



## Planning Applications Committee

Report by  
Executive Director of Neighbourhoods, Regeneration and Sustainability

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**Item 1**

**29th September 2026**

**Application Type** Full Planning Permission

**Recommendation** Refuse

|                          |                                                                                                                                                                                                                                                                                                                                      |                          |                                                                                      |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------|
| <b>Application</b>       | 25/02308/FUL                                                                                                                                                                                                                                                                                                                         | <b>Date Valid</b>        | 28.11.2025                                                                           |
| <b>Site Address</b>      | 545 Sauchiehall Street<br>Glasgow<br>G3 7PQ                                                                                                                                                                                                                                                                                          |                          |                                                                                      |
| <b>Proposal</b>          | Part use of restaurant premises (Class 3) as art gallery, private dining and function space, weddings, corporate functions and pop-up market / craft fairs, community events venue (Sui generis) (Retrospective), with Friday and Saturday opening until 24:00 hours (midnight), includes installation of replacement doors to rear. |                          |                                                                                      |
| <b>Applicant</b>         | Naff Events Ltd<br>The Haberdashery<br>545 Sauchiehall Street<br>Glasgow<br>G3 7PQ                                                                                                                                                                                                                                                   | <b>Agent</b>             | Iceni Projects Limited<br>Gary Mappin<br>201 West George Street<br>Glasgow<br>G2 2LW |
| <b>Ward No(s)</b>        | 10, Anderston/City/Yorkhill                                                                                                                                                                                                                                                                                                          | <b>Community Council</b> | 02_031, Anderston                                                                    |
| <b>Conservation Area</b> | Park                                                                                                                                                                                                                                                                                                                                 | <b>Listed</b>            | B                                                                                    |
| <b>Advert Type</b>       | Affecting a Conservation Area/Listed Building<br><br>Bad Neighbour Development                                                                                                                                                                                                                                                       | <b>Published</b>         | 5 December 2025                                                                      |
| <b>City Plan</b>         |                                                                                                                                                                                                                                                                                                                                      |                          |                                                                                      |

### Representations/Consultations

In total 112 timeous representations were received to the application – 8 letters of objections and 104 letters of support.

A further 43 letters of support and 1 letter of objection were received out of time. These repeated matters raised in the other comments.

The letters of **objection** can be summarised and addressed as follows. It is noted that multiple letters of objection have been received from residents within the tenement block of the venue who are immediate neighbours to the application. These are people who are directly impacted by the proposals. Whilst anyone can comment on any application, submissions from those likely to be directly impacted by relevant amenity issues such as noise, should be given appropriate weight in determining the application.

- **Retrospective Application:** This is the third submission of a near-identical proposal, following two previous refusals. In both, it was concluded that the proposed Sui Generis events use would cause unacceptable harm to residential amenity. No substantive change has been made that would alter that conclusion. The premises is already operating unlawfully without planning permission, and there is no evidence that approval would lead to different behaviour or impacts.
- **Noise:** The Noise Management Plan relies on voluntary compliance and the10Eazysystem monitors only venue levels, not residential impact. The applicant's track record shows inadequate management controls. The application excludes the ground floor area that is directly under the residential flats. However, that area is used during events. There might not be music played at ground floor level but a large group of people, on their feet and mingling with drinks and giving speeches, create a level of noise far closer to a pub without music, than a restaurant with people seated and talking at tables. The property abuts a courtyard which is used regularly by the families living in the building and residents ability to use this area peacefully will also be impacted should the application be approved.
- **Anti-Social Behaviour and Disturbance:** The steady stream of loud, drunk people out to smoke & vape directly under the flat windows is an ongoing annoyance during the evenings, but when they leave at the end of the night it is very disruptive.
- **Parking:** Parking and traffic are already strained in this area. Approval of this application would result in a loss of accessibility of street parking for residents.
- **Economic Benefit:** Claims of economic or regeneration benefit remain unpersuasive, as the area functions primarily as a daytime, local-serving neighbourhood. It is further put, that this unit falls outside of the councils regeneration zone and lies on a residential street. Neighbouring properties include a post office, co-op and restaurants that close at 10pm.
- **Noise Impact Assessment:** The submitted NIA is fundamentally flawed; 1) It omits ground floor crowd noise despite acknowledged events on that level; 2) Measurements were taken in the communal close, where traffic noise masks venue sound, rather than in the quiet flats; 3) Daytime recordings do not reflect evening/night conditions when background noise is lower; 4) The NR25 criterion was applied instead of the residential NR1520 standard, for inaudibility inside flats; 5) No independent monitoring was carried out during actual events, despite a history of complaints.

The letters of **support** can be summarised and addressed as follows. It is noted that a large number of these letter of support were variants of template letters, signed and submitted individually. These appear to be sent by clients of the venue who have had a positive experience of the venue. None of these came from neighbouring residents in the building or adjacent buildings, although local businesses have offered support.

