



Item 4

14th May 2024

**Neighbourhoods, Regeneration
and Sustainability**
Glasgow City Council
Exchange House
231 George Street
Glasgow, G1 1RX
www.glasgow.gov.uk

Executive Director
George Gillespie
BEng (Hons) CEng MICE

Porter Planning Ltd.
Teri Porter
39 St Vincent Street
Glasgow
G1 2ER

Our ref: DECISION
GCC Application Ref: **23/02657/FUL**

15 January 2024

Dear Sir/Madam

SITE: 126 Byres Road Glasgow G12 8TD

PROPOSAL: Use of retail unit (Class 1A) as restaurant (Class 3) with erection of flue to rear.

I am obliged to inform you that a decision to refuse your application, **23/02657/FUL** has now been taken.

A copy of the decision notice is attached with any appropriate notes which should be read together with the decision.

The decision notice is a legal document and should be retained for future reference.

Should you require any additional information regarding the decision, please contact the case officer **David Haney** on direct phone , or email david.haney@glasgow.gov.uk, who will be happy to help you.

Yours faithfully

Head of Planning

Encls.



PLANNING DECISION NOTICE

Full Planning Permission REFUSAL

IN RESPECT OF APPLICATION 23/02657/FUL

Use of retail unit (Class 1A) as restaurant (Class 3) with erection of flue to rear.

AT

126 Byres Road Glasgow G12 8TD

AS SHOWN ON THE FOLLOWING SUBMITTED PLAN(S)

Reason(s) for decision

01. 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.
02. The proposed development is contrary to the adopted National Planning Framework 4, Policy 23 Health and safety Policy; 27 City, Town, Local and Commercial Centres; 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 and 10: Food, Drink and Entertainment Uses).
03. The proposal, which would result in 46.7% of the units on the street block frontage being in non-Class 1A use and five adjacent Class 3 units, would detract from the vitality and viability of the Major Town Centre by decreasing its mix of uses and is therefore contrary to National Planning Framework 4, Policy 27.
04. The proposal would result in the unacceptable loss of Class 1A retail units with 46.7% of the units on the street block frontage being in non-Class 1A use, including five adjacent Class 3 units, would erode the retail character of the Major Town Centre to the detriment of its vitality and viability and is therefore is contrary to SG 4, Assessment Guideline 4.

05. The proposal would result in an unacceptable adverse impact on the amenity of neighbouring residential properties due to the cumulative impact of Class 3 units within the street block frontage and is therefore contrary to National Planning Framework 4, Policy 23 Health and safety; Policy 27 City, Town, Local and Commercial Centres; 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 and 10: Food, Drink and Entertainment Uses).
06. 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.
07. 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.

Drawings

The development has been refused in relation to the following drawing(s)

1. 4005(P) - 03C LOCATION AND BLOCK PLAN (WASTE LOCATION) Received 30 October 2023
2. 4005P - 01 EXISTING REAR ELEVATION Received 30 October 2023
3. 4005P - 02 PROPOSED REAR ELEVATION Received 30 October 2023

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



Dated: 15th January 2024

Head of Planning

THIS DECISION NOTICE SHOULD BE READ WITH THE ATTACHED ADVICE NOTES

IMPORTANT NOTES ABOUT THIS REFUSAL OF PLANNING PERMISSION

BY THIS NOTICE, YOUR PROPOSAL HAS BEEN REFUSED.

RIGHTS OF APPEAL

If you are not satisfied with this refusal of planning permission, you may request a review within **three months** of the date on this notice. Please note that the right of appeal is to the Planning Local Review Committee of the Council and **not** to Scottish Ministers.

Before pursuing a review, you should consider contacting your case officer to discuss whether there are changes which could be made to the proposed development to make it acceptable. The case officer's contact details are on the letter accompanying this Decision Notice. Your case officer can also advise on how a fresh application could be submitted. Please note that if you do submit a fresh application within 12 months, you would be unlikely to have to pay a further planning fee.

Before contacting the case officer, you would be well advised to view the report on the application. It is available for inspection [online](#). The report explains how the decision was reached and should help you decide whether to proceed with further discussion or a review. If your application was granted subject to conditions, it may be clear from the terms of the report that any conditions which you might be concerned about are necessary.

A notice of review must be served on the Planning Local Review Committee by submitting online at <https://www.eplanning.scot/ePlanningClient/>

The notice of review must include a statement setting out your reasons for requiring the Planning Local Review Committee to review this case. You must state by what procedure (written representations, hearing session(s), inspection of application site) or combination of procedures you wish the review to be conducted. However, please note that the Planning Local Review Committee will decide on the review procedure to be followed.

You must also include with the notice of review a copy of this decision notice, the planning application form, the plans listed on the decision notice and any other documents forming part of the proposed development as determined. If you have a representative, you must give their name and address. Please state whether any notice or other correspondence should be sent to the representative instead of to you.