

REPORT OF HANDLING FOR APPLICATION 23/02748/FUL

ADDRESS:	1132 Argyle Street Glasgow G3 8TD	Item 3 27th August 2024
PROPOSAL:	Use of restaurant (Class 3) as restaurant (Class 3) with hot food takeaway (Sui Generis)	

DATE OF ADVERT:	1 December 2023
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	None received.
PARTIES CONSULTED AND RESPONSES	None required.
PRE-APPLICATION COMMENTS	No pre-application advice was sought.

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 the application:</p> <p>Policy 1 – Tackling the climate and nature crisis Policy 2 – Climate mitigation and adaptation Policy 7 – Historic Environment Policy 27 – City, town, local and commercial centres</p>
CITY DEVELOPMENT PLAN POLICIES	<p>The City Development Plan consists of high-level policies with statutory Supplementary Guidance. The following policies were considered when assessing the application:</p> <p>CDP1 The Placemaking Principle CDP2 Sustainable Spatial Strategy CDP4 Network of Centres CDP9 Historic Environment CDP11 Sustainable Transport SG1 The Placemaking Principle SG4 Network of Centres SG9 Historic Environment</p>

	SG11 Sustainable Transport
OTHER MATERIAL CONSIDERATIONS	Saint Vincent Crescent Conservation Area
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 (see full list of reasons at the end of the report).

	COMMENTS
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PLANNING HISTORY	<p>Development Management</p> <p>10/00698/DC Use of shop as restaurant and erection of flue to rear Grant subject to conditions on 12.07.2010 for 1132 Argyle Street</p> <p>15/02610 Use of shop (Class 1) as restaurant (Class 3) forming enlarged restaurant and frontage alterations Grant subject to conditions on 30.03.2016 for 1143 Argyle Street</p> <p>17/01875/DC Use of footway as external seating area associated with adjacent restaurant Grant, subject to conditions on 19.09.2017 for 1132-1134 Argyle Street</p>
SITING	<p>The application site a Class 3 commercial unit occupying the ground floor of a four-storey block of blond sandstone tenement. The site sits within St Vincent Crescent Conservation and in Ward 10 – Anderston/ City/ Yorkhill. The area surrounding the site is characterised by a variety of use (residential and commercial).</p> <p>The site fronts Argyle Street and there is an internal courtyard to the rear.</p>
DESIGN AND MATERIALS	<p>The development seeks a change of use from Class 3 (Restaurants and cafes) to a composite use including Class 3 and hot food takeaway (Sui Generis).</p> <p>The proposed hours of operation are 12:00 until 23:00. The refuse and recycling arrangements are proposed to remain as existing. The existing flue is used and no other forms of ventilation are proposed.</p>
DAYLIGHT	No issues
ASPECT	No issues
PRIVACY	No issues
ADJACENT LEVELS	Mainly flat
LANDSCAPING (INCLUDING GARDEN GROUND)	No issues
ACCESS AND PARKING	None proposed.
SITE CONSTRAINTS	<p>St Vincent Crescent Conservation Area</p> <p>Cranstonhill/ Yorkhill Local Town Centre</p> <p>Area with Base Accessibility to Public Transport</p>
OTHER COMMENTS	<p><u>Assessment of Planning Application</u></p> <p>When an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.</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 the proposal preserves or enhances the character or the appearance of the Conservation Area; c) whether any other material considerations (including objections) have been satisfactorily addressed. <p>In respect of (a), the Development Plan comprises NPF4 adopted on the 13th of February 2023 and the Glasgow City Development Plan adopted on the 29th of March 2017.</p>

NATIONAL PLANNING FRAMEWORK 4, ADOPTED 2023

Policy 1 - Tackling the climate & nature crisis Policy 2 Climate mitigation & adaptation

The two policies are overarching policies for all development. They seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis as well as facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Officer's Comment

Overall, the proposal does not cause significant harm or threat to the climate and nature crisis and is in keeping with the intended aims of the policies.

Policy 7 - Historic Assets and Places

The intent of the policy is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Officer's Comment

The proposal is solely concerned with land-use issues which would not adversely affect the special character of the surrounding conservation area. The proposal is therefore in keeping with the policy.

Policy 27 – City, town, local and commercial centres

The intent of the policy is to encourage, promote and facilitate development in our city and town centres recognising they are a national asset. This 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.

