

Development and Regeneration Services
Glasgow City Council
231 George Street
Glasgow
G1 1XR

Our Ref: 2021\08\0244

Date: 13/09/2021

40 Torphichen Street
Edinburgh
EH3 8JB



For a full list of Partners visit
our website.

www.g-s.co.uk

Dear Sir or Madam

Planning Application: Change of Use from an existing retail unit (Class 1) to Class 3 at 58 Hillington Road South, Glasgow, G52 2AA

On behalf of our client, SRA Ventures Limited, we have been instructed to submit an application for the change of use of this property from an existing retail unit (Class 1) to Class 3.

This planning application was submitted through E-Planning on the 13th September 2021 (Ref: 100469533).

The application fee of £401 has also been paid by credit card on 13th September 2021.

This application is accompanied by:

- A location plan;
- Existing and Proposed Ground Floor Plans;
- Existing and Proposed Elevation Plans;
- Extraction/Ventilation Details;
- Site Marketing Statement (Private & Confidential);
- Completed Ownership Certificate; and
- Completed Application Form.

The following sections of this supporting letter will provide brief overview of the site and proposed development, the relevant planning policy and why it should be granted planning permission.

Site Description

This change of use planning application relates to the long-term vacant Class 1 unit at 58 Hillington Road, Glasgow.

This is a ground floor unit with offices above on the first floor and located in a small parade of commercial units including a bookmakers, a pharmacy and small retail convenience store. The site benefits from a dedicated parking area to the front beside Hillington Road South and access is also gained from this road.

The total site area is 307 sq.m.



The wider area contains further town centre uses to the south and south-east including retail, hot food takeaways, banks and other commercial uses. There are also residential uses within this area including to the north-east of the subject site.

The site also benefits from being located in an accessible location with a number of bus stops located on Hillington Road South and slightly to the south on Paisley Road West providing routes around Glasgow.

The site is not located in a conservation area, is not category listed and is not location within close proximity to any category listed buildings.

Planning History

A review of Glasgow City Council's online planning portal has been undertaken to understand if there is any relevant planning history. The table below provides an overview of planning applications considered to be of relevance.

Application Reference	Description	Applicant	Decision (Date)
19/03617/FUL	Use of shop (Class 1) as café (Class 3)	SRA Ventures Limited	Application Refused – 20 th February 2020
00/02103/DC	Use of shop as class 3 (Food and drink sit-in) premises	John McDermott	Planning Permission Granted – 24 th October 2000

This current application relates to the recent refusal of application reference 19/03617/FUL. The Report of Handling (RoH) and Decision Notice both outline why this application was refused.

The RoH notes, *inter alia*:

"However, as detailed further later, the proposed use of low level ventilation would be considered to have an unacceptable impact on surrounding uses";

"In terms of the treatment and disposal of cooking / heating fumes, the Council's Environmental Health have objected. As a result of the absence of a full height flue to disperse cooking odours, the proposed Class 3 use would give rise to the potential for odour nuisance to impact on surrounding uses including the premises above and nearby residential properties, all to the detriment of their amenity"; and

"Furthermore there has been no evidence provided in support of the application in relation to the marketing of the unit".



Similarly, the Decision Notice notes the following 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. For the reasons noted below, the proposed development is contrary to City Development Plan Policy CDP 4 Network of Centres and Supplementary Guidance SG 4 Network of Centres (Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centres, Assessment Guideline 8: Protection and Provision of Local Shopping Facilities and Local Shops and Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes).*
- 03. Due to the lack of appropriate ventilation, the proposed use would have an adverse effect on residential amenity as well as the amenity of other uses due to cooking or heating of food fumes and odours from the operation of the premises.*
- 04. The proposed use would result in the loss of a retail unit in the Cardonald / Halfway Local Town Centre and Hillington Road South Local Shopping facility without demonstrating that the shop is a long term vacant unit which has been appropriately marketed for a minimum of 12 months and that the exercise has been unsuccessful in attracting Class 1 operators. Consequently, the proposal would fail to maintain the retail function of the Local Town Centre / Local Shopping Facility to the detriment of its vitality and viability.*

From a review of these documents, it is clear that the previous proposal was refused on the grounds of not providing sufficient detail relating to the marketing of the unit as required by adopted planning policy and proposing inadequate ventilation. It was considered that this installation would have an adverse impact on surrounding residential amenity.

