



Item 6

24th June 2025

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 100557386-004

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:	Severino Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	McLaughlin	Building Number:	9
Telephone Number: *		Address 1 (Street): *	Grantlea Grove
Extension Number:		Address 2:	Mount Vernon
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G32 9JW
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" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Eufemio"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Perella"/>	Address 1 (Street): *	<input type="text" value="Ingram street"/>
Company/Organisation	<input type="text" value="SDR Fast Foods Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G1 1HA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="143 DUMBARTON ROAD"/>
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 6PT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="666536"/>	Easting	<input type="text" value="256184"/>
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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)

Existing vaping shop and Korean Fast food takeaway converted to cafe amalgamating 2 units into lone single use premises. Shopfront rep-placement / new design, New signage and new decoration to exterior. New entrance door and new deliveries door

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.

Point 01 - The percentage uses for the surrounding site is incorrect as there are several premises trading as uses that have not applied for planning change of use. The front section of what was the La Riviera restaurant has just been granted hot food approval in front of this application. The dividing of the old unit creates the possibility that a further hot food / restaurant could be utilised in the vacant land to the rear, further skewing the " statistics". There are further points.

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)

FD 154 01 PL 3 Existing plans, FD 154 02 PL Proposed plan, FD 154 03 PL 3 Existing external elevations, FD 154 04 PL 3 Proposed external elevations, FD 154 05 PL Location plan, FD 154 06 PL Doc Response to planning refusal.

Application Details

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

23/00993/FUL

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

16/06/2023

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

29/11/2023

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

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 Paul McLaughlin

Declaration Date: 02/02/2024

Our ref: PFE 096926-000002

Neighbourhood Regeneration and Sustainability
Glasgow City Council
Exchange House
231 George Street
Glasgow
G1 1RX

6 June 2025

Dear Sir/Madam

Site: 143-143A Dumbarton Road, Glasgow

Proposal: Amalgamation of premises to form café (Class 3) and associated external alterations

Planning application reference: 23/00993/FUL (the “Application”)

Local Review Committee Reference: 25/00021/LOCAL

SDR Fastfoods Limited (the “Applicant”)

Review Statement on behalf of Applicant

1 Introduction

- 1.1 In April 2023, the Applicant applied to the Council for planning permission (reference 23/00993/FUL) to combine the previously separate premises at 143 and 143A Dumbarton Road to form a café (class 3) and associated external works.
- 1.2 By decision notice dated 29 November 2023, the Council refused planning permission.
- 1.3 This is a statement on behalf of the Applicant in support of the Applicant's request for a review of the decision to refuse.

2 Background

- 2.1 Both 143 and 143A Dumbarton Road are owned by Partick Property Limited. 143 was purchased in September 2020 and 143A was purchased in February 2022.
- 2.2 143 had most recently been used as a vape shop (see image 1 in the Appendix to this Statement) and 143A had been used as a hot food takeaway (see image 2 in the Appendix).
- 2.3 Both Partick Property Limited and the Applicant company are owned by Mr Eufemio Perella and Mrs Lolanda Perella.
- 2.4 As discussed in more detail in paragraph 3.4.5 below, Partick Property Limited initially sought to let the properties, either individually or combined, but there was no interest for Class 1A uses. Most of the interest was for café type uses. That led to Mr & Mrs Perella, through their other

company SDR Fastfoods Limited (the "Applicant"), to seek planning permission for a Class 3 use covering both units combined.

