

Planning Department  
45 John Street  
Glasgow  
G1 1JE

23 July 2021

Our Ref: 21/6076

Dear Sir/Madam

#### **424 Duke Street, Glasgow, G31 1PX**

The planning application seeks full planning permission for the change of use at the basement and ground floor of 424 Duke Street from a former bank (Class 2) to an Adult Gaming Centre (AGC) (Sui Generis) to allow Merkur Slots Ltd to occupy the unit. Alterations to the shopfront are also sought along with advertisement consent for new signage.

#### **Application Site & Surroundings**

The application site is a 4-storey building, which holds a prominent location on the corner of Duke Street and is located in Duke Street Local Centre. The immediate area benefits from a number of national and local operators such as: Bilson Eleven, Coia's Café, Boots and Greggs and is adjoined by commercial uses.

The unit was previously occupied by TSB Bank (Class 2) before vacating the premises in February 2021. The property is neither statutory or locally listed but it is located in the Dennistoun conservation area.

#### **Planning History**

The planning history associated with 424 Duke Street identifies a signage application relating to the former use as a TSB bank:

- 16/02163/DC: Display of various illuminated and non-illuminated signage (Approved 03.11.2016).

#### **Proposal**

The proposal consists of the change of use of both the basement and ground floor at 424 Duke Street, Glasgow, G31 1PX from Class 2 to an AGC (Sui Generis). The basement will be used for staff only. The proposed external alterations are minimal and involve changes to the shopfront only, alongside this application advertisement consent is sought for new signage including of 2 no. internally illuminated fascia signs and 2 no. internally illuminated projecting signs to match RAL 9005 Stain Black and 3 no. background panels.

Advertisement consent is also sought for: alongside external alterations to the shopfront.

#### **Planning Policy Context**

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, (when taken as a whole) unless material considerations indicate otherwise. The

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Planning Policy Framework 3 (2014); Scottish Planning Policy are a material consideration in planning decisions. The development plan comprises of the Glasgow City Development Plan (adopted March 2017), which sets out the Council's vision and strategy for land use whilst also providing the basis for planning applications along with its Supplementary Planning Guidance. Planning policies pertinent the determination of this application will be addressed throughout.

### **Principle of development**

The application site is situated within Duke Street Local Centre, forming part of both Duke Street Local Centre and Dennistoun Conservation Area. Local centres are defined as serving local communities and varying widely in scale and function.

It is important to note that there are no policies seeking to resist applications for AGC's. Rather, Policy CDP 4 of the City Development Plan seeks to the vitality and viability of local Town Centres by reducing vacancy and supporting a balance and diversity of uses, whilst protecting retail activity both within centre and individual blocks. As previously established, the current use of the application site is Class 2, meaning the change of use will not be detrimental or have an impact upon the retail Class 1 composition.

AGCs are recognised town centre uses that complement retail and service uses and help to contribute to a centres evening and night-time economy. The proposed AGC will bring a vacant unit which has not been contributing to the local economy back into use and return activity to the frontage which is a significant benefit to the district centre. The introduction of the proposed AGC use will also result in additional benefits, including the redecoration of the existing tired frontage, increased footfall, contributing to linked trips and the creation of 6-12 new full-time jobs. In this respect, the new use will clearly complement the vitality and vibrancy of the centre, serving the local community within this part of Duke Street Local Centre and does not trigger criteria listed in Policy CDP 4.

In light of SG4, the Supplementary Guidance 'Network of Centres', Assessment guidelines 5: Proposed non-retail use within local town centres predominantly focuses upon the loss of Class 1 uses:

- a) If the proportion of the ground floor Class 1 shop units is more than 70%, applications for the change of use from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will contribute positively to the character and appearance of the town centre and not have an unacceptable impact upon the residential amenity.
- b) If the proportion of the ground floor Class 1 shop units is more than 70%, applications for the change of use from Class 1 to non-Class 1 may be permitted where it is demonstrated that the proposal will satisfy criteria a) and achieve the following:
  - Protect the retail function of the Centre by resulting in no more than 3 adjacent non-Class 1 units within a street block;
  - Deliver the re-use long term vacant premises; and/or
  - Accord with relevant Spatial Supplementary Guidance

Evidently, the specific criteria associated with SG4 is concerned with the protection of Class 1 uses. Therefore, with the proposal concerning the loss of a vacant Class 2 unit, the application does not trigger criteria associated with SG4 as the retail composition will remain unchanged, meaning a balance between retail and nonretail uses that protects the shopping function and permits other appropriate town centre uses is maintained.

In a recent planning decision regarding the change of use from Class 2 to Sui generis, the associated planning officer stated that



*“given the current consented use for the premises, it is considered that the proposed change of use to a Sui Generis (adult gaming centre) would essentially have a neutral impact on the retail core area.”*

This clearly highlights the flexibility on high street and an acceptance of the change of use from class 2 to sui generis in local centres, so long as there is a neutral impact upon the conglomeration of retail uses.

