

# Report of Handling for Application 25/01626/FUL

<b>ADDRESS:</b>	44 Sinclair Drive Glasgow G42 9QE	<p style="text-align: center; margin: 0;"><b>Item 3</b></p> <p style="text-align: center; margin: 0;">31st March 2026</p>
<b>PROPOSAL:</b>	Use of premises (Class 1A) as cafe/restaurant (Class 3) with frontage alterations.	

<b>DATE OF ADVERT:</b>	12 September 2025	
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	<p>The application was subject to the standard neighbour notification and advertised in the local press.</p> <p>No letters of representation have been received.</p> <p>It is noted on file that the applicants have provided letters of support provided to them. These form part of the applicants supporting information rather than being individual representations on their own right.</p>	
<b>PARTIES CONSULTED AND RESPONSES</b>	No consultations undertaken.	
<b>PRE-APPLICATION COMMENTS</b>	<p>No pre-application advice sought but, further to the application being vetted the agent was advised as follows:</p> <p>Class 3 uses require the installation of a flue to address dispersal of cooking fumes. Whilst it may not be the intension of the applicant to prepare hot food, were this use granted then any future business could operate a hot food business without needing to install a suitable ventilation system. A restricted Class 3's (where no hot food is made on the premises) is not an option due to enforcement issues and further to advice provided by Environmental Health.</p> <p>The agent was advised that the business could operate as a Class 1 A, where food can be heated but there is very limited seating (this should be ancillary and food is mainly eaten off the premises). More emphasis should be placed on the retail element of the proposal.</p> <p>Policy advice regarding the differences between class 1, 3 and sui generis uses was provided.</p> <p>Other information required/issues to be addressed were as follows:</p> <ul style="list-style-type: none"> <li>• Details of bin storage arrangements;</li> <li>• A revised elevation of Overdale Street that reflects the existing situation accurately;</li> <li>• Proposed materials should also be detailed on the proposed elevations; and</li> <li>• The new entrance should be recessed as per original entrance.</li> </ul>	

<b>EIA - MAIN ISSUES</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES</b>	NOT APPLICABLE
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	NOT APPLICABLE
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE

<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>NPF4 POLICIES</b>	Policy 1. Tackling the climate and nature crises Policy 2: Climate mitigation and adaption Policy 12. Zero Waste Policy 13. Sustainable transport Policy 23. Health and safety Policy 27: City, Town, Local and Commercial Centres
<b>CITY DEVELOPMENT PLAN POLICIES</b>	CDP 1 & SG 1 – Placemaking CDP 2 – Sustainable Spatial Strategy CDP 4 & SG 4 – Network of Centres CDP 11 & SG 11 – Sustainable Transport
<b>OTHER MATERIAL CONSIDERATIONS</b>	None.
<b>REASON FOR DECISION</b>	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.

<b>Comments</b>	
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<b>Planning History</b>	
<b>Site Visits (Dates)</b>	4 <sup>th</sup> November 2025
<b>Siting</b>	This is a ground floor commercial unit that is located below a three-storey red sandstone tenement on the corner of Overdale Street and Sinclair Drive. It is located Battlefield Local Town Centre in Ward 07 – Langside.
<b>Design and Materials</b>	<p>Consent is sought for a change of use to this unit from class 1 (previously an off licence) to operate as a wine shop/wine bar (class 3).</p> <p>Opening hours will be 10am-11pm, with the off sales operating between 10am-10pm seven days a week.</p> <p>The proposal includes a seating area comprising 4 tables and 16 chairs. It is approximately 32m<sup>2</sup>.</p> <p>No external extraction is proposed.</p> <p>No details of bin or waste storage has been provided.</p> <p>It has been noted that the applicant has described the use as a wine bar serving cold snacks however, owing to the level of seating proposed the use would appear more as a Class 3 use. A much lower provision of seating/tables and a focus on retail would ensure any cold food sold would be incidental to the Class 1 use but the applicant has requested that the application be considered as is. There is no option for a restricted Class 3 use owing to the difficulty of enforcing a condition on food equipment and potential for smells therefore this application requires to be assessed in the same way as any Class 3 use.</p> <p><b>External Alterations</b> Removal of existing shopfront which appears to be timber and non-original. It was noted that renovations were already underway during a site visit in early November 2025.</p> <p>Proposed new timber shopfront will open up this unit and re-instate more traditional proportions. Original fascia to be reinstated. Stallriser to have decorative panels. Doorway to be relocated to corner but is not recessed as would be the expectation for a property of this period.</p>
<b>Daylight</b>	Not applicable to this application.
<b>Aspect</b>	Not applicable to this application.
<b>Privacy</b>	The application unit is 15.5m from the nearest property on Overdale Street. Whilst a larger window will be formed on this elevation, this would have been present historically. In addition, the window to window distances above ground floor level are the same.
<b>Adjacent Levels</b>	Relatively flat
<b>Landscaping (Including Garden Ground)</b>	Not applicable to this application.
<b>Access and Parking</b>	<p><b>Access:</b> New access arrangements to the unit will be formed on the corner of Overdale Street and Sinclair Drive.</p>

