

Enforcement Report
46 South Clerk Street
Edinburgh
EH8 9PS

Development Quality Sub-Committee
Of the Planning Committee

Owner/s Mohammed Jacob

Occupier Mohamed Zahid (Dixy Chicken)

Reference No: 03/00486/A01

1. Purpose of Report

Breach of Control: The unauthorised erection of an acrylic advertisement board on the shop fascia and the fitting of two spotlights above the acrylic advertisement board.

Recommendation: That enforcement action is taken to secure the removal of the acrylic advertisement board and the two associated spotlights.

2. Main report

Site description

The property is a ground floor and basement restaurant/hot food shop in a four storey tenement block, on the west side of South Clerk Street approximately 75 metres south of the Hope Park Terrace/Bernard Terrace junction. The building is statutorily 'C' listed and is located within the South Side Conservation Area.

Site history

21.12.88 – Planning permission was refused to change the use of the premises from a shop to a restaurant and hot food shop.

15.03.89 – Planning permission was granted to change the use of the premises from a shop to a hot food shop.

20.01.93 – Planning permission was granted for the removal of the condition restricting the hours of operation.

30.06.03 – A complaint was received regarding alterations to the frontage of the property.

19.11.03 – A retrospective application for advertisement consent was refused. The Development Quality Sub-Committee also agreed that statutory enforcement action be taken to secure the removal of the signage.

04.02.04 – Advertisement and Listed Building Enforcement Notices requiring the removal of the signage were served.

Representations

A letter from Councillor Cairns on behalf of his constituents was received on the 30th June 2003. The letter raised concern about the signage applied to the front of the property.

Policy

The site lies within the Central Edinburgh Local Plan area. A number of policies are relevant. The plan notes (2.38) that the Council seeks to promote a high standard of design for the changes which have a close impact on the street environment.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) states that proposals affecting a listed building or its setting, will be considered for their effect on its character and if appropriate their contribution to its care and restoration. Alterations, extensions or changes of use, including the sub-division of an original house or flat, will not be allowed if likely to diminish the architectural integrity of the building or its historic interest.

Policy CD4 (CONSERVATION AREAS) states that in relation to development proposed in a conservation the Council will require the retention of all features which contribute to its character and appearance, including unlisted buildings of townscape interest, boundary walls and railings, historic gardens, trees and landscape features, traditional and natural paving materials and street furniture and the historic pattern of streets and spaces.

Policy CD25 (ADVERTISING) states that advertising on commercial buildings will generally be restricted to that necessary to identify discreetly the business or company occupier. High level advertising will not be permitted.

Non-Statutory Guidance:

The Council's guidelines on Advertisements and Signs and Alterations to Listed Buildings provide detailed guidance in support of Development Plan policies.

Section 1.7.5 of Appendix 1 of the Memorandum of Guidance on listed buildings and conservation areas 1998 provides guidance on advertisements and signs. It states that new signs must always be carefully located to respect the

architectural form and detailing of the particular building to which they are attached.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are whether the signage and associated spotlights have an adverse effect on the character of the Listed Building or the character and appearance of the conservation area, and if they do, whether it would be expedient to initiate statutory enforcement action.

