



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods,  
Regeneration and Sustainability

**Item 1**

13th August 2024

Contact: Sam Taylor Ext: 78654

**24/00014/LOCAL - Use of betting office (sui generis) as Adult Gaming Centre (sui generis) and external alterations – Section 42 application for non-compliance with condition 3 of planning permission 20/01876/FUL AT 335 Sauchiehall Street**

**Purpose of Report:**

To provide the Committee with a summary of the relevant considerations in the above review.

**Recommendations:**

That Committee consider the content of this report in coming to their decision.

Ward No(s): 10

Citywide: n/a

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

**PLEASE NOTE THE FOLLOWING:**

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## **1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS**

- 1.1 The site consists of a ground floor mid-terrace commercial unit within a 4-storey sandstone tenement block on the south side of Sauchiehall Street. It is currently in use as an adult gaming centre.
- 1.2 It is within Glasgow City Centre edge of centre zone 1 within the Network of Centres, the City Centre Strategic Economic Investment Location and Glasgow Central Conservation Area. It is B listed and in an area of high accessibility by public transport.
- 1.3 The surrounding units are in commercial uses including restaurants, bars, takeaways and nightclubs, with Glasgow Dental Hospital and School opposite.
- 1.4 The properties above are used as Housing Association emergency accommodation.
- 1.5 It is proposed to amend or delete condition 3 attached to planning permission 20/01876/FUL, which gave permission for the change of use of the unit from a betting office to an adult gaming centre (both sui generis).
- 1.6 Condition 3 restricts the hours of operation of the adult gaming centre to between 8am and midnight, 7 days a week, to protect local residents from exposure to noise and disturbance at unsocial hours.
- 1.7 The applicant requests that this condition be removed to allow 24 hour opening of the adult gaming centre, or if this is not seen as appropriate for the condition to be amended to allow opening between 8am and 4am, 7 days a week, in line with other uses in the area.

## **2 LOCAL REVIEW COMMITTEE 28 MAY 2024**

- 2.1 At the above meeting, the Committee agreed to continue this case in order to request further information. This was submitted by the agent on 12 June 2024.

a. The number of gaming stations in the premises.

Response: There are 97 gaming machines in the premises. Average attendance during night-time hours is relatively low, ranging from 1 to 8 people per hour in different locations.

b. Information on any complaints to Police or others relating to the applicant's other premises at Queen Street.

Response: The applicant has confirmed that Glasgow City Council has no record of receiving any complaints of noise or anti-social behaviour relating to the premises at 34 Queen Street or 335 Sauchiehall Street.

- c. The type and nature of games that will be played, including any information on the potential for noise.

Response: The Noise Assessment submitted with the Review concludes that, based on mainstream residential use adjacent to the property, and on a 24-hour operation, the expected noise levels would be modest when compared with the general levels of noise from other premises on the street.

The premises are expected to capture existing footfall for a short period of time, rather than generate additional footfall. Overall, the information submitted concludes that extension of opening hours would not be detrimental to adjacent residential uses.

### **3 COMMITTEE CONSIDERATIONS**

- 3.1 As this is a review of an application made under Section 42 of the Planning Act, any approval comprises a new permission for the development with different or new conditions attached. Committee can only consider the question of the conditions subject to which planning permission should be granted.
- 3.2 Permission can be granted subject to conditions different from those attached to the previous permission. If the committee decide that the application should be granted subject to the same conditions as already attached, the Section 42 application should be refused.
- 3.3 All the conditions from the previous permission that are felt to remain appropriate should be attached to the new permission.
- 3.4 The existing conditions attached to the proposal are:

01. 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.

02. Acoustic/amplified music from the premises 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 local residents from exposure to noise and disturbance at unsocial hours.

03. The use of the premises shall be restricted to the following days and hours of operation: Monday to Sunday, 08:00 - 24:00.

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

04. For the avoidance of doubt, no items of fixed furniture, fixtures or fittings or advertisements shall be placed within or on the shopfront glazing area so as to obscure views into the premises.

Reason: To safeguard the character of the listed building.

05. All external fittings including roof terminals, burglar alarms, air conditioning and ventilation plant, ducts and grilles, balanced flues and security fittings shall be factory finished or painted out to match the colour of the background to which they are attached.

Reason: To safeguard the character of the listed building and the character of the surrounding conservation area.

3.5 The key issues for Committee to consider are:

#### **NPF4 Policy 23 Health and Safety**

Policy Intent: To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

- The proposal is within the City Centre Strategic Economic Investment Location, and the City Centre Edge of Centre zone 1, as well as Glasgow Central Conservation Area. The surrounding area is mixed use with a number of late night operations with opening hours until 3 or 4am.
- The flats above are in use as Housing Association emergency accommodation.
- Committee should consider whether the proposal will create unacceptable noise issues that would require a change to the existing conditions.

#### **NPF4 Policy 27 City, Town, Local and Commercial Centres and CDP4/SG4: Network of Centres**

NPF4 Policy Intent: To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres,

c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas.

These uses include:

i. Hot food takeaways, including permanently sited vans;

ii. Betting offices; and

ii. High interest money lending premises.

SG4 provides the following relevant guidance:

### **Food, Drink and Entertainment Uses**

This section is relevant when assessing development proposals for the following uses: Class 3 (Food and Drink), Class 11 (Assembly and Leisure) and specific Sui Generis uses (including hot food shops, public houses and composite/hybrid uses). These will be referred to in the following guidance as food, drink and entertainment uses, unless the Use Class is specified. Appendix 2 provides a useful guide to help determine whether a development is a Classes 1, 3 or Sui Generis use. Uses are considered to be ancillary to the primary use where they account for less than 20% of gross floor area (including outdoor seating areas but excluding back of house areas).