- 2.5 As discussed in more detail below, the reasons for refusal of the Application relate primarily to (i) the design of the shopfront, (ii) amenity concerns due to cooking odours from a Class 3 use and (iii) the loss of Class 1 uses.
- 2.6 Following refusal of the Application, the Applicant both requested a review of that decision and commenced a use which the Applicant considered would not require planning permission (as explained further below), but which, if the review was successful, would, with relatively modest adjustments, be compatible with the Class 3 planning permission sought.
- 2.7 Traditionally, a café use would fall under Class 3 ("for the sale food or drink for consumption on the premises"), while a sandwich shop would fall under Class 1 ("for the retail sale of goods other than hot food" and "for the sale of cold food for consumption off the premises".) In today's competitive market, the previous clear differences between these uses are often no longer present. For example, several traditional "sandwich shops" now offer hot food for takeaway (e.g. sausage rolls, toasties and soups), or will have some tables to allow people to sit in. Likewise, cafés are no longer restricted to sit in customers and offer hot and cold food and drink takeaways, and many now sell produce (e.g. bread, coffee beans, pasta, pasta sauces) and branded merchandise such as t-shirts, keep-cups, water bottles etc.
- 2.8 The Applicant considers that its Caffé Crostini concept, having regard to the preponderance of cold food items on the menu, the absence of full cooking, the sale of produce, and the expected proportion of take out to sit in, would be Class 1A with ancillary Class 3. Following a programme of fit out works, which included a shopfront design and revised venting arrangements designed to address the concerns evident from refusal of the Application, what is now Caffé Crostini commenced trading in early summer 2024.
- 2.9 If the Review were to lead to planning permission being granted for Class 3, the Applicant intends to (i) transition to a Class 3 (with Ancillary Class 1) use by adjusting the proportion of sit in to take out and the number of seats (while retaining the menu and methods of existing cooking, as discussed further below) and (ii) retain the shopfront as now installed (as discussed further below).
- 2.10 The Application now being considered under review by the Local Review Committee is of course for a Class 3 use and for the design of shopfront originally applied for. The Committee is not therefore being asked to determine whether the existing Caffé Crostini use is a Class 1A with ancillary Class 3. The information above is provided to (i) explain to the Committee why Caffé Crostini commenced trading following refusal of the Application and before determination of this Review and (ii) provide the background to the proposal to address the shopfront design issues with the development covered by the Application as explained further at paragraph 3.2 below.

3 Reasons for Refusal

- 3.1 The reasons for refusal of the Application relate primarily to (i) the design of the shopfront, (ii) amenity concerns due to cooking odours from a Class 3 use and (iii) the loss of Class 1 uses. These are dealt with in turn, followed by the remaining reasons.

3.2 Design of Shopfront

- 3.2.1 Reasons for refusal 3 directly relates to the design of the shopfront:

The style and design of the proposed shopfront would be contrary to Policy CDP 1 The Placemaking Principle and Supplementary Guidance SG 1 Placemaking (Part 2) as it would not complement that of the building and would significantly detract from the character of the building.

- 3.2.2 The Report of Handling provided further information regarding this reason as follows:

Comment: The proposal includes the installation of a highly ornate shopfront. It is acknowledged the materials would accord with policy. Notwithstanding, it is not considered the shopfront design would complement the style and appearance of the building. The building is restrained in design and does not contain a significant amount of decoration. The proposed shopfront would be highly ornate and it is considered that this would significantly detract from the character and appearance of the building. The reeded glass upper fan light is likely designed to hide an internal suspended ceiling and reads externally as a dropped fascia which deadens the shopfront (when compared to the existing) and should be removed from the proposal.

- 3.2.3 The Report of Handling also includes the following comment which appears to contradict reason for refusal and the above comment:

Comment: The two units are currently vacant and their shopfronts in poor condition. It is considered that the proposed change of use and associated shopfront improvements would contribute positively to the appearance of the town centre and provide an active frontage in accordance with SG 4 Assessment Guideline 4 a)(i).

- 3.2.4 In response, and in support of the Review, the Applicant's design consultant has commented (note that this relates to the shopfront as proposed in the Application, and not the shopfront that now exists):

It should be noted that design is subjective. The original building does have detailing, i.e. corner turret, mock stone balustrade and carved stone pediment over some windows, contrary to what has been stated by planning officer.

