

Report of Handling for Application 25/00366/FUL

ADDRESS:	252 Dumbarton Road Glasgow G11 6TU	<div>Item 3</div> <div>9th September 2025</div>
PROPOSAL:	Use of vacant retail unit (Class 1A) as restaurant (Class 3) and erection of flue.	

DATE OF ADVERT:	7 March 2025
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>169 neighbour notification letters were issued. The application was advertised in the local press and was included on the Weekly List of Applications. Two public representations were received to this application, both to object. Their objections can be summarised as follows:</p> <ul style="list-style-type: none"> - Objection to the erection of another flue – there are already several flues and these have an effect on the appearance of the building. - The proposal is within a tenement block, therefore contravenes CDP4/NPF4 Policy 27 as these state restaurants should not be near to or adjacent to residential buildings. - This proposal would replace an existing retail unit with an additional restaurant, contrary to Assessment Guideline 5. <p>Comment: These comments will be addressed in the 'Other Comments' section below.</p>
PARTIES CONSULTED AND RESPONSES	None.
PRE-APPLICATION COMMENTS	<p>The applicant and agent did not seek pre-application advice or discussions with Glasgow City Council prior to submission of this application. Therefore, the case officer was unable to provide advice on whether the proposed development complied with the relevant Policy and Guidance of NPF 4 and the City Development Plan.</p> <p>The Council has formalised the means for obtaining pre-application advice of this type in order to make this stage of the Planning process more accessible and efficient for applicants, agents and Planning staff. The Council welcomes pre-application discussions between the applicant, their agent(s) and its planning staff in advance of making an application for any scale of development. As stated above, the agent and applicant failed to avail themselves of this service.</p>

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 and was adopted February 2023. 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.</p> <p>The following policies are considered relevant to this application: Policy 1: Tackling the climate and nature crises 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>The City Development Plan (adopted March 2017) consists of high-level policies with statutory supplementary guidance providing further information or detail in respect of the policies.</p> <p>The following are considered relevant to the application: CDP1: The Placemaking Principle and SG1 (Part 2): The Placemaking Principle CDP4 and SG4: Network of Centres CDP11 and SG11: 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	
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Planning History	No relevant planning history for this site.
Site Visits (Dates)	Not required. This application was determined using a desk-based analysis and from the information submitted in support of the application.
Siting	<p>The proposal site is situated on the northern side of Dumbarton Road, within a mid-terraced four-storey blond sandstone tenement block. The ground floor of the block is in commercial use, with residential properties in the upper floors.</p> <p>The site is located within the Partick/Byres Road Major Town Centre, but is not within the centre's Retail Core Area. This is within an area of High Public Transport Accessibility.</p> <p>The site is within Ward 23.</p>
Design and Materials	<p>The proposal is to change the use of a vacant Class 1A retail unit to a Class 3 restaurant, with the erection of a flue to the rear elevation.</p> <p>The proposed opening hours of the restaurant are: Sunday to Thursday: 10am – 11pm Friday & Saturday: 10am – 12midnight</p> <p>Internally, restaurant seating is proposed to the front and rear of the unit, however, the plans do not indicate table/cover numbers of layouts of seating. A servery, bar and kitchen area are shown, located towards the centre of the unit, with separate customer and staff facilities shown towards the rear. Waste storage is proposed to be internal. Ventilation is proposed to be provided by an extract flue that will exit the rear of the property.</p>

	Externally, the only proposal is for the erection of an extract flue, which is to be affixed to the rear of the property by means of brackets with anti-vibration mountings. There are no proposals included for any frontage alterations.
Daylight	No Development Plan issues.
Aspect	NOT APPLICABLE
Privacy	No Development Plan issues.
Adjacent Levels	The site is largely flat.
Landscaping (Including Garden Ground)	NOT APPLICABLE
Access and Parking	<p>No changes to access are proposed – pedestrian access from Dumbarton Road will be retained.</p> <p>No cycle or vehicle parking is proposed. The site is within an area of High Public Transport Accessibility.</p>
Site Constraints	<p>The site is within the Partick/Byres Road Major Town Centre</p> <p>Coal Authority – low risk</p>
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. <p>In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017. In order to assess (a) the proposal must be considered against the following policies:</p> <p>NPF4 Policy 1 is an overarching policy which must be considered for all development, giving weight to the climate and nature crises. This policy will be considered throughout the below assessment, but generally, this proposal is not considered to negatively impact on either crises.</p> <p>NPF4 Policy 14 and CDP/SG1: These placemaking policies are considered for all development proposals, advising 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, while protecting the City's heritage. SG1 (Part 2) provides the following detailed guidance:</p> <p>Non-Residential Development Affecting Residential Areas – This policy encourages development to take a place-based approach, where development responds to its context. New development must be compatible with existing and future uses and non-residential development should not harm residential amenity or erode the character of residential neighbourhoods.</p>

Comment: The impact and compatibility of this proposal will be discussed below under NPF4 Policy 27 and CDP4/SG4 considerations.

Chiller/Air Conditioning Units/Flues – The flue is proposed to be sited on the rear elevation of the tenement building and to be affixed using anti-vibration mountings. This flue complies with policy as has been appropriately sited and has been sited as far as practicable (over 1m) away from residential windows. It is noted there is an existing flue (likely associated with the nearby fish and chip shop) that is much closer to residential windows. Overall, the flue is considered to comply with policy.

