

Report

Report to:	Planning Committee
Date of Meeting:	14 May 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0315
Planning proposal:	Change of Use of Existing Bank to Form Amusement Arcade

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Mohammed Jawab
Location:	5 Greenlees Road Cambuslang G72 8JA

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: David Jarvie
- ♦ Council Area/Ward: 13 Cambuslang West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 4 Development management and placemaking
Policy 8 Strategic and town centres
Proposed South Lanarkshire Local Development Plan 2
Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing

◆ **Representation(s):**

▶	5	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Cambuslang Community Council

Legal Services

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is a ground floor commercial unit located within a three storey sandstone tenement block which contains a mix of commercial units on the ground floor and residential properties above. The building is adjacent to the junction between Greenlees Road and Main Street, Cambuslang and is currently vacant. The previous use of the unit was as a bank. The rear of the property contains a communal drying and bin storage area.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the change of use of an existing bank (Class 2) to an amusement arcade (Sui-Generis). The proposed arcade is to be located on the ground floor of a three storey building at 5 Greenlees Road in Cambuslang. The layout would contain an open area containing gaming machines accessed from the front entrance with an accessible toilet and office to the rear of the unit. A small area for waste storage at the entrance to the unit has been included in the proposed layout plan. The plans do not include any proposed alterations to the existing frontage of the commercial unit.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within Cambuslang Town centre and, as such, Policy 8, Strategic and Town Centres, and Policy 4, Development management and placemaking, are relevant. Policy 8 states that, within the Strategic and Town Centres the Council will allow a mixture of uses compatible with their role as commercial and community focal points. This will include shops, offices, leisure, community, civic, health, residential and other appropriate uses which support the network of centres. Policy 4 states that development proposals will be required to take account of, and be integrated with, the local context and built form and should have no significant adverse impacts on the local community.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, policies 5 and 9 of this document are relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 Gambling Act 2005 – The Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain in partnership with licensing authorities. It is the responsibility of the applicant to obtain an Operating Licence from the Gambling Commission for this type of establishment. The applicant is also required to apply to the Council's Licencing Services for the

appropriate operating licence. This application process will assess the proposal in terms of licencing laws and legal requirements.

3.3 **Planning Background**

- 3.3.1 Planning Application P/18/1104 for the change of use of existing bank to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue to rear was refused under delegated powers by the Planning Service on the 17 September 2018. The applicant appealed the refusal decision at the Planning Local Review Body at its meeting on 28 January 2018, and the appeal was upheld the decision to refine planning consent.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services Development Management Team** – Offer no objection to the proposal as servicing the property will be unchanged and there is adequate parking within the town centre.

Response: Noted.

- 4.2 **Environmental Services** – No objections subject to a condition relating to waste collection and advisory notes relating to possible construction noise.

Response: Noted. A condition requiring the submission and approval of the waste collection scheme and advisory notes will be attached should the application be approved.

- 4.3 **Licencing and Registration Section** – Advised that a licence would be required for this type of premises. This Service has not received an application for this address, therefore, the type of licence will be dependent on the category of equipment and revenue.

Response: Noted. If approved, the applicants will be advised of this separate requirement for a licence.

- 4.4 **Cambuslang Community Council** – Advised that the proposal was discussed at a meeting on 19 March 2019 and concerns were raised by members reflecting disquiet in the local community. The representation stated:-

- i) There are already four gambling establishments in Cambuslang Main Street.
- ii) There are serious social impacts associated with gambling in terms of creating entrenched poverty and parts of Cambuslang are in the bottom 15% of the Scottish Index of Multiple Deprivation.
- iii) There is a perceived risk of increased crime in and around amusement arcades.
- iv) That the site is in close proximity to St Brides Church
- v) That an amusement arcade should not be a prominent feature close to St. Brides Primary School.
- vi) That the proposal will undermine the viability of Cambuslang Main Street.
- vii) That a previous application for a restaurant/takeaway/function suite was refused at the location and the local community would fail to understand why the proposal for an amusement arcade would be acceptable.
- viii) That the plans submitted are deficient and contain no details of the front elevation, the internal layout does not show the position or numbers of machines, there is only one toilet and there are no details of opening hours.