	<p><b>Parking:</b>  <b>CDP11 and Supplementary Guidance SG11:</b> Sustainable Transport  This policy seeks to support sustainable and active travel options for all development proposals. SG11 provides detailed standards in relation to cycle and vehicle parking standards as below:  <u>Cycle Parking – Minimum Standards:</u>  Customer = 1 space per 50sqm of public floor area  Staff = 1 space per 10 staff  <u>Vehicle Parking – Maximum Standards:</u>  High Accessibility areas = 2 spaces per 100sqm of public floor area.</p> <p><b>Comment:</b> Vehicle parking standards are set as a maximum and therefore the proposed zero parking spaces is acceptable. No cycle parking, or trip-end staff facilities are provided either. The unit has a public floor area of approximately 32sqm and, therefore, due to the constrained size of the unit, no customer cycle parking space would be expected. No details of staff numbers have been provided but this is a small unit and so it is unlikely that more than 2-3 staff could be present at any one time. However, as stated above, the application site is within a high accessibility location, indicating a high provision of public transport to facilitate customers and staff.</p> <p>The proposal therefore accords with <b>CDP11 and Supplementary Guidance SG11:</b> Sustainable Transport</p>
<p><b>Site Constraints</b></p>	<p>The proposal is a local business located in a residential area. It is also located in Battlefield Local Town Centre in the Network of Centres as identified by SG4. The proposal is also not located in a conservation area.</p>
<p><b>Other Comments</b></p>	<p>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.</p> <p>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; and  b) whether any other material considerations (including objections) have been satisfactorily addressed.</p> <p>In respect of (a) and (b), the Development Plan comprises of NPF4 adopted 13<sup>th</sup> February 2023 and the Glasgow City Development Plan adopted 29<sup>th</sup> March 2017.</p> <p><b>NPF 4</b>  <b>Policy 1:</b> Tackling the climate and nature crises  <i>When considering all development proposals significant weight will be given to the global climate and nature crises.</i>  <b>Policy 2: Climate mitigation and adaption</b>  a) <i>Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</i>  b) <i>Development proposals will be sited and designed to adapt to current and future risks from climate change.</i>  c) <i>Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.</i></p> <p><b>Comment</b>  The proposed change of use is not considered to have any greater impact on the environment. The proposal involves the re-use of an existing building and the alterations involved but are relatively minor. The site is located within a Town Centre in an area identified as having high accessibility to public transport.</p> <p><b>The proposal accords with Policies 1 and 2.</b></p> <p><b>Policy 12:</b> Zero Waste is similar in its intent to CDP4 and SG4 with regards to waste management for Class 3 proposals. It states that:  <i>Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. Development proposals that are likely to generate waste when operational, including residential properties, will set out how much waste the proposal is expected to generate and how it will be managed including provision to maximise</i></p>

*waste reduction and waste separation at source, and 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.*

**SG4 Assessment Guideline 14: Waste Management and Disposal** states that: “Proposals for food, drink and entertainment uses will only be considered favourable if suitable arrangements for the management and disposal of waste (including recyclables) can be provided, to the complete satisfaction of the Council. Plans to show details of on-site waste storage facilities will be required.”

