



## Item 6

31st March 2026

Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: [onlineplanning@glasgow.gov.uk](mailto:onlineplanning@glasgow.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100717599-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

### Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

change of use from vacant class 1 for composite class 1a / class 3 use (no cooking on premises)

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Bennett Developments and Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Park Court
Extension Number:		Address 2:	Park Court
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	44
Last Name: *		Address 1 (Street): *	Sinclair Drive
Company/Organisation	Sylvan La Cave	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G42 9QE
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Glasgow City Council

Full postal address of the site (including postcode where available):

Address 1:

44 SINCLAIR DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G42 9QE

Please identify/describe the location of the site or sites

Northing

661550

Easting

258045

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

60.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

vacant off sales shop unit

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

waste & recycling to be stored in store at rear of counter. Uplift from Sinclair Drive by specialist contractors at specified time.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 1 Retail (food)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (if class 7, 8 or 8a): \*

44

If Class 1, please give details of internal floorspace:

Net trading spaces:

30

Non-trading space:

14

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

composite use with class 3

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (if class 7, 8 or 8a): \*

44

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

composite use with class 1A

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Don Bennett

On behalf of: Sylvan La Cave

Date: 25/06/2025

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

planning support statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Jarvie

Declaration Date: 25/06/2025

## Payment Details

Online payment: 055319

Payment date: 16/07/2025 16:55:30

Created: 16/07/2025 16:55

bennett *Developments and Consulting*

10 Park Court,

Glasgow G46 7PB

don@bennettgroup.co.uk

## STATEMENT OF APPEAL

12.2.2026

### **44 SINCLAIR DRIVE, GLASGOW G42 9QE**

APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CHANGE OF USE FROM CLASS 1 TO A COMPOSITE CLASS1A/CLASS 3 USE ,AND ALTERATIONS TO FRONTAGE AT THE ABOVE ADDRESS.

**APPLICATION NO: 25/01626/FUL**

## **01** Background:

The property at 44 Sinclair Drive occupies a site at the corner of Sinclair Drive and Overdale Street in the Battlefield Local Town Centre in the south of the city.

The property had been vacant for more than a decade and was a disamenity in this popular residential area.

The appellants who also own a hugely popular outlet on Woodlands Road in the city's west end lodged an application for the aforementioned change of use in October 2025 in the full anticipation of receiving the support of the city council and the granting of consent for the proposal.

It was a matter of great disappointment and concern that on 28<sup>th</sup> November 2025 the application was refused.

## **02** Grounds for Refusal:

It should be noted, as it is a matter of concern, that without any recourse to the appellants or the agent, the planning service altered the description of the proposal and the business model

which we believe had a direct bearing on the mistaken and incorrect assessment of the proposal and the reasons cited for the subsequent refusal.

The description on the lodged application stated:

**' change of use from class 1 to composite class1A/class3.....'** which is a retail element with a class 3 component and is entirely different from the description manufactured by the planning service which was:

**'Use of premises (class 1A) as café/restaurant(Class 3)....'** Which is more akin to a straight forward restaurant with no retail element which is not at all what was being proposed.

There is no reason or justification for this wholly incorrect change of description anywhere within the Report of Handling (ROH), yet it is key to the flawed determination.

Having regard to the above, in refusing the application the following reasons were cited:

1. 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.
2. The development proposal is contrary to Policies 12-Zero Waste, 14- Design, Quality and Place, 23- Health and safety and 27- City, Town, Local and Commercial Centres of the National Planning Framework 4 and also CDP and SG 1 - Placemaking, CDP and SG 4 Network of Centres of the Glasgow City Development Plan as specified below, and there is no overriding reason to depart therefrom.
3. The proposal is contrary to Policy 12-Zero Waste of NPF 4 and SG1, Part 2, specifically Waste Storage, Recycling & Collection, Designing New Development of the City Development Plan in that no details have been provided with regards how much waste is expected to be generated and what measures will be implemented in terms of waste separation and recycling.
4. The proposal is contrary to Policy 14: Design, Quality and Place and Policy 23- Health and Safety of the National Planning Framework 4 and to CDP/SG 1, part 2: Placemaking, CDP/SG 4: Network of Centres, Assessment Guidelines 10, 12 and 14 of the City Development Plan (adopted 2017) due to the failure to consider the negative impacts created by inadequate ventilation and due to inadequate information provided in connection with waste and recycling. This negative impact on the residential amenity of the flatted properties above the site would be harmful to the health and wellbeing of current and future residents.
5. The proposed development is contrary to NPF4 Policy 14, Policy 23, Policy 27, CDP1 and SG1 (Part 2), and CDP4 and SG4 in that the use of the property as a Class 3 business would result in a significant loss of residential amenity to the adjacent

