



PLANNING APPLICATIONS COMMITTEE

Report by Director of Development and Regeneration Services

Contact: Mr N Stevenson Phone: 0141 287 6056

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

APPLICATION	07/00082/DC	DATE VALID	15.01.2007
SITE ADDRESS	No.26 Springburn Shopping Centre 230 Springburn Way Glasgow G21 1TS		
PROPOSAL	Subdivision of retail unit (permitted development), part use of retail unit (Class 1) as betting office (Class 2) and external alterations.		
APPLICANT	Betfred Spectrum 56-58 Benson Road Birchwood Warrington WA3 7PQ	AGENT	McInally Associates 6 Newton Place Glasgow G3 7PR
WARD NO(S)	17, Springburn	COMMUNITY COUNCIL LISTED	02_040, Central Springburn
CONSERVATION AREA			
ADVERT TYPE	Bad Neighbour Development	PUBLISHED	26 January 2007
CITY PLAN	Town Centre		

REPRESENTATIONS/ CONSULTATIONS

Advertised Evening Times	-	26 January 2007
Mr Paul Martin MSP	-	Objection
Mr Bailie Allan Stewart	-	Objection
Richard Raper Planning Ltd	-	Objection
Clydesdale Bank Plc	-	Comments
Land Services	-	No objection subject to condition.
Environmental Protection Services	-	No objection subject to conditions.

SITE AND DESCRIPTION

The application site is a ground floor vacant retail unit at the Springburn Way entrance to the Springburn Shopping Centre. The site is in the Springburn Ward.

PROPOSAL

The applicant proposes the subdivision of the vacant retail unit (permitted development), part change of use of retail unit (Class 1) as betting office (Class 2), external alterations which will see the formation of a shop front on the existing blank elevation on Springburn Way.

POLICIES

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 Development Plan comprises the Glasgow and the Clyde Valley Joint Structure Plan and the Glasgow City Plan, adopted August 2003. The proposal has no Structure Plan implications.

The City Plan identifies the application site as having a Town Centre land use designation. This being the case, Development Policy Principle DEV 4 - Town Centre applies.

City Plan Policy SC 8 Non Retail Uses in Shopping Centres is considered of relevance.

ASSESSMENT AND CONCLUSIONS

The principal planning issues to be considered in this application are considered to be:-

1. whether the proposals are in conformity with the Development Plan; and
2. whether the proposals are acceptable having regard to any other material considerations.

1. Development Plan

In relation to the Development Plan, as indicated in the above section, there are no policies of relevance to the application proposal in the Glasgow and the Clyde Valley Joint Structure Plan.

The City Plan identifies the application site as having a Town Centre land use designation, therefore, Development Policy Principle DEV 4 - Town Centre applies.

Development Policy Principle DEV 4 - Town Centre states that such areas, "...In considering proposed developments, 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. ...". The part change of use from retail to betting office, given the high level of retail occupation in the shopping centre, would not undermine the vitality and viability of the Town Centre's retailing function and as such would be compatible with this Policy Principle.

Policy SC 8 - Non Retail Uses in Shopping Centres states:

" ... The Council will support the maintenance and enhancement of the vitality and viability of all centres listed in tiers 2 - 4 of the Hierarchy of Centres (policy SC 1: The City's Hierarchy of Centres - schedule SC(i)), through encouraging an appropriate balance and diversity of uses within each centre, including the retention of a suitable level of retail activity. In considering any proposal for the change of the use of a ground floor retail outlet to a use other than Class 1, regard will be had to:

1. the extent to which the existing use provides (or could potentially provide) a significant asset to the local community, the loss of which could detract from the centre's overall vitality and viability; and
2. the impact on the amenity of nearby residents. ..."

The shopping centre has 25 units, of which five are at present present vacant. Presently 68% of the operating uses are in Class 1 retail usage, 20% vacant, 8% Class 2 office usage and 4% Class 3 restaurant usage. Of the 20 occupied units 85% are in Class 1 retail usage with 10% in Class 2 office usage and 5% in Class 3 restaurant use. It is considered that this level of retail usage would not be undermined by the proposed development of part of a vacant retail unit as a betting office.

In a recently sustained appeal for the use of a Class 1 shop as a Class 2 bookmakers at 44 Clarendon Place Glasgow, decision dated 16 January 2007, the Reporter found that Policy SC 8 - Non Retail Uses in Shopping Centres as currently worded for Tier 2-4 Centres needed to be broadened in its content relative to an appropriate balance of uses in such centres.

2. Other Material Considerations

The Local MSP (Mr Paul Martin MSP) objected to the proposal, the points made by the MSP can be summarised with appropriate comments as follows:

- Object to the proposal in the strongest possible terms due to the over provision of licensed bookmakers in the Springburn Shopping area.

Comment:

It is noted that three bookmakers are operating at present in the immediate locale of the proposed development.

- It should be noted that this proposal is widely opposed locally.

Comment:

The volume of objections is not a material planning consideration, no members of the public have formally objected.

The Local Member (Bailie Allan Stewart) objected to the proposal, the points made by the local member can be summarised with appropriate comments as follows:

- As there are three bookmakers on Springburn Way, there is an existing over provision of this service in the area.

Comment:

The City Plan gives no guidance as to the appropriate level of bookmaker provision in Shopping Centres.

