

Our Ref: CM39
Your Ref: 100655857-001

21 December 2023



Planning Services
Glasgow City Council
231 George Street
Glasgow
G1 1RX

Dear Sir / Madam

**SECTION 42 PLANNING APPLICATION FOR NON-COMPLIANCE WITH CONDITION 2
(OPERATIONAL HOURS) OF PLANNING PERMISSION 20/02363/FUL AT 115 SAUCHIEHALL
STREET, GLASGOW**

EPLANNING REFERENCE: 100655857-001

Please find enclosed an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). This application is made on behalf of our client, Chopstix Stores Ltd., to vary the wording of Condition 2 of planning permission 20/02363/FUL in respect of hours of operation of the unit at 115 Sauchiehall Street, Glasgow.

Background and Proposals

The existing permission for the use of 115 Sauchiehall Street (Ref: 20/02363/FUL) was approved subject to conditions by Glasgow City Council on 28 June 2021 for the following development:

“Use of shop (Class 1) as restaurant (Class 3) with hot food takeaway (Sui generis) and installation of extraction flue”.

Planning approval was granted subject to 4 conditions. Condition No.2 reads as follows:

***The use of the premises shall be restricted to the following days and hours of operation:
8am until midnight, 7 days a week***

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

Chopstix have been successfully trading from the unit within the terms of the existing planning approval since April 2022, without any complaints by neighbours. Our client is now seeking to extend the operating hours of the unit in order to enable them to capture passing trade within the extended operations hours and thereby further contribute to the continued successful operation of their business in this location. We therefore propose to vary planning condition No.2 to allow for extended operational hours.

We propose the following variations (amended text in red):

***The use of the premises shall be restricted to the following days and hours of operation:
8am until ~~midnight~~ 4am, 7 days a week***

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

Whilst this application seeks to extend the operational hours of the unit until 4am 7 days a week, it is highly likely that the premises will only operate up to 4am on weekends (i.e. Friday and Saturday Evenings) and possibly other periods such as Bank Holidays or over the Christmas period. The extended operating hours are therefore sought for 7 days a week in order to provide Chopstix with flexibility in this regard.

Development Plan

Section 25 of the Town and Country Planning (Scotland) Act 1997 sets out that planning applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise.

The Development Plan in respect of the application site comprises National Planning Framework 4 (2023) and the Glasgow City Development Plan (2017). Given the 'local' nature of the proposals, we consider that the policies and relevant supplementary guidance of the Glasgow City Development Plan will be most relevant to the determination of this application.

The application site is located within the 'Principle Retail Area' and the Glasgow City Centre 'Strategic Economic Investment Location' (SEIL). The unit is also located within the 'Central Conservation Area'. Citywide policies CDP1 Placemaking Principle and CDP3 Sustainable Spatial Strategy are also applicable to the proposal site.

As set out earlier, planning permission 20/02363/FUL has already established the use of the unit as a 'restaurant (Class 3) with hot food takeaway (Sui generis)'. Therefore, we consider the primary policy consideration in the determination of this application to be CDP4 – Network of Centres and the associated Supplementary Guidance.

CDP4 & SG4: Network of Centres

Policy CDP4 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. Policy CDP 4 favours proposals that support the retail function and/or improve the vitality and viability of Glasgow's Major Town Centres.

The associated SG4: Network of Centres provides a number of Assessment Guidelines to assess development proposals within the City Centre. Assessment Guideline 10 of SG4 is provides guidance specifically in relation to food, drink and entertainment uses and is considered to be most relevant to the determination of this application.

SG4 notes that 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.

Part (b) relates to development proposals within the City Centre. Criterion (v) sets out that *'Hours of operation will be limited to between 08:00 hours and 24:00 hours, depending on local circumstances'* It also sets out that other uses wishing to operate beyond 23:00 hours *'will be assessed on their individual merits and location within the City Centre'*.

The guidance clearly suggests that there is scope within Assessment Guideline 10 to permit alternative operating hours depending on local circumstances. As noted above, our client seeks to extend the operating hours of the unit consented under permission 20/02363/FUL from 8am – midnight (7 days a week) to 8am - 4am (7 days a week),

Assessment

The proposed extended operating hours at 115 Sauchiehall Street would continue to support the evening economy within Glasgow City Centre. The proposed extended hours of operation are considered to be important for the continued successful operation of the business and enable our client to capture passing trade throughout these times. All of which will positively contribute to the vitality and viability of the area through improved choice and the continued visibility of an active frontage. All of which to the benefit of Sauchiehall Street and with wider city centre as a whole.

Adjoining and adjacent buildings comprise a mixture of retail, food and drink and commercial uses at ground floor level, and offices and floor space associated with ground floor uses (such as shop storage and additional restaurant seating) on upper floors. There are no residential properties that directly adjoin or are adjacent to the application site. It is not therefore considered that the proposed extended operating hours will cause any adverse impact on surrounding residential amenity in any way.

In support of this, we provide the following summary of the closest identified residential properties of the application site:

- **Sauchiehall Street** - the closest residential dwellings to application unit are at 271 Sauchiehall Street, which is located at least 5 city blocks (+400 metres) to the west on the corner of Sauchiehall Street and Douglas Street. Indeed, in addition to the significant separation distances which would certainly prevent any impact, we would note that Taco Bell at 245 Sauchiehall Street (which also operates until 4am) is located between those residential properties and the application site at 115 Sauchiehall Street. These properties cannot therefore be negatively impacted by the proposals at 115 Sauchiehall Street.
- **Hope Street** - the closest residential dwellings to the unit on Hope Street are at 180 Hope Street, which is two city blocks (circa. 100 metres) to the south and is therefore beyond the rear of the Chopstix unit and with several other intervening uses between the proposal site and said dwellings (including a Subway sandwich shop at 198 Hope Street which also operates until 4am). Furthermore, the Chopstix unit is only accessible via an

entrance on Sauchiehall Street, further preventing any potential noise impact outwith the immediate vicinity of the unit. It is considered that these dwellings cannot therefore be negatively impacted by the proposals at 115 Sauchiehall Street.

- **Bath Street** – ‘Point A’ hotel is located on the corner of Bath Street and Hope Street and Student accommodation is located at Robert Owen House at 87 Bath Street, both of which are beyond the rear of the Chopstix unit and with several other intervening uses between the proposal site and said uses (including a Subway sandwich shop at 198 Hope Street which operates until 4am; Howlin’ Wolf Bar, which operates until 3am; and, Malones Irish Bar, which operates until 3am. Furthermore, the Chopstix unit is only accessible via an entrance on Sauchiehall Street, further preventing any potential noise impact outwith the immediate vicinity of the unit. It is considered that these dwellings cannot therefore be negatively impacted by the proposals at 115 Sauchiehall Street.

Other Late-Night Operations within the Locale

The surrounding area is an established part of the evening economy, and comprises a range of late-night takeaways, bars, and nightclubs. A review of operating hours of similar takeaway premises within the surrounding area demonstrates that there are various other units operating until around 3am - 4am within the locale. Most notably:

- McDonalds restaurant and takeaway (located two doors down from Chopstix) at 101 Sauchiehall Street, which operates from 5am until 4am.
- Subway at 198 Hope Street (8am – 4am)
- KFC at 104-106 Renfield Street (10.30am - 4am)
- Taco Bell at 245 Sauchiehall Street (11am – 4am)
- Malones Irish Bar at Sauchiehall Lane (12pm – 3am)
- Howlin’ Wolf Bar at 100 Bath Street (12pm – 3am)

Conclusions

On the basis of the evidence provided above, it is considered that the proposed extension to the operating opening hours of the unit at 115 Sauchiehall Street would be in keeping with a number of other established operations within the area and would in no way be detrimental residential amenity of existing dwellings within the locale.

Furthermore, the proposal will have positive impacts on the local night-time economy and the hours reflect several similar established businesses in the area.

Whilst we do not consider it necessary, we would be pleased to provide a noise management plan outlining the measures that will be put in place to further mitigate against the limited impact of noise associated with the use of the premises upon residential amenity.



The proposal therefore meets the terms of Assessment Guideline 10 within SG4: Network of Centres, and accords with the overall provisions of the Glasgow City Development Plan. We therefore respectfully request that our proposals are approved by Glasgow City Council.

We trust this allows the planning application to be registered at your earliest convenience, however should you require any further information please do not hesitate to contact Chris Miller on 07932 251 180 / chris.miller@avisonyoung.com.

Yours faithfully,



Avison Young (UK) Limited
For and on behalf of Chopstix Stores Limited.