residential flats above the unit and adjacent to the unit through the effects of increased noise, activity and/or cooking fumes.

6. The proposed development is contrary to NPF4 Policy 27 and CDP4 and SG4 in that the use of the property as a Class 3 would result in an overconcentration of non-Class 1A food or drink uses within this street block, at 50% or two out of four units, and as such would negatively impact on the vitality and character of the Local Town Centre and undermine its primary retail function.

## 03 Response to Reasons for Refusal:

In determining an application the local authority are required to assess it in the context of the latest approved and adopted Local Development Plan and any other relevant legislation such as the National Planning Framework(NPF), in this case NPF4.

It is also required to produce a Report of Handling(ROH) which should provide a full and reasoned justification for the decision to refuse with reference to the aforementioned documents.

To challenge the recommendation and the resultant Refusal, it is necessary to critically examine the arguments and policy reasons cited for the decision and to verify or otherwise the appropriateness of the policies, the interpretation of the policies and how these policies were applied. It is also necessary to establish that all submitted documents and reports were properly understood and considered.

As the National Planning Framework is now a statutory document and has to be subsumed within the local development plan, there are some areas of repetition of policy and where this occurs they will be responded to as one.

**Since the ROH fails to have any page numbers we will endeavour to reference the appropriate headings as they appear in said Report and respond accordingly**

If we consider each reason in turn:

### **Reason 1**

This a generic reason which covers all of the foregoing and will be addressed through the response to the other reasons

### **Reason 2**

NPF4 Policy 12-Zero Waste

NPF4 Policy 14- Design, quality and Place

NPF4 Policy 23- Health and Safety

NPF4 Policy 27 City, town, local and commercial centres

CDP/SG1 -Placemaking

CDP/SG4 -Network of Centres

**Reason 3**

NPF4 Policy 12- Zero Waste

SG1 Part 2 – Waste storage, recycling and collection - no detail provided of how waste will be managed.

**Reason 4**

NPF4 Policy 14 – Design, quality and Place

NPF4 Policy 23 – Health and safety

CDP/SG1 Part 2- Placemaking

CDP/SG4 Network of Centres Assessment Guidelines 10,12 and 14 inadequate ventilation and impact on residential amenity

**Reason 5:**

NPF4 Policy 14 -Design, quality and Place

NPF4 Policy 23 -Health and Safety

NPF4 Policy 27 – City, town, local Commercial centres

CDP1/SG1 – Impact on residential amenity

CDP4/SG4 – Impact on residential amenity

**Reason 6:**

NPF4 Policy 27 – City, town, local commercial centres

CDP4/SG4 – Network of centres Claim that use of premises as non-Class1A food or drink would be an over concentration of non-Class 1A uses in street block which would undermine the primary retail function.

Notwithstanding the wordy and repetitive nature of the above Reasons for Refusal, basically they amount to four specific reasons, namely:

**1.The lack of an appropriate extraction flue as required by a class 3 use.( CDP4/SG4 Assessment Guideline 12 and CDP1/SG1 Part”) under Other Comments in ROH**

**2.The potential effect on residential amenity through the effects of increased noise, activity and/or cooking fumes.(NPF4 Policy 14, NPF4 Policy 23, NPF4 Policy 27 and CDP1/SG1 and CDP4/SG4) under Other Comments in ROH**

**3. The lack of any proposals for the storage and removal of waste( CDP Policy SG4 Assessment Guideline 14 and NPF4 Policy 12 )under Other Comments in ROH**