**Comment:**

Insufficient waste storage information has been submitted with application. No details have been provided with regards how much waste is likely to be generated and what measures are implemented in terms of waste separation and recycling. It should also be noted that a class three business is likely to generate significantly more waste and so, whilst the bin store arrangements may be suitable for the current business model, this is unlikely to be the case if this use was to intensify.

**The proposal is contrary to Policy 12 on zero waste and SG 4, Assessment Guideline 14: Waste Management and Disposal.**

**Policy 13. Sustainable transport, CDP4 and SG4-Network of Centres, and CDP11 and SG11** aim to ensure all proposed developments deliver appropriate sustainable transport, including Class 3 developments within designated Local Town Centres.

**Policy 13 states that:**

*Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.*

*iv. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking”*

**SG4 Assessment Guideline 13: Parking and Servicing Requirements** states that:

*“Parking and servicing requirements associated with proposed food, drink and entertainment uses must comply with Section B of SG 11 Sustainable Transport and must not result in parking and/or traffic congestion.”*

**Comment:**

The relevant policies in SG11 and SG4 Assessment Guideline 13: Parking and Servicing Requirements are assessed in the Access and Parking section above. In summary, as with most traditional Glasgow tenements, the application property does not have dedicated off-street cycle or car-parking. No parking facilities are proposed however, the development is located in an area of high public transport accessibility, indicating a good provision of public transport to facilitate customers and staff. Given the limited size of the premises, there is no requirement to include car or cycle parking provision in the proposal.

**The proposal accords with Policy 13 on sustainable transport, CDP4 and SG4-Network of Centres, and CDP11 and SG11.**

**Policy 14: Design, Quality and Place, Policy 23: Health and Safety of NPF4 and CDP1 and SG1 (part 2)-Placemaking** share the same objectives to promote quality spaces, places and environments through well designed development that uses a design-led approach that applies the Place Principle. Furthermore these policies explicitly state that development which is detrimental to the visual and residential amenity of a site and the surrounding area, or detrimental to the health and wellbeing of people and places, will not be supported. This applies to change of use proposals where the new use may detract from the residential amenity of existing residential properties, like in this application.

*The intent of Policy 14 is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. 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.*

Policy 23 (e) states that: *The intent of Policy 23 is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.*

SG1 (Part 2, Alterations to Shops and Other Commercial Buildings provides specific guidance regarding Proposals for alterations to commercial buildings. They should:

- *Respect the period, style and architectural character of the building;*
- *Alterations to frontages should always be designed to take account of the age and style of the buildings in which they are located.*

*Frontage Alterations - The following guidance applies:*

*a) alterations to frontages should always be designed to take account of the age and style of the buildings in which they are located;*

*b) on older properties (e.g. tenements), the original fascia should be retained or, if it is concealed by a dropped fascia (see Definition), this should be removed and the original fascia reinstated. If a sub-fascia is fitted, this should be glazed (the glazing could be reflective, coloured or etched if it is hiding fittings or existing lowered ceilings). Glazing should run from the bottom of the fascia down to the pavement. A stallriser may be used;*

*c) lowered ceilings in older buildings can hide original features. In listed buildings, lowered ceilings should be removed to expose the original ceiling. Where lowered ceilings are proposed, they will only be acceptable where they are set back 1 metre behind the glass, or raked back at an angle, to avoid interruption of the glazed shopfront with an incongruous feature;*

*d) in buildings where timber-framed shopfronts are still the established pattern, then timber should be used for the framing;*

*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.*

*External fittings should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards. Within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window. The title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before any structure is fitted to a wall in common ownership. Any grant of planning permission does not remove this obligation, which is a separate legal matter.*

*SG1 (Part 2) paragraph 3.11 states that for chillers, air conditioning units, flues:*

*a) "external fittings such as air conditioning units should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards;*

*b) within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window; and c) the title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before any structure is fitted to a wall in common ownership. Any grant of planning permission does not remove this obligation, which is a separate legal matter."*

**Comment:**

The proposal is for a change of use that includes external alterations to the front elevations. The alterations proposed are generally sympathetic and in keeping with the period style of the property. They would re-instate more historic proportions and the frontage proposed would be timber. In terms of the physical alterations, these would make a positive contribution to the locale.