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. These uses include:

i. Hot food takeaways, including permanently sited vans;

ii. Betting offices; and

iii. High interest money lending premises.

Officer's Comment

The policy seeks to encourage proposals for uses which will generate footfall including commercial use while at the same encouraging town centre living and therefore protecting residential amenity.

Paragraph c) states that hot food takeaway is identified as a use which would undermine the character and amenity of the area and development proposals for this use should not be supported. The proposal would not contribute to protecting the residential amenity of the surrounding area.

Overall, the proposal is not in accordance with the aims of the policy.

GLASGOW CITY DEVELOPMENT PLAN, ADOPTED 2017

Policies CDP 1 (The Placemaking Principle) and CDP 2 (Sustainable Spatial Strategy) are overarching policies which, together with their associated Supplementary Guidance, must be considered for all development proposals to help achieve the key aims of the City Development Plan.

CDP1 & SG1 Placemaking Principle

Policy CDP 1 requires a holistic, design-led approach to development to achieve the City Development Plan's key aims of creating and maintaining a successful, high quality, healthy place and developing a compact city form that supports sustainable development. CDP 1

aims include respecting the historic and natural environment by responding to its qualities and character and encouraging their appropriate use.

Alterations to Shops and Other Commercial Buildings

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.*

Officer's Comments

The proposed composite use which would include Class 3 and hot food takeaway (Sui Generis) would adversely affect the residential amenity resulting in increased noise levels for neighbouring residents and a potential increase in litter. The proposal is therefore not in accordance with this aspect of the policy.

Waste Storage, Recycling and Collection - *All new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives, see also SG 1 - Placemaking, Part 1. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applicants must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.*

Officer's Comments

The existing refuse arrangements are proposed to be retained. Further information regarding this aspect of the development could however be submitted to confirm the existing arrangements.

CDP 2 – Sustainable Spatial Strategy

The Council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable city. In doing so, the Council will protect and reinforce town centres as the preferred locations for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. The proposed use would generate a degree of footfall within the Cranstonhill/ Yorkhill local town centre.

CDP4 & SG4 Network of Centres

The site is located within the local town centre – Cranstonhill/ Yorkhill. The following guidelines found in SG4 are relevant to the proposed development.

Assessment Guideline 10: Food, Drink and Entertainment Uses

In order 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 11 or composite hot food shop/Class 11 use.*

(ii) Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.

(iii) The Council will not support food, drink and entertainment uses (including extensions to existing uses or extensions of opening hours) in rear lanes that are immediately adjacent to residential properties, unless part of a comprehensive redevelopment of an existing rear

lane or creation of a new rear lane, where it can be demonstrated that residential amenity will not be adversely affected.

Officer's Comment

In relation to i), the Council undertook a retail survey on the 10.11.2023 for the area as seen below.

No	Address	Floorspace (sqm)	Operator	Code	Retail Class	Use Class (No. of Units)										
						Former Class 1	Former Class 2	Class 1A	Class 3	Class 4	Sui Generis	12 Months+ Vacant (Class 1)	Vacant (Class 1)	12 Months + Vacant (other)	Vacant (other)	TOTAL
											1					
1106	ARGYLE ST	109	Crescent	144	Public House											
1110	ARGYLE ST	100	Majestic Laundrette	121	Laundrette	1		1								
1114	ARGYLE ST	97	Crabshakk	141	Cafe/Restaurant				1							
1116	ARGYLE ST	130	Santorini	141	Cafe/Restaurant				1							
1122	ARGYLE ST	77	Kudos	141	Cafe/Restaurant				1							
1124	ARGYLE ST	75	Vacant	160	Vacant Shop								1			
1126	ARGYLE ST	117	Ramen Dayo	141	Cafe/Restaurant				1							
1132	ARGYLE ST	67	Six by Nico	141	Cafe/Restaurant				1							
1136	ARGYLE ST	64	Meets Noodle	141	Cafe/Restaurant				1							
1138	ARGYLE ST	138	Silla Restaurant	141	Cafe/Restaurant				1							
	TOTAL					1	0	1	7	0	1	0	1	0	0	10
	PERCENT					10%	0%	10%	70%	0%	10%	0%	10%	0%	0%	

There are currently 80% of units being in Class 3/ Public House uses which is above the percentage recommended by SG4. This is contrary to this element of the policy.