This proposal addresses these previous reasons for refusal to ensure a satisfactory proposal is brought forward. This is discussed in further detail below.

Proposed Development

This proposal seeks permission for the change of use of the current retail unit (Class 1) at 58 Hillington Road to Class 3. This proposal will largely reflect the previous planning application in terms of scale, layout and operation of the site. However, importantly, this proposal provides an update ventilation/extraction system required to overcome the previous reasons for refusal and meet adopted planning policy.

The kitchen extract system will exit the rear of the building via a full height flue rising above 1 metre above the ridge height to disperse cooking odours in line with adopted requirements to ensure there is no impact on residential amenity. This flue rises 1 metre above any adjacent building eaves height in a 20m radius. The accompanying drawing package provides further details on the proposed ventilation system including future maintenance arrangements.

The entrance to the unit will be maintained from the front of the unit (58 Hillington Road) and no external changes to the principal elevation are proposed at this time.



The proposed development plans to operate from 07:00 - 00:00 Monday to Sunday. Goods and deliveries will be received at the rear of the property in the dedicated servicing area and the bin/storage area is also located to the rear of the unit. These areas are identified on the accompanying proposed site plan.

The proposed floor plan also indicates the internal layout of the unit clearly demonstrating the location of the seating area, kitchen, service area, toilets and pantry store. This demonstrates why the site is suitable for a Class 3 use.

The Report of Handling for the previous application raised no concerns in relation to the operation of the unit and therefore it is considered that this proposal will be acceptable again.

Planning Policy Assessment

This section will provide an overview of the relevant planning policies and an assessment of the proposed development against these.

The current development plan for Glasgow City Council is:

- Clydeplan (2017); and
- Glasgow City Plan (LDP) (2017).

There is a range of Supplementary Guidance which is of relevance to this proposal too:

- SG1 (The Placemaking Principle) Part 1 and 2 Supplementary Guidance (2018); and
- SG4 (Network of Centres) (2017).
-

The relevant planning policies from each document will be assessed in turn.

Glasgow City Plan (2017)

Site Allocation

The site is located within the designated Cardonald/Halfway Local Town Centre and the Hillington Road South Local Shopping Facility.

Relevant Planning Policies

Policy CDP1 (The Placemaking Principle) is an overarching policy of the City Development Plan, and all development proposals in the Glasgow City Council area must be assessed in accordance with it. The Policy requires a holistic, design-led approach to development in order to create and maintain a better and healthier environment to live in, all while protecting the city's heritage through, *inter alia*:

- *Delivering sustainable buildings, areas, and spaces that are attractive and enhance the quality of life for everyone;*
- *Delivering highly creative, innovative, and technical standards in design of buildings, structures, infrastructures and their setting;*



- *Respecting the historic and natural environment by responding to its qualities and character and encouraging their appropriate use;*
- *Providing high quality amenity to existing and new residents in the City; and*
- *Bringing, where possible, vacant and derelict land back into effective use via both short term (e.g. Stalled Spaces) or long term solutions.*

Policy CDP2 (The Sustainable Spatial Strategy) is the second overarching policy of the Glasgow City Development Plan and all development in the City will be assessed against this policy. *The Policy “aims to influence the location and form of development to create a ‘compact city’ form which supports sustainable development”.*

Policy CDP4 (Network of Centres) 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 advises that the associated supplementary guidance will include advice on assessing food, drink and entertainment uses.

The LDP policies noted above are expanded on by the relevant SGs below. However, it is important to outline why this proposal meets the requirements of the LDP. This proposal will bring a long-term vacant unit back into active use, improve the appearance and character of these designated centres whilst providing an active frontage.