However, were a change of use to class 3 supported, the proposal would have had to include a high level flue that terminates at a minimum of 1m above the eaves of the roof. This is required to meet environmental health standards, to a standard as set out in SG4 Assessment Guideline 12 (assessed below). SG1 (Part 2) paragraph 3.11 goes

on to specify that any proposed flue should be on the rear or side elevation, out of public view, and must be sited on the building elevation to minimise noise and vibration and to be away from residential windows. It is not possible to find a location on the application property and the tenement building which would comply with the requirements of SG1 (Part 2) paragraph 3.11 and the technical requirements of the required flue as set out by the environmental health due to: the shape of the property.

The technical requirement for a flue to allow a Class 3 use to operate in the application property is a constraint that cannot be overcome.

Whilst the business model proposed may have a neutral impact on the residential amenity of nearby residents, any change to the operation of the business could result in a substantial impact. The granting of a class 3 use would mean that any future business would have the right to cook and sell hot food. Experience has demonstrated that retrospective installation of appropriate extraction equipment once a new operator has moved in is impossible to secure. Given the omission of appropriate ventilation to deal with the dispersal of cooking fumes, the impact on the health and wellbeing of residents would be significant.

In addition, were a restaurant or hot food takeaway to operate from these premises then there would also be potential for noise disturbance due to the extensive operating hours of a restaurant and operational noise (coffee machines; cooking equipment); music played through speakers; and customer presence throughout the day and evening. Deliveries could also contribute to the cumulative noise disturbance.

The agent was informed of the above issues and despite suggestions to adapt the business model to meet class 1A requirements which would mean an increase in the floorspace used for retail and a reduction in the number of tables provided, no suitable resolution has been agreed and they have asked that the application be determined as it stands.

The proposed development is significantly contrary to **Policy 14, Policy 23, CDP1 and SG1 (Part 2)** due to the loss of residential amenity and potential harm to the health and wellbeing of current and future residents.

**Policy 27- City, Town, Local and Commercial Centres** is similar in its intent to **CDP4 and SG4- Network of Centres** with regards to facilitate appropriate development within designated city and town centres, using the Town Centre First approach to help these centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living. Appropriate development protects and enhances the character and amenity of existing uses, including residential amenity of properties and the health and wellbeing of the community.

Policy 27 (a) states that: "Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported."

Policy 27 © qualifies this general support by stating that: "Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:

- i. Hot food takeaways, including permanently sited vans;
- ii. Betting offices; and
- iii. High interest money lending premises."

**SG4 paragraphs 2.10 and 2.11, and Table 3 – Local Town Centres**, confirms that Sinclair Drive is located in a designated Local Town Centre. The principal aim of Local Town Centres is to provide a primary retail shopping function by utilising the compact urban form, typically a high street and tenements with ground floor commercial and residential above, and dense local population to support retail. Non-retail uses including Class 3 are secondary uses and their introduction to a centre through the change of use of existing retail units must "not undermine the shopping function or overall health of the centre."

