



Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: 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 100538601-004

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.

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:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="per Padrino Design"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="The Wright Business Centre"/>
Company/Organisation	<input type="text" value="Home Made"/>	Address 2:	<input type="text" value="Lonmay Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G33 4EL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Glasgow City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="11 DOWANHILL STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G11 5QS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="666626"/>	Easting	<input type="text" value="256132"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Use of unit (Class 1) as restaurant (Class 3) and installation of flue | 11 Downhill Street Glasgow G11 5QS

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached Statement of Appeal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of appeal DOC1 Application Form DOC 2 Locality Plan DOC 3 Plan and elevation as Existing DOC 4 Plan and Elevation as Proposed DOC 5 Flue Liner technical details DOC 6 Flue Liner compliance data DOC 7 Report of Handling DOC 8 Decision Notice

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00423/FUL

What date was the application submitted to the planning authority? *

24/02/2022

What date was the decision issued by the planning authority? *

23/05/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Glasgow City Council is categorising the location as a main shopping thoroughfare which is not the case.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Dominic Notarangelo

Declaration Date: 17/08/2022

Planning Appeal

Refusal by
Delegated Officer

11 Dowanhill Street
Glasgow G11 5QS

22/00423/FUL

Statement of Appeal

PADRINO DESIGN

The Wright Business Centre

1 Lonmay Road

Glasgow G33 4EL

t. 0141 762 2000

f. 0141 762 2001

w. www.padrino.co.uk

Background

The applicant, is the current operator of 11 Dowanhill Street which while being a Class 1 unit has operated as a Cafe. The report of Handling (DOC 7) makes reference to Application ref 17/01103/DC which was approved on 7th September 2017. That application, under the description of "Alterations to frontage and rear of retail unit including installation of air conditioning unit and use of footway as external seating." allowed the cafe use to be extended on to the pavement and the placement of Cafe banners which, effectively, acknowledged this as being a hybrid Class1 / Class 3 unit, notwithstanding that such a classification does not exist.

In the ensuing period the applicant took cognisance of customer demand and the current proposal was arrived at in order to satisfy the local market.

Covid 19 has changed how people shop and how they go about their daily lives. A significant amount of shopping had already moved to out of town retail and during the pandemic more had moved on-line.

Local Development plans will never influence customer behaviour nor keep up with emerging trends as LDP's are, effectively, out of date at the point of implementation

This proposal

The proposal was described in the application form (DOC 1) as follows.

"Use of Class 1 unit with food service as a Class 3 (restaurant) use classification required to permit application for licence including use of flue liner to existing chimney as per supporting documentation"

Therefore the application was to satisfy customer demand and to improve on the catering facilities, it is noted from the Report of Handling (DOC 7) that while Environmental Health were consulted that they did not comment which is read as tacit acceptance of the upgrading of the facilities and the ventilation arrangements

In 2022 the Scottish Government decided to promote street 'Cafe Culture' and, as such, has provided Glasgow city Council with significant funding to promote a more European style experience. Anyone who has travelled around Europe will be familiar with cafes in locations such as this. What is missing though is the ability to serve a glass of wine. While the Scottish Government has given funds to the City to promote this culture there is a stumbling block within the City's Licensing Policy. In order to be able to apply for an alcohol licence Class 3 Consent has to have been granted, hence this application as described in the Application form (DOC 1)

Planning in the 21st Century focusses on the principles of 'Place Making' as augmented by the '20 Minute Neighbourhood'. This means that Environments need to be created for people to interact and enjoy and localised to a maximum 20 minute walk from people's front doors. This application seeks to enhance a facility that we currently enjoyed within that 20 minute neighbourhood. This is evidenced by the fact that there was not a single letter of representation which is somewhat unusual in this type of application

Reasons for Refusal, and our responses.

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.

Response

There are material considerations to vary from the Development Plan. Life has changed since the plan was adopted.

This proposal conforms to the principles of Place Making and the 20 Minute neighbourhood while contributing to the Scottish Government aspiration of creating Cafe Culture within the City who has accepted the funding to assist in meeting the aspiration. His proposal does that without calling on the Public Purse.

Reason

01. For the reasons noted below, the proposed development is contrary to City Development Plan Policy CDP 4 Network of Centres and Supplementary Guidance SG 4 Network of Centres (Assessment Guideline 4: Proposed Non-Retail Uses within Major Town Centres)

Response

As noted above, Place Making, 20 Minute Neighbourhood and Cafe Culture

Reason

2. The proposal would result in an unacceptable loss of a Class 1 retail unit in Partick/Byres Road Major Town Centre to the detriment of the retail character and retail function of the Town Centre.

Response

This location is neither within Byres Road nor Dumbarton Road and is, therefore not on major road. The site is local to the streets lying behind Byres Road and Dumbarton Road and has a far more limited catchment, principally those living local to the application site.

Reason

3. The proposal does not demonstrate that the shop is a long term vacant unit which been appropriately marketed for a minimum of 12 months prior to the submission of the non-class 1 proposal and that the exercise has been unsuccessful in attracting Class 1 operators. Consequently, the proposal would fail to maintain the retail function of the Town Centre to the detriment of its vitality and viability.

Response

It would be quixotic to expect the current operator to market the unit which is neither fully Class 1 nor can it's, secondary, location be considered to be Town Centre. Indeed marketing the shop could be counter productive as this may tend to cause uncertainty to those who currently use and enjoy the premises and have indicated that they would appreciate additional facilities. Accordingly as opposed to being to the detriment of vitality and viability this proposal would enhance vitality and viability.

Reason

4. The proposal would increase the proportion of non-Class 1 units in the street block from 43% to 57% and therefore would fail to maintain an appropriate balance and diversity of uses within the street block frontage and thereby detract from the vitality and viability of the Town Centre.

Response

As already indicated shopping trends have changed to out of town retail and to on-line. Downhill Street is not a shopping street and the days of the 90 Sq M butcher, baker and candlestick maker have long gone as the customer trends have been to large Superstores over the last 30 years and this decline is now exacerbated by the drift to on-line shopping. The future of units such as the application site is strictly leisure. This of course was identified by Mary Portas accredited Shopping and retail consultant.

Reason

5. The consideration of the Planning Authority is that there is still a reasonable prospect of Class 1 use being resumed in the unit and an exception is not justified.

Response

The consideration of the author who has over 50 Years of experience is that we have to react to respond to consumer demand. This is, in part, recognised by both national and local Government by the adoption of Place making and the 20 Minute neighbourhood.

Ultimately the 'litmus test' take place when a facility is developed. If there is demand it survives and if there is no demand it fails.

This application responds to the demands of the current customer base , if the operator does not give back to the customers they will soon move on.

It is respectfully suggested that this application is worthy of approval.

Attached Documents

DOC 1	Application Form
DOC 2	Locality Plan
DOC 3	Plan and Elevation as Existing
DOC 4	Plan and Elevation as Proposed
DOC 5	Flue Liner Technical Details
DOC 6	Flue Liner Compliance data
DOC 7	Report of Handling
DOC 8	Decision Notice