The original facades of the existing Vape shop and Korean fast-food units were brash, untidy and disjointed with an external roller shutter box over the Korean fast-food takeaway. This was all contrary to current guidance and both were fairly recently constructed schemes.

In this instance the design proposed was fully researched with reference to the design and architectural language of the historical period of the building, with particular focus on high quality detailing similar to the shopfronts prevalent at the time of the building's construction.

The fascia line proposed would match the level of the original fascia, together with timber - specifically renewable hardwood (Iroko), used for its durability and being proposed as the principal material for the construction of the replacement facade would all comply with recommendations in the shopfront guidance provided by Glasgow city council Planning department.

Top lights, panel mouldings and pilasters are all architectural elements common to buildings of the same period.

The proposal helps to unify and improve the design of two untidy shopfronts on an important corner sited at a major crossroads in the West End. The colour palette and signage are subdued and understated.

The Officer had suggested that the reeded glass introduced to the top light / fan lights was proposed to hide a dropped ceiling. This was and is not the case. It was proposed as an additional traditional element which was used to diffract lights inside to give "sparkle". The lowest soffit internally starts 50 mm above the top light window head and would not be visible through the glazing.

The proposal clearly adheres to Detailed design guidance 5.1 - 5.15 with specific reference to 5.3 a), through to 5.3 e).

- 3.2.5 As explained in the Background section, Caffè Crostini commenced operating following the initial refusal of planning permission. The shopfront installed for Caffè Crostini is different to the shopfront proposed under the Application. The shopfront as installed can be seen in image 3 in the Appendix.

- 3.2.6 The design as evident from the image largely speaks for itself, but the Applicant's design consultant has commented:

The constructed facade has been simplified through design development but still adheres to all the principles in the original design. The constructed facade also addresses the planning officers perceived concerns.

- 3.2.7 If planning permission is granted, the Applicant intends to keep the shopfront as installed (and not implement the shopfront as proposed in the Application.) It is acknowledged that this creates a procedural issue, as the design as installed is not part of the development covered by the Application. The Appellant would suggest, if the Committee is minded to grant planning permission for the Class 3 use, that this issue addressed by adding one of the following conditions:

If the Committee is comfortable with the original design proposed by the Application;

The exterior design shall be either (i) in accordance with the exterior design shown on approved drawing number FD 154.03PL 3 REV, or (ii) in accordance with a different design approved by the planning authority prior to commencement of development.

If the Committee is not comfortable with the design covered by the Application:

The exterior design as proposed by drawing number FD 154.03PL 3 REV is not approved. Prior to commencement of development, the full details of amended proposals for the exterior design shall be submitted for consideration by the planning authority. Development shall not commence until such approval has been granted.

- 3.3 Amenity concerns due to cooking odours from a Class 3 use

- 3.3.1 Reason for refusal 8 is as follows:

Due to the kitchen extract vent below neighbouring residential flats, the proposed development would adversely affect the wellbeing and amenity of residents of the flats on the upper floors of the tenement due to the effects of

cooking odours and fumes. Therefore, the proposal does not meet the requirements of SG 4 Assessment Guideline 4, Assessment Guideline 10, and Assessment Guideline 12 and is contrary to National Planning Framework 4, Policy 27; Policy CDP 1; and SG 1.

3.3.2 The Report of Handling comments further as follows:

It is considered that cooking fumes from the café would have an adverse impact on neighbouring properties. This is due to the proximity of the low-level ventilation system to the flats above and has been assessed in more detail under CDP 4 & SG 4 below.

The application site lies directly beneath flats on the upper floors of the tenement block. A sample menu has been provided which indicates the café would sell hot drinks, cakes, sandwiches/paninis, hot potatoes, ice cream, warm pastries and sweet pastries. The applicant has confirmed that a full kitchen is not required for the proposed sample menu.

A kitchen extract grille would be installed in the fascia of the Cooper's Well Street frontage. This would sit directly below windows of the flats above whilst a second low level extraction vent grille to serve the main café area would be in the same façade. Due to the close proximity of neighbouring residential properties on the upper floors of the tenement, a low-level ventilation system would not be suitable in this location.

