



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

Contact: Sam Taylor Ext: 78654

Item 1

12th August 2025

25/00041/LOCAL – 100 Byres Road G12 8TB
Use of shop unit (Class 1A) as restaurant (Class 3) and erection of extract
flue to rear

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): 11

Citywide: n/a

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

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The application site is a ground floor shop unit (Use Class 1A), within a traditional 4- storey tenement, on the east side of Byres Road (Ward 11). The unit is currently in use as a sandwich shop. The property is within the Partick/Byres Road Town Centre.
- 1.2 The proposal is to change the use of the property from an occupied Class 1A shop unit to a Class 3 restaurant and to install an extract flue onto the rear elevation of the building.
- 1.3 The proposed floor plan drawing shows there will be minimal internal alterations. There are seating/tables for 18no covers and a toilet for customer use. There will be a servery/counter area with cooking facilities such as hobs and a fryer. On the mezzanine level is a further toilet and a separate storage area for commercial waste.
- 1.4 The ventilation will be provided by an extract flue that will exit the rear of the property. The proposed extract flue will be affixed to the rear elevation and will terminate 1 metre above the eaves level of the building.
- 1.5 No details of the hours of operation have been submitted.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan (CDP) policies and Supplementary Guidance are:

Policy 12	Zero Waste
Policy 13	Sustainable transport
Policy 14	Design, quality and places
Policy 27	City, town, local and commercial centres
- 2.2 The relevant City Development Plan policies and Supplementary Guidance are:

CDP1/SG1:	The Placemaking Principle
CDP4/SG4:	Network of Centres
CDP11/SG11:	Sustainable transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal are set out below:
 - 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 development proposal is contrary to Policy 27 City, Town, Local and Commercial Centres of the National Planning Framework 4, CDP 4 and SG 4 Network of Centres of the Glasgow City Development Plan as specified below, and there is no overriding reason to depart therefrom.
- 3) The proposal is contrary to Policy 27 City, Town, Local and Commercial Centres of the National Planning Framework 4, CDP 4 and SG 4 Network of Centres of the Glasgow City Development Plan in so far it would result in the unacceptable loss of a functioning Class 1A retail units with 50% of the units on the street block frontage and 31.9% of the units in the wider town centre being in non-Class 1A use which would erode the retail character of the Partick/Byres Road Town Centre to the detriment of its vitality and viability.
- 4) The proposal is contrary to CDP 4 and SG 4 of the Glasgow City Development Plan in so far as no information has been provided in relation to proposed cooking/heating equipment and method(s) or the maintenance schedule of the proposed flue ventilation/extract system.

4 APPEAL STATEMENT

- 4.1 A summary of the material points raised in the appeal statement is given below:
1. The applicant believes that circumstances have evolved since the original local planning conditions were established.
 2. The applicant proposes to establish a vegan hot food takeaway in response to a clear and growing demand within the local area.
 3. The proposed change of use from Class 1A to Class 3 would allow the sale of hot food, helping to attract a wider customer base and address the current low turnover and limited footfall, which may otherwise force the applicant to consider relocating.
 4. This application would facilitate the continued operation of a local business contribute positively to the area's economic vitality.

5 RELEVANT PLANNING HISTORY

- 5.1 The previous planning application history for the property includes the following:
- 09/02943/DC - Use of shop (Class 1) as shop with ancillary coffee bar (14 seats) limited to hot and cold drinks and cold food with no cooking on the premises and opening hours of 1000 to 2100 seven days a week - LAWFUL.
 - 18/02163/FUL - Use of retail unit (Class 1) as office (Class 2). Refused.

- 19/00494/FUL - Use of shop (Class 1) as office (Class 2). Granted with conditions.
- 20/02393/FUL - Installation of air condenser unit to rear (retrospective). Granted with conditions.

6 REPRESENTATIONS AND CONSULTATIONS

- 6.1 There were no representations received in objection to the application.

7 COMMITTEE CONSIDERATIONS

- 7.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

- 7.2 The following are the relevant policy considerations:

7.3 NPF4 Policy 12: Zero Waste

Policy 12 seek to ensure all development proposals to reduce, reuse, or recycle materials in line with the waste hierarchy. Development proposals that are likely to generate waste when operational, including residential properties, will set out how much waste the proposal is expected to generate and how it will be managed including provision to maximise waste reduction and waste separation at source, and 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.

Committee should note that:

- The commercial waste arising from the proposed use would be stored within the premises and collected on a daily basis, as stated in the appeal statement.
- No details have been provided regarding the amount of waste expected to be generated.
- No details have been provided regarding the measures that will be implemented for waste separation and recycling.

