



PLANNING APPLICATIONS COMMITTEE

Report by Director of Development and Regeneration Services

Contact: Mr S McCollam Phone: 0141 287 6017

APPLICATION TYPE	Full Planning Permission
RECOMMENDATION	Grant Subject to Condition(s)

APPLICATION	07/00286/DC	DATE VALID	02.02.2007
SITE ADDRESS	108 Kilmarnock Road Glasgow G41 3NN		
PROPOSAL	Use of Class 1 premises as health and fitness studio (Class 11).		
APPLICANT	Hugh Mulgrew 12A Silk Street Paisley PA1 1MG	AGENT	
WARD NO(S)	6, Pollokshaws	COMMUNITY COUNCIL	02_096, Shawlands/Strathbungo
CONSERVATION AREA		LISTED	
ADVERT TYPE		PUBLISHED	
CITY PLAN	Town Centre		

REPRESENTATIONS/ CONSULTATIONS

One letter of objection has been received to date, the main issues within which are summarised as follows:-

- The proposals will unacceptably contribute to the existing traffic and parking difficulties in the area.
- Noise generated by the proposed use will impact negatively on residential amenity.

LES – Environmental Health - No objection subject to conditions.

LES – Roads - No objection.

SITE AND DESCRIPTION

The application site is located on the first-floor of Shawlands Arcade with access gained via the raised level pedestrian walkway on Kilmarnock Road. The premises are currently vacant, prior to which they are stated to have been used for storage purposes for a period of 8 years. The ground floor premises at 102-108 Kilmarnock Road immediately below the application site have previously been amalgamated to facilitate use as a supermarket. Full planning permission is sought for use of the premises as health and fitness studio (Class 11).

Proposed hours of operation are 9am to 2pm and 3.30pm to 7.30pm Mondays to Fridays and 9.00am to 12.00pm on Saturdays. It is stated that the premises have access to car parking spaces within the arcade car park. No external modifications to the premises are proposed.

POLICIES

The Development Plan comprises the Glasgow and the Clyde Valley Joint Structure Plan and the Glasgow City Plan, adopted August 2003. There are no specific policies of relevance to the proposals in the Structure Plan.

The site lies within an area designated as a Town Centre Development Policy Principle in the Glasgow City Plan, where the following policies are of particular relevance;

- DEV 4 Town Centre
- SC 1 The City's Hierarchy of Centres
- SC 2 The Sequential Approach for Retail and Commercial Leisure Developments
- SC 8 Non Retail Uses in Shopping Centres (Excluding the City Centre)
- TRANS 4 Vehicle Parking Standards

ASSESSMENT AND CONCLUSIONS

The principal planning issues to be addressed in this particular instance are considered to be whether the proposals are appropriate having regard to the requirements of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and are consistent with the provisions of the Development Plan. It shall also be necessary to determine whether the proposals are appropriate having regard to any other material planning considerations, including matters of residential amenity, parking and servicing requirements.

The site is designated as a 'DEV 4 Town Centre' development policy principle area within the Glasgow City Plan and is located within the secondary retail area associated with the designated Tier 2 Major Town Centre of Shawlands (City Plan Centre Map C2/SL: Shawlands refers). DEV 4 Development Policy Principle areas are the City's main retailing and commercial centres outside the City Centre and are intended to serve surrounding residential districts. In addition to being the preferred location for retail development, the Council acknowledge that Town Centres are the preferred location for commercial leisure development. In considering proposed developments in these locations, the Council will give priority to: improving the quality of the environment in town centres; enhancing the vitality and viability of their retailing function and protecting the amenity of their residents.

Closely aligned to this, and having regard to 'Scottish Planning Policy 8 Town Centres and Retailing' (SPP 8), policy 'SC 8 Non Retail Uses in Shopping Centres' seeks to ensure that centres retain their ability to provide a wide range of functions including, but not concentrating exclusively on, shopping, to ensure vitality and viability is maintained. To achieve this, the City Plan seeks to control change of use from Class 1 uses in town centre designations. As the terms of policy SC 8 relate to ground floor retail units, the proposals will not be subject to assessment against loss of a Class 1 use.