Response: Noted. In relation to point i) and vi) and in terms of Policy 8 of the local development plan, the site is located in a commercial area where this type of proposal is directed. In addition, there will be no loss of retail facilities as the unit is

currently vacant and was previously utilised as Class 2 – Professional Service (bank). In relation to points ii), iii), iv) and v), the relevant responsible authorities will be consulted as part of the licencing process. Guidance relating to these matters are set out in the Gambling Act 2005, including the proximity of proposed premises to specifically identified buildings. Point vii) refers to the refusal of the previous planning application P/18/1104 to form restaurant, ancillary hot food takeaway, entrance alterations on ground floor, function room on first floor and erection of flue. This application was refused as it did not comply with a number of adopted policies in the adopted development plan. However, each application has to be considered on its own merits against the relevant policies. The current proposal is for a different proposal and utilises the ground floor only. Environmental Services were consulted as part of the planning application process and requested a condition be attached relating to waste collection. In response to point vii), Environmental Services were consulted on the layout and raised no objection to the proposed layout and requested a condition relating to waste collection. The number, types and positioning of machines would be assessed under the licencing application process and any changes to the shop front or proposed signage would be subject to further applications. If the application were to be approved, the Planning Service would advise that a condition be attached to restrict the opening hours as follows:- Mondays to Saturdays: Between 9am and 8pm Sundays: Between 10am and 8pm in line with similar establishments approved in South Lanarkshire which have residential properties in close proximity.

5 Representations

5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press as not all neighbouring land could be identified and as a potential bad neighbour development. Five letters of objection were received, including two from Councillor Margaret Walker, one of which requested that the application be assessed by the Planning Committee. The points of the letters received are summarised below.

a) **That Cambuslang is already oversubscribed with gambling premises and the inclusion of another establishment will only encourage children and young adults into this environment.**

Response: The proliferation levels and suitability of such establishments would be considered as part of the licencing application process. In terms of planning policy, the proposal is located in a commercial area where this type of proposal is directed. The proposed use would not have a detrimental impact on the retail provision within the town centre as the unit is vacant and the previous use was as a Class 2 unit. The proposal is, therefore, considered to comply with Policy 8 of the South Lanarkshire Local Development Plan.

b) **That the location of the proposed premises is located at a particularly busy traffic junction which is potentially dangerous if young people gather there.**

Response: Roads and Transportation Services were consulted as part of the planning application process in terms of traffic and pedestrian safety and offered no objections to the proposal.

c) **That proposal will result in an increase in anti-social behaviour at this location.**

Response: The potential impact relating to anti-social behaviour would be assessed as part of the licencing application process and would ultimately be a police matter.

- d) **That the proposal is a cynical tool to entice the younger generations into gambling which is afflicting more and more people.**

Response: In Planning terms, the proposal is considered to be acceptable in terms of the relevant policies. The moral issues relating to gambling are not a planning matter.

- e) **That some Councils are purely driven by the prospect of financial gain which overrides any moral or social responsibility.**

Response: The property is privately owned, therefore, there is no financial gain by South Lanarkshire Council if the application is approved.

- f) **That if the application is provisionally approved, advice is requested on the process to overturn this decision at a higher level.**

Response: The planning application will be considered by the Planning Committee which has delegated authority to determine the application. Should the application be approved, there is no third party right of appeal.