**4. Overconcentration of non class1A uses which would undermine the primary retail function.( NPF4 poilcy27 and CDP4/SG4 ) under Other Comments in ROH**

**Response:**

*We do not believe that the reasons/objections accurately reflect the guidance and direction within the LDP and NPF4, particularly that to be found within SG4 Network of Centres, Assessment Guideline 12 sub section 4.3 Food, Drink and Entertainment Uses(Technical Guidance) and Part (c) and Part (e) and this has been further aggravated by the false description of the proposal created by the planning officer.*

**1.Lack of an appropriate extraction flue as required by a class 3 use:**

*Nowhere within the above referenced legislation/policies is there a requirement to provide a vertical flue for a composite class 1/class 3 use, in fact the only specific composite uses referred to are public house/class 3 and hot food takeaway/class 3.(see previous comment on the unauthorised description change referred to in 02 Grounds for Refusal ) above.*

*The proposed development does not involve cooking of any kind. The only food beings served will be cold meats, bread, crackers/crisps etc and a charcuterie board as an accompaniment to a glass of wine. (A menu to that effect was lodged with the application)*

*Accordingly there is no need for an extraction flue.*

*Even if a flue were to be a requirement, part (e) of the above legislation states that...*

***” if the applicant cannot adequately address the council’s requirements in terms of ventilation, the council may require to restrict the method of cooking through the use of conditions”,***

*so contrary to the view expressed by the planning officer, restricted cooking is specified as being an acceptable method of addressing the issue of fumes!*

***To expand further on the reasons for the refusal***

*As has been stated it is not the case that all class 3 uses require a flue, though some form of ventilation is required where hot food is involved.*

*We are aware that within the legislation there is no provision for class 3 (restricted cooking) which is not to say that some form of restriction cannot be conditioned. Attaching a condition which restricts the method of cooking to be employed, based upon the applicants business method, is therefore a means to ensure that there would be no doubt in the future as to which class the use would fall within. Any future operator who may wish to extend the menus offered would need to make application to the council to change the wording of the limited cooking methods condition. In this respect there would be no additional burden of enforcement for the council than there would be for any other class 3 use which might for example start selling hot food for consumption of the premises(a sui generis) use without the necessary permission or be subject to enforcement action as prescribed in the legislation.*

*In fact SG4 Assessment Guideline 14, offers clear guidance and direction on this very matter with particular reference to those situations when it is not possible to erect a vertical flue, such*

*as when there is no rear wall to the application premises, which is the case in this application, so the need for a vertical flue is not a mandatory requirement and an acceptable substitute may be acceptable.*

*It is clear therefore that the use of a condition to control the method of cooking is an acceptable and legitimate response to the clear intention of the applicant having regard to the menu being proposed. The fact that Env Services have a problem with this is noted but is unsustainable as it appears to relate more to the fact that they do not wish the extra burden of pursuing enforcement action, which exists for such scenarios.*

*In any event we are of the view that planning legislation should not be enacted purely for the convenience of Env Services. Planning legislation makes clear provision for enforcement action and that is the conduit for pursuing infringements of a planning consent. In addition the fact that the planning authority constantly use the excuse that a subsequent occupier, at some point in the future may wish to operate a different service is incompetent and it is not within the planning guidance to hold a current applicant responsible for, or to be mindful of, what may occur in the future. Accordingly it is not a legitimate reason to deny the applicant the right to pursue a lawful business. To use the excuse of problems with enforcement action is not a legitimate reason to deny the consent in the first place. Enforcement measures exist to be used.*

*It may be worthwhile to have regard to another similar situation, application 20/00443/LCOMP and application 25/00694/FUL where the original application for restricted cooking was refused but subsequently approved on appeal by the Scottish Ministers*

***No matter how this is presented by the planning officer, the proposed use as defined on the lodged Planning Application form and the supporting Planning Statement clearly state that there is no cooking on the premises and therefore no hot food or need for an external extraction system. Nowhere within the legislation is there a legal link between a class 3 use and the need for an external extraction flue. This is purely a convention used by the local authority to limit the need to pursue enforcement.***

