



## PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Mr D Drummond Phone: 0141 287 6067

**ITEM 1 (b)**

15th January 2013

**APPLICATION TYPE** Full Planning Permission

**RECOMMENDATION** Grant Subject to Condition(s)

**APPLICATION** 12/01704/DC

**DATE VALID** 18.09.2012

**SITE ADDRESS** 501 Cathcart Road Glasgow G42 8SG

**PROPOSAL** Partial demolition (515 sq m), alterations, extension (39 sq m) and use of fitness gym (Class 11) as retail store (Class 1).

**APPLICANT** First Investments Ltd  
Foframe House  
2nd Floor  
35-37 Brent Street  
London  
NW4 2EF

**AGENT** Colliers International  
Per Neil Gray  
39 George Street  
EDINBURGH  
EH2 2HN

**WARD NO(S)** 08, Southside Central

**COMMUNITY COUNCIL LISTED** 02\_097, Crosshill/Govanhill

**CONSERVATION AREA**

**ADVERT TYPE**

**PUBLISHED** 5 October 2012

**CITY PLAN** Residential

### REPRESENTATIONS/CONSULTATIONS

302 representations have been received for this application. This includes Councillor Hanif, Councillor Hunter and local residents. A petition was also received. The points of objection are as follows:-

1. Increase in noise, pollution, litter and anti-social behaviour.
2. Increase in traffic, congestion and parking issues.
3. Impact on residential amenity.
4. Impact on nearby town centre.

Land and Environmental Services (Environmental Health) – no objection, subject to conditions.

## SITE AND DESCRIPTION

The application site is located at 501 Cathcart Road, and sits directly adjacent to Govanhill Town Centre. The site is located on the east side of Cathcart Road. One building sits on the site and is occupied by a fitness gym. The remaining area of the site is hard surfaced and used for car parking. The site also includes areas of landscaping.

The proposed development is for the use of the building as a retail store. This proposal would involve 1063 square metres net retail floorspace, with 850 square metres net for convenience retailing and 213 square metres net for comparison retailing.

Partial demolition works, alterations and an extension are also proposed to accommodate the change of use to a retail function. The demolition works would cover an area of 515 square metres and the minor extension would be 39 square metres.

The proposed hours of operation are: Monday to Friday 8am – 8pm, Saturday 8am – 7pm and Sunday 10am – 6pm. It should be noted that the hours of operation for the fitness gym are: 6.30am – 11.30pm Monday to Sunday.

Part of this application site is under Council ownership.

### Planning History

95/01438/DC - Erection of supermarket with ancillary parking provision for 132 cars, landscaping and creation of vehicular access.

97/00458/DC - Use of premises as health and fitness centre.

## POLICIES

The Glasgow and Clyde Valley Strategic Development Plan.

Glasgow City Plan 2

- DEV 2 - Residential and Supporting Uses.
- DES 1 - Development Design Principles.
- SC 1 - The City's Network of Centres.
- SC 3 - The Sequential Approach for Retail and Commercial Leisure Developments.
- SC 4 - Large Scale Retail or Commercial Leisure Development.
- TRANS 4 - Vehicle Parking Standards

### Specified Matters

Planning legislation now requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee report. The remainder of the information, and a response to each of the points to be addressed, is detailed below.

**A. Summary of the main issues raised where the following were submitted or carried out**

- i. An environmental statement.  
Not applicable to this application.
- ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994.  
Not applicable to this application.
- iii. A design statement or a design and access statement.  
A planning statement has been submitted in support of this application.
- iv. Any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding).  
  
A transport statement has been submitted by the applicant. DRS Transport Planning have reviewed the statement, and their comments are discussed later in the report.  
  
A retail statement has been submitted, which has also been reviewed with comments provided later in the report.

**B. Summary of the terms of any Section 75 planning agreement**

Not applicable to this application.

**C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32**

These Regulations enable Scottish Ministers to give directions

- i. With regard to Environmental Impact Assessment Regulations (Regulation 30).  
Not applicable to this application.
- ii.
  - 1. Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31).  
No direction has been made by Scottish Ministers/Not applicable.
  - 2. Restricting the grant of planning permission.  
No direction has been made by Scottish Ministers/Not applicable.
- iii.
  - 1. Requiring the Council to consider imposing a condition specified by Scottish Ministers.  
Not applicable to this application.
  - 2. Requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered the condition.  
Not applicable to this application.

**ASSESSMENT AND CONCLUSIONS**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where an application is made under the Planning Acts, it shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The two main issues to consider in the assessment of this application are:-

- (a) whether the proposed accords with the Development Plan; and
- (b) whether any other material considerations have been satisfactorily addressed.