### ***Amenity***

The submitted Merkur Slots Planning Brochure (**Appendix 1**) contains further information on the benefits an AGC can bring to centres. The brochure includes planning inspector quotes. Inspectors have found:

*“AGCs attract customers in comparable numbers to the shops around them and are designed to complement the shopping experience in town centres”.*

The brochure also demonstrates how AGCs do not attract anti-social behaviour and are not noisy uses for the following reasons:

- AGCs do not have (and have never had) the Fixed Odds Betting Terminals – machines associated with betting shops;
- The machines offer low stakes of between 10p and £2 – the average stake from customers is 30-40p;
- A large number of Cashino’s AGCs contain bingo machines and tablets (this is what is being proposed at 424 Duke Street);
- 48% of customers are female;
- Complementary refreshments, teas and coffees are provided;
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years);
- Customers visit on their own or in couples – large groups are rare;
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts;
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems;
- Cashino have never had a licence revoked or reviewed and incidents are extremely rare.

Policy CDP 4 highlights the importance that proposals should not initiate any undue harm upon the amenities which residents share. An operational management for 424 Duke Street has been devised (**Appendix 2**) providing a clear overview of Merkur Slots protocol, whilst demonstrating collaboration with Policy CDP 1 and SG1 part 2. Merkur Slots typically operate 24hrs, ensuring the safeguarding of the immediate vicinity. However, due to Assessment Guideline 10, it is apparent that opening hours are restricted to 08:00 to 24:00. With such enforcement, my client is willing to adhere to this, proposing an AGC that would operate 08:00 to 24:00 daily. Since both the basement and ground floor would fall into the demise of Merkur Slots Ltd, the proposals will not result in any loss of amenity and will have no unacceptable impact on existing or future living conditions, meaning the proposal demonstrates compatibility with Local Policies SG 4, CDP 4 and CDP 1, alongside Guidance.

Alongside this cover letter, a Noise Impact Assessment capturing customer behaviour at an existing Cashino site in Hull with a similar backdrop has been submitted. The assessment makes a number of salient observations, including that patrons were typically alone or in a couple or small group and normal-level conversation was the only sound recorded which occurred infrequently. People occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour. The behavioural patterns of Cashino patrons that were detected by the noise consultant indicate that patrons do not typically congregate outside of the application site and therefore not impeding local amenity. The observations in full can be read within **Appendix 3**.

### **Highway Safety**

As noted, the site is located within Duke Street local centre and thus in a demonstrably sustainable location. For instance, the site benefits from access to Alexandra Parade train station (0.6 miles from the application site), Belgrove train station (0.4 miles away from the application site) and Duke Street train station (0.1 mile from the application site).

### **Dennistoun Conservation Area**

The Dennistoun Conservation Area is located to the east of the City Centre and lies between Duke Street to the south and Alexandra Parade to the North. Glasgow currently has 21 conservation areas, varying in character all over Glasgow. Dennistoun Conservation area, where the site lies, was designated as a conservation area on 16<sup>th</sup> July 1975. The vast majority of buildings were erected during the 19<sup>th</sup> Century. There is no prevalent architectural style in the area, however, there are two building types that dominate the area: the terraces and the villa. The terraces vary in type from classical to idiosyncratic Gothic, whereas the villas are typically found with Gothic and classical detailing. Importantly, 424 High Street is not referenced within the Conservation Area Appraisal, however, the application is tailored to ensure that no harm will be caused, nor will there be a negative impact upon the building and the wider Conservation Area, meaning compliance with SPP para 143 and CDP 9 will be achieved.

### **Advertisement Consent**

Recognising the application site's location within a Conservation Area, the applicant is proposing signage, branding and alterations for the building that is consistent with the signage and external elevations within the immediate vicinity, which forms part of the street scene.

The proposals seek to install signage at the ground floor level only, which will be occupied by Merkur Slots Ltd, trading as 'Merkur Slots'. The signage will only be present at the front of the property.

The proposal for 424 Duke Street is fully annotated on the submitted drawings. The proposed signage consists of 2 x internally illuminated fascia signs and 2 x internally illuminated projecting signs to match RAL 9005 Stain Black and 3 x background panels.

The proposed signage associated with the AGC comprises of individually affixed 'Merkur' and 'Slots' letters, alongside an individually affixed sun logo at the front of the fascia's. The 'Merkur' lettering is set to be white acrylic opal 0609 and 'Slots' is set to be yellow acrylic. Both of which will be internally illuminated via Optika LEDs in cool white. The sun logo will incorporate both yellow 2252 and Opal 069 with translucent printed SUV face. The logo will also be illuminated via cool white Optika LEDs, of which, luminance levels will not surpass 250cdm<sup>2</sup>.