In relation to ii), the proposal is not located under a new build residential development.

In relation iii), the proposal is not located in a rear lane.

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.

Officer's Comment

The application is for a composite use which includes hot food takeaway which is a Sui Generis use. The site is located immediately below existing residential buildings which is in contradiction with this aspect of the policy. The Sui Generis use proposed would therefore be detrimental to the amenity of the neighbouring residential tenemental properties located directly above the site. The development is therefore contrary to the assessment guideline 10.

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

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.

Officer's Comment

The site is currently in use as Class 3 and there are no proposed changes to the existing cooking methods or the existing flue.

Assessment Guideline 14: Waste Management and Disposal

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.

	<p>Officer's Comment</p> <p>In this case, it is proposed to continue to use the existing refuse/ recycling arrangements. Further information regarding the existing arrangement could have been submitted to support the application.</p> <p>CDP11 & SG11: Sustainable Transport</p> <p>This policy seeks to ensure all new development is delivered with consideration for active travel and provides the following guidance.</p> <p>Cycle Parking – This should be provided in line with the minimum standards below. Minimum standard for Restaurants, Cafes, Public Houses, etc Staff 1 space per 10 staff Customer: 1 space per 50sqm public floor space.</p> <p>Officer's Comment</p> <p>The minimum requirement for cycle parking has not been met as no cycle parking has been provided within the development.</p> <p>Vehicle Parking – This should be assessed against the maximum standards listed for Restaurants below. Maximum Standard for an area of High Accessibility: 4 spaces per 100sqm public floor area.</p> <p>Officer's Comment</p> <p>No vehicle parking provision is included in this proposal. It is noted that these standards are maximum limits and there is no minimum standard required. As this proposal does not include adequate cycle parking for patrons or staff, this proposal does not comply with SG11 requirements.</p> <p>In relation to b), the proposal would not negatively affect the character and interest of the surrounding conservation area.</p> <p>In relation to c), other material considerations include statutory consultees and letters of representations. No representations were received against the application and no statutory consultations required.</p> <p>On the basis of the above, it is recommended that the application should be refused.</p>
RECOMMENDATION	

Date: 31.01.2024	DM Officer	Constance Damiani
Date: <u>01/02/2024</u>	DM Manager	Mark Thomson

REASONS FOR REFUSAL

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 development proposal is contrary to Policy 27 - City, Town, Local and Commercial Centres of the National Planning Framework 4, adopted 2023 and Policy CDP1 & SG1 Placemaking Principle, Policy CDP4 and SG4 Network of Centres, Policy CDP11 and SG11 Sustainable Transport of the Glasgow City Development Plan, adopted 2017 as specified below, and there is no overriding reason to depart therefrom.
03. By virtue of its impact on the character and the amenity of the area and the health and wellbeing of communities, the proposed hot food takeaway use (Sui Generis) is not supported as it is contrary to Policy 27 City, Town, Local and Commercial Centres of the National Planning Framework 4, adopted 2023.
04. The proposed hot food takeaway use (Sui Generis) would negatively impact the amenity of neighbouring residents by virtue of its associated noise which is contrary to Policy CDP1 & SG1 Placemaking Principle of the Glasgow City Development Plan, adopted 2017.

05. The development would result in 80% of units in the street block frontage located below residential uses in use as Class 3, public house and hot food takeaway (Sui Generis) which is contrary to the Assessment Guideline 10 of Policy SG4 Network of Centres of the Glasgow City Development Plan, adopted 2017.
06. The proposed hot food takeaway (Sui Generis) would be sited below residential properties which would therefore result in an increase in noise, activity, cooking fumes and would unacceptably impact on the residential amenity of the neighbouring properties. This is contrary to the Assessment Guideline 10 of SG4 Network of Centres from the Glasgow City Development Plan, adopted 2017.
07. The proposal does not include the minimum cycle parking provision required for composite Class 3 use which is of 1 space per 10 staff and 1 space per 50sqm for customers. This is contrary to Policy SG11 Sustainable Transport of the Glasgow City Development Plan, adopted 2017

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Drawings

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

1. A LOCATION PLAN Received 8 November 2023
2. AQ 23/002 A PROPOSED GA PLAN Received 17 November 2023

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