As explained in further detail below, marketing evidence demonstrate that there is no long-term viability for Class 1 retail in this location and would if it was to remain in this use class, it would remain vacant. The ongoing Covid-19 pandemic has had a significant impact on the town centres and retail operations with flexibility being required to ensure that centres remain viable and vibrant (the Chief Planner has issued a number of letters since the start of the Pandemic encouraging flexibility to maintain economic development and business operations).

This proposal represents a viable opportunity to bring a prominent and vacant site back into active use in the community. The site is also in a beneficial position in that it is accessible by all modes of transport (nearby residents can easily walk to the unit) and there is car parking directly adjacent to the unit for any visitors who require it.

Furthermore, the previous reasons for refusal (application reference 19/03617/FUL) have been considered to ensure this application is acceptable. In that regard, the proposed ventilation will be located to the rear of the building. This flue rises 1 metre above any adjacent building eaves height in a 20m radius to ensure the safe dispersal of cooking effluence away from street level. The design of this installation will ensure there is no adverse impact to surrounding properties or their users. It should also be noted, that this rear flue will have no impact on the appearance or character of the surrounding area which contains a mixture of uses including commercial and other class 3 establishments.

As the proposed floor plan outlines, there is also a dedicated servicing and waste/storage area to the rear which would serve the unit. The Report of Handling for application reference 19/03617/FUL raised no concerns with this servicing arrangement. This element of the proposal has not changed since the previous application and presents no issues of concern.



Therefore, it is clear that the proposal meets the requirements of LDP Policies CDP1, CDP2 and CDP4. The specific matters related to Policy CDP4 will be discussed further below in relation to the associated SG4.

SG1 (The Placemaking Principle) Part 1 and 2 Supplementary Guidance (2018)

SG1 is split into two parts, with Part 1 providing the fundamental placemaking principles for the City; and Part 2 providing supporting detail for more specific development proposals.

As noted in more detail above, the proposal is an appropriate development that will ensure this site is brought into active use and designed in a manner to ensure there is no adverse impact on nearby residential amenity.

Therefore, the proposal meets the requirements of SG1.

SG4 (Network of Centres) (2017)

SG4 contains the following detailed guidance which is of relevance to this proposal.

Local Town Centres

Policy CDP 4 seeks to enhance the vitality and viability of Local Town Centres by reducing vacancy and supporting an appropriate balance and diversity of uses whilst protecting retail activity both within the Centre and individual street blocks. Class 1 OFFICIAL OFFICIAL uses serving a local catchment will be supported and non-Class 1 uses serving a local catchment will be assessed in line with Assessment Guideline 5.

Assessment Guideline 5: Proposed Non-Retail Uses within 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 (i.e. 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.*

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

** All calculations should include 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. The applicant will be expected to submit documentation to include details of floorspace, costs and length of lease offered to interested parties to ensure these factors are not unnecessarily acting as a deterrent to Class 1 use. This will remain confidential information. Temporary uses (open for less than 12 weeks and in accordance with the lawful use) will contribute towards the 12 month vacancy period, provided the marketing exercise is ongoing during that period.*

Glasgow City Council provided the applicant with the Cardonald/Halfway Local Town Centre survey on the 8th September 2021 for analysis as part of this application. This was compiled by Glasgow City Council and it is noted that the Council undertook the survey of this centre on the 1st September 2021 meaning that this data can be considered up-to-date and representative of the current context. This centre survey shows that the following:

- Total Class 1 Units– 55%
- Total Non-Class 1 Units – 45%

Therefore, criterion b) is applicable in relation to this proposal as the number of units in class 1 use is under 70% within the Local Town Centre.

Each of the above policy criteria are now discussed in turn:

- a) n/a
- b) It is noted that a proposal must meet the criteria of a i) & ii) as well as at least one of the criteria listed under point b).

In addressing point a i) this proposal will significantly improve the character and appearance of the town centre by bringing a long-term vacant property back into active use. This same opinion was expressed in the RoH for application reference 19/03617/FUL and this new proposal will provide the same improvements. It is clear that the proposal will also provide an active frontage when it is brought back into effective active use. With regards to criterion a ii) it has been demonstrated that this proposed Class 3 unit will have no impact on residential amenity by way of the modified ventilation/extraction system that will successfully disperse cooking fumes in line with previous comments in the RoH and the LDP/SG4. There are adequate parking facilities and this is an accessible location; with sufficient provision for deliveries and refuse/recycling storage to the rear of the property. Again, none of these matters were considered unacceptable in the previous determination and therefore remain sufficient.



