



Glasgow City Council  
Planning Local Review Committee

**Item 1**

31st March 2026

Report by Executive Director of Neighbourhoods, Regeneration  
and Sustainability

Contact: Sam Taylor Ext: 78654

**26/00011/LOCAL – 44 Sinclair Drive, Glasgow**

**Use of premises (Class 1A) as cafe/restaurant (Class 3) with frontage alterations**

**Purpose of Report:**

To provide the Committee with a summary of the relevant considerations in the above review.

**Recommendations:**

That Committee consider the content of this report in coming to their decision.

Ward No(s): 7 – Langside

Citywide: N/A

Local member(s) advised: Yes  No

consulted: Yes  No

**PLEASE NOTE THE FOLLOWING:**

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## **1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS**

### *Location*

- 1.1 The proposal site is located at Sinclair Drive, on the commercial unit on the ground floor of a mid-terraced three-storey red sandstone tenement block on the corner of Overdale St. Residential units occupy the upper floors.
- 1.2 The site is located within Battlefield Town Centre. The building is unlisted.
- 1.3 The site is in an area of High Public Transport Accessibility.

### *Proposal*

- 1.4 The proposal is for the use of a Class 1A unit as a Class 3 (cafe/restaurant)
- 1.5 The proposed opening hours of the café/restaurant are 10:00-23:00, Monday to Sunday. The application states that food will be prepared off-site and there is no kitchen area shown on the floor plan.
- 1.6 A waste management plan is alluded to in the supporting statement as follows:

As with the above the production of foodstuffs can generate a volume of refuse materials which by virtue of the products involved can be hazardous in terms of health and safety. It is essential that such refuse must be stored and disposed of in the most effective way to avoid major problems.

- 1.8 Internally, there are alterations to the development shown in the drawings which are not subject to planning as the building is unlisted. External alterations proposed are a new timber shopfront to extend from stallriser height to underside of original fascia board along with decorative panels. The original fascia to be reinstated. The doorway is to be relocated to corner.
- 1.9 The application property was occupied by “Wee Dram” spirits shop until 2018 when that shop was vacated. During this time there is evidence the site was marketed, though not as a Class 1A unit. Between 2023 and December 2025 the unit appears to have been converted into a restaurant (“Buona Forchetta”) but there is no evidence that it ever opened. During this time however, it was subject to an alleged enforcement breach (24/00371/EN). Committee should note that the site has since come under new ownership.

## **2. DEVELOPMENT PLAN POLICIES**

- 2.1 NPF4 is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- 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

2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP4: Network of Centres
- CDP9: Historic Environment
- CDP11: Sustainable Transport

2.3 The relevant Supplementary Guidance is:

- SG1 (Part 2): The Placemaking Principle
- SG4: Network of Centres
- SG9: Historic Environment
- SG11: Sustainable Transport
- East Pollokshields Conservation Area Appraisal

### **3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)**

3.1 The reasons for refusal are set out below:

01. 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.
02. 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.
03. The proposal is contrary to Policy12-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.
04. 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.

05. 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.
06. 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.

## **4 APPEAL STATEMENT**

4.1 A summary of the material points raised in the appeal statement is given below.

01. The proposal description was changed from 'change of use from class 1 to composite class 1A/class 3' to 'Use of premises (class 1A) as café/restaurant(Class 3)' which insinuates the premises to be a restaurant and this is not proposed.
02. There is no requirement in policy for a class 3 use to have a vertical flue vent. There is no need for an extraction flue as there is no cooking on the premises. The council is welcome to restrict the method of cooking in the use of conditions. Enforcement concerns aren't valid grounds to refuse consent, as legislation already provides mechanisms to address breaches.
03. Claims of residential impact are unfounded and based on a misrepresented application, making such requirements unnecessary and unjustified.
04. Plans already show adequate waste storage and collection arrangements. Naming contractors or predicting future use is unnecessary. The proposal is a wine bar with minimal waste, so concerns about increased waste or restaurant-level output are irrelevant.
05. 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.