Committee should consider whether:

- the proposed waste storage and management arrangements are acceptable in the absence of further detail?

7.4 NPF4 Policy 13 and CDP11/SG11: Sustainable transport

Policy 13 intends to support proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

CDP11 and SG11 seek to ensure all development is designed and delivered to support and accommodate sustainable and active transport options. SG11 includes details of the standards expected.

Cycle Parking – Minimum standard is one space per unit unless a dedicated storage facility is available. Cycle parking must be safe, sheltered and secure.

Vehicle Parking – Minimum standard is one space per dwelling unit. Variation above or below this may be justified by a number of factors.

Committee should note that:

- The application property does not have dedicated off-street cycle or car-parking.
- The unit has a public floor area of approximately 37sqm, therefore, 1no customer cycle parking space would be expected.
- No cycle parking, or trip-end staff facilities for staff are provided.
- Public cycle racks are nearby, but they are unsecured and lack passive surveillance, particularly in the evening.
- No details of staff numbers have been provided.
- However, the property is located within a high accessibility area, with good public transport provision to accommodate customers and staff.

Committee should consider whether:

- the absence of dedicated cycle parking and trip-end facilities for staff is acceptable?
- the site's high public transport accessibility sufficiently mitigates the lack of on-site parking and active travel facilities?

7.5 NPF4 Policy 14: Design, quality and place and CDP1/SG1: Placemaking principle

Policy 14 intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. 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.

CDP 1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. CDP 1 states that new development should aspire towards the highest standards of design while providing high quality amenity to existing and new residents in the city. New development should respect the environment by responding to its qualities and character.

SG1 takes forward the aims of Policy CDP1 and provides the necessary detail to explain how these policy aims will be achieved.

Non-Residential Development Affecting Residential Areas:

This guidance aims to ensure that any non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

External fittings should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards. Within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window. The title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before any structure is fitted to a wall in common ownership. Any grant of planning permission does not remove this obligation, which is a separate legal matter.

Committee should note that:

- The proposal does not include any significant external alterations to the front elevation.
- The proposed flue would be sited in close proximity to residential windows on the rear elevation.

Committee should consider whether:

- the proposed location of the flue acceptable?
- the siting of the flue in close proximity to residential windows would have an unacceptable impact on residential amenity?

7.6 NPF4 Policy 27: City, town, local and commercial centres and CDP4/SG4: network of centres

Policy 27 states that 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. An outcome of Policy 27 will be that development is directed to the most sustainable locations that are accessible by a range of sustainable transport modes and provide communities with easy access to the goods, services and recreational opportunities they need.

CDP 4 aims to ensure that all of Glasgow's residents and visitors have good access to a network of centres which are vibrant, multi-functional and sustainable destinations providing a range of goods and services. It goes on to advise that detailed guidance on the provision of local shopping facilities, and the standards to be met by proposals for food, drink and entertainment uses will be set out in the associated supplementary guidance (SG 4).

SG 4 sets out specific criteria for local shopping facilities and also for food and drink proposals and the preservation of residential amenity.

Non-Retail Uses within Major Town Centres

In assessing proposals for non-retail use within Major Town Centres the following criteria will be applied:

In all Major Town Centres:

- a) 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. Note: For food, drink and entertainment uses, refer also to Assessment Guidelines 10-14.

Assessment Guideline 10: Food Drink and Entertainment Uses

This guideline states that 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. The hours of operation will be agreed but shall not exceed 08:00 to 24:00 hours.

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.

Committee should note that:

- The application property is an operational retail unit, in Class 1A use.
- No marketing details have been provided to demonstrate a lack of retail interest in the unit.
- The introduction of a Class 3 use could result in disruption to nearby residential amenity by the nature of the increased opening hours and the increased noise and activity.

- No details of the hours of operation are submitted. However, a safeguarding condition could be applied to the decision notice to control the opening hours within the above criteria.
- The extraction flue is proposed to the rear of the building, which would disperse fumes and odours approximately 1 metre above eaves level.
- No details of the methods of cooking and maintenance schedule for the flue have been provided. However, this can be conditioned to ensure adequate maintenance of the flue.

Committee should consider whether:

- the loss of an operational retail unit is justified, given that there are vacancies elsewhere in the centre?
- the proposed Class 3 use would not have an impact on neighbouring residential amenity?
- any residential amenity issues would be created by the proposal, and whether further details of the specification, installation and maintenance of the flue are required?

8 COMMITTEE DECISION

8.1 The options available to the Committee are:

- Grant planning permission, with or without conditions;
- Refuse planning permission; or
- Continue the application for further information.

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 n/a

2021-25? Please specify.

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 Glasgow's net zero carbon target? n/a

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

9 RECOMMENDATIONS

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