Moreover, the proposal meets all the requirements point b) lists. This change of use proposal will not result in more than 3 units not being in Class 1 use in a street block. On the street block where the site is located the proposal will result in the following:

- Pharmacy (Class 1);
- Bookmakers;
- Newsagent/retail convenience store (Class1); and
- Café (Class 3) (the subject proposal).

As aforementioned, this site will bring into use a long-term vacant unit which has been formally marketed for over 12 months since August 2020. A supporting statement is submitted alongside this planning application which demonstrates the marketing campaign and failure to attract any Class 1 operators. It should also be noted that informal discussions were had between the applicant and various parties starting in 2019 about securing a new operator but this was to no avail and the onset of the Covid-19 Pandemic delayed the formal launch of the marketing campaign.

this information remains private & confidential. However, this statement is clear in that there is no market demand for a Class 1 use in this location meaning that flexibility is required in planning policy terms to ensure this unit can be occupied and create a long-term sustainable development.

Lastly, as demonstrated in the rest of this supporting planning statement the proposal accords with other relevant adopted Supplementary Guidance meaning it meets the requirements of criterion iii).

Therefore, the proposal clearly addresses the requirements of Assessment Guideline 5 b).

c) n/a

d) n/a

Protection and Provision of Local Shopping Facilities and Local Shops

Local Shopping Facilities and local shops offer provisions to serve the daily shopping needs of local residents. Policy CDP 4 seeks to protect existing Local Shopping Facilities and local shops and support new provision where required. Proposals that comply with Assessment Guideline 8 are exempt from the Sequential Approach, as set out in Assessment Guideline 1.

Assessment Guideline 8: Protection and Provision of Local Shopping Facilities and Local Shops

a) Local Shopping Facilities will be protected in line with the criteria set out below. Proposals involving the loss of Class 1 shop units require to be considered in terms of their impact on local shopping opportunities for residents. As applicable, non-Class 1 proposals must:

- I. not result in the loss of an important local retail facility, particularly where the unit(s) provides a convenience offer to local residents and no alternative provision is available within 400m;*
- II. not have a detrimental effect on the amenity of the local area;*
- III. not result in less than 50% of all units being in Class 1 use;*



- IV. *demonstrate that a vacant unit has been actively marketed for Class 1 shop use, at a realistic commercial rental level, for a period of 12 months. Temporary uses (open for less than 12 weeks and in accordance with the lawful use) will contribute towards the 12 month vacancy period, provided the marketing exercise is ongoing during that period; and*
 - V. *accord with relevant Spatial Supplementary Guidance for the area.*
 - b) *Proposals for new Local Shopping Facilities and expansion of existing Local Shopping Facilities must:*
 - I. *result in a Local Shopping Facility that does not exceed 1,500 sq m gross;*
 - II. *normally not include units exceeding 400 sq m gross*;*
 - III. *maintain a minimum of 50% of the units in Class 1 shop use;*
 - IV. *serve the daily shopping needs of local residents;*
 - V. *demonstrate that they are, or can be made, accessible by surrounding residents on foot and by bicycle; and*
 - VI. *accord with relevant Spatial Supplementary Guidance for the area.*
- * Conditions may be added to a planning consent to prevent future merging of units.*
- c) *Proposals for new local shops not related to Local Shopping Facilities should normally not exceed 400 sq m gross and must not undermine established Local Shopping Facilities. This may include garage forecourt shops.*
 - d) *Significant new housing developments, such as Community Growth Areas, must include provision for new Local Shopping Facilities where any part of the development is more than 800 metres walking distance from existing facilities.*

In relation to Assessment Guideline 8, point a) is applicable to this proposal and each of the relevant points are addressed in turn:

- I) This proposal will not result in the loss of an important local retail facility in this shopping facility. As explained, this is a long-term vacant unit which provides no important features which are of use to the local community or residents; and is not a convenience retail unit.
- II) The proposal has been designed to ensure no adverse impacts on local residential amenity including the installation of an appropriate ventilation flue which will disperse any cooking odours above building height and provide appropriate space for deliveries and refuse/recycling storage to the rear of the property. Moreover, the site is located in an accessible location ensuring that visitors can easily access the site with car parking also provided to the front of the property beside Hillington Road South. The site has a dedicated servicing and refuse storage area with no concerns raised in the previous RoH about these.
- III) As outlined above, the proposal will not result in less than 50% of units in this centre being in Class 1 use.
- IV) It has been discussed how this site has been adequately marketed for a period of at least 12 months and that that this campaign has been unsuccessful in securing a Class 1 operator.
- V) This proposal also meets other relevant criteria for the area.

Therefore, the proposal fully meets the requirements of Assessment Guideline 8.

Assessment Guideline 10: Food, Drink and Entertainment Uses



This guideline notes, *inter alia*, that 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 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.*

Taking each of these in turn:

- i) It has been explained why this is an appropriate development and will not result in any negative impacts to existing residential amenity through appropriate ventilation, delivery and storage space, and operating hours. The Report of Handling for the previous application did not note any concerns in relation to these factors (apart from ventilation which has been improved to meet policy requirements). Despite not being applicable, the proposal will not result in more than 20% of units in this street block being in a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use.
- ii) n/a
- iii) n/a

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

As this supporting statement has outlined in detail, the proposal has taken on board the comments from the previous application reference 19/03617/FUL with regards to ventilation and the disposal of cooking fumes. This proposal brings forward a new design which will ensure that fumes will be disposed of above building height. Full details are included within the accompanying drawing package including the design and maintenance schedule.

Therefore, the policy meets the requirements of Assessment Guideline 12.

Assessment Guideline 13: Parking and Servicing Requirement

The proposal is located in a designated centre where there are high levels of connectivity and the site can be reached by active travel modes. This requirement makes clear that reference should be made to SG11 and its map of accessibility. The site is located in an area of High Accessibility.

An area of unallocated off-street parking is provided in front of the unit (and adjacent units) also providing adequate car parking provision. The rear of the property has a dedicated servicing/delivery area. No adverse comments/objections were received from the Council's Road Services or members



of the public during the determination of the previous application (reference 19/03617/FUL) and are not considered to be of concern with this application.

Therefore, the policy meets the requirements of Assessment Guideline 13.

Assessment Guideline 14: Waste Management and Disposal

This guidance notes that 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.

As aforementioned, the proposal provides a dedicated area for the storage of waste and recycling to the rear of the property and will be maintained to ensure that this waste is safely stored and disposed of appropriately. The previous application raised no concerns in relation to this element of the proposal.

Therefore, the policy meets the requirements of Assessment Guideline 14.

Conclusions

This supporting planning statement has been prepared to accompany this planning application to change the use of an existing Class 1 unit to Class 3 at 58 Hillington Road South, Glasgow.

It is considered that this proposal represents a natural evolution for the unit and will allow it to be redeveloped for active use in line with market demands; ensuring the long-term viability of the site. The proposed development will contribute to and improve the appearance of the centre(s) and provide an active frontage.

This proposal has reviewed the reasons for refusal in relation to the previously related planning application and has made a number of improvements to make certain that it is in compliance with adopted planning policy. The extraction/ventilation details have now been amended to provide a full height flue 1 metre above the building height which will not adversely affect surrounding residential amenity.

Moreover, the existing unit has been vacant for over 12 months and evidence has been provided to show that there is no market demand for a continued Class 1 operator at this location.

It has been demonstrated that this is an appropriate development and meets the relevant requirements of the planning policies and supplementary guidance. Therefore, planning permission should be granted for this proposal.

I look forward to receiving confirmation of receipt and validation of this planning application. I would also appreciate if you could confirm receipt of payment for the application fee.

In the meantime, if you require any further information or have any questions about the submitted documentation, please get in touch with me at the details below.

Yours faithfully,



Grant Allan MA (Hons) MSc MRTPI
Senior Planner

