

Report of Handling for Application 25/00531/FUL

ADDRESS:	100 Byres Road Glasgow G12 8TB	Item 3 12th August 2025
PROPOSAL:	Use of shop unit (Class 1A) as restaurant (Class 3) and erection of extract flue to rear.	

DATE OF ADVERT:	4 April 2025
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	33 neighbour notification letters were issued, the application was advertised in the local press and was included on the Weekly List of Applications. No representations have been received.
PARTIES CONSULTED AND RESPONSES	None.
PRE-APPLICATION COMMENTS	None.

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	<p>The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory development plan and Glasgow City Council as planning authority must assess all proposed development against its policies. The following policies are considered relevant to this application:</p> <p>Policy 1: Tackling the climate and nature crises Policy 2: Climate mitigation and adaption Policy 12: Zero Waste Policy 13: Sustainable Transport Policy 14: Design, Quality and Place Policy 27: City, town, local and commercial centres</p>
CITY DEVELOPMENT PLAN POLICIES	<p>CDP 1: The Placemaking Principle SG 1: Placemaking (Part 2) CDP 2: Sustainable Spatial Strategy CDP 4: Network of Centres SG 4: Network of Centres CDP 11: Sustainable Transport SG 11: Sustainable Transport</p>
OTHER MATERIAL CONSIDERATIONS	None.

**REASON FOR
DECISION**

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.

Comments

Planning History	<p>00/00928/DC: Installation of automatic telling machine. GC – 22.05.2000</p> <p>02/00003/DC: Display of two non-illuminated vinyl graphics behind the glazing. GC – 22.02.2002</p> <p>09/02943/DC: Use of shop as shop (Class 1) 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 – 22.02.2010</p> <p>18/02163/FUL: Use of retail unit (Class 1) as office (Class 2). RF – 20.08.2018</p> <p>19/00494/FUL: Use of shop (Class 1) as office (Class 2). GC – 26.22.2019</p> <p>20/02393/FUL: Installation of air condenser unit to rear (retrospective). GC – 18.12.2020</p>
Siting	<p>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.</p>
Design and Materials	<p>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.</p> <p>The proposed floor plan drawing shows there will be minimal internal alterations. There is 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 sperate storage area for commercial waste.</p> <p>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.</p> <p>No details of the hours of operation have been submitted.</p>
Daylight	Not applicable.
Aspect	No issues.
Privacy	No issues.
Adjacent Levels	Not applicable.
Landscaping (Including Garden Ground)	Not applicable.
Access and Parking	<p>No changes proposed to current access arrangements – i.e. pedestrian access from Byres Road.</p> <p>The property is within a traditional tenement building and has no off-street parking for cycles or motor vehicles. The application doesn't contain any proposals for new cycle or vehicular parking.</p> <p>The application site is within an area of high accessibility in terms of public transport.</p>
Site Constraints	The property is within the Partick/Byres Road Town Centre.
Other Comments	<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"> 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 of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017.

National Planning Framework 4 (NPF 4)

Policy 1: Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2: Climate mitigation and adaption

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Case Officer Comment: The proposed change of use is not considered to have any greater impact on the environment. The proposal involves very little in the way of building works, minimising the requirement to use new building materials.

Policy 12: Zero Waste

Development proposals will seek 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.

Case Officer Comment: Commercial waste generated by the proposed use will be stored within the property for daily uplift. No details have been provided with regards how much waste is expected to be generated and what measures will be implemented in terms of waste separation and recycling.

Policy 13: Sustainable Transport

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

Case Officer Comment: As with most traditional Glasgow tenements the application property does not have dedicated off-street cycle or car-parking. As stated above, the application site is within a high accessibility location, indicating a good provision of public transport to facilitate customers and staff.

Policy 14: Design, Quality and Place

The intent of Policy 14 is 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.

Case Officer Comment: The proposal is for a change of use with no significant external alterations to the front elevation that would have a detrimental visual impact on the existing street scene. However, the proposed flue will be sited in close proximity to residential windows on the rear elevation. No details of any noise impact from the flue has been submitted with the application. Therefore, it is not known if the flue may have a negative impact on residential amenity.

Policy 27: City, town, local and commercial 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.*

Case Officer Comment: The proposed development will be further assessed against the detailed, site-specific local development plan policy and guidance below. Whilst it is noted that a Class 3 restaurant is a service that can be expected to be found within a town centre, there is a concern that the loss of a functioning Class 1A shop unit may be harmful to the sustainable and vibrant mix of uses at this particular location.

Glasgow City Development Plan

CDP 1: The Placemaking Principle

Policy 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.*

Case Officer Comment: As no external alterations are proposed to the Byres Road frontage, the proposed development will have a neutral impact on the quality and character of the local built environment. In terms of residential amenity, as noted above, the extract flue will be sited in close proximity to the windows of flatted dwellings.

Supplementary Guidance SG 1: Placemaking (Part 2)

This guidance 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.