- **Regeneration of Sauchiehall Street:** The venue has contributed positively to the revival of the local area, which had experienced a period of decline, and it aligns well with the Council's wider investment and regeneration efforts.
- **Cultural Enrichment for Glasgow:** The proposal will increase cultural and creative use of a currently underutilised city-centre premises, supporting Glasgow's arts and events scene.
- **A Vibrant Community Hub:** The venue has already demonstrated its ability to act as a community hub, hosting inclusive events that bring people together and enhance social cohesion within the city centre. I believe the events held at this venue have provided a brilliant opportunity for the local and wider to community to come together in a social and light-hearted environment.
- **Extended Opening Hours Supporting Evening Economy:** Allowing flexible use of the premises, including evening events and extended weekend opening hours until midnight, will support a safe, managed night-time economy while ensuring the area remains lively and well-used. Later opening on Fridays and Saturdays is appropriate for a city-centre location and aligns with nearby hospitality uses.
- **Job Creation and Skills Development:** The venue supports local employment, hiring staff, suppliers, performers, and event contractors.

- **Heritage:** The Haberdashery is a truly unique and versatile venue. The space has been thoughtfully designed and decorated in a way that complements the character and heritage of the building.

## CONSULTATIONS

GCC Environmental Health Team – No objection, subject to conditions

### Site and Description

#### SITING

The application property is a ground floor and basement commercial unit located on the southern side of Sauchiehall Street, with a single-storey rear saloon backcourt. The property is located within a mid-terraced three-storey blonde sandstone tenement, where the ground floor is in commercial use with residential properties above. There are six residential properties on the upper floors above this unit.

The property is B-Listed and is located within the Park Conservation Area.

The property is located within the Charing Cross Local Shopping Facility, and is within close walking distance of the edge of both the Principal Office Area of the city centre and the Edge of Centre – Zone 1.

The site is within Ward 10 – Anderston/City/Yorkhill.

#### PROPOSAL

The property currently has consent as a Class 3 (restaurant) use, with hours of 12pm – 11pm seven days per week. It is understood that this permission was never implemented.

The property has been operating since 2022 as a composite use (Class 3/Sui Generis Use) without planning permission. This application seeks retrospective planning permission for a change of use of part of the premises to allow use as a functions/event space (a Sui Generis Use), including extending opening hours to midnight on Fridays and Saturdays. Further to this, it is noted that the advertised opening hours of the unit exceed those currently consented, being from 9am daily, rather than the 12pm as approved.

The applicant has confirmed the proposed opening hours to be:

- Sunday – Thursday: 9am – 11pm
- Friday – Saturday: 9am -12am
- The café (Class 3 area) operates until 4:00pm.

The Class 3 portion is located on the ground level of the unit, close to the main entrance from Sauchiehall Street and relates to around a third of the ground floor space.

The rest of the unit (the remaining rear ground floor dining area located within the saloon backcourt and the basement area) relate to this change of use application.

Externally, the only changes proposed are to replace 2no basement-level doors with fire doors. This change was previously approved in Listed Building Consent application 23/01001/LBA.

In support of this application, a Noise Impact Assessment and Noise Management Plan dated September 2024 and an updated, additional, sound break-out survey and Noise Management Plan, dated July 2025, were submitted.

The earlier Noise Impact Assessment states the testing was carried out in November 2022, prior to recommended mitigation measures being implemented, with the more recent one taking place after. The mitigation measures include cavity wall insulation; acoustic absorptive panelling and heavy weight curtains to limit reverberant sound; replacing doors with acoustic-rated fire doors; and operational sound management measures. Unlike the first, it is noted that the second assessment did not manage to gain access to habitable rooms within the nearest noise sensitive dwelling (the first-floor residential flat directly above), instead taking a measurement from the communal close. Further explanation of this is discussed below.

## PLANNING HISTORY

The relevant planning history for this site is below:

- 24/02533/FUL: Part use of restaurant premises (Class 3) as art gallery, private dining and function space, weddings, corporate functions and pop-up market/craft fairs, community events venue (Sui generis) (Retrospective), includes Friday and Saturday opening until 24:00 hours (midnight). – Refuse
- 23/01002/ADV: Display of one non-illuminated fascia sign and 4no window vinyls applied to glazing – Grant subject to conditions
- 23/01001/LBA: Internal and external alterations including display of signage. – Grant subject to conditions
- 22/02581/FUL: Part use of restaurant premises (Class 3) as gallery/ art exhibition space, private event venue including weddings, product launches, market/ craft fairs, and community events venue (Sui generis) (Retrospective), includes Friday and Saturday opening until 2400 hours (midnight) – Refuse
- 22/00203/EN: Enforcement Enquiry – Pending
- 17/01671/DC: Use of public footway as external seating area for adjacent restaurant – Grant subject to conditions
- 16/01283/DC: Use of shop (class 1) as restaurant (class 3) incorporating internal ventilation flue and termination point at chimney level (hours of operation 1200 to 2300 7 days per week - variation of consent 14/00854/DC to extend hours of operation to 2400 hours from 2300 hours – Refuse
- 14/02461/DC: Internal alterations to listed building including erection of mezzanine level, frontage alterations and display of illuminated signage – Grant subject to conditions
- 14/02273/DC: External alterations to shopfront – Grant subject to conditions
- 14/00855/DC: Internal and external alterations to listed building including internal ventilation flues associated with use of premises as restaurant – Grant subject to conditions
- 14/00854/DC: Use of shop (class 1) as restaurant (class 3) incorporating internal ventilation flue and termination point at chimney level (hours of operation 1200 to 2300 7 days per week) – Grant subject to conditions

## SPECIFIED MATTERS

Planning legislation now requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee report. The remainder of the information, and a response to each of the points to be addressed, is detailed below.