In respect of (a), the Development Plan comprises the Glasgow and Clyde Valley Strategic Development Plan and City Plan 2.

Diagram 4 of the Strategic Development Plan is considered relevant to this proposal. It sets out a summary strategic framework for local planning decisions including assessment criteria relating to the Network of Strategic Centres.

The nearest Strategic Centre is Shawlands however the relatively small scale of the proposal means that it is likely to have little impact on this centre. The SPD also requires proposals to be considered against whether there is a known demand or need established in the development plan. The City Plan does identify a need for a foodstore to serve this area however this has subsequently been taken up by other consents. Nevertheless, Govanhill Town Centre does not currently offer a discount operator serving the local community and in this respect the proposal would address an unmet need.

The City Plan identifies the site as within a Residential and Supporting Uses Policy Principle Area. This policy notes:-

'The areas designated 'RESIDENTIAL AND SUPPORTING USES' include the City's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space.'

The Council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision. Proposals which impact on green/open space, as defined on the Council's PAN 65 Open Space map (see definition), should be assessed in the context of policies DEV 11: Green Space and ENV 1: Open Space Protection.'

It should be noted that the original intended use for the existing building on this site was for a retail store. It is acknowledged that this site does not lie within a town centre, however, the site lies adjacent to Govanhill Town Centre. This application is viewed as a return to its original consented use and therefore is considered to be in keeping with this Development Policy Principle.

Policy DES 1 seeks to promote new development that contributes towards the creation of high quality environments and sustainable places. The proposed development would involve partial demolition and alterations. The design and scale of the works are considered of a minor scale and appropriate for the change from a fitness gym to a retail store and would also not affect the visual amenity of the surrounding area.

Materials for the scheme would be in keeping with the existing building and would not impact on the visual amenity of the surrounding area. These materials can be commonly found within the local area. Materials are protected by suspensive condition where the use and arrangement of materials will be looked at in further detail.

Policy SC1 identifies Town Centres as the appropriate location for retail development in preference to other locations. The site is designated for residential, however, its proximity to the town centre also means that the site has the potential to operate as part of the town centre and could promote town centre vitality and viability by retaining shoppers in the local area.

The applicant has carried out a sequential assessment as required by Policy SC3. The sequential assessment only looked at sites in Govanhill town centre. The applicant has justified this approach on the basis that the purpose of the proposal is to serve the local Govanhill community. It is acknowledged that local town centres in the area consist of small scale units and would be unable to accommodate the proposal including its requirement for parking. Although there are vacant units in Shawlands Arcade which could potentially accommodate the proposal they would not serve the local Govanhill community to the same extent due to their distance. Therefore there are no sequentially preferable sites available.

City Plan Policy SC4 states that applications for retail developments over 1000sqm gross convenience floorspace, which are not included in the recognised development opportunities set out in Schedule SC(ii), should be accompanied by supporting information to allow the Council to assess whether the proposal is acceptable in terms of the following criteria.

- Accordance with SPP and other City Plan policies.
- No unacceptable individual or cumulative impact on the vitality and viability of the network of centres.
- Good existing potential access by the appropriate catchment population.
- Existing physical infrastructure should be capable of supporting the development or of being improved to the necessary standard.
- No loss of amenity or adverse environmental impacts.
- No conflict with significant development plan objectives.

In terms of these criteria the proposal is within walking distance of its intended catchment and is well served in terms of local bus routes. It is also likely that the existing physical infrastructure will be capable of supporting the development since the unit has previously been in use as a discount retailer.

With regard to retail impact, the applicant's retail statement confirms that the impact of the proposed comparison floorspace (213sqm) will be minimal (0-1%). Impacts on convenience (i.e. foodstore) locations are shown in the retail statement as 3% on Govanhill town centre and on the Aldi stores at Rutherglen and High Street, Glasgow. The impact on the Lidl at Victoria Road is shown as 2%. In view of its greater proximity to the proposed store it is open to question whether the Lidl will undergo a smaller impact than the two Aldi stores. The applicant's agent has justified this on the basis that public transport routes run North-South rather than East-West thereby making the Aldi at High Street accessible to the local catchment. Nevertheless in subsequent correspondence the agent has acknowledged that as much as 10% of the trade from Lidl, Victoria Road could be diverted to the new store. This appears more realistic and would produce an increased level of impact. However it is important to note that the Lidl is located on the edge of Victoria Road Town Centre and therefore does not benefit from the same level of policy protection as a town centre site. In addition the Lidl is on the edge of Victoria Road town centre which is a bigger centre than Govanhill and has higher level of activity/footfall. This would serve to help it withstand the impact even if it does exceed the 3% indicated in the Retail Impact Assessment.

