
Supporting Statement

Sole Club, 1132 Argyle Street, Glasgow

Introduction

This *Supporting Statement* (the Statement) has been prepared on behalf of Six Company in support of a Application for Planning Permission (PP) for a change of use (the Application).

The Application seeks a change of use from Class 3 (*Food and Drink*) to Class 3 (*Food and Drink*) with *Sui Generis* to include hot food takeaway.

The property is located on Argyle Street (west end), Glasgow. It is situated between Derby Street and Kelvingrove Street (Dwg. 0111-1132 Argyle Street-STEX-P001 *Site Location*).

The Application site comprises a unit with a floorspace of 157 sqm as defined on the site plans lodged (Dwg. AQ 23/001 *Existing GA Plan*).

The existing restaurant, under the current owner, has been in operation since 2017. This Application relates to an operational change and requires the addition of *Sui Generis* hot food takeaway to the Class 3 *Food and Drink* offer. The property has been Class 3 *Food and Drink* since 2010.

The proposal constitutes a *local development* under the terms of the *Town and Country Planning (Hierarchy of Development) (Scotland) Regulation 2009*. As such, there is no statutory pre-application consultation requirement for this proposal.

In order to provide Glasgow City Council (the Council) with sufficient information to allow them to make a decision on the proposal, the Application is supported by the following documents:

- *Supporting Statement*;
- Dwg No. 0111-1132 Argyle Street-STEX-P001 *Site Location*;
- Dwg. No. AQ 23/001 *Existing GA Plan*; and
- Dwg. No. AQ 23/002 *Proposed GA Plan*.

Decisions on planning applications need to be taken with regard to the development plan unless material considerations indicate otherwise. Material considerations both for and against the proposal should be considered and an assessment made as to whether or not these considerations support a positive determination of the application.

This Statement explains the proposal and its context. It also highlights the relevant development plan policies and material considerations relevant to the determination of this Application, demonstrating that the proposal complies with the relevant policies of the approved development plan and any material considerations to allow the Council to grant PP.

Site context

The site is located on Argyle Street, Glasgow, approximately 33m to the east of the junction of Derby Street and Kevinhaugh Street. It is situated towards the western end of Argyle Street (Finneston), along with other units in the block, between Derby Street and Kelvingrove Street.

The site is within a block consisting of restaurants, a café, laundrette and a public house, with residential properties above. The wider area known as Finneston is synonymous with eateries and contributes to Glasgow's evening economy.

The total floorspace is 157 sqm. The ground floor is 73 sqm and the basement, which is not accessible to the public, is 84 sqm.

The site is designated in the City of Glasgow *City Development Plan* (the LDP) (March 2017) as a *Local Town Centre – Cranston/Yorkhill*. The proposal is also within the *St Vincent Crescent Conservation Area*, as defined in the LDP.

Planning History

There are two planning permissions related to the patisserie at 1132 Argyle Street:

- *Use of shop as restaurant and erection of flue on rear elevation (10/00698/DC).*
- *Use of shop (Class 1) as restaurant (Class 3) forming enlarged restaurant and frontage alterations (15/02610/DC).*
- *Use of footway as external seating area associated with adjacent restaurant (17/01875/DC).*

These three applications relate to change of use to Class 3, enlargement of unit and external seating. All were approved and implemented.

There is therefore no need for planning permission for the physical alterations to the property to support the proposed use. As such, policies relating to design and the historic environment are not relevant to the determination of this Change of Use Application.

Proposed Change of Use

The change of use from Class 3 (*Food and Drink*) to Class 3 (*Food and Drink*) with Sui Generis to include hot food takeaway.

The existing business hours are 12pm to 11pm Tuesday to Sunday. This may be subject to change, but is likely to remain open five days a week. There will be 10 members of staff employed at the premises, operating in various shifts.

The change of use will allow the current restaurant to change to an upmarket fish and chip restaurant with takeaway. Minor changes to signage will be required, and will be subject to a separate advertisement consent application. There will be no outdoor seating. Other business requirements such as deliveries, collection of waste etc. will remain as existing.

Development Plan

The adoption of *National Planning Framework 4* (NPF 4) by Scottish Ministers on 13th February 2023 has resulted in a significant change in the approved development plan for Glasgow.

NPF 4 now forms part of the statutory development plan along with the adopted LDP. The adoption of NPF 4 replaces Clydeplan Strategic Development Plan (SDP), NPF 3 and *Scottish Planning Policy* (SPP).

The Chief Planner issued a letter (dated 8th February 2023) regarding the transitional arrangements for NPF 4 (the Transitional Guidance). The Transitional Guidance confirms the following:

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to

be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

Annex A of NPF 4 contains an explanation of how it should be used. Annex A explains that:

The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

The development framework therefore consists of the NPF 4 and the Council's adopted LDP, as well as any extant LDP Supplementary Guidance (SG).