Although the applicant states that a full kitchen is not required for the proposed sample menu, as the proposal is for a Class 3 use, it is considered that a condition which sought to control the type of food or the cooking processes carried out within the café/ bakery would not satisfy the requirement of enforceability. It would not be reasonable for the Planning Authority to enforce such a strict level of control over Class 3 premises. For the same reason, it would also fail the test of reasonableness.

Taking the above into account, it is considered that the proposal would adversely affect the residential amenity of neighbouring flats due to the effects of odours and fumes from the cooking and heating of food and it is not consistent with SG 4 Assessment Guidelines 4, 10 and 12.

- 3.3.3 Most of the food sold is cold, being open Italian sandwiches, salads and sweets. The modest hot food component is limited to some breakfasts, hot sandwich toppings, paninis and a soup of the day.
- 3.3.4 Heating of food is carried out by only three pieces of equipment: (i) a fully enclosed 'Maestrochef' combi oven/grill/microwave (of the sort found in many coffee shops to heat toasted sandwiches etc), (ii) enclosed panini sandwich makers and (iii) a soup urn. There is no use of hobs, open grills or other forms of open cooking.
- 3.3.5 As a result of the menu and the limited heating methods, there is no kitchen as such. Instead, there is a food prep/servery area which has general ventilation from the large open space over it with no active extraction canopy.
- 3.3.6 As per image 4 in the Appendix, the proposed development involved a ventilation grille for the limited heating/cooking odours below on the clad fascia immediately below a

flat on the south east elevation. While considered adequate given the limited heating operations as described above, to try to address the concerns of the planning officer, in implementing Caffè Crostini the Applicant moved the ventilation grill down and to the left of the flat window in the Appendix as shown on image 5 in the Appendix.

- 3.3.7 Since Caffè Crostini started trading in early summer 2024 there have been no odour complaints from local residents.
- 3.3.8 The Applicant's intention, even with a Class 3 permission, is to continue with its current menu and methods of heating.
- 3.3.9 The Applicant nevertheless acknowledges that if planning permission were to be granted for unrestricted Class 3, if its menu were to change or if another operator were to take over, there would be potential for adverse amenity impacts due to odour without a full mechanical ventilation and filtration system with appropriate venting. The suggested condition 4 included in the Review papers includes detail for such a system.
- 3.3.10 The Applicant would propose that the risk of changed cooking methods giving rise to odour problems be removed by imposing the planning condition suggested below which would limit the heating/cooking methods to the current methods unless and until a full mechanical ventilation and filtration system with appropriate venting in accordance with suggested condition 4 is implemented.

Unless a system for the disposal of cooking odours and fumes as specified in condition 4 is implemented, there shall be no use of hobs, open grills or other forms of heating/cooking, with hot food preparation being limited to enclosed combination oven/grill/microwaves, toasted sandwich makers and soup urns.

The suggested condition 4 would then be adjusted by adding at the beginning the following words "***Other than hot food preparation which complies with condition x, all cooking smells...***"

- 3.3.11 The Report of Handling states that a planning condition limiting the type of food or the cooking process would not meet the requirements (imposed by Planning Circular 4/1998: The Use of Planning Conditions) of enforceability and reasonableness. While the Applicant agrees that a condition limiting the menu would not be appropriate, in the Applicant considers that a condition limiting the heating/cooking methods proposed would meet the requirements of enforceability and reasonableness (as well as the requirements of being necessary, relevant to planning, relevant to the development to be permitted and precise) required by Circular 4/1998.
 - 3.3.11.1 Necessary – as acknowledged above, with the existing passive ventilation arrangements, open cooking on hobs often associated with Class 3 use would give rise to unacceptable amenity impacts.
 - 3.3.11.2 Relevant to planning – adverse impacts on amenity of neighbouring residents from cooking/heating odours is a relevant planning consideration, and as such a condition limiting the methods of heating/cooking to those which do not create odours which would have an adverse effect is relevant to planning.
 - 3.3.11.3 Relevant to the development proposed – the concern is that the Class 3 use proposed could, unless restricted, lead to open cooking methods which

would create adverse amenity impacts due to cooking odours. As such, a condition limiting the methods of heating/cooking to those which do not create odours which would have an adverse effect is relevant to the proposed development.