***In this case, the only reason to seek a class 3 consent is to satisfy the Licencing Board, as this is required for the sale of alcohol on the premises. As stated previously if the proposed use changes then enforcement action is available.***

## ***2. The potential effect on residential amenity through the effect of increased noise activity and/or increased cooking fumes:***

*Having regard to all of the foregoing outlined in 1 above there is clearly no need for an extraction system of any kind to be erected, so it follows that any suggestion that the lack of a flue will affect the amenity of the residential properties nearby is without foundation. This is yet again an objection based on the flawed and misrepresented description on the application form which was a figment of the planning service and not what was being proposed. The proposed development involves no cooking of any kind and the requirement that this straightforward retail/class 3 use should incur such unnecessary expense to incorporate equipment which is not necessary, is not sustainable.*

### **3. Lack of any proposals for the storage and removal of waste:**

*This is simply untrue. Both the application drawings and the Planning Statement refer to and identify a waste facility within the premises and how that waste will be uplifted from the premises. This is more than sufficient to satisfy the requirements of the legislation. It is not for the planning service to ask that the actual waste contractor be named as that is a matter for the appellant. Neither is it competent for the planning services to ask how the waste will be generated or how many bins may be located within the facility. The fact that said facilities have been incorporated and that arrangements will be made for waste uplift by an appointed contractor at an appointed time is more than sufficient. However, yet again, and contrary to the fact that it is not permissible to impose some future situation on an existing application, the planning officer states that*

***‘ while the bin storage may be suitable for the current business model, this is unlikely to be the case if this use was to intensify’.***

*This is utterly irrelevant and incompetent. It is the planning officer’s duty to assess the application before them, not some imaginary application and to use this to assess the actual proposal.*

*Given that the proposed use does not involve hot foods and therefore no oils or grease and little foodwaste , the waste measures being proposed are more than adequate. For some bizarre reason the planning officer continues to persist that the proposal is for a restaurant and therefore will generate more waste ! This may well be true, but as this is a wine bar it is irrelevant.*

### **4. Concentration of non class 1 uses which would undermine the primary retail function:**

*The claimed loss of retail is spurious and again stems from the planning officers inability to understand that the proposed use is for a composite shop/class3. It is a wine bar which also retails wine so accordingly there is no loss of the retail function and therefore no overconcentration of non-class1 retail uses*

## **04 Conclusion:**

The proposed development would involve the recycling of a derelict and abandoned property which has been unoccupied for the last decade.

It was a blight on the area and the prospect of creating a small wine retailer/wine bar serving only a selection of cold foods as an accompaniment to a glass of wine was seen as a very positive use of this vacant property and was being supported by the local community, as evidenced by the volume of letters of support which are included within this submission.

The proposed development will introduce a new and exciting venue into the area , will remove a blighted property, introduce investment into the area, create local job opportunities and rates to the local authority,

As stated at the outset, the determination of an application has to be based on a proper and competent assessment of the raft of policies germane to that particular development

proposal. It has been demonstrated that the content of the Report of Handling fails on a number of counts to satisfactorily carry out that assessment. The Report contains numerous contradictions, inaccuracies, misrepresents policies, states untruths but most significantly fails to address this actual development proposal, instead assesses a development description which bears no resemblance to the business model being proposed. In essence it was recommended for refusal based on the fact that the proposal would involve the preparation of hot foodstuffs, which it would not, and did not incorporate proposals for an extraction flue, for which there was no requirement.

In short , the decision to refuse was based on nothing more than the ill informed and mistaken opinions of the planning officer, as has been demonstrated, thus denying the appellant from pursuing his lawful business interest and providing an appealing new venue in the area. It has been demonstrated that the proposed composite 1A/Class 3 development can be accommodated within the policies of both NPF4 and the City Development Plan and should have been approved.

It would be a travesty of the planning system were the community to be denied the opportunity to enjoy this new facility, based solely on the mistaken opinions of the planning officer.

**Accordingly we would ask that the previous decision to refuse be rescinded and the appeal upheld**

**bennett** *Developments and Consulting*  
12.2.2026