Assessment of Compliance with Development Plan Policies

Town Centre First Principle

The development framework applies a Town Centre First Principle, which is contained in LDP Policy CDP2 *Sustainable Spatial Strategy* and NPF 4 Policy 27 *City, town, local and commercial centres*.

LDP Policy CDP2 and NPF 4 Policy 27 both direct and support a mix of uses in town centres which generate significant footfall and ensure their vitality and viability. Policy CDP2 criterion 5 states that the Council will support new development proposals that:

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.

NPF 4 Policy 27 criterion a) states:

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.

The site is located within the *Cranston/Yorkhill Local Town Centre* as designated in the LDP. It is therefore an appropriate location for the type of development, in accord with the Town Centre First Principle applied in LDP Policy CDP 2 and NPF 4 Policy 27.

The property currently operates as a restaurant. This Application seeks to retain the restaurant use but also include Sui Generis hot food takeaway as part of an operational change.

The proposal is in accord with the Town Centre First Principle and will support the town centre's vitality and viability. The proposal is therefore in accord with LDP Policy CDP 2 and NPF 4 Policy 27.

Cranston/Yorkhill Local Town Centre

The site is located within the designated *Cranston/Yorkhill Local Town Centre* as defined in the LDP. Policy CDP4 *Network of Centres* therefore applies.

Policy CDP 4 states defines *Local Town Centres* as follows:

These locations provide serve local communities, but vary widely in scale, function and character with some being retail based and others service based.

With regard to assessing development proposals, Policy CDP 4 states that in town centres, the Council will support proposals that:

- c. Support the function of each Local Town Centre by maintaining an appropriate balance of uses, as outlined in Supplementary Guidance.*

SG4 Network of Centres set out the assessment criteria referenced in Policy CDP 4. Section 3, Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centre of SG4 sets out the following criteria for proposals in the Local town Centres:

In assessing proposals within Local Town Centres, the Council will seek to maintain a sustainable level of retail within each Centre, whilst also supporting other appropriate uses in order to enhance the vitality of these Centres.

- a) If the proportion of ground floor Class 1 shop units is more than 70%, applications for change of use 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; and*

- (ii) Not have an unacceptable effect on town centre or residential amenity.*

- b) If the proportion of ground floor Class 1 shop units is less than 70%, applications for change of use from Class 1 to non-Class 1 may be permitted where it is demonstrated that the proposal will satisfy a)(i) and (ii) above and will achieve at least one of the following:*

- (i) Protect the retail function of the Centre by resulting in not more than 3 adjacent non-Class 1 units within a street block;*

- (ii) Deliver the re-use of long-term vacant premises**; and/or*

- (iii) Accord with relevant Spatial Supplementary Guidance*

- c) It will not be necessary to satisfy the criteria within Section b) where there is a long-term pattern of vacant units in a Centre (ie. where the vacancy rate has exceeded 10% for the preceding 2 years or more).*

- d) The loss of an operating retail unit, where there are vacant units in a Centre, will normally be resisted.*

Guideline 5 is not relevant to the determination of this Application. This proposal does not involve a change of use from Class 1A, the Class 3 use is already established. The unit has had permission to operate as a Class 3 Food and Drink establishment since 2010. This Application seeks to include Sui Generis hot food takeaway alongside the extant Use Class 3 permission as part of an operational change.

The restaurant has a traditional shop front with minimal signage and contributes positively to character of the town centre where many neighbouring units also have reverted back to the traditional shop fronts. Minor changes to signage will be required, and will be subject to a separate advertisement consent application.

The proposal therefore accords with Assessment Guideline 5 with exception of the percentages.

SG4 also includes guidance on determining applications for food, drink and entertainment uses. *Assessment Guideline 10* applies the following city-wide and outwith city centre guidelines for food and drink proposals:

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 3 or composite hot food shop/Class 3 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.*

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.*

The premises has had permission to operate as a Class 3 *Food and Drink* establishment since 2010. The site shares a block with a number of restaurants, as well as a café, laundrette, and a public house on the ground floor with residential properties above. There is understood to be one public house and one hot food takeaway currently in this block.

This block shares the same characteristics as the wider Local Town Centre. The existing restaurant has been operational since 2017. The town centre (*Cranston/Yorkhill*) is synonymous with eateries and public houses, the area contributes Glasgow's evening economy.

