



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Development and Regeneration Services

Contact: Ms L Scully Phone: 0141 287 6053

ITEM 1 (d)

8th March 2011

APPLICATION TYPE Full Planning Permission

RECOMMENDATION Grant Subject to Condition(s)

APPLICATION 10/02715/DC

DATE VALID 11.11.2010

SITE ADDRESS Asda 1 Monument Drive Glasgow G33 1AD

PROPOSAL Erection of superstore - application for non-compliance with condition 04 of consent 07/00367/DC to allow for an extension to delivery hours from 0600 to 2300, Monday to Saturday and 0700 to 2200 on Sundays

APPLICANT Asda Stores Limited
C/O Agent

AGENT Ian Gallacher
GVA Grimley Limited
206, St Vincent Street,
Glasgow
G2 5SG

WARD NO(S) 21, North East

COMMUNITY COUNCIL 02_109, Robroyston

CONSERVATION AREA

LISTED

ADVERT TYPE Bad Neighbour Development

PUBLISHED 19 November 2010

CITY PLAN Commercial

REPRESENTATIONS/CONSULTATIONS

LES - Reservations – suggest time limited consent.

7 letters of representation from local residents.

SITE AND DESCRIPTION

The application site is located in the Robroyston area of the City and is occupied by an Asda superstore. The service yard is located on the north side of the store. To the north of this is a tree belt (20 metres wide) and then family housing at a higher level (35 metres plus). To the east of the site is a non-food retail warehouse park. To the south is the access to the store which links to a roundabout at Saughs Road. To the west of the site is Robroyston Road (dual carriageway) and beyond that, family housing.

PREVIOUS SITE HISTORY

Planning permission was granted for the superstore on 19 May 1998 (97/01704/DC) subject to a number of conditions including:-

- The superstore hereby approved, shall be restricted to the following hours of operation:-

0800 - 2200 hours, Monday to Saturday and
0900 - 1800 hours on Sundays.

All servicing associated with the use as hereby approved, shall be restricted to between the hours of:-

0700 - 2200 hours Monday to Saturday and
0800 -1800 hours on Sundays.

This condition was imposed to safeguard residential amenity.

On 5 November 2002, Committee granted an amendment to the above permission (01/02724/DC) to allow 24 hour opening of the superstore. The condition relating to servicing was not amended.

The 24 hour opening of the superstore was also made conditional on the prior erection of an acoustic wall along the rear (north) of the site. Conditions were also placed on the night-time use of tannoys and loudspeakers with customer parking at night limited to the front (south) of the superstore. Planning permission was granted for the acoustic barrier on 16 February 2005 and it is now constructed.

Planning permission 08/02506/DC applied to delete the servicing condition. However, after discussions between this service and agreement with the applicant, the servicing hours were extended by two hours from 7 am to 6 am and 10 pm to 11 pm and this was time limited for one year ending 30 June 2010. This current application seeks to formalise the hours of the temporary permission and grant permanent consent for the extended hours.

The applicant also draws attention to the Freight Action Plan for the West of Scotland produced by Strathclyde Freight Quality Partnership (FAP) in connection with Strathclyde Passenger Transport (SPT). The FAP seeks to reduce the number of delivery trucks on local roads during peak travel times, thus reducing congestion and concentrated emission levels. Asda is committed to facilitating this goal and indicate that the servicing hours at Robroyston need to be amended to comply with this.

There have been no formal complaints to the Planning Service during the period June 2009 – June 2010.

During the extended delivery hours -

6am to 11pm Monday – Saturday.

- Delivery received at 6am Monday to Saturday.
- Delivery received at 6:30am Monday to Saturday.
- Delivery received at 10pm on a Thursday twice a month.
- Delivery received at 10pm every Friday and Saturday.

7am to 7pm Sunday

- Delivery received at 7am.
- Delivery received at 7:30am.

POLICIES

City Plan DEV 5 – Other retail and commercial.

ASSESSMENT AND CONCLUSIONS

Section 25 of the 1997 Planning Act requires the determination of this application to be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Superstore has been established on this site for some time and accords with the City Plan designation for the site. There are no City Plan Policies related to noise levels or servicing hours of Class 1 retail uses.