- 3.3.11.4 Enforceable – the proposed condition (in the absence of a full mechanical ventilation system) would limit the heating/cooking methods to three specified methods and prohibits the use of hobs and other methods of open cooking. These restrictions are readily enforceable, as in the event of a breach an enforcement notice would simply prohibit any method of heating other than those specifically permitted.
- 3.3.11.5 Precise – the proposed condition (in the absence of a full mechanical ventilation system) would limit the heating/cooking methods to three specified methods and prohibits the use of hobs and other methods of open cooking. These restrictions are precise and would allow any breach to be readily identified.
- 3.3.11.6 Reasonable in all other respects – the Applicant acknowledges the reasonableness of the suggested condition. As the proposed condition in tandem with suggested condition 4 would potentially allow unrestricted cooking methods, the condition does not unreasonably restrict development.

3.4 The Loss of Class 1 Uses

3.4.1 This reason for refusal is covered by reasons for refusal 4, 5, 6 and 7 as follows:

- 4. The proposal, which would result in 75% of the units on the street block frontage being in authorised non-Class 1A use, would detract from the vitality and viability of the Major Town Centre by decreasing its mix of uses and, therefore, is contrary to National Planning Framework 4, Policy 27.**
- 5. The proposal would result in the unacceptable loss of Class 1A retail units and in 75% of the units on the street block frontage being in authorised non-Class 1A use, which would erode the retail character of the Major Town Centre to the detriment of its vitality and viability and therefore is contrary to SG 4, Assessment Guideline 4.**
- 6. The proposal does not demonstrate that the property has been appropriately marketed for Class 1A use for a minimum period of 12 months prior to submission of the non-Class 1A proposal and that the marketing exercise was unsuccessful in attracting Class 1A operators and therefore is contrary to SG 4, Assessment Guideline 4.**
- 7. 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 to SG 4 requirements is not justified.**

3.4.2 The key policy and guidance for these purposes is SG4, Assessment Guidance 4 as follows:

a) If the proportion of ground floor Class 1 shop units is more than 70%; an application for a change of use of ground floor units 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;

(ii) Not have an unacceptable effect on Town Centre or residential amenity; and

(iii) In the traditional shopping streets of Major Town Centres, result in not more than 30% of the shop units within a street block frontage being in non Class 1 use and not more than 3 adjacent non-Class 1 units within a street block. This provision does not apply to indoor mall shopping environments.**

b) If the proportion of ground floor Class 1 shop units is less than 70%; further changes of use will not be supported unless it can be demonstrated that the proposal will satisfy a) above and will achieve at least one of the following:**

(i) Deliver the re-use of long-term vacant units*; and/or**

(ii) Accord with relevant Spatial Supplementary Guidance.

c) It will not be necessary to satisfy the criteria within Sections a)(iii) and b) where there is a long-term pattern of vacant units within an individual street block .

d) The loss of an operating retail unit, where there are vacant units within a centre, will normally be resisted. Where a proposal forms part of a comprehensive redevelopment within a Town Centre, the Council will consider the loss of operational retail units in the context of the units' significance and as part of the overall redevelopment scheme

**** 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.**

- 3.4.3 The Applicant acknowledges that the proposed development is within the Partick/Byres Road Major Town Centre (though on the edge thereof) shown coloured purple and blue on image 6 in the Appendix. The edge location of the development within the MTC is shown in image 7. The two parts of the MTC coloured blue in image 6 are the designated Retail Core Areas. The proposed development is not within either CRA.