We believe that there is a policy conflict with the percentages set out in *Assessment Guideline 5* and *10* against *NPF 4 Policy 27*. This states in criterion a) 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.*

It also states that the expected policy outcomes are as follows:

- *Centres are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit.*
- *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.*

NPF 4 seeks to promote town centres and the range of uses they accommodate more holistically. A complementary mix of uses within town centres is supported to promote vitality and viability. It is considered

that a policy restricting the number of food and drink uses (Class 3 or Sui generis) in compatible town-centre designated areas is not in accord with NPF 4 Policy 27, and will fail to deliver the policy outcomes expected in NPF 4.

As noted above, the Transitional Guidance is clear that *...in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail*. As NPF 4 Policy 27 is the latter in date, it is considered that this should prevail. The proposal is supported by NPF 4 Policy 27 in that it will continue to add to the vibrancy of the town centre location, ensuring that it remains a place for people to enjoy and visit. The development is in an appropriate and sustainable location with a designated town centre. The proposal is therefore in accord with NPF 4 Policy 27.

Criterion (i) notes that there must be not detrimental effect on residential amenity by noise, activity and cooking fumes. The Class 3 use, which was permitted 13 years ago, also included the erection of a flue on the rear elevation. There would be no impact on residential amenity as there is an existing flue at the premises.

The restaurant is currently permitted to operate between 12pm and 11pm. The proposal does not involve later hours. There may be a change to the number of days it operates. Other business operations will remain as existing.

The opening hours (12pm to 11pm) are considered to be in keeping with the wider Argyle Street area which has a range of eating and drinking establishments that are open late. The proposal is therefore considered to maintain residential amenity.

Assessment Guidelines 11 *Outdoor Food and Drink Areas*, 12 *Treatment and Disposal of Cooking/Heating Fumes*, 13 *Parking and Servicing Requirements* and 14 *Waste Management and Disposal* are not considered to be relevant to the determination of this Application, as no change is proposed to the existing arrangements.

Placemaking

LDP Policy CDP1 *The Placemaking Principle's* related SG *The Placemaking Principle* also encourages a mix of uses in town centres and are seen as... *areas of concentrated vibrancy and diversity*. The SG encourages an appropriate density and mix of uses in town centres. The proposal would continue to contribute to this vibrancy within the street block as described in this Statement and therefore accords with Policy CDP 1.

Economic Development

LDP Policy CDP 3 *Economic Development* supports *...the creation of employment opportunities within the City's town centres, in accordance with Policy CDP 4: Network of Centres and Supplementary Guidance*. The proposal employs 10 members of staff in a town centre location. The proposal therefore accords with Policy CDP 3.

Sustainable Transport

The proposal is located in a town centre that is well connected to public transport with the train station at the Exhibition Centre as well as at Kelvinhall. There are a number of bus services accessible from Argyle Street, as well as Sauchiehall Street. Finnieston/Glasgow's West end is well placed for public transport as well as walking and cycling. The proposal therefore accords with LDP Policy CDP 11 *Sustainable Transport* as the development is located within an existing public transport network.

NPF4 Policy 13 *Sustainable transport* essentially mirrors the LDP policy and there is therefore no conflict between the two.

Air Quality and Noise

LDP Policy CDP1 and SG1 *The Placemaking Principles* also includes impacts on air quality and noise. The policy states:

13. *Ensuring new activity does not result in the deterioration of air quality particularly in, or adjacent to, Air Quality Management Areas; and*
14. *Ensuring new activity does not introduce unacceptable additional noise particularly in, or adjacent to, Noise Management Areas nor have an adverse effect on Quiet Areas.*

The existing restaurant has been in operation since 2017 and currently has a flue for cooking. The opening hours (12pm to 11pm) are considered to be in keeping with the wider Argyle Street area which has a range of eating and drinking establishments that are open late. The proposal will not change the existing arrangements with regard to air quality and noise and is therefore in accord with Policy CDP 1.

NPF 4 Policy 23 *Health and Safety* raises no conflict with this policy in terms of air quality and noise.

Conclusion

The Application seeks a change of use from Class 3 (*Food and Drink*) to Class 3 (*Food and Drink*) with Sui Generis to include hot food takeaway. The property is located on Argyle Street (west end), Glasgow in an area known for its offer of food and drink establishments and evening economy.

The existing restaurant, under the current owner, has been in operation since 2017. The property currently operates as a restaurant. This Application seeks to retain the restaurant use but also include Sui Generis hot food takeaway as part of an operational change.

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The proposal is in accord with the Town Centre First Principle and will support the town centre's vitality and viability. The proposal is therefore in accord with LDP Policy CDP 2 and NPF 4 Policy 27.

It is therefore considered that the proposal accords with the relevant planning policies set out in NPF 4 and the Glasgow City Development Plan and should be granted planning permission.