- e) **That great efforts are going into improving the Main Street in Cambuslang and the proposal could have a very negative impact on the area and a more suitable use would be better for regenerating the area.**

Response: The Planning Service encourages initiatives which regenerate and sustain the town centres within South Lanarkshire. The unit has been vacant for some time and the Planning Service previously refused a proposed use that was considered to have a significant detrimental impact on the neighbouring amenity. No other proposals have been submitted for the premises and in terms of planning policy, it is not considered there are sufficient grounds to recommend refusal of the current proposal.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant proposes the change of use of an existing Class 2 commercial unit to form an amusement arcade. The unit is currently vacant and was previously occupied as a bank. The determining issue that requires to be addressed in respect of this application is its compliance with local plan policy as set out in the South Lanarkshire Local Development Plan (adopted 2015) as well as any other material considerations.

- 6.2 Policy 8, Strategic and Town Centres, of the adopted South Lanarkshire Local Development Plan states that the Council will allow a mixture of uses that are compatible with the role of such areas as commercial and community focal points. Appropriate uses may include shops, offices, leisure, community, civic, health, residential and other uses that support town centre development. Policy 4, Development Management and Placemaking, states that all planning applications will be required to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

- 6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 5 and 9 in the Proposed plan.
- 6.4 A planning application of this scale would normally be decided under delegated powers due to the scale and number of objections, however, it was requested by Councillor Margaret Walker that the application be considered by the Planning Committee. Councillor Walker also submitted a representation supporting the objection presented by Cambuslang Community Council. The points raised have been addressed in section 4 above.
- 6.5 Following statutory neighbour notification and the proposal being advertised in the Rutherglen Reformer, 5 letters of objection were received and the points raised are addressed in section 5 above.
- 6.6 Many of the issues raised in the objections and from the submission from Cambuslang Community Council would be subject to consideration in the required licencing application for this type of establishment. Licencing and Registration have advised that they have not received an application for this unit and this would be required before the operation could commence. Should the granting of planning consent be considered, this would not preclude the necessity for consent from the appropriate licencing authorities. An advertisement application would be required for any proposed signage and a further planning application would be required for any proposed alterations to the shop frontage.
- 6.7 In terms of the local development plan, the proposed change of use would be an acceptable form of development at this location and would not significantly adversely affect the commercial character or amenity of the town centre or surrounding residential properties. The proposal is, therefore, considered to be compliant with Policies 4 and 8 of the adopted South Lanarkshire Local Development Plan and Policies 5 and 9 of the Proposed South Lanarkshire Development Plan 2. It is, therefore, recommended that detailed planning consent is granted.

7 Reasons for Decision

- 7.1 The proposal would not significantly adversely affect the character of the Town Centre and the amenity of the surrounding residential properties and is compliant with Policies 4 and 8 of the South Lanarkshire Local Development Plan (adopted 2015) and Policies 5 and 9 of the Proposed South Lanarkshire Development Plan.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 April 2019

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 05.03.2019

- ▶ Consultations
 - Cambuslang Community Council 29.03.2019
 - Legal Services 12.04.2019
 - Roads Development Management Team 29.03.2019
 - Environmental Services 15.03.2019

- ▶ Representations Dated:
 - Clare Williamson, Received Via Email 12.03.2019
 - Mrs. Susan Quinn, 19 Brownside Road, Cambuslang, G72 8NL 14.03.2019
 - Mark Lauterburg, 82, Greenlees Road, Cambuslang, G72 8DX 19.03.2019
 - Councillor Margaret Walker 27.03.2019
08.04.2019

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Evelyn-Ann Wilson, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455059

Email: evelyn-ann.wilson@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0315

Conditions and reasons

01. The use of the premises, including deliveries by commercial vehicles (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:

Mondays to Saturdays: Between 9am and 8pm

Sundays: Between 10am and 8pm

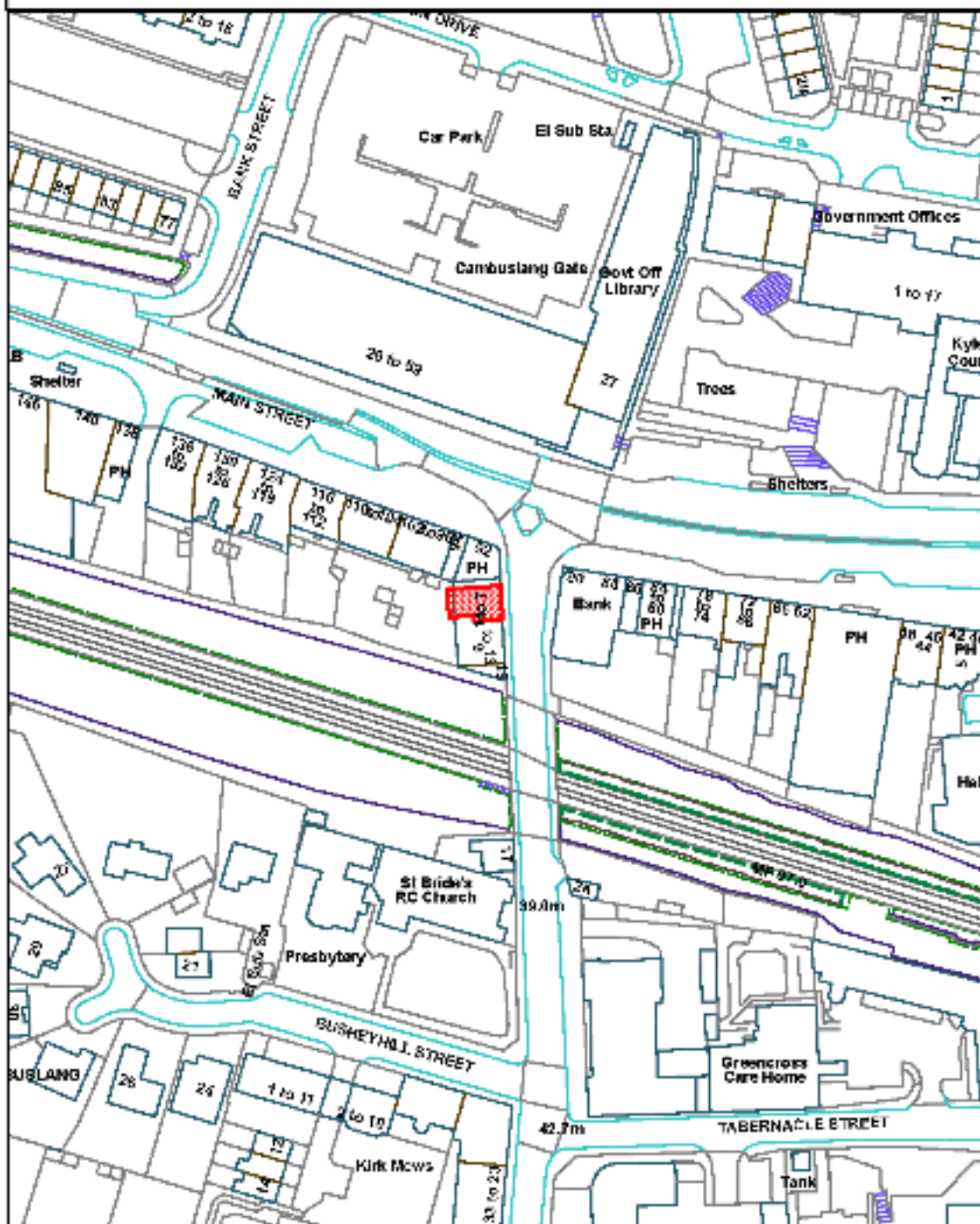
Reason: To minimise noise disturbance to adjacent occupants.

02. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

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5 Greenliss Road, Cambuslang



This map is prepared for the purpose of illustrating the proposed development and is not to be used for any other purpose. It is not a legal document and does not constitute an offer of any financial product or service. It is subject to the terms and conditions of the planning application and the relevant legislation.



Scale:
1:1,250
Date:
16/04/19



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development