### A. Summary of the main issues raised where the following were submitted or carried out

#### i. An environmental statement

Not applicable.

#### ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994

Not applicable.

#### iii. A design statement or a design and access statement

Not applicable.

#### iv. Any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding)

Two Noise Impact Assessments were submitted and assessed by the Council's Environmental Health team. The first submitted Assessment states testing was carried out in November 2022, prior to suggested mitigation measures being carried out. The second Assessment was completed in July 2025, after some recommended mitigation measures had been implemented.

### B. Summary of the terms of any Section 75 planning agreement

Not applicable.

### **C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32**

These Regulations enable Scottish Ministers to give directions:

#### **i. With regard to Environmental Impact Assessment Regulations (Regulation 30)**

Not applicable.

ii.

##### **1. Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)**

Not applicable.

##### **2. Restricting the grant of planning permission**

Not applicable.

iii.

##### **1. Requiring the Council to consider imposing a condition specified by Scottish Ministers**

Not applicable.

##### **2. Requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.**

Not applicable.

### **Policies**

National Planning Framework 4 (NPF4) was adopted on 13th February 2023. NPF4 is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy for Scotland. Due to the scale, nature and location of the proposed development, the following policies are considered relevant:

**Policy 1:** Tackling the climate and nature crises

**Policy 7:** Historic assets and places

**Policy 12:** Zero waste

**Policy 13:** Sustainable transport

**Policy 14:** Design, quality and place

**Policy 23:** Health and safety

**Policy 27:** City, town, local and commercial centres

The Glasgow City Development Plan (CDP) was adopted on 29 March 2017. The relevant Policies and Supplementary Guidance are listed below.

**CDP1/SG1:** The Placemaking Principle

**CDP2:** Sustainable Spatial Strategy

**CDP4/SG4:** Network of Centres

**CDP9/SG9:** Historic Environment

**CDP11/SG11:** Sustainable Transport

### **Assessment and Conclusions**

Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. In addition, under the terms of section 14(2) and section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 64(1) of the same Act requires the Council to pay special

regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.

The issues to be taken into account in the determination of this application are therefore considered to be:

- a) whether the proposal accords with the statutory Development Plan;
- b) whether the proposals would impact on the setting of the listed building or nearby listed buildings;
- c) Whether the proposal preserves or enhances the character or the appearance of the Conservation Area;
- d) whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted 29th March 2017.

In order to assess a), b), and c), the proposal is considered against the following policies:

**NPF4 Policy 1: Tackling the climate and nature crises**

This is an overarching policy which must be considered for all development proposals, giving significant weight to the global climate and nature crises.

**Comment:** This is a small-scale proposal relating to a change of use of an existing venue, and therefore this is not considered to have a significant effect on either crises.

**CDP2: Sustainable Spatial Strategy**

This policy 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.

**Comment:** The site is located within the Charing Cross Local Shopping Facility, close to the edge of the city centre in a highly accessible area. The site is located within the City Centre Strategic Development Framework boundary, although is close to the edge of this. This Framework recognises the importance of a vibrant city centre, noting that this must also be balanced against the strategic approach of increasing the residential population of the city centre. This Framework promotes a strategic approach to the city centre, and recognises the Agent of Change principle whereby new uses are responsible for mitigating their environmental impact to minimise residential and night time economy impacts.

The proposed use would likely support the generation of footfall within the local shopping facility and wider area, although the proposed late-night use is considered to detrimentally impact on the quality of life of nearby residents, and this aspect will be discussed further below.

**NPF4 Policy 7: Historic assets and places and CDP9/SG9: Historic Environment**

These policies seek to protect and enhance the historic environment, recognising its importance as an asset to the City for both existing and future generations. All works to Listed Buildings must be carried out in a way which protects their character as buildings of special architectural and historic interest.

**Comment:** In this case, the only external works proposed relate to replacement doors at basement level. The existing basement doors are non-original and the proposed replacements will match the existing design and fit within the existing frames, and are to be solid acoustic-rated fire doors. These works were consented as part of Listed Building Consent application 23/01001/LBA and are not considered to be harmful to the character of the property or detrimental to the wider area.

**NPF4 Policy 14: Design, quality and place and CDP1/SG1 (Part 2) – The Placemaking Principle**

**NPF4 Policy 14** intends to: encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

This states:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

- **Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.
- **Pleasant:** Supporting attractive natural and built spaces.
- **Connected:** Supporting well connected networks that make moving around easy and reduce car dependency
- **Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- **Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- **Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

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

**CPD1** aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. All development should contribute to placemaking standards by being well designed and appropriate to the area. Development should not introduce issues of residential or visual amenity and should be designed to be in keeping with the local character of the area. 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. This is supported by Supplementary Guidance, and **SG1 (Part 2)** provides the following relevant guidance:

### **Non Residential Development Affecting Residential Areas**

This guidance 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,

All proposals for non-residential uses will be considered against the following criteria: Outwith the Network of Centres and Economic Development Areas identified in the Plan (see Policy CDP3 - Economic Development and Policy CDP4 - Network of Centres), permission will not normally be granted for uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours) or which propose the storage of quantities of hazardous substances in close proximity to housing.