The Council has to strike a balance between the encouragement of uses that make the City more vibrant, and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents. The following guidance therefore deals primarily with issues of amenity arising from food, drink and entertainment development proposals. Applicants must address both the Locational Guidance and Technical Guidance outlined below:

### **Assessment Guideline 10: Food, Drink and Entertainment Uses**

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.

b) Within the City Centre:

- (i) Public houses, Class 11 and Sui Generis uses must not be located within existing residential buildings.
  - (ii) Public houses, Class 11 and Sui Generis uses will not be supported where they are likely to have a detrimental impact on noise levels in close proximity to existing residential buildings, unless satisfactory mitigating measures enable the retention of the current levels of residential amenity and provided the proposal is acceptable in other respects.
  - (v) Hours of operation will be limited to between 08:00 hours and 24:00 hours, depending on local circumstances. Uses, such as public houses, night clubs and casinos, wishing to operate beyond 24:00 hours will be assessed on their individual merits and location within the City Centre.
- The site is within the city centre.
  - The proposal is for a non-retail use.
  - The site is located below properties in use as emergency residential accommodation.
  - The application requests an extension of opening hours beyond 24:00 hours, either to 24-hours or to 4am.
- Committee should consider whether the proposal will enhance and improve the vitality and viability of the city centre or whether it will undermine the character and amenity of the area or the health and wellbeing of communities in a way that would require a change to the existing conditions.
  - Committee should consider the proposed opening hours and whether an extension of these would harm residential amenity through the effects of increased noise and/or activity.

## **SG2 City Centre Strategic Development Framework**

### Priority Issues

- Ensure activation of mono-cultural areas and address lack of mix of uses to bring life and vibrancy and prevent sterile 'no go quiet areas'
- Manage the day to night transition and support the day and night time economies
- Support the changing needs of businesses and workplaces within mixed use environments that allow adaptability, agility and activity
- Ensure the city centre is an equitable place for all Glaswegians to enjoy, with something for everyone

This SDF supports a transformation of the City Centre that focusses on people, place and planet to ensure its future social, economic and environmental resilience.

Priority 1 Accelerate transformation of the urban environment to ensure climate resilience, improved liveability and place quality.

Priority 2 Increase activity and diversity in the centre to support its continued prosperity at the heart of the City region and as a key contributor to the national economy.

Vision - The City Centre will be a vibrant, inclusive, sustainable and liveable place. A green, attractive and walkable City Centre will ensure a people friendly place that is climate resilient, fosters creativity and opportunity and promotes social cohesion, health and wellbeing and economic prosperity.

### Key outcomes

#### A VIBRANT CITY CENTRE

The City Centre will be a vibrant, attractive centre for knowledge and innovation driving an inclusive growing economy. The strategic approach seeks to;

- repopulate the centre to bring life to the whole centre;
- ensure a greater blend of uses at neighbourhood level, for round the clock activity;
- create more attractions across the centre and diversify the experiential offer of the retail core; and
- improve the quality of the public realm to attract more residents, businesses and visitors.

#### A SUSTAINABLE CITY CENTRE

The City Centre will be liveable and inclusive, and home to double its population within diverse 20 minute neighbourhoods that foster healthy and resilient communities. The strategic approach seeks to;

- promote city centre living within sustainable 20 minute communities;
- enhance the distinctive and historic townscape of the City Centre; and
- ensure densification is sustainable and facilitates repair of the urban townscape.

- The proposal is to extend the opening hours of the existing adult gaming centre to allow 24 hour operation within the City Centre.

#### ➤ Committee should consider whether the proposal:

- Brings life and vibrancy to the area
- Supports the day and night time economies
- Allows adaptability, agility and activity
- Increases activity and diversity, supporting the City's continued prosperity
- Helps create a people friendly place that promotes social cohesion, health and wellbeing and economic prosperity
- Creates round the clock activity.

## **4 COMMITTEE DECISION**

4.1 The options available to the Committee are:

- a. Refuse the Section 42 application, i.e. grant planning permission with the same conditions, or
- b. Approve the Section 42 application, i.e. grant planning permission with amended conditions.

### **DRAFT CONDITIONS**

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**Reason:** To safeguard the character of the listed building.

05. All external fittings including roof terminals, burglar alarms, air conditioning and ventilation plant, ducts and grilles, balanced flues and security fittings shall be factory finished or painted out to match the colour of the background to which they are attached.

**Reason:** To safeguard the character of the listed building and the character of the surrounding conservation area.

## **5 Policy and Resource Implications**



**Resource Implications:**

*Financial:* n/a

*Legal:* n/a

*Personnel:* n/a

*Procurement:* n/a

**Council Strategic Plan:** n/a

**Equality and Socio-Economic Impacts:**

*Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.* n/a

*What are the potential equality impacts as a result of this report?* no significant impact

*Please highlight if the policy/proposal will help address socio-economic disadvantage.* n/a

**Climate Impacts:**

*Does the proposal support any Climate Plan actions? Please specify:* n/a

*What are the potential climate impacts as a result of this proposal?* n/a

*Will the proposal contribute to Glasgow's net zero carbon target?* n/a

**Privacy and Data  
Protection Impacts:**

Are there any potential  
data protection impacts  
as a result of this report  
N

If Yes, please confirm that  
a Data Protection Impact  
Assessment (DPIA) has  
been carried out

**6 Recommendations**

That Committee consider the content of this report in coming to their decision.