- 3.4.4 If the level of Class 1 units across the MTC as a whole is over 70%, paragraph (a) of SG4 Assessment Guidance 4 offers qualified support to non Class 1 uses. The Applicant acknowledges that the current level of Class 1 units within the MTC as a whole is currently just less than 70% (at 68.3%). As such paragraph (b) of SG4, Assessment Guidance 4 is relevant. Paragraph (b) only supports new non-Class 1 uses if (i) the proposed use will deliver the re-use of long-term vacant units and (ii) the requirements of paragraph (a) are met.
- 3.4.5 Both 143 and 143A Dumbarton Road are owned by Partick Property Limited. 143 was purchased in September 2020 and 143A was purchased in February 2022. Both units were vacant from their purchase until the commencement of Caffè Crostini in summer 2024. Following their respective purchases, Partick Property Limited initially sought to let the properties, either individually or combined, but there was no interest for Class 1A uses. Most of the interest was for café type uses. Partick Property Limited, being active landlords, initially tried letting the units using their own contacts. From January 2023 to January 2024, they were being marketed by GM Brown (see e-mail by Gregor Brown of GM Brown dated 6 June 2025 submitted herewith). It is therefore submitted that the proposed use would meet the requirement to deliver the re-use of long-term vacant units.
- 3.4.6 The next requirement is that the requirements of paragraph (a) of SG4, Assessment Guidance 4 are met. That has three requirements as follows:
- (i) Contribute positively to the character and appearance of the Town Centre and provide an active frontage;***
- (ii) Not have an unacceptable effect on Town Centre or residential amenity; and***
- (iii) In the traditional shopping streets of Major Town Centres, result in not more than 30%** of the shop units within a street block frontage being in non-Class 1 use and not more than 3 adjacent non-Class 1 units within a street block. This provision does not apply to indoor mall shopping environments.***
- 3.4.7 Caffè Crostini is an independently owned and operated business and provides a menu and experience completely different to that provided by the ubiquitous chain operators. In its short period of operation, it has already very popular with the local community. For these and the reasons set out in section 3.2 above, it is submitted that the requirements of element (i) are met. As acknowledged by the planning officer in the Report of Handling, "***Comment: The two units are currently vacant and their shopfronts in poor condition. It is considered that the proposed change of use and associated shopfront improvements would contribute positively to the appearance of the town centre and provide an active frontage in accordance with SG 4 Assessment Guideline 4 a)(i).***"
- 3.4.8 For the reasons set out in section 3.3 above, it is submitted that the proposed development would not have an unacceptable impact on Town Centre residential amenity and would therefore comply with requirement (ii).
- 3.4.9 Requirement (iii) requires imposes limits on the number of non Class 1 uses within the street block, including limiting non-retail uses to 30% and limiting to 3 adjacent non Class 1 uses. Reason for refusal 4 states that development would result in 75% of the units within the street block in question being 75%.

3.4.10 Requirement (iii) doesn't, however, apply to the whole of Major Two Centres, but only to the "traditional shopping streets" thereof. As noted above, the development does not fall within either of the two Retail Core Areas within Partick/Byres Road Major Town Centre. The development is also located on the very edge of the MTC. While the streets in the Partick Cross may at one point in history have been a "traditional shopping street", where local residents would be served by local butchers, bakers, clothes shops etc., it has long since ceased to be. The area is now dominated by academic, cultural, tourism and leisure uses. Nearby residents (predominantly students) are adequately served for groceries by the local Lidl supermarket, as well as pubs, coffee shops, restaurants, hot food takeaways and mini markets. The conclusion in the Report of Handling that the proposed development would result in the block having 75% of non Class 1 uses exemplifies that the area is no longer a traditional shopping street. As such, it is submitted that SG 4 Assessment Guideline 4(a)(iii) does not apply.