NPF4 Policy 12 and CDP1/SG1 – Waste Provision – The submitted floor plan indicates an internal waste storage area, and the supporting statement advises that waste will be uplifted from the street by an appointed contractor. The proposal does not detail the expected generated waste or how this will be segregated/recycled, as required by NPF4 Policy 12. However, this could be requested by condition.

NPF4 Policy 27 and CDP4/SG4: These policies recognise the importance of the City's town centres and shopping facilities. These seek to ensure the continued vitality of town centres by encouraging a range of uses, whilst protecting the primary retail function and character of these areas. **SG4** provides the following detailed guidance.

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.

SG4 contains guidance on changes of use from Class 1 to other uses. In order to apply its detailed guidance it is necessary to understand the proportion of Class 1A units present in the wider town centre and relevant street block frontage. The table below details the proportion of Class 1A units in the wider town centre and the street block frontage as taken from the Council's Retail Survey, last updated June 2024.

	Total Class 1A	Total Non-Class 1A
As Existing		
Partick/Byres Road Town Centre (Total)	68.3%	31.7%
Street Block Frontage (232 - 276 Dumbarton Road)	75% (9)	25% (3)
As Proposed		
Partick/Byres Road Town Centre (Total)	68.1%	31.9%
Street Block Frontage (232 - 276 Dumbarton Road)	66.6% (8)	33.3% (4)

Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres – This states if the proportion of ground floor Class 1 shop units is more than 70%, further changes of use will be supported if it can be demonstrated that the proposal will:

- Contribute positively to the character and appearance of the Town Centre and provide an active frontage;
- Not have an unacceptable effect on Town Centre or residential amenity; and
- In the traditional shopping streets of Major Town Centres, result in not more than 30% [including vacant units] 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.

As per the above table, the proportion of ground floor Class 1A units is less than 70%. SG4 specifies that further changes of use will not be supported unless it can be

demonstrated that the proposal will satisfy the above criteria and achieve at least one of the following:

- i. Deliver the re-use of long-term 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.]; and/or
- ii. Accord with relevant Spatial Supplementary Guidance.

Comment: This proposal is therefore contrary to this assessment guideline as it would result in the loss of a retail unit, resulting in more than 30% of the street frontage being in non-Class 1A use. The proposal unit is the now vacant Superdrug unit, which was still in use when the retail survey was undertaken less than 12-months ago (June 2024); this is therefore not a long-term vacant unit and no marketing detail has 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 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.

Comment: The proposed opening hours are within this and are acceptable.

Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes – It is proposed to install an extraction flue to the rear of the building, which would disperse fumes and odours approximately 1m 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, not 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.

Overall, it is considered that the proposal would have an adverse impact on the vitality and viability of the town centre, and there will be a significant impact on residential amenity through increased noise and activity. As such, this proposal is therefore contrary to NPF4 Policies 27 and CDP/SG4.

NPF4 Policy 13 and CDP11/SG11 – These policies seek 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.

Cycle Parking – Minimum Standards:

Customer = 1 space per 50sqm of public floor area

Staff = 1 space per 10 staff

Vehicle Parking – Maximum Standards:

High Accessibility areas = 2 spaces per 100sqm of public floor area.

Comment: Vehicle parking standards are set as a maximum and therefore the proposed zero parking spaces is acceptable. However, no cycle parking, or required trip-end staff facilities, are provided, which is contrary to this policy. The unit has a public floor area of approximately 256sqm, and therefore 2 cycle parking spaces would be expected. No details of staff numbers have been provided. It is noted that there are multiple public cycle racks in near proximity to the unit, but these are not secure and may not benefit from passive surveillance, especially later in the evening.

	<p>In respect of b) other material considerations, the representations received have been considered and addressed above.</p> <p>Overall, this proposal does not accord with the Development Plan and there were no material considerations which outweighs this variance with the Development Plan. The proposal would result in the loss of a retail unit to the detriment of the vitality and viability of the town centre, and would negatively impact on residential amenity through increased noise and activity.</p> <p>On this basis it is recommended that this application for planning permission be refused.</p>
Recommendation	Refuse

Date: 14/04/2025	DM Officer	Claire Hunt
Date: <u>14/04/2025</u>	DM Manager	Mark Thomson

CONDITIONS AND REASONS

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 proposal is contrary to National Planning Framework 4 Policies 27 (adopted February 2023) and CDP4 and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) in so far it would result in the unacceptable loss of Class 1A retail units with 33.3% 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, without demonstrating that the shop is a long-term vacant unit, which would erode the retail character of the Major Town Centre to the detriment of its vitality and viability.

03. The proposal is contrary to National Planning Framework 4 Policies 27 (adopted February 2023) and CDP4 and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) in so far as the proposed use would result in increased noise, activity and cooking fumes, to the detriment of residential amenity.

04. The proposal is contrary to CDP4: Network of Centres and its associated Supplementary Guidance of the Glasgow City Development Plan (adopted March 2017) is 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 ventilation system.

05. The proposal is contrary to National Planning Framework 4 Policy 13: Sustainable transport and CDP11 and SG11: Sustainable Transport of the Glasgow City Development Plan (adopted March 2017) in so far as the proposal does not include any provision for cycle parking.

Drawings

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

1. 23169/L LOCATION PLAN; Received 21 February 2025
2. 32169/11 SITE PLAN; Received 21 February 2025
3. 32169/3 FLOOR PLAN AS PROPOSED; Received 21 February 2025
4. 32169/4 ELEVATIONS AS PROPOSED; Received 21 February 2025

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