

# REPORT OF HANDLING FOR APPLICATION 23/01945/FUL

Item 3

28th May 2024

<b>ADDRESS:</b>	335 Sauchiehall Street Glasgow G2 3HW
<b>PROPOSAL:</b>	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

<b>DATE OF ADVERT:</b>	25 August 2023
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	No representations received.
<b>PARTIES CONSULTED AND RESPONSES</b>	No external consultations requested.
<b>PRE-APPLICATION COMMENTS</b>	No pre-application advice sought.

<b>EIA - MAIN ISSUES</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES</b>	NOT APPLICABLE
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	NOT APPLICABLE
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>NPF4 POLICIES</b>	<b>Policy 14</b> Design, Quality and Place <b>Policy 27</b> City, Town, Local and Commercial Centres
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<b>CDP 1</b> The Placemaking Principle and <b>SG 1 Part 2</b> Placemaking <b>CDP 2</b> Sustainable Spatial Strategy <b>CDP 4</b> Network of Centres and <b>SG 4</b> Network of Centres
<b>OTHER MATERIAL CONSIDERATIONS</b>	N/A
<b>REASON FOR DECISION</b>	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

	COMMENTS
PLANNING HISTORY	<p>Various applications recorded on Uniform including:  20/01877/ADV - Display of one internally illuminated fascia sign and one internally illuminated projecting sign - GC  20/01876/FUL - Use of betting office (sui generis) as Adult Gaming Centre (sui generis) and external alterations - GC  20/01875/LBA – Internal and external alterations - GC</p>
SITE VISITS (DATES)	N/A
SITING	The application relates to a ground floor unit at 335 Sauchiehall Street. The surrounding area and uses consists of a mix of commercial and residential uses. A nightclub is located within the basement of the building, and a Housing Association provides temporary emergency accommodation within the flats above.
DESIGN AND MATERIALS	<p>The application seeks consent for non-compliance of conditions 3 of planning permission 20/01876/FUL:</p> <p><i>03. The use of the premises shall be restricted to the following days and hours of operation: Monday to Sunday, 08:00 - 24:00.</i></p> <p><i>Reason: To protect local residents from exposure to noise and disturbance at unsocial hours.</i></p> <p>Sought operating hours are 24 hours daily.</p>
DAYLIGHT	N/A
ASPECT	N/A
PRIVACY	N/A
ADJACENT LEVELS	N/A
LANDSCAPING (INCLUDING GARDEN GROUND)	N/A
ACCESS AND PARKING	N/A
SITE CONSTRAINTS	The property is B-listed within the Central Conservation Area.
OTHER COMMENTS	<p>Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 require 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.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <ul style="list-style-type: none"> <li>a) Whether the proposal accords with the statutory Development Plan;</li> <li>b) Whether any other material considerations (including objections) have been satisfactorily addressed.</li> </ul> <p>The Development Plan comprises the National Planning Framework 4 , adopted 13<sup>th</sup> February 2023 and the Glasgow City Development Plan adopted on the 29<sup>th</sup> March 2017.</p> <p><b><u>NPF4</u></b></p> <p><b>Policy 14 Design, Quality and Place</b> aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy will deliver places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.</p> <p>Development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Within Policy 14, development proposals should improve physical and mental health, and should support the efficient use of resources that will allow people to live, play, work and stay in their area.</p>

Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the qualities of successful places, will not be supported.

Comment: The proposal is considered to be detrimental to the amenity of the surrounding area and will impact upon the wellbeing of residents within the location.

**Policy 23 Health and Safety** aims 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. Development proposals that are likely to raise unacceptable noise issues will not be supported.

Comment: The proposal is likely to increase environmental noise issues do to increased footfall at unsocial hours.

**Policy 26 Business and Industry** aims to encourage, promote and facilitate business and industry uses. Development proposals for business and industry uses will be supported where they are compatible with the primary business function of an area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

Comment: The use of the premises on a 24 hour basis is not considered to be compatible with the adjacent residential uses.

**Policy 27 City, Town, Local and Commercial Centres** encourages, promotes and facilitates 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. Emerging Local Development Plans should consider where clustering of non-retail uses may be adversely impacting on the wellbeing of communities.

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. These uses include hot food takeaways, betting offices, and high interest money lending premises.

Comment: The extension of the hour of operation, and the existing clustering of night-time economy uses would be considered to impact upon the wellbeing of communities by exacerbating issues experienced at this location of Sauchiehall Street during the night-time, and by raising amenity impact on adjacent residents.