Richard Raper Planning Ltd, the agent who successfully appealed the refusal of Planning Permission for the Ladbrokes betting office at 44 Clarendon Place, objected to the proposal. The points raised can be summarised with appropriate comments as follows:

- The proposal will cause harm to the vitality and viability of the Shopping Centre. Non retail usage just outside the shopping centre/mall is very high, especially when there are already two major betting offices within 50m of the application site.

Comment:

The City Plan does not prescribe a maximum concentration of betting office within Town Centres.

- Scottish Planning Policy 8 speaks of the need for a range of uses and to add a third large betting office in such close proximity hardly extending the range of uses but merely replicating a use to the disbenefit of the already weak retail presence in the area.

Comment:

The shopping mall will retain 81% of the occupied units being in Class 1 Retail usage.

- Vacancy is low hereabouts and there is no reason at all why this prominent unit should not be attractive to a Class 1 user. To lose such a prominent large unit at the point of entry to the centre/mall must send out entirely the wrong message. This type of unit ought to be protected for Class 1 retail purposes.

Comment:

The subdivision shall see the first unit within the shopping mall being in Class 1 - Retail usage, while the formation of a shop front onto Springburn Way to serve the betting shop will increase the articulation of what is at present a bland elevation with little or no visual interest.

The Clydesdale Bank's estate manager required that access and egress to the adjacent bank shall be maintained and that the proposed works should not interrupt the normal business of the bank.

Comment:

An appropriate advisory note will be attached that there would be requirement to obtain the consent of adjacent landowners in respect of any access required for the approved development to be sought prior to the commencement of works.

Land Services offered no objections to the proposed development subject to a condition relating to pedestrian access to the unit.

Environmental Protection Services offered no objection subject to conditions relating to light pollution, noise, vibration and refuse storage.

The Applicant's Agent has submitted a number of letters in support of the proposed development. The points raised can be summarised with appropriate comments as follows:

- While in January 2007 the premises had only been marketed for a period of two months, the letting agent was unable to secure a tenant due to the configuration of the unit over two levels, which in current retailing conditions is unattractive, and would result in a ground floor unit with excessive first floor storage. The existing unit size is considered too small for a discount type retailer while too large for a fashion/shoe retailer. The subdivision on the unit would allow the recognised demand in the centre for a unit suitable for a fashion/shoe retailer to be met.

Comment:

The marketability of a site is not a material planning consideration.

- In response to the objections from the Local Member and the Local MSP, the applicant's agent drew to the Council's attention planning appeal (Ref. P/PPA/260/413) at 44 Clarendon Place for the use of a Class 1 (retail) to Class 2 (bookmakers). This illustrated beyond doubt that over concentration and number of bookmakers in an area is not a land use consideration for planning purposes.

Comment:

It is noted that this recent Inquiry Reporter decision was sustained contrary to Officer Recommendation.

- In quoting the Reporters decision regarding Clarendon Place, it is noted that the Reporter stated: "I am satisfied that this proposal as a bookmaker's licensed betting office, would comply with the local plan policies and government policies/guidance set out above".

Comment:

Noted.

- Glasgow City Council has granted the applicant a betting office licence for the application site.

Comment:

Noted.

- Additionally it is important to note from the reporters findings that:-
 - a bookmakers will provide a significant footfall, which could attract customers for other retailers;
 - there is little evidence to suggest that a bookmakers will cause any significant harm to residential occupiers in the vicinity it is unlikely to attract loitering or anti-social behaviour at night time: and it is not a use that would generate litter.

Comment:

Noted.

CONCLUSION

The proposal for the subdivision of the vacant retail unit (permitted development), part change of use of retail unit (Class 1) as betting office (Class 2), and external alterations is considered in keeping with City Plan Development Plan Policy Principle, which identifies the application site as having a Town Centre land use designation. The commercial consideration of increased competition betting office sector in the locale is not a material planning consideration and as such can not be addressed through the planning process. The proposal is considered to accord with City Plan Policy SC 8 - Non Retail Uses in Shopping Centres in terms of the concentration of such uses at the locale. The material considerations raised by the objectors related to increased concentration of betting office usage in the locale, given the Inquiry Reporters decision at 44 Clarendon Place, are not a land use consideration for planning purposes. It is therefore considered that the proposal, subject to conditions, accords with the terms of the City Plan. Accordingly, it is recommended that the proposed part change of use and external alterations be granted Planning Permission subject to conditions.

CONDITIONS AND REASONS

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

372BF-26BE and location plan received 15 January 2007
372B-26BLP-P Revision 2, received 21 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 (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.

03. 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.

04. 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.

05. The use of the premises shall be restricted to the following hours of operation:

0700 - 1800 hours, Monday to Saturday only.

Reason: In order to safeguard residential amenity.

06. Light from the use of the facility 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) A "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.)

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

07. The door threshold level is to be compatible with the existing footway level and footway crossfalls and gradients are to remain unaltered.

Reason: In the interests of pedestrian safety.

ADVISORY NOTES TO APPLICANT

01. Prior to the installation of the lighting system, 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 above condition.
02. Prior to commencement of use of the facility, the applicant should, following the testing of the 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.
03. It is recommended that the applicant should consult with Environmental Protection Services (Environmental Health) concerning this proposal in respect of legislation administered by that Department which is likely to affect this development.

04. 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/ NST/k1
18/05/2007

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