Although the Glasgow City Plan does not specify appropriate hours or days of operation for commercial leisure uses, it is considered that the use of the premises from 9am to 2pm and 3.30pm to 7.30pm Mondays to Fridays and 9.00am to 12.00pm on Saturdays is similar to what is considered to represent normal business hours. Although it is acknowledged that there are residential premises immediately adjacent to the application site, it is considered that the proposals would not generate noise levels to the point where residential amenity would be impacted upon. In this regard it is noted that Environmental Protection Services have no objection, however, have suggested that a condition of planning permission be included restricting noise generated on site for the hours of operation.

Whilst the proposals do not include dedicated car parking provision associated with the proposed use, it is acknowledged that surface and roof level parking is provided for the overall arcade. Accordingly, Land Services have no objection to the proposals.

The accompanying drawing indicates the introduction of changing room facilities to the front of the premises which currently incorporates clear glazing and is partially visible from Kilmarnock Road. The applicant has confirmed the intention to introduce obscure glazing, in addition to the use of blackout blinds to ensure privacy for users of the facility. In this regard it is considered appropriate to address treatment of the window through a condition of planning permission.

In respect of other material considerations, the objection received are summarised and commented upon as follows;

- The proposals will unacceptably contribute to the existing traffic and parking difficulties in the area.

Comment: Having regard to the restricted size of the premises and, therefore, the limited availability of places to participating persons at any one time, coupled with the small number of employees, it is considered that the parking requirements generated will not be significant. Consultation from Land Services confirms no objection to the proposed use.

- Noise generated by the proposed use will impact negatively on residential amenity.

Comment: Arising from the intended hours/days of operation, it is considered that the proposed use will not impact negatively on residential amenity. Consultations from Environmental Protection Services confirm no objection to the proposed use subject to safeguarding conditions.

To conclude, it is considered that the proposed development represents an appropriate Town Centre use which would not impact negatively on the amenity of nearby residents, and would accord with policy DEV 4, SC 1, SC 2 and TRANS 4 of the Glasgow City Plan. Having regard to the acceptable nature of use proposed and the favourable consultations received on file, it is recommended that permission be granted, subject conditions.

CONDITIONS AND REASONS

01. The development shall be implemented in accordance with drawing number(s) Layout (--)-01, 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. Hours of operation for the proposed use shall be restricted to 9am to 2pm and 3.30pm to 7.30pm Mondays to Fridays, and 9.00am to 12.00pm on Saturdays.

Reason: In order to safeguard residential amenity.

03. Prior to the commencement of the use hereby authorised within the terms of this permission, the applicant shall submit revised drawings and details, indicating the proposed means of treatment of the changing room window to ensure privacy for intended users, for the prior written approval of the Planning Authority. The agreed finishes shall be implemented in full prior to commencement of the consented use and shall be maintained in the approved form thereafter.

Reason: To enable the Planning Authority to consider these aspects in detail.

04. 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 (NRC) 35 between the hours of 0700 hours and 2200 hours and Noise Rating Curve (NRC) 25 at all other times.

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

05. All mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

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

06. Suitable provision shall be made for refuse storage facilities including provision of appropriate refuse bins. Full details shall be submitted to and approved by the Planning Authority prior to the commencement of works.

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

ADVISORY NOTES TO APPLICANT

01. The applicant is advised that noise associated with construction and demolition works in residential areas shall not occur before 8am or after 7pm from Monday to Friday, and not before 8am or after 1pm on Saturdays. Noise from construction or demolition works shall be inaudible at the sites perimeter on Sundays and public holidays. Environmental Protection Services should be notified of emergency works likely to create noise that will occur at these hours.
02. Construction and/or demolition work associated with this development should conform to the recommendations/standards laid down in BS5228, Parts 1: 1997 "Noise and Vibration Control on Open Sites" to the satisfaction of the Planning Authority. Best practicable means as defined in Section 72 of the Control of Pollution Act 1974 should be employed at all times to ensure noise levels are kept to a minimum.
03. Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, to be the subject of an application for express consent.

for Director of Development and Regeneration Services

DC/ SML/f
17/04/2007

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