The projecting signs are fabricated from 1050 grade 14swg aluminium with an overall thickness of 100mm. All exposed faces will be powder coated to match satin black 9005. The background of the signs will be 5mm acrylic 050 opal with translucent self-adhesive vinyl. The projecting signs will be illuminated via Poster Box LEDs in Cool white, with luminance levels not surpassing 250cdm<sup>2</sup>.

Overall, meticulous planning has resulted in a signage design that will be sympathetic in design and in line with that previously and long established in Duke Street local centre. Therefore, the design will enhance and preserve the nature of Dennistoun Conservation Area, whilst ensuring collaboration with local policy. For instance, with respect to commercial buildings, supplementary guidance SPG 1 indicated a number of criteria regarding signage and advertisement:

*Fascia signs:*

- a) be located at the original fascia level with no advertising at sub-fascia level;
- b) if illuminated, be in the form of individually lit letters or trough lighting which has been painted out to match the background. Individual spotlights should be well designed and limited in number;
- c) within traditional buildings, cover the complete fascia wholly within the pilasters, and not extend over any residential tenement close entrance, columns or pilasters (lettering should not exceed more than two-thirds of the height of the fascia); and d) non-recessed fascia box signs and sub-fascia boxes will not be supported.

*Projecting Signs*

- a) be of modest dimensions to avoid any unacceptable impact on amenity (not generally exceeding a maximum end width of 100mm or 0.5 sqm area on any face);
- b) preferably be non-illuminated and hang from a horizontal bracket, where located on a traditional building, or otherwise fixed in a manner appropriate to the design of the building;
- c) where illuminated, ideally be lit internally or from a trough light with the trough painted out (rather than spotlights);
- d) not involve other projecting advertisement features, such as a canopy (only one projecting element to be displayed on each frontage);
- e) on traditional tenements, be displayed at least 2.25 metres above the pavement and not immediately adjacent to a residential tenement close entrance.

With the above in mind, the proposed advertisements have been well considered to ensure it is positioned and is proportional with the surrounding uses and the character of Duke Street Local Centre. As a result, they will not cause any undue impact on the amenity or public safety, in accordance with National Planning Policy Framework (2014) para 2.6, policy SG9 and SG1 part 2.

**External Works to Shopfront**

The proposals seek to enforce external alterations to the shopfront of the application site which fronts both Duke Street and Whitevale Street.

Duke Street Elevation

External shopfront frames will be made good and painted RAL 9005 black sating. The current timber shutter doors will be removed and replaced with new timber framed clear glass doors including fanlight. Like, the shopfront frames, these will be painted to match RAL 9005. Both the existing white painted pilasters and the existing white and grey stall-risers will be made good and repainted to match RAL 9005. The entrance lobby floor will be retiled with 148 x 148mm Dorset pinhead from Craven Dunhill, with a black finish.

Whitevale Street



The elevation that fronts Whitevale Street is also sympathetic, simply enhancing the existing features. For instance, the existing shop frames, pilasters and stall-risers will be made good and repainted to match RAL 9005 (satin black).

It is considered that the proposals will preserve and enhance the existing shopfront and improve the overall appearance of the character and appearance of the Conservation Area. The proposals will not result in any material harm on the identified significance of the host building or the conservation area. Overall, it is considered that the proposals will improve and contribute to preserving the distinctive character of the conservation area, as well as the street scene. The proposals also secure the long-term use of this local centre unit, and the introduction of a national retailer.

### Summary

The principle of the proposed change of use, advertisement consent and external alteration to the shopfront are entirely acceptable, protecting and enhancing the vitality and viability of this part of Duke Street Local Centre and the conservation area. The proposal involves the bringing back of a vacant unit into beneficial use, which will lead to improvements to the appearance, and accessibility of the frontage, footfall, linked trips, new jobs and will assist in diversifying the centre's offer. The proposal therefore complies with the Planning Policy Framework 3, SPP and the sustainable design and heritage policies contained in the Development Plan.

### Application Package

Site location Plan – OS map (A4) / Block Plan (A3)

Existing Shopfront Plan – Duke St 999-EX-03

Existing & Proposed Basement Plan - Duke St 999-EXPR-02 - Rev 0 (12-07-21) (A1)

Existing & Proposed Ground Floor Plan - Duke St 999-EXPR-01 - Rev 0 (12-07-21) (A1)

Proposed Signage Plans - Duke St 999-PR-04 - Rev 0 (12-07-21) (A1)

Proposed Shopfront Plan - Duke St 999-PR-05 - Rev 0 (12-07-21) (A1)

Appendix 1 – Company Brochure

Appendix 2 – Operational Management Plan

Appendix 3 – Hessle Road, Hull Noise Assessment - PR2002\_FINAL

Yours sincerely,



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**Planning Potential**

Harrogate

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