**Comment:** The site is located within the Charing Cross Local Shopping Facility. Whilst this particular location is near the city centre and therefore transitional in nature, the designation is intentional and reflects the well-established status of residential properties in the street block containing the site. SG 4 states that a Local Shopping Facility is intended to serve the daily shopping needs of local residents, and should not be considered in the same way as a city centre or town centre location, where late-night noise associated with the evening economy is more expected.

Considerations with regard to the impact on residential amenity of this proposal are discussed further below.

### **NPF4 Policy 23: Health and safety**

This policy seeks to protect people and places from environmental harm, encouraging development that improves health and wellbeing. This states:

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 Agent of Change Principle is defined as: Where an application is made for development which is likely to be affected by noise from existing development such as, but not limited to, music venues, manufacturing or industrial sites, large retail outlets, etc., the applicant is required to demonstrate both that they have assessed the potential impact on occupants of the proposed development and that the proposed design incorporates appropriate measures to mitigate this impact.

**Comment:** In support of this application, a Noise Impact Assessment and Noise Management Plan, dated September 2024, and an updated, additional, sound break-out survey and Noise Management Plan dated July 2025 were submitted.

The earlier Noise Impact Assessment states the testing was carried out in November 2022, prior to recommended mitigation measures being implemented, with the more recent one taking place after the mitigation works were carried out. The measures included cavity wall insulation; acoustic absorptive panelling and heavy weight curtains to limit reverberant sound; replacing doors with acoustic-rated fire doors; and operational sound management measures. Unlike the first assessment, it is noted that the second assessment did not manage to gain access to habitable rooms within the nearest noise sensitive dwelling (the first-floor residential flat), instead taking a measurement from the communal close.

These reports were reviewed by Environmental Health colleagues. These are the same reports that were submitted in support of the previously refused application 24/02533/FUL. **In response to that previous application** Environmental Health submitted a formal objection to the proposal with the following reasons:

- *Noise Officers have been involved with this premises for noise complaints from various activities at night giving rise to complaints from local residents, even though physical mitigation measures mentioned in the report are already in place within the premises.*
- *The report notes that the single-glazed rooflights at ground floor level to the rear are in need of repair/upgrade and are currently a key potential path for airborne sound transmission from the venue to the rear windows of the flats above.*
- *The strict control over the use of the PA System within the lower ground floor area including the installation of an amplified sound level management system cannot be guaranteed, depending on the nature of events taking place within the venue and the overall Music Noise Levels. The Noise Management Plan outlined within the report cannot be guaranteed to be strictly adhered to by either current or future owners of the premises.*
- *The Agent of Change Principle places the responsibility for mitigating any detrimental impact of noise on neighbours with those carrying out the new development. In this case the responsibility is with the venue operator. The submitted information has not demonstrated that this Principle has been met.*

For the avoidance of doubt these comments relate to the previous application for the same use and are therefore no longer representative of the consultation response from Environmental Health. However, they are recorded here to aid the understanding of the proposal and how the assessment of it has evolved.

As set out above the second report did not have access to any residential flat for testing purposes and instead tested within the communal close stairwell. This is both a different location within the building (further away from the venue) and a different condition than a noise-sensitive dwelling location such as a bedroom, and therefore the efficacy of this test is affected. However, even in this location low frequency (bass) noise was discernible.

The second report did not assess the impact or efficacy of any of mitigation measures or operational management measures originally recommended, nor recommend any additional measures to limit noise from the premises so as to suitably address the Agent of Change Principle. This second report notably did not address the rear rooflights, which were previously highlighted as a key potential path for airborne noise transmission. Due to the structure of the building, it is considered that noise transmission will be likely, particularly issues of vibration or noise travelling through the walls, as it will be difficult to successfully retrofit mitigation measures that also comply with Listed Building Consent legislation requirements.

With regard to the proposed Noise Management Plan submitted, it promotes the use of staff intervention and sound level monitoring using the 10EZY system which would effectively limit noise to pre-set levels. While this system has been deployed at larger music performance venues and initially on a temporary basis, it requires human management and adherence which does compromise reliability. However, it would most likely present an effective way to limit noise to an appropriate level. subject to monitoring, although without a successful site visit to the above property this is difficult to guarantee and it is difficult to verify what vibration effects might yet be experienced.

It should be noted that both the Noise Impact Assessments and the proposed Noise Management Plans principally refer to and consider amplified noise; they make only limited reference to any non-amplified noise that may occur, particularly at ground level. The change of use includes a large section of the

ground floor, notably the rear saloon backcourt which has a number of rooflights which have previously been identified as a source of noise transmission. The proposed uses are varied and unpredictable, but events include weddings and awards ceremonies. Such a use could have regular non-amplified noise, such as bagpipers, speeches, and people cheering and celebrating, and neither the proposed mitigation nor management proposals address the potential impact of this. The 2024 Noise Impact Assessment recognises the potential nuisance that can be caused by noise generated within this space stating: "In the ground floor venue, the rooflights are acoustically weak and effectively provide a direct path to the upstairs habitable room windows. As the building is listed as Class B, specialist guidance from GCC Planning Department would be required to design any effective noise mitigation solutions. In its current form, any music sources set louder than typical background music (music which is not the focus of the event) or acoustic instruments may be deemed a potential nuisance."