3.4.11 It is therefore submitted that the development complies with SG 4 Assessment Guideline 4 as a whole.

3.5 Refuse Storage and Removal

3.5.1 Reason for refusal 9 was:

Insufficient information has been provided to demonstrate the proposal has made suitable arrangements for the management and disposal of waste. Consequently, the proposal does not meet the requirements of SG 4 Assessment Guideline 14 and is contrary to National Planning Framework 4, Policy 12.

3.5.2 It was pointed out to the planning officer prior to refusal that refuse bins were shown on the plan at the rear under the stairs to a mezzanine store (the lines on the drawing had partially obscured the text), It was noted that there would be a recycled bin and general waste bin. Uplift times for waste were still to be agreed.

3.5.3 In any event, suggested condition 3 would adequately deal with this.

3.6 Remaining Reasons for Refusal

3.6.1 The remaining reasons (1 and 2) for refusal were:

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.

The proposed development is contrary to the adopted National Planning Framework 4, Policy 27 City, Town, Local and Commercial Centres a) and c) and to Glasgow City Development Plan, Policy CDP 1 The Placemaking Principle and Supplementary Guidance SG 1 Placemaking (Part 2), Policy CDP 4 Network of Centres and Supplementary Guidance SG 4 Network of Centres (Assessment Guidelines 4: Proposed Non-Retail Uses within Major Town Centres, 10: Food, Drink and Entertainment Uses, 12: Treatment and Disposal of Cooking/Heating Fumes and 14: Waste Management and Disposal).

3.6.2 Rather than being stand alone reasons, these reasons were considered to be policy breaches based on the foregoing specific concerns. If the Committee accepts that the specific concerns either do not arise or have been adequately addressed, these grounds for refusal are automatically addressed.

4 Proposed Conditions

4.1 The Review pack includes a set of conditions which could be applied if the Committee is minded to approve the Application.

4.2 Subject to the additional/amended conditions explained in this statement, the Appellant accepts the proposed conditions.

5 Conclusion

5.1 Having addressed the specific reasons for refusal, it is submitted that the proposed development complies with the development plan and associated guidance. As such, the Committee members are respectfully invited to allow the Review and grant planning permission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Ferguson', with a stylized, cursive script.

Peter Ferguson
Partner
Harper Macleod LLP

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Mobile: 07968 392642

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Appendix to Review Statement – 143 and 143A Dumbarton Road, Glasgow

Image 1 – 143 Dumbarton Road in its previous active use as a shop selling vape equipment



Image 2 – 143A Dumbarton Road (yellow) in its previous active use as a hot food takeaway



Image 3 – Caffè Crostini with Mr Perella and family at opening in summer 2024



Image 4 – image showing proposed location of ventilation grille (immediately below window of flat on south east elevation)