- 4.2 The applicant did not request any further procedure in the determination of the review.

## **5 RELEVANT PLANNING HISTORY**

- 5.1 The previous planning application history for the property includes the following:
- 24/00371/EN – Enforcement Enquiry. – Pending Consideration
  - 25/01626/FUL - Use of premises (Class 1A) as cafe/restaurant (Class 3) with frontage alterations. - Refuse

## **6 REPRESENTATIONS AND CONSULTATIONS**

- 6.1 During the application process, no consultation responses were received. However, several letters of representation have been received to the applicant. These were received by the Council outwith the consultation period. These have been treated as supporting information for the purposes of this report. Materials points made include:
- The unit has been long term vacant and this would bring it into productive use.
  - This use would bring diversity of offer to the street.
- 6.2 There were no representations to the appeal.

## 7 COMMITTEE CONSIDERATIONS

7.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

7.2 The following are relevant policy considerations

### 7.3 Climate change and mitigation

National Planning Framework 4: NPF4 Policy 1 Tackling the climate and nature crises and Policy 2: Climate Mitigation and Adaptation states that “when considering all development proposals significant weight will be given to the global climate and nature crises” and that “development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”

Committee should note that:

- The area has a high public transport accessibility and no cycle storage has been proposed for this site.

Committee should consider whether:

- the proposal will have a positive effect on the climate crisis?
- the climate crisis and climate mitigation have been sufficiently considered in this proposal?

### 7.4 Residential Amenity

*Noise*

#### SG4 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:

- c) Outwith the City Centre:
  - (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.

Committee should note that:

- The hours of operation proposed are from 10am – 11pm every day.

Committee should consider whether:

- The opening times of the proposal could cause disamenity to the residents above.

*Extraction Flue*

SG1 provides the following detailed guidance in relation to this proposal:

### 3.11 Chiller/Air Conditioning Units/Flues - The following guidance applies

- 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.

Committee should note:

- The menu referred to in the appeal statement has not been seen by the officer, however the appeal statement says that 'cold vegetarian and vegan snacks such as olives, pates, crispbreads and pickled vegetables,' are all that would be served and these would be prepared off site.
  - We cannot control for the method of cooking onsite as part of the planning process.
  - The site is directly above residential units and the required flue vent would likely be within 1.5m of several residential windows.
- Committee should consider if the lack of an extraction vent is suitable for the proposal.

### *Waste Management*

NPF4 Policy 12 Intent: To encourage, promote and facilitate development that is consistent with the waste hierarchy.

The relevant guidance is:

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 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.

SG1 provides the following detailed guidance:

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection. All waste/recycling areas must be located discreetly, to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applications must provide full details of the provision

for waste storage, recycling and collection in the initial submission for planning permission.

#### SG 4: Network of Centres Assessment Guideline 14: Waste Management and Disposal

Proposals for food, drink and entertainment uses will only be considered favourably 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.

Committee should note:

- No clear information on waste management has been provided. NPF4 and SG4 requires clarity on appropriate segregation, expected levels of waste generated and details of collection for both recycling and waste in a waste management plan.
  - There is no area marked for refuse on the floor plan, though there is a 'store'.
- Committee should consider whether they are completely satisfied with the absence of a waste management plan or clear proposals for on site waste.

### 7.5 Design

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. The policy required development to be designed to improve the quality of an area regardless of scale. Development 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.

Policy 14 states that 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. Further details of the six qualities of place can be found in Annex D of NPF4.

CDP/SG1 Part One includes the six Qualities of Place that apply to all development proposal:

- A place with character and identity: a place that is distinctive.
- A successful open space: a place that is useable, high quality and multi-functional.
- A legible and safe place: a place that is accessible, easy to navigate, and welcoming.
- A place that is easy to move around: a place that is well-connected and focussed on active travel.
- A vibrant and diverse place: a place that has multiple uses and high levels of street level activity.
- A place which is adaptable and sustainable: a place that is adaptable for future needs and demonstrates sustainable design.