#### **City Development Plan**

**CDP 1 The Placemaking Principle** aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels.

Associated SG 1 Part 2 'Non-Residential Development Affecting Residential Areas' aims to ensure that any non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

With regard to noise, SG 1 Part 2 notes that developers should ensure that they understand the impact not only of noise but also vibration on the community, and realise the role they play in mitigating the intrusion of such nuisance on a development's surroundings, in order to reduce the loss of any public amenity.

Comment: The 24 hour operation of the gaming centre would increase footfall adjacent to resident uses and would harm residential amenity.

**CDP 2 Sustainable Strategy** aims to influence the location and form of development to

create a 'compact city' form which supports sustainable development. It will also help to ensure that the City is well-positioned to meet the challenges of a changing climate and economy, and to build a resilient physical and social environment which helps attract and retain investment and promotes an improved quality of life.

Associated SG 2 contains a suite of documents setting out spatial Supplementary Guidance including Strategic Development Frameworks. The City Centre SDF has strategic ambitions which include re-populating the centre and improving liveability to ensure sustainable neighbourhoods that promote health, wellbeing and social cohesion.

Comment: The liveability of Sauchiehall Street would not be improved by the addition of a 24 hour gaming centre. It would not promote health, wellbeing or social cohesion and would impact upon vulnerable users of the existing accommodation above.

**CDP 4 Network of Centres** aims to ensure that all of Glasgow's residents and visitors have good access to a network of centres which are vibrant, multi-functional and sustainable destinations providing a range of goods and services.

Whilst the use has been established at the application site and therefore is not under consideration, with regard to 24 hour operation, the following guidance is of relevance.

Proposals for food, drink and entertainment uses must not result in a detrimental effect on the amenity of residents through effects of increased noise, activity and/or cooking fumes. Within the City Centre, sui generis uses must not be located within existing residential buildings. 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.

Hours of operation will be limited to between 0800 hours and 2400 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.

Comment: The use would be considered to be detrimental to the amenity of residents through increased noise and footfall. The use is in close proximity to residential accommodation and immediately below Housing Association accommodation. The proposal does not meet the policy requirements.

#### **Further Comment**

Whilst the use on the floors immediately above the application property is not mainstream residential, it operates as Housing Association emergency accommodation and therefore, being accommodation, would expect an appropriate level of amenity, particularly during night-time hours. It therefore does not meet the requirements of the development plan as the existing amenity levels would not be protected.

The proposal would raise amenity impact on the immediate community, including the vulnerable residents accommodated above the property. The use would not be considered to contribute to the qualities of successful places as it would impact upon the health and wellbeing of the community due to increased activity at unsocial hours.

Whilst there are a number of uses (night club and hot food takeaways) that have operating hours consented beyond midnight, the 24 hour operation of the Gaming Centre would encourage additional footfall both whilst the surrounding uses are operating, and after they have ceased operating.

On Sauchiehall Street, there are a cluster of non-retail late-night uses. These uses have potential to adversely impact upon the wellbeing of the existing community. Further provision of sui generis operations within the immediate area will exacerbate impacts felt

	<p>and will undermine the character and amenity of the area and health and wellbeing of the community.</p> <p>There are well-acknowledged issues generated by the night-time economy on Sauchiehall Street and the presence of existing operators alone should not be used as justification to further erode amenity issues. Rather, these issues are being sought to be addressed via higher level strategic objectives for the regeneration of Sauchiehall Street and seeking a more varied range of uses which will compliment the increased population that is being sought.</p> <p>Whilst the use would generate additional employment opportunities, this is not considered to outweigh the potential harm raised to the amenity levels of the surrounding area and adjoining properties. Additionally, whilst a noise impact assessment was submitted with the original application, this considers internal noise generated rather than the impact of increased footfall 24 hours on the public footway immediately below residences.</p> <p>The proposal is not considered to meet the aims and objectives of the adopted development plan, and with regard to (b) there were no material considerations that warranted a deviation from that plan.</p> <p>Note – whilst the operator has been granted consent for 24 hour operation elsewhere within the city centre (34 Queen Street – 22/02084/FUL), there is no accommodation above the property and therefore the potential impact is not significant.</p>
<b>RECOMMENDATION</b>	Refuse

Date: 16/11/23	DM Officer	<b>Nicola Marr</b>
Date	DM Manager	