Following the refusal of the previous application, an on-site meeting was held in November 2025 between the applicant's team and Environmental Health officers, with Planning officers in attendance. During this meeting, the open nature of the saloon backcourt and basement area was observed, as well as the installation of small wall-mounted speakers within the saloon backcourt area, which the noise assessment acknowledges could be used for background music during events. The stairs leading down to the basement are open to this ground floor area, with a speaker in the basement located adjacent to this open stairwell. From this site visit, the noise transmission route is clear, with no buffer or enclosure between basement and ground level, meaning noise would most likely transmit to the ground floor area, thereby creating the potential for transmitting through the "acoustically weak" rooflights above.

The Environmental Health team were subsequently consulted as part of this application and their previous objection has been withdrawn, and instead they recommend conditions intended to control the noise levels of the venue. The reason for this change in approach stems from the fact that Environmental Health officers have been unable to witness noise nuisance emanating from the premises when events are being held. They state that if officers do not have definitive evidence of a noise problem or a noise nuisance then an objection cannot be sustained by the Service. Attempts were made by the Environmental Health team and complainants directly above the premises to arrange to visit during an evening event, however, between operational restrictions and the availability of the residents, no visit could take. Notwithstanding this, public complaints have been submitted from neighbouring properties in January February and March of this year.

The stance taken by Environmental Health has prioritised the need for evidence to be corroborated which is appropriate in a science informed discipline. However, it is the view of the Planning Authority that this approach does not effectively address the Agent of Change Principle. The Agent of Change Principle is clear that the onus is on the "agent of change" to demonstrate that any impact created by the relationship between neighbouring uses can be mitigated.

The approach taken by Environmental Health has concluded that because neighbours have been unable to corroborate their complaints via site visits EH Officers are unable to sustain their previous objection. However, the Planning judgement is that the onus should be on the applicants to demonstrate suitable mitigation. In the circumstances, the noise limiting system cannot be guaranteed to preclude all disturbance to the properties above as it will obviously not curtail noise non-amplified noise such as that coming from customers using the venue both inside and outside. Therefore, contrary to the approach taken by Environmental Health colleagues, it is the planning judgement that it is not for the existing neighbours to prove that there is an impact.

It is worth noting that had the application not been retrospective and unauthorised use not already operational, this assessment would have to be undertaken without on-site operational evidence. From a planning perspective, the assessment would take account of the range of factors that impact neighbours and the nature of the use relative to the policy limitations. This would not be limited to the effect of amplified sound and how it may be controlled.

Returning to the meeting with the applicant's team, it was suggested that the acoustic consultant should submit further supporting information to address the comments made during the previous application and provide an appropriate justification for the absence of any further mitigation measures. This was undertaken and submitted in March 2026. This provides further information in relation to the rear rooflights, which were highlighted as a key area of noise transmission, detailing the potential costs of installing secondary glazing to these units, and advising that they do not believe the cost of this to be proportionate to any benefit it may provide. This information also includes additional internal measures, including boxing out of column detailing, installing more acoustic panelling, blocking out the nearest rooflights to the rear elevation of the tenement and improving door framing to remove any gaps, which may provide some benefit.

Initially the applicant advised that whilst this information had been provided, they did not intend to implement these works and considered that the benefits to mitigation would be limited. In light of this it

was made clear that the proposal was essentially unchanged so the applicants then suggested that they would carry out the mitigation on a voluntary basis (except the secondary glazing). Again it was explained that this would be of little benefit as it would not be controllable via a planning permission. Finally the applicant accepted that the suggested mitigation measures could be controlled via condition. However, it was pointed out that many of these steps would also require listed building consent and a supporting application would be necessary. However the applicant has not agreed to such a submission and reverted to focusing on the 10Eazy noise mitigation system and previously approved mitigation works to the fire doors to the back lane.

During the course of this application, the Planning Authority obtained access to the residential flat located immediately above the venue, and the close proximity of the rear rooflights to the residential windows, and their poor condition, was clear. The rear rooflights were identified in the report as a key potential path, and this has not yet been adequately addressed. Blocking up the two windows closest to the flat, as suggested by the applicants, would require listed building consent and it is also not clear to what extent this would resolve the noise transfer risk.

It must be noted that as a retrospective application this use is currently ongoing. As mentioned in the objection comments, regular noise complaints are being submitted by neighbouring residents in relation to the late-night loud noise and music, and this has been substantiated by a check of Council records which show a number of complaints made about noise and music coming from this property late at night, particularly at weekends. Additionally, representations received to this application mention the noise and nuisance introduced by patrons gathering outside the venue during and after events, as well as noise created by non-amplified means. Mitigations to address this have included limiting the number of customers going outside to smoke and requesting that customers wait inside while taxi's arrive at departure. However, these steps are difficult to control and, as the representations suggest, have not had the desired effect.

Overall, it is the view of the Planning Authority that the submitted Noise Impact Assessments have not adequately addressed the Agent of Change Principle, and insufficient information has been provided in response to the refusal of the previous application that would allow for a different recommendation. Therefore, this proposal is contrary to policy as it is considered that the noise generated by the proposal will result in a negative impact for existing residential amenity.