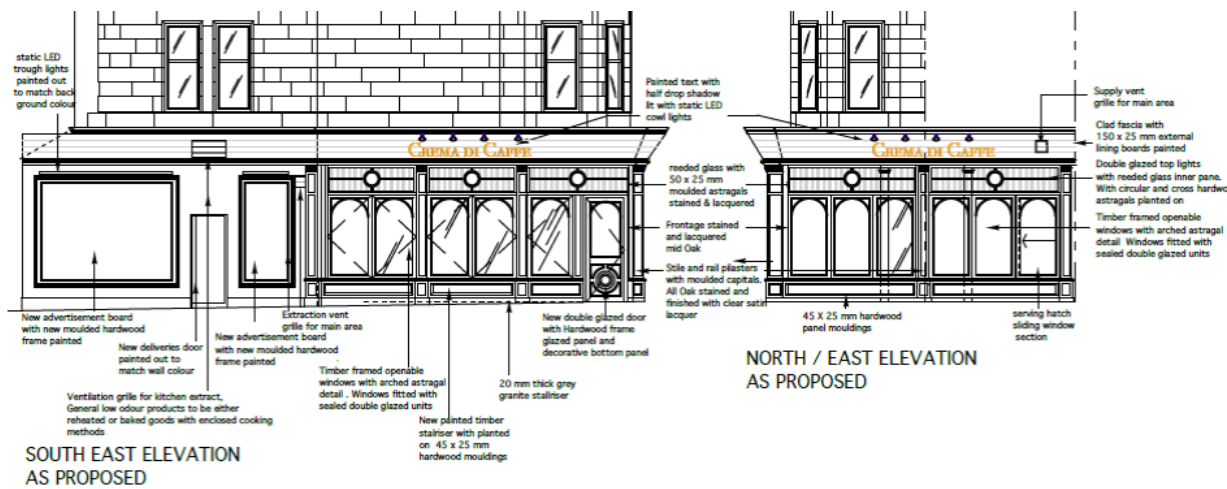


Image 5 – photograph showing installed location of ventilation grille (between the Amy Macdonald and Underworld posters)



Image 6 – Partick/Byres Road Major Town Centre

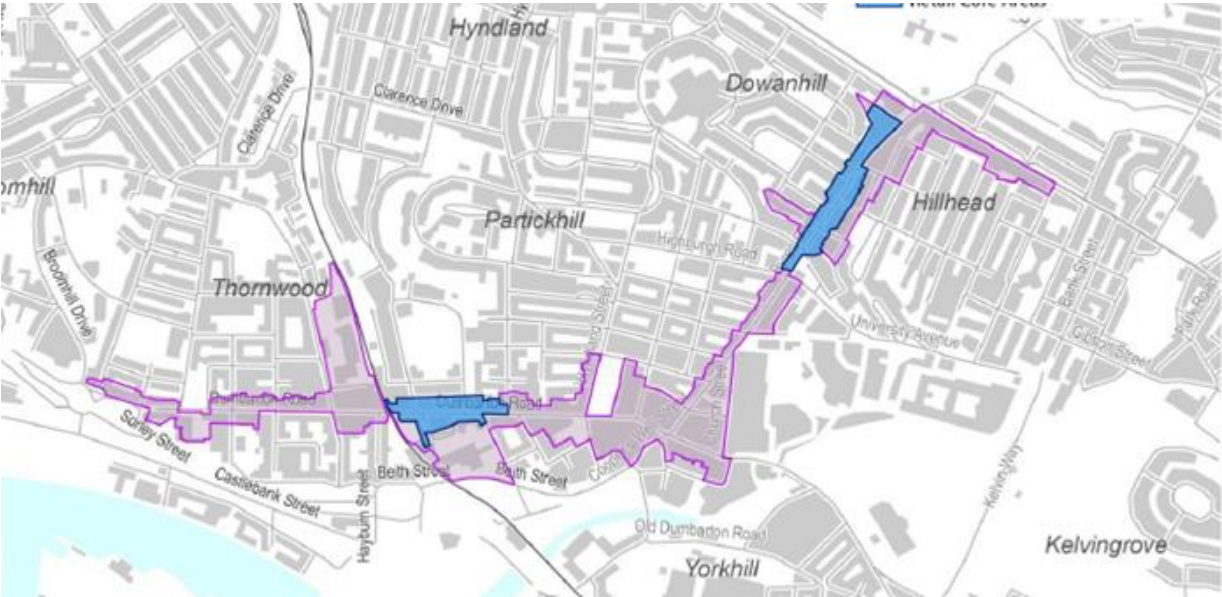


Image 7 – location of development at edge of Partick/Byres Road Major Town Centre



From: Gregor Brown <gb@gmbrown.co.uk>
Date: 6 June 2025 at 12:48:49 BST
To: mclaughlin.paul@btinternet.com
Subject: 143/143A Dumbarton Rd

Dear Paul,

I can confirm that the above properties were marketed from early January 2023
- early January 2024 with no retail interest and all cafe lead.

Let me know if you need anything else.

Kind regards

Gregor M Brown
Director

www.gmbrown.co.uk

07717 447 897
0141 212 0059

Sent from my iPhone

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Paul McLaughlin