In any event it is the impact on town centres that is the key issue in policy terms. The largest of these is 3% on Govanhill and 2% on Strathbungo. The applicant's agent has undertaken health checks of the local town centres and found that they are reasonably healthy and will be able to withstand impacts of this magnitude. Since the proposal is on the edge of Govanhill centre it is logical that it will experience the biggest impact. The centre is dominated by independent foodstores and specialist comparison shops. The proposed store is unlikely to compete directly with this offer and any negative impact that does occur is likely to be mitigated by the increase in trade and footfall in the town centre that will result from the retention in the local area of shoppers who are currently going elsewhere. Therefore the proposal has the potential to act as an anchor that will help attract other retailers thereby raising the quality of the centre.

Policy TRANS 4 relates to vehicle parking guidelines for different types of development. The proposed development is considered acceptable and meets the terms of TRANS 4. DRS Transport Planning have been consulted on the application and have no objection to the proposal, subject to conditions and advisory notes relating to traffic calming and access. The servicing area for the retail unit would be upgraded. Due to the location of the service area, it is not considered that this would have a negative impact on the amenity of local residents.

In respect of (a), the proposal is considered to be in line with the Development Plan.

In respect of (b), with regard to the representations from Councillor Hanif, Councillor Hunter and local residents, the grounds can be summarised, with appropriate comment, as follows:-

1. Increase in noise, pollution, litter and anti-social behaviour.

**Comment:-** With regard to noise, the current operating hours for the fitness gym are 6.30am – 11.30pm, Monday to Sunday. The proposed hours for the retail unit would be Monday to Friday 8am – 8pm, Saturday 8am – 7pm and Sunday 10am – 6pm. The operating hours are being reduced, therefore, noise is not considered a significant issue. The potential for pollution is being looked into further through a suspensive condition relating to an air quality assessment. Litter and anti-social behaviour are not material planning considerations. These issues have been assessed by Land and Environmental Services (Environmental Health) who have no objection to the proposal, subject to conditions.

2. Increase in traffic, congestion and parking issues.

**Comment:-** The level of parking required from a fitness gym to a retail unit is greater, however, it is considered the site can accommodate this. It is anticipated that most users of a fitness gym could be car dependant. The proposed retail use would rely on a significant walking catchment based on the sites proximity to a town centre and high accessibility to public transport. The site would also benefit from being self contained and well positioned adjacent to the town centre. With the level of parking the site can accommodate, there would be no impact on existing retail uses within the local area. The existing access on Cathcart Road can accommodate parking for customers, employees and future servicing. DRS Transport Planning have been consulted on this application and raise no objection to the proposal, subject to conditions.

3. Impact on residential amenity.

**Comment:-** The proposed change of use to a retail store would reduce the operating hours significantly. The introduction of a retail function would have a low key impact on the amenity of local residents. The proposed servicing area is located to the south of the site, which is a suitable distance away from housing. The occupation of this site by a retail store is not considered to impact on the amenity of local residents. The existing fitness gym is recognised as an established town centre use, therefore, the introduction of a retail element would not disrupt residential amenity.

4. Impact on nearby town centre.

**Comment:-** The proposal has been assessed against the relevant retail policies of City Plan 2, where it has been concluded that the use of this site as a retail store would not significantly impact on the viability or function of the nearby town centre. The proposed store is unlikely to compete directly with this offer and any negative impact that does occur is likely to be mitigated by the increase in trade and footfall in the town centre that will result from the retention in the local area of shoppers who are currently going elsewhere. Therefore the proposal has the potential to act as an anchor that will help attract other retailers thereby raising the quality of the centre.

## **Conclusion**

In conclusion, the proposal is considered to comply with the relevant policies of the Glasgow City Plan 2. Other material considerations, namely the points raised in the representations, are considered to have been satisfactorily addressed and do not outweigh the Development Plan.

In the light of all of the foregoing, it is recommended that planning permission be granted subject to the conditions.

**CONDITIONS AND REASONS**

01. The development shall be implemented in accordance with drawing number(s):-

289(1) D LP01 Rev A,  
289(1) D PL01 Rev A,  
289(1) D PL03,  
289(1) D EL01,  
289(1) D SE01,  
289(1) D LP02 Rev B,  
289(1) D PL02 Rev B,  
289(1) D PL04 Rev B,  
289(1) D EL02 Rev A,  
289(1) D SE02 Rev A,

as qualified by the undernoted condition(s), or as otherwise agreed in writing with the Planning Authority.

**Reason:** As these drawings constitute the approved development.

02. Prior to works commencing on site, details shall be submitted for the written approval of the Planning Authority, indicating a clearly delineated pedestrian route to and from the entrance and parking areas.