With regard to consultations/representations the following should be noted:-

There have been seven letters of representation received, the main points summarised are:-

- The increased noise of loading and unloading vehicles for those houses near the delivery area would disturb the community at a time most people are trying to sleep. The existing noise barrier is ineffective; Asda should find an alternative solution;
- Noise levels at the moment are already causing disturbance from lorries reversing, beepers and refrigeration all day without increasing hours. There are shift workers who find it difficult to get to sleep. It would be horrendous having extended hours for those that have to put up with this on a daily basis. Asda should give consideration to residents who have been uncomplaining until now but feel that they are now being pushed aside. Another resident has been in to complain to Asda on several occasions because of the noise levels of the fork lift trucks;
- Another resident has made various phone calls to Asda complaining of the noise levels as bedrooms back onto car park and delivery area. In winter time it is worse with no leaves on the trees to help reduce the noise pollution. The lorries are not allowed to sound their horns after a certain time of night so lorries sit there until someone opens the gate. A machine was clearing snow until the early hours of the morning (between 0200 hours and 0300 hours).

LES advise that no formal complaints were received in respect of the previously consented extension to delivery hours. However, since the application has been lodged, the Council has been made aware of complaints being lodged directly with Asda and of a lack of awareness of the LES Out-of-Hours Unit. Since the application was submitted a number of objections have now been received.

LES also acknowledge that there has been insufficient monitoring of the impact of the extended hours and suggest a further time-limited consent. Asda has requested at least a two year temporary consent. Notwithstanding this request, a time limit of one year is considered appropriate having regard to the requirement for LES to effectively monitor the impact of the extended hours prior to the submission of a further application.

Notwithstanding the result to the monitoring exercise, LES has powers to respond to complaints about noise or nuisance from the store within the existing or the extended hours.

It is therefore considered that a time limited consent for a further year would allow the operation to be properly monitored, with the matter being reviewed at the end of that period.

It is recommended that full planning permission be granted, subject to the following conditions:-

CONDITIONS AND REASONS

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

Proposed Site Layout 1106/02 received on 3 October 1997,

Elevations 003 received on 14 July 1997,

Sections 004 received on 14 July 1997,

Ground Floor and First Floor Plans 005 received on 14 July 1997,

PD-ROB-01 received on 5 February 2003 and as amended by 06.096 PL06 Rev B as received 8 February 2007,

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

03. The gross retail floorspace of the development hereby approved, shall not exceed 11,365 square metres, within which the net sales area for comparison goods shall not exceed 3,072 square metres.

Reason: In order to conform with Council Retail Policies.

04. All servicing associated with the use as hereby approved, shall be restricted to between the hours of:-

0600 and 2300, Monday to Saturday and
0700 to 1900 on Sundays.

These servicing hours are limited to operate until 31 March 2012 when the servicing hours shall revert to:-

0700 to 2200 Monday to Saturday and
0800 until 1700 hours on Sunday, unless otherwise agreed in writing by the Planning Authority.

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

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

06. No solid roller shutters or projecting roller shutter housings shall be included in the development.

Reason: In order that the works do not detract from the appearance of the building.

07. A scheme of landscaping including boundary treatment(s) and details of trees and other features which are to be retained, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of works on site.

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

08. On receipt of written approval, the landscaping proposals including planting, seeding, turfing and hard landscaping, shall be completed by the end of the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is sooner. All landscaping shall be maintained in the approved form.

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

09. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

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

10. Before any work on the site is begun, a maintenance schedule for the landscaping scheme/open space, and details of maintenance arrangements, including the responsibilities of relevant parties, shall be submitted to and approved in writing by the planning authority.

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

11. All retained trees on site shall be protected by a satisfactory method to be agreed in writing with the Planning Authority before any work commences on site. The agreed method of protection (as set out in BS5837/1991) shall be maintained on site until completion of all works in the vicinity of the trees.

Reason: To enable the Planning Authority to consider this/these aspect(s) in detail.

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

12. No trees on the site shall be lopped, topped, felled or removed without the prior written approval of the Planning Authority. Any tree removed under the terms of the written approval shall be replaced by a tree of similar species and appropriate size at the locus.

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

13. External materials shall be agreed in writing with the Planning Authority. Samples shall be submitted to and approved by the Planning Authority in writing in respect of type, colour and texture. Written approval shall be obtained before the materials are used on site.

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

14. No construction work shall take place on site until a series of tests for ground contamination have been carried out in accordance with a method approved by the Planning Authority and the recommendations published by the Department of the Environment. No construction work shall be started until remedial work considered necessary by the Planning Authority as a result of these tests has been carried out and the ground has been made safe.