**SG4 Assessment Guideline 5: Proposed Non-Retail Uses within Local Town**

**Centres** requires that:

“In assessing proposals within Local Town Centres, the Council will seek to maintain a sustainable level of retail within each Centre, whilst also supporting other appropriate uses in order to enhance the vitality of these Centres.

a) If the proportion of ground floor Class 1 shop units is more than 70%, applications for change of use from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will:

- i. Contribute positively to the character and appearance of the Town Centre and provide an active frontage; and
- ii. Not have an unacceptable effect on town centre or residential amenity.

b) If the proportion of ground floor Class 1 shop units is less than 70%, applications for change of use from Class 1 to non-Class 1 may be permitted where it is demonstrated that the proposal will satisfy a)(i) and (ii) above and will achieve at least one of the following:

- i. Protect the retail function of the Centre by resulting in not more than 3 adjacent non-Class 1 units within a street block;
- ii. Deliver the re-use of long-term vacant premises\*\*; and/or
- iii. Accord with the relevant Spatial Supplementary Guidance.

c) It will not be necessary to satisfy the criteria within Section b) where there is a long-term pattern of vacant units in a Centre (ie. where the vacancy rate has exceeded 10% for the preceding 2 years or more).

d) The loss of an operating retail unit, where there are vacant units in a Centre, will normally be resisted. Note: For food, drink and entertainment uses, refer also to Assessment Guidelines 10-14.

\* All calculations should include vacant units.

\*\* Long-term vacant units are those where the unit is unoccupied and an appropriate marketing exercise has been carried out over a minimum 12 month period (or 18 OFFICIAL months if the unit is a significant Class 1 unit, such as a large supermarket or major department store) and has been unsuccessful in attracting Class 1 operators. The applicant will be expected to submit documentation to include details of floorspace, costs and length of lease offered to interested parties to ensure these factors are not unnecessarily acting as a deterrent to Class 1 use. This will remain confidential information. Temporary uses (open for less than 12 weeks and in accordance with the lawful use) will contribute towards the 12 month vacancy period, provided the marketing exercise is ongoing during that period.”

The relevant criteria in **SG4 Assessment Guideline 10: Food, Drink and Entertainment Uses** requires that:

“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:

a) 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.  
...

Note: A Late Hours Catering Licence will also be required for any premises serving food, on or off the premises, after 23:00 hours. This Licence will not generally be granted beyond 24:00 hours if the premises are in a building with residents living above.

\* In all calculations of the proportion, the Council will include any use which

incorporates a hot food takeaway service and any unimplemented planning permissions for changes of use to hot food shop, public house, or Class 3 use, likely to include a hot food takeaway service.”

### **Technical Guidance**

#### **Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes**

*a) Proposals for a food and drink use will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided, to the complete satisfaction of the Council. The following information will be required:*

*(i) Plans to show all proposed cooking/heating equipment, with full details of the fume dispersal method. This information must be shown on both the*

*Plan and the Elevation drawings;*

*(ii) Full specifications of the proposed ventilation system, including the design, size, location and finish;*

*(iii) A full maintenance schedule of the ventilation system to ensure its continued effectiveness; and*

*(iv) Prior to the installation of any system for the dispersal of cooking fumes or odours, a certificate from a member of the Building Engineering Services*

*Association (BESA) shall be submitted confirming that the proposed fume/odour treatment method will operate to its full specification, when fitted at*

*the application site. This requirement will be secured by a suspensive condition imposed on any relevant planning permission granted.*

*b) Dispersal of cooking/heating fumes should be by an externally mounted flue, erected on the rear or side elevation to a height sufficient to disperse fumes above any nearby property.*

*c) Where the Planning Authority accepts that an externally mounted high level flue cannot be provided (ie. due to physical or visual amenity constraints rather than ownership issues), an alternative ventilation system may be considered acceptable, subject to the Planning Authority being completely satisfied that the proposal complies with*

*a) and the following additional criteria:*

*(i) Within Town Centres, where it can be demonstrated that there will be no unacceptable impact on the amenity of surrounding residential properties.*

*(ii) Outwith Town Centres, where it can be demonstrated that there are no residential properties within close proximity to the proposal.*

*It is recommended that the applicant consults the guidance document published in 2005 by DEFRA: Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems with specific reference to Annexes B and C.*

*d) A suitably qualified engineer must undertake the design and installation of the ventilation system.*

*e) If the applicant cannot adequately address the Council's requirements in terms of ventilation, the Council may require to control the method of cooking through the use of conditions.*