**Reason:** In the interests of traffic safety at the locus.

03. All service areas shall have a layout that allows all vehicles to enter and leave in a forward gear and do not need to reverse into a public/access road or public parking area.

**Reason:** In the interests of traffic safety at the locus.

04. All disabled off road parking spaces shall be designed in accordance with the guidance set out in the Roads Development Guide, Figure 7.15.

**Reason:** To ensure that the development is accessible to all in accordance with the principles of inclusive design.

05. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied.

**Reason:** To ensure the proper disposal of waste and to safeguard the environment of the development.

06. The use of the premises shall be restricted to the following days and hours of operation:- 8am - 8pm.

**Reason:** To protect local residents from exposure to noise and disturbance at unsocial hours.

07. The arrival of delivery vehicles at the premises shall be restricted to the following days and hours:-  
7am - 10pm.

**Reason:** To protect local residents from exposure to noise at unsocial hours.

08. Prior to works commencing on site, samples of the proposed external finishes/materials shall be submitted for the written approval of the Planning Authority in respect of type, colour and texture.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

09. Prior to works commencing on site, details of boundary treatments for the site and details of the finishes for the highlighted demolished area, shall be submitted for the written approval of the Planning Authority.

**Reason:** In order to safeguard the property itself and the amenity of the surrounding area.

10. A servicing plan shall be submitted for the written approval of the Planning Authority, prior to works commencing on site.

**Reason:** In the interests of traffic safety at the locus.

11. Before any work on the site is begun, an assessment of the impact of emissions to air from or associated with the development, including associated road transport, construction and demolition, carried out by a method agreed by the planning authority shall be submitted to and approved in writing by the planning authority. The assessment report shall make reference to the standards and objectives of the National Air Quality Strategy. Where the development is assessed as having an adverse impact on local air quality, including that of any Air Quality Management Area, mitigation measures shall be specified in the report. The approved mitigation measures shall be completed before the use of the development commences.

**Reason:** To ensure that local air quality is maintained.

12. Before any work on the site is begun, details of a scheme to prevent the removal of shopping trolleys from the site shall be submitted to and approved in writing by the planning authority. The scheme shall be fully operational before any part of the shopping development commences trading to the public.

**Reason:** To ensure that shopping trolleys associated with this development do not give rise to environmental or travel movement problems in the area by being discarded in inappropriate places.

13. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

**Reason:** To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

14. In the event that any previously unidentified contamination is found at any time when carrying out the approved development, it shall be reported in writing to the planning authority within one week. A comprehensive contaminated land investigation, including risk assessment and remediation strategy, shall be carried out as required by the planning authority. The approved remediation works shall be carried out prior to the recommencement of development on the affected part of the site.

**Reason:** To ensure the ground is suitable for the proposed development.

#### **REASON(S) FOR GRANTING THIS APPLICATION**

01. The proposal was considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's accordance with the Development Plan.

#### **ADVISORY NOTES TO APPLICANT**

01. Prior to implementation of this permission, the applicant should contact Land and Environmental Services (Roads) at an early stage in respect of legislation administered by that Service which is likely to have implications for this development.



02. The applicant is advised that it is not permissible to allow water to drain from a private area onto the public road and to do so is an offence under Section 99 (1) of the Roads (Scotland) Act 1984.
03. Before the lighting system is installed, the applicant should submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the proposed system will satisfy the requirements of the light pollution condition.
04. Before the use commences, the applicant should, following the testing of the installed lighting system, submit certification from a member of the Institute of Lighting Engineers, or other suitably qualified person, to the planning authority confirming that the system complies with its design specification.
05. Light from the development shall not give rise to:-
  - (a) An "Upward Waste Light Ratio" (maximum permitted percentage of luminaire lux that goes directly to the sky) in excess of 15%
  - (b) A "Light Into Windows" measurement in excess of 10Ev (lux). (Ev is the vertical luminance in lux.)
  - (c) "Source Intensity" measurement in excess of 100 Kcd (kilocandela). (Source Intensity applies to each source in the potentially obtrusive direction out of the area being lit.)

for Executive Director of Development and Regeneration Services

DC/DDR/(H)  
10/01/2013

**PLEASE NOTE THE FOLLOWING:**

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 Development and Regeneration  
 Development Management  
 231 George Street  
 Glasgow G1 1RX  
 Executive Director: Richard Brown.

Reference No. **501 Cathcart Road**

Address : **12/01704/DC**

Scale : 1:1250

Indicative Site Location

Ward : **08**



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Location of Site  
 (For details, refer to Report)