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

15. A designated licensed taxi stance shall be provided within the development to a standard of a minimum of eight spaces before the use of the building(s) commence(s). The area shall not thereafter be used for any purpose other than as a taxi stance.

Reason: In order to conform with Council Retail Policies.

16. Toilet facilities for use by customers shall be provided within the development. Separate toilet facilities shall be provided for each sex, for the disabled (conforming to BS5810:1979) and for nursing parents. The facilities shall be operational from the date the development opens to the general public. The hours of operation shall correspond with the operating hours of the development.

Reason: In order to ensure that sufficient facilities of this type are available in the development.

Reason: In order to conform with Council Retail Policies.

17. Proposed vehicular and pedestrian access and/or egress shall be sited and constructed before the use of the premises commences.

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

18. Detailed plans showing satisfactory provision for the access, circulation and egress of disabled persons in accordance with City Council Policy shall be submitted to the Planning Authority and written approval obtained prior to commencement of work.

Reason: In the interest of the safety of the users of the premises.

19. Provision shall be made for the parking of bicycles in Sheffield Type racks. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. The facilities hereby approved shall be provided before the use of the premises commences.

Reason: In the interest of traffic safety and to safeguard the amenity of the surrounding area.

20. Any external floodlighting of the building or of the site shall be sited and/or shielded so as to offer no traffic hazards or distraction to vehicular traffic outwith the site or nuisance to adjacent housing.

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

Reason: In order to safeguard residential amenity.

21. A scheme of proposed lighting for the access roads, public car park areas, service yards and environs of the building shall be submitted for the written approval of the Planning Authority, and implemented prior to the commencement of the use as hereby approved, and thereafter be continuously operational at times of darkness during periods of opening of store as hereby approved.

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

22. The car parking area(s) shall be suitably hard surfaced with car parking spaces (each space measuring 2.5 metres x 5.0 metres with the designated parking spaces for the disabled increased to a width of 3.3 metres, comprising a 2.4 metre wide parking space together with a 0.9 metre wide cross hatched strip to facilitate the transfer of wheelchair passengers) clearly delineated on the ground and maintained in good condition to the satisfaction of the Planning Authority. The car parking area shall be formed before the use of the premises commences. That area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: In the interest of traffic safety and to safeguard the amenity of the surrounding area.

23. A scheme to allow for connection to the public foul sewer and surface water drain shall be submitted for the written approval of the Planning Authority and be implemented prior to the commencement of the use hereby approved.

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

24. All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a suitable duct carried up the wall of the property and terminating at a point not less than one metre above eaves level. Any external feature added to the exterior of the building for this purpose shall be approved in writing by the Planning Authority in respect of location, colour, finish and design prior to erection. That duct shall be installed and operational prior to the commencement of the use.

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

25. During the construction period, wheel washing equipment shall be provided at all egress points and kept in operation during all times when vehicles are leaving the site. Before any work on the site is begun, details of the type of equipment shall be submitted to and approved in writing by the planning authority.

Reason: To ensure, in the interests of traffic and pedestrian safety, that mud from the site is not carried onto any road.

26. There shall be no external storage of goods or refuse on this site.

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

27. The gradient of the car parking areas shall not exceed 1 in 12.

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

28. Details shall be submitted for the prior written approval of the Planning Authority in respect of all surface materials to be used on site. The hard surfaced areas shall be finished in a variety of materials which may include red and black tarmac, concrete block paviers and paving slabs.

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

29. All servicing vehicle engines, chiller units and radios shall be switched off while a vehicle is waiting to enter the service yard and reversing alarms shall be disabled within the yard.

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 previous conditions unless discharged remain valid and enforceable, his attention is drawn in particular to condition 35 of planning permission 01/02724/DC.

02. The applicant should consult with Land and Environmental Services (Environmental Health) concerning this proposal in respect of legislation administered by that Service which is likely to affect this development.

for Executive Director of Development and Regeneration Services

DC/LAS/(H)4
01/03/2011

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Glasgow City Council

Development and Regeneration
Development Management
229 George Street
Glasgow G1 1QU
Executive Director: Gerry Gormal

Reference No. **10/02715/DC**

Address : **Asda, 1 Monument Drive**

Scale : 1:2500

Indicative Site Location

Ward : **21**