*Note: The title deeds of a tenemental property, or other building, may require that the agreement of other owners be obtained before a new internal or external flue can be installed. Any grant of planning permission does not remove this obligation, which is a separate legal matter.*

#### **Comment:**

The proposed change of use from Class 1A to Class 3 is contrary to Policy 27, CDP4 and SG4. The proposal is contrary to Policy 27 (c) as this non-retail, Class 3 use will “undermine the character and amenity of the area” and “the health and wellbeing” of local residents. The most recent retail survey of Battlefield Town Centre (12/08/25), indicates that the proportion of class 1A uses in Centre exceeds 70%. The overall

figure is 75% and, of those, 69% are operational, 3.2% have been vacant for more than 12 months and 3.2 % are newly vacant.

Policy states that:

*If the proportion of ground floor Class 1 shop units is more than 70%, applications for change of use from Class 1 to non-Class 1 may be considered favourably where it can be demonstrated that the proposal will:*

- i. Contribute positively to the character and appearance of the Town Centre and provide an active frontage; and*
- ii. Not have an unacceptable effect on town centre or residential amenity.*

Whilst the proposal would undoubtedly make a positive contribution to the Town Centre in terms of the alterations to the frontage proposed and due to the active frontage this would create, the unacceptable impact on residential amenity outweighs this consideration. **Technical Guideline 10 (a)(i)** states that 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”.

**Technical Guidance Assessment Guideline 12: Treatment and Disposal of Cooking/Heating Fumes** states that: *Proposals for a food and drink use will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided, to the complete satisfaction of the Council.* As assessed above, the type of external flue required for a class 3 use to operate cannot be installed due to technical constraints. Without this mitigation the impact on the residential amenity and to the health and wellbeing of current and future residents is unacceptable.

**The proposed development is in not accordance with the statutory Development Plan. It is contrary to NPF4 Policies 12- zero waste, 14- Design, Quality and Place, 23 Health and Safety(e) and 27 City, Town, Local and Commercial Centres (c), as well as the City Development Plan policies CDP1/SG 1, (part 2), and CDP4/SG 4, Assessment Guidelines 10, 12 and 14.**

### Conclusion

In isolation the proposed shopfront alterations could have resulted in an improvement to the current frontage.

On balance, the likely detrimental impact on the residential amenity of current and future residents in the adjacent flats from the proposed change of use outweighs the potential positive contribution to the vitality of Battlefield Town Centre. Whilst the agent has stated that no cooking will take place and so the intended use would not result in excessive cooking, fumes or noise from their operation it is considered unreasonable and unenforceable to apply conditions that restrict the level and type of cooking. In order for this use to operate appropriately and in compliance with how all Class 3 applications are assessed the applicant must be able to provide a full ventilation system to eaves level. Other forms of filtration, such as carbon filters, are again through the experience of Environmental Health not an appropriate solution due to the cost and frequency of maintenance required.

In addition to the above, of the 4 retail units in this block, one already operates as class 3, representing 25% of this block. Policy states that “*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*” Were another class 3 granted in this block then 50% of the block would contain class 3 uses. With the recent expansion of permitted development for change of uses and the broadening of uses through the creation of Class 1A, the unit although currently vacant is likely to attract and accommodate a range of retail and other non-retail uses which would maintain the residential amenity of the flatted properties in the tenement building. Using a slightly different business model, the applicant could operate under class 1A (without the need for planning permission) if they were willing to alter the existing business model.

In terms of (b), other material considerations include the views of statutory and other consultees and the contents of letters of representations. No consultations were

	<p>issued. Two representations were received citing support for the proposal.</p> <p>It is considered, for the reasons outlined in the report above, that this application is not in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan. On the basis of the foregoing, it is recommended that this application for Full Planning permission be <b><u>refused</u></b>.</p>
<b>Recommendation</b>	Refuse

Date:28/11/25 Date 28.11.2025	DM Officer DM Manager	<b>Eileen Dudziak</b> Ross Middleton
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