This overarching policy for CDP/SG1 states that new development should encourage placemaking by being design-led, aspiring towards the highest standards of design while directing development to the right place. All development should respect and protect the City's heritage by responding to its qualities and character of its site and surroundings. Development should make the City an appealing place to live, work and visit for all members of society, providing high quality amenity to existing and new residents.

Committee should note:

- Within this application, frontage alterations are proposed and some of the changes in the proposal have already been acted on. This includes the moving of the front door and internal alterations.
- Committee should consider whether this proposal is consistent with the qualities of successful places.
- Committee should consider if this proposal is of a high design standard that respects the City's place quality.

## 7.6 **Vehicle and Cycle Parking**

NPF4 Policy 13 and CDP11/SG11: Sustainable Transport seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

SG11 provides the following detailed 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 development, to ensure cycling is encouraged through enhanced security provided by passive surveillance.
- b. 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.
- c. 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/Cafés:

Staff: 1 space per 10 staff

Customer: 1 space per 50sqm public floor area.

Committee should note:

- The site is located within a High Public Transport Accessibility Area.
  - The Review Statement does not give information into the number of staff members on site, but the amount of publicly accessible ground floor has a floor area of 45sqm. Given its size and observations from the site visit, it is unlikely to exceed 2 members of staff. Therefore 3 cycle parking spaces are likely required
  - No cycle or vehicle parking is proposed.
- Committee should consider whether the lack of cycle parking provision is adequate in this case.

### *Vehicle Parking*

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

Maximum standard for Restaurants/Cafés:

High Accessibility: 2 spaces per 100sqm public floor area

Committee should note:

- No vehicle parking is proposed.

Committee should consider:

- whether no vehicle parking provision is acceptable for this area.

## **7.7 Food, Drink and Entertainment use**

*NPF4 Policy 27 and CDP4/SG4: Food, Drink and Entertainment Uses*

*This guidance states the Council has to strike a balance between the encouragement of uses that make the City more vibrant, and the need to preserve a reasonable level of amenity for adjoining occupiers, particularly neighbouring residents.*

#### Assessment Guideline 5: Proposed Non-Retail Uses within Local Town Centres

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 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.

\* 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 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.

Committee should note:

- The property lies in Battlefield Local Town Centre.

- There are 39.25% Class 1 Retail units within the Centre as of June 2025 (32.7% are active, 6.5% are vacant), therefore less than 70%.
- Regarding whether the proposal contributes positively to the character and appearance of the town centre, it is the case that this would create an active frontage, and numerous messages of support were submitted by the applicant. Equally, the unit could generate noise from those frequenting the unit in the evening, and no management plan for dealing with this has been submitted. Plans do indicate the seating layout to be modest in size.
- The proposal does not result in more than 3 non-Class 1 units on its street block.
- There is no evidence of a pattern of long-term vacancy within the town centre. However, it is evident the property has not been in productive use since 2018.

Committee should consider:

- Whether they are satisfied the proposal contributes positively to the character and appearance of the town centre, and provides an active frontage.
- Whether the proposal would have an unacceptable effect on residential or town centre amenity.
- Whether a loss of a long-term vacant retail unit within a local town centre would be acceptable in this instance.

## **8 COMMITTEE DECISION**

8.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

## **9 Policy and Resource Implications**

### **Resource Implications:**

*Financial:* n/a

*Legal:* n/a

*Personnel:* n/a

*Procurement:* n/a

**Council Strategic Plan:** n/a

**Equality and Socio-Economic Impacts:**

*Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.* n/a

*What are the potential equality impacts as a result of this report?* no significant impact

*Please highlight if the policy/proposal will help address socio-economic disadvantage.* n/a

**Climate Impacts:**

*Does the proposal support any Climate Plan actions? Please specify:* n/a

*What are the potential climate impacts as a result of this proposal?* n/a

*Will the proposal contribute to Glasgow's net zero carbon target?* n/a

**Privacy and Data Protection Impacts:**

Are there any potential data protection impacts as a result of this report  
N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

## **9 Recommendations**

That Committee consider the content of this report in coming to their decision.