Case Officer Comment: As discussed previously, the extract flue will be located in close proximity to the windows of the flatted dwellings above the application property. If the application were to be approved, conditions necessitating the applicant to submit a noise impact assessment and restrictions on the noise generated from the proposed use could be added to the decision notice.

CDP 4 and Supplementary Guidance SG 4: Network of Centres

Policy 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).

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

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

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

1. In all Major Town Centres:

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.

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

Case Officer Comment: On 31 March 2023, The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 created new use Class 1A for Shops, and financial, professional and other services. This new use class is a combination of the previous uses Class 1 (shops) and Class 2 (financial services). For the avoidance of doubt, policies relating to Class 1 retail are now applied to the replacement Class 1A.

In order to apply the detailed guidance above, it is necessary to understand the proportion of Class 1A units present in the wider town centre and the relevant street block frontage (94 to 146 Byres Road). The table below details the proportion of Class 1A units in the wider town centre as taken from the Council's Retail Survey (June 2024) and the street block (case officer's site visit May 2025).

	Total Class 1A	Total Non-Class 1A
As Existing		
Partick/Byres Road Town Centre (Total)	68.3%	31.7%
Street Block Frontage (94-146 Byres Road)	56.3% (9)	43.8% (7)
As Proposed		
Partick/Byres Road Town Centre (Total)	68.1%	31.9%
Street Block Frontage (232 - 276 Dumbarton Road)	50% (8)	50% (8)

This proposal is, therefore, contrary to this assessment guideline as it would result in the loss of a functioning Class 1A retail unit, resulting in more than 30% of the street frontage being in non-Class 1A use. The application site was still in Class 1A use when the case officer visited it in May 2025. The Council's retail survey from June 2024 shows the unit was in the same Class 1A use by the same occupier. The application property is, therefore, not a long-term vacant unit. Additionally, no marketing details have been provided to demonstrate a lack of retail interest in the unit. In this context, 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. Furthermore, 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.

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.

Case Officer Comment: If the proposed development was in accordance with the development plan and was to be recommended for approval, a safeguarding condition could be applied to the decision notice to control the opening hours within the above criteria.

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

Case Officer Comment: The proposal includes the installation of an extraction flue to

	<p>the rear of the building, which would disperse fumes and odours approximately 1 metre above eaves level. This is considered to be a sufficient distance from the residential properties below. However, no details of the methods of cooking have been provided, nor a maintenance schedule for the flue. Subject to the approval of further details (which could be requested by condition), the proposal could satisfy the requirements of this assessment guidance.</p> <p>CDP11 and Supplementary Guidance SG11: Sustainable Transport This policy seeks to support sustainable and active travel options for all development proposals. SG11 provides detailed standards in relation to cycle and vehicle parking standards as below: <u>Cycle Parking – Minimum Standards:</u> Customer = 1 space per 50sqm of public floor area Staff = 1 space per 10 staff <u>Vehicle Parking – Maximum Standards:</u> High Accessibility areas = 2 spaces per 100sqm of public floor area.</p> <p><u>Case Officer Comment:</u> Vehicle parking standards are set as a maximum and therefore the proposed zero parking spaces is acceptable. However, no cycle parking, or trip-end staff facilities, are provided, which is contrary to this policy. The unit has a public floor area of approximately 37sqm, and, therefore, 1no customer cycle parking space would be expected. No details of staff numbers have been provided. It is noted that there are public cycle racks in the vicinity, but these are not secure and may not benefit from passive surveillance, especially later in the evening. However, as stated above, the application site is within a high accessibility location, indicating a high provision of public transport to facilitate customers and staff. The site is located in a major town centre within an existing street block of commercial units, none of which have allocated parking. It is not anticipated that the proposed use would result in significant traffic movements that would be atypical for a town centre location.</p> <p><u>Case Officer Conclusion</u> In terms of (b), other material considerations include the views of statutory and other consultees and the contents of letters of representations. No consultations or representations were received.</p> <p>Every application for Planning permission is assessed on its own merits against the current Development Plan. This assessment also considers the characteristics of the application site and the wider area. While there is a need to maintain consistency in the consideration of points of merit, this is not the same as a 'precedent'. No two Planning applications are the same and each proposal must be determined on its own merits against the current development plan.</p> <p>The application property is not a vacant unit. It is occupied and operating as a Class 1A use. Therefore, the proposed change of use would result in the unacceptable loss of a functioning Class 1A retail unit. Consequently, 50% of the units within this street block frontage and 31.9% of the units in the wider town centre would be in non-Class 1A use, which is contrary to the development plan. When assessed as a whole, it is considered the proposed change of use will have a significant detrimental impact on the vitality and viability of Partick/Byres Road Town Centre and the amenity of the neighbouring properties.</p> <p>It is considered, for the reasons outlined in the report above, that this application is not in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan. On the basis of the foregoing, it is recommended that this application for Full Planning permission be <u>refused</u>.</p>
Recommendation	Refuse

Date: 22.05.2025	DM Officer	Jamie McArdle
Date: <u>29/5/2025</u>	DM Manager	Mark Thomson