New double-glazed door with Hardwood frame glazed panel and decorative bottom panel On the south-east elevation adjacent to the shopfront there would be: • 2no. advertisement boards with moulded hardwood frames • A new deliveries door painted to match the wall colour • 2no. ventilation grills: one for kitchen extraction and the other for the main café area
DAYLIGHT	N/A
ASPECT	N/A
PRIVACY	It is not considered that the proposal would adversely affect privacy of neighbouring residential properties.
ADJACENT LEVELS	Adjacent levels are relatively flat.
LANDSCAPING (INCLUDING GARDEN GROUND)	N/A
ACCESS AND PARKING	No parking proposed. The application site is in a major town centre and has high accessibility to public transport.
SITE CONSTRAINTS	The site is in Partick/Byres Road Major Town Centre but not in a Retail Core Area.
OTHER COMMENTS	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. The issues to be considered in the determination of this application are: a) whether the proposal accords with the statutory Development Plan; b) whether any other material considerations (including objections) have been satisfactorily addressed. In respect of a), the Development Plan comprises National Planning Framework 4 (NPF4) adopted 13 February 2023 and the Glasgow City Development Plan adopted 29 March 2017. The proposal has been assessed against the relevant Development Plan policies in detail above. In summary, it is considered the proposal takes a Town Centre First approach and does not raise any significant issues in terms of design or transport. Notwithstanding, it is considered the proposal would have an adverse impact on the viability and vitality of Partick/Byres Road Major Town Centre as it would requires the loss of two Class 1A units, which in turn would result in an unacceptable proportion of non-Class 1A units on the street block frontage. No marketing information has been submitted to justify the loss of the Class 1A units. The proposal would have an adverse impact on the amenity of neighbouring properties and insufficient information has been submitted in respect of waste management. For these reasons, it is considered the proposal is contrary to the Development Plan. In respect of b), the representation did not object to the proposal on planning grounds and is not a material consideration. There are not considered to be any other material

	considerations that outweigh the Development Plan and it is therefore considered the proposal is unacceptable.
RECOMMENDATION	**Refuse**

Date: 21/09/2023		DM Officer	**David Haney**
Date 29/11/2023		DM Manager	Mark Thomson

Drawings

The development shall not be implemented in accordance with the drawing(s)

1. FD 154.02PL 3 REV PROPOSED PLANS Received 25 April 2023
2. FD 154.04PL 3 REV PROPOSED EXTERNAL ELEVATIONS Received 25 April 2023
3. FD 154 .05PL 3 REV A LOCATION PLAN Received 25 April 2023

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