#### **NPF4 Policy 27: City, town, local and commercial centres and CDP4/SG4: Network of Centres**

These policies seek to support town centres, ensuring an active and vibrant centre is maintained. However, the Council must strike a balance between the encouragement of these uses and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents.

**SG4** provides the following detailed guidance:

#### **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:

##### **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. No more than 20%\* of the number of units in a street block frontage, containing or adjacent to residential uses, should be in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 use.
- ii. Public houses, Class 11 and Sui Generis uses must not be located under new build residential development.
- iii. The Council will not support food, drink and entertainment uses (including extensions to existing uses or extensions of opening hours) in rear lanes that are immediately adjacent to residential properties, unless part of a comprehensive redevelopment of an existing rear lane or creation of a new rear lane, where it can be demonstrated that residential amenity will not be adversely affected.

##### **Outwith the City Centre:**

- i. Public houses, Class 11 and Sui Generis uses must not be located within, or immediately adjacent to, existing residential buildings.

- ii. Applications for extensions to existing public houses, Class 11 and Sui Generis uses must not increase the floorspace for public use under residential flats, or extend into residential backcourt areas.
- iii. Hours of operation will be agreed with the Planning Authority, based on local circumstances and the impact of the proposal on residential amenity, but shall not exceed 08:00 to 24:00 hours.

**Comment:** In this case, the proposed composite/Sui Generis Use is located below existing residential properties, within the same tenemental building, contrary to policy. This policy seeks to restrict Sui Generis uses within existing residential buildings due to the known impact these can have on residential amenity, through issues including noise and anti-social behaviour, particularly late at night; odours; and traffic and parking congestion.

The street block is predominantly occupied by Class 3 Uses, with 58% of the units (7 out of 12) being in Class 3 use. This unit already has consent for a Class 3 Use and therefore there is no loss of retail function. However, the proposed change does alter the character and use of the property. Rather than restaurants where patrons will generally leave as smaller groups, function/event spaces will have large groups of patrons leaving together once the space closes, often late at night. This can result in a peak of activity late at night where large numbers of patrons are gathered outside, which can be more impactful in terms of late-night noise or disturbance. Additionally, due to the varied and unpredictable use, there is daily potential for such late-night noise and disturbance, including mid-week, as this use is not limited to only weekends. Whilst the applicants point to the fact that the more significant late-night events will take place periodically, there is limited scope to effectively control the frequency of these more impactful events. A different operator may seek to maximise the more disruptive activity and planning conditions could not effectively distinguish between different types of events as the use would be granted permanently.

The proposed opening hours are within the limits of policy, however, these are still subject to agreement with the Council and of course this does not mitigate a use that is contrary to policy. Such opening hours may be considered appropriate for a restaurant use, but are not considered appropriate for such a composite/Sui Generis use due to the increased intensification and amenity issues raised above.

Overall, the proposed use being located below existing residential properties is not considered to be appropriate and will create a negative impact on residential amenity by virtue of increased noise and activity. As such, this proposal is considered contrary to the abovementioned policies.

#### **NPF4 Policy 12: Zero waste and CDP1/SG1: The Placemaking Principle – Waste Storage, Recycling and Collection**

Both policies seek to ensure appropriate and well-designed provision for waste storage, recycling and collection are considered at the outset of the application process. NPF4 provides the following guidance:

Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

**Comment:** Although this is an existing venue, as this is a change of use application, it is expected that the level and type of waste generated will change. The submitted planning statement and waste transfer notice confirm that a waste management and collection strategy is in place, and these policies are therefore satisfied.

#### **NPF4 Policy 13: Sustainable transport and CDP11/SG11: Sustainable Transport**

These policies seek to ensure all new development is delivered with consideration for active travel, promoting the use of walking, wheeling and cycling and reducing dependence on cars. SG11 provides the following guidance:

##### Cycle Parking

The Council shall require the provision of cycle parking, in line with the minimum cycle parking standards specified (below), as well as the following guidance:

- a) Wherever possible, employee cycle parking should be located within buildings or a secure compound. Where such a location is not feasible, provision should be close to areas of high activity, such as the main entrance of developments, to ensure cycling is encouraged through enhanced security provided by passive surveillance.
- b) Visitor parking should be located at an easily accessible location close to, or within, the entrance area of the development in order to enhance security through surveillance.
- c) Cycle parking should always be safe, sheltered and secure. The form of cycle parking provided should facilitate the securing of the frame of the bike to the "stand". "Sheffield" racks are a good, and preferred, example of such provision.
- d) Employment sites shall provide on-site showers, lockers, changing and drying facilities, as a means of promoting walking and cycling to work. These are important trip-end facilities that can positively affect an individual's decision to walk, run or cycle regularly.

Minimum standard for Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms:

Staff: 1 space per 10 staff

Customer: 1 space per 50sqm public floor area

### Vehicle Parking

Vehicle parking provision should be assessed against the standards set out below.

Maximum standard for Restaurants, Cafes, Social Clubs, Licensed Clubs and Function Rooms:

High Accessibility: 2 spaces per 100sqm public floor area

**Comment:** The public floor area of this property is approximately 400sqm, therefore the expected standard would be:

Cycle parking: 8 spaces for customers. Despite the business being operational, no information has been provided regarding staff numbers.

Vehicle parking: 8 spaces

The application form states there are no vehicle parking spaces proposed, and no information has been provided regarding cycle parking spaces.

The nearest public cycle rack is to the south (rear) of the property at the Mitchell Library, on Berkeley Street, but this is not visible from the property.

The property is located within the Sandyford Restricted Parking Zone, and it can be seen that there are existing on-street parking pressures in the area. Although the site is located within a highly accessible area, a number of the proposed uses (such as market/craft fairs) are generally car dependent. There will be traders travelling to the site with their goods and needing nearby access to unload and park during the event, which is likely to further increase traffic and parking congestion in the area, to the detriment of residential amenity.

Overall, it is considered that this proposal does not comply with these policies as no provision has been made to promote active or sustainable travel.

## **MATERIAL CONSIDERATIONS**

In respect of d), with regard to material considerations, other material considerations include the views of statutory and other consultees and the contents of letters of objection and letters of support.

As noted above, 112 representations were received to the application, with a further 44 received out of time.

The letters of **objection** can be summarised and addressed as follows. It is noted that the letters of objection have been received from residents within the tenement block of the venue who are immediate neighbours to the application. These are people who are likely to be directly impacted by the proposals. Whilst anyone can comment on any application, submissions from those likely to be directly impacted by relevant amenity issues such as noise, should be given proportionate weight in determining the application.

- **Retrospective Application:** This is the third submission of a near-identical proposal, following two previous refusals. In both, it was concluded that the proposed Sui Generis events use would cause unacceptable harm to residential amenity. No substantive change has been made that would alter that conclusion. The premises is already operating unlawfully without planning permission, and there is no evidence that approval would lead to different behaviour or impacts.

**Comment:** It is noted that the Planning Authority could have declined to determine this application. However, as discussed during the previous Planning Applications Committee meeting, it was agreed that a new application could be submitted to allow the applicant an opportunity to address concerns raised and submit further information in support of the application. No additional information with respect to noise has been submitted.

- **Noise:** The Noise Management Plan relies on voluntary compliance and the 10Eazysystem monitors only venue levels, not residential impact. The applicant's track record shows inadequate management controls. The application excludes the ground floor area that is directly under the residential flats. However, that area is used during events. There might not be music played at ground floor level but a large group of people, on their feet and mingling with drinks and giving speeches, create a level of noise far closer to a pub without music, than a restaurant with people seated and talking at tables. The property overlooks a courtyard which is used regularly by the families living in the building and residents' ability to use this area peacefully will also be impacted should the application be approved.

**Comment:** The potential for noise disturbance was a key issue during the course of the previous application. The applicant has submitted limited and constrained new suggestions to demonstrate mitigation and these are not considered sufficient to allow the Planning Authority to alter the previous recommendation. Notwithstanding the non-objection from Environmental Health the continued operation of the venue will continue to have an impact on the amenity of the residents in the building. The proof that the impact of music has not been entirely resolved due to the inability to visit the flat above during an event. However, more significantly the noise from customers is extremely difficult to mitigate and reflects the reasons why guidance SG4 seeks to resist this relationship between a commercial use and residential in the same building.

- **Anti-Social Behaviour and Disturbance:** The steady stream of loud, drunk people out to smoke & vape directly under the flat windows is an ongoing annoyance during the evenings, but when they leave at the end of the night it is very disruptive.

**Comment:** Agreed. The potential for such disturbance has been considered above and it is accepted that the nature of the use does generate a greater impact upon immediate neighbours which informs the policy criteria in seeking to prevent such uses being located within buildings containing residential use.

- **Parking:** Parking and traffic are already strained in this area. Approval of this application would result in a loss of accessibility of street parking for residents.

**Comment:** Agreed. The property is located within the Sandyford Restricted Parking Zone, and it can be seen that there are existing on-street parking pressures in the area. Although the site is located within a highly accessible area, a number of the proposed uses (such as market/craft fairs) are generally car dependent. There will be traders travelling to the site with their goods and needing nearby access to unload and park during the event, which is likely to further increase traffic and parking congestion in the area, to the detriment of residential amenity.

- **Economic Benefit:** Claims of economic or regeneration benefit remain unpersuasive, as the area functions primarily as a daytime, local-serving neighbourhood. It is further put, that this unit falls outside of the Council's regeneration zone and lies on a residential street. Neighbouring properties include a post office, Co-op and restaurants that close at 10pm.

**Comment:** The role of planning must balance different, and often competing, aspects of land use, including matters of residential amenity, placemaking and design, and economic development. In this case, the economic investment is acknowledged, however, this is not considered to outweigh the negative and detrimental impact such a use will have, and is currently having, on neighbouring properties.

- **Noise Impact Assessment:** The submitted NIA is fundamentally flawed; 1) It omits ground floor crowd noise despite acknowledged events on that level; 2) Measurements were taken in the communal close, where traffic noise masks venue sound, rather than in the quiet flats; 3) Daytime recordings do not reflect evening/night conditions when background noise is lower; 4) The NR25 criterion was applied instead of the residential NR1520 standard, for inaudibility inside flats; 5) No independent monitoring was carried out during actual events, despite a history of complaints.

**Comment:** As discussed above, the Noise Impact Assessment has been considered and does not fully satisfy concerns with respect to the Agent of Change Principle and the noise impact for neighbouring residents.

The letters of **support** can be summarised and addressed as follows. It is noted that a large number of these letter of support were variants of template letters, signed and submitted individually. These appear to be sent by clients of the venue who have had a positive experience of the venue.

- **Regeneration of Sauchiehall Street:** The venue has contributed positively to the revival of the local area, which had experienced a period of decline, and it aligns well with the Council's wider investment and regeneration efforts.

**Comment:** The potential socio-economic benefit of this proposal must be balanced against the needs of existing residents to ensure their continuing amenity. This has been addressed above and the impact of such a use within close proximity to residents has not been considered to be acceptable.

- **Cultural Enrichment for Glasgow:** The proposal will increase cultural and creative use of a currently underutilised city-centre premises, supporting Glasgow's arts and events scene.

**Comment:** This proposal seeks consent for a number of uses and is clearly popular and well used. However planning must ensure that the use is compatible with its location and in the case there is a clear conflict causing an unacceptable effect upon residential amenity.

- **A Vibrant Community Hub:** The venue has already demonstrated its ability to act as a community hub, hosting inclusive events that bring people together and enhance social cohesion within the city centre. I believe the events held at this venue have provided a brilliant opportunity for the local and wider to community to come together in a social and light-hearted environment.

**Comment:** Any potential community benefit of this proposal must be balanced against the needs of existing residents to ensure their continuing amenity. This has been addressed above and the impact of such a use within close proximity to residents has not been considered to be acceptable due to the negative impact this is likely to have on their residential enjoyment and comfort.

- **Extended Opening Hours Supporting Evening Economy:** Allowing flexible use of the premises, including evening events and extended weekend opening hours until midnight, will support a safe, managed night-time economy while ensuring the area remains lively and well-used. Later opening on Fridays and Saturdays is appropriate for a city-centre location and aligns with nearby hospitality uses.

**Comment:** The potential economic benefit of this proposal must be balanced against the needs of existing residents to ensure their continuing amenity. Although the proposed opening hours are within the limits of the policy, the siting of this venue in such close proximity to existing residential properties would cause harm to existing and future residents.

- **Job Creation:** The venue supports local employment, hiring staff, suppliers, performers, and event contractors.

**Comment:** This is accepted; however, this does not negate the requirement for the development to comply with planning policies and not cause harm to residential amenity for neighbouring properties.

- **Heritage:** The Haberdashery is a truly unique and versatile venue. The space has been thoughtfully designed and decorated in a way that complements the character and heritage of the building.

**Comment:** The internal design and decoration of the building is not a material consideration of the planning application.

## CONCLUSION

In conclusion, the premises have been operating as a Sui Generis late-night use without planning permission since 2022. In that time there have been two applications refused, as well as numerous complaints to the Council's Environmental Health Department from residents within the building regarding noise and other issues.

Despite being asked to demonstrate how these issues could be satisfactorily addressed, the applicant has been unable to do so, and no substantive information additional to that submitted for the previously refused application has been forthcoming that may allow for an alternate conclusion. Two noise impact assessments have only managed to confirm that neighbouring residents do experience noise impact, and no assessment has been provided in respect of the impact of non-amplified sound, the impact of groups of people gathering outside of the property to smoke or arrange travel, nor the impact on the residential amenity space to the backcourt of the flats which directly abuts the basement-level area. Approval of this application would erode the residential amenity of the neighbouring apartments in the building to an unacceptable level.

The application has been assessed against the policies of the Development Plan and the above demonstrates that the proposed development does not comply with the relevant policies. The proposal, through increased noise and disturbance, will negatively impact the amenity of existing neighbouring residents, and the Noise Impact Assessments and proposed Management Plans have not demonstrated that such noise nuisance can be minimised or effectively mitigated against.

The matters raised in the letters of support have been addressed above. Overall, these do not outweigh the failures against policy, nor do they justify the negative impact such a proposal would have on the amenity of neighbouring residential properties. On this basis, it is recommended that the application for planning permission be refused for the reasons below.

### **Conditions and Reasons**

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.

1. The proposal is contrary to Policy 23 of National Planning Framework 4 (adopted February 2023) and CDP1 and SG1 of the Glasgow City Development Plan (adopted March 2017) insofar as the Agent of Change Principle has not been effectively resolved. The change of use is likely to raise unacceptable noise issues which would be detrimental to the amenity of neighbouring properties.

2. The proposal is contrary to CDP4 and SG4 of the Glasgow City Development Plan (adopted March 2017) insofar as the proposed Sui Generis Use is located within an existing residential building, and their residential amenity will be negatively impacted by issues of increased noise and disturbance, and traffic and parking congestion.

3. The proposal is contrary to Policy 13 of National Planning Framework 4 (adopted February 2023) and CDP11 and SG11 of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal does make provision for sustainable or active transport options.

### **DRAWINGS**

The development has been refused in relation to the following drawing(s)

1. A1134.14.01 A LOCATION PLAN ; Received 03 October 2025
2. NF06 DOOR SCHEDULE ; Received 03 October 2025
3. NF02 PROPOSED LAYOUTS ; Received 03 October 2025

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority.

### **Advisory Notes to Applicant**

### **Advisory Notes to Council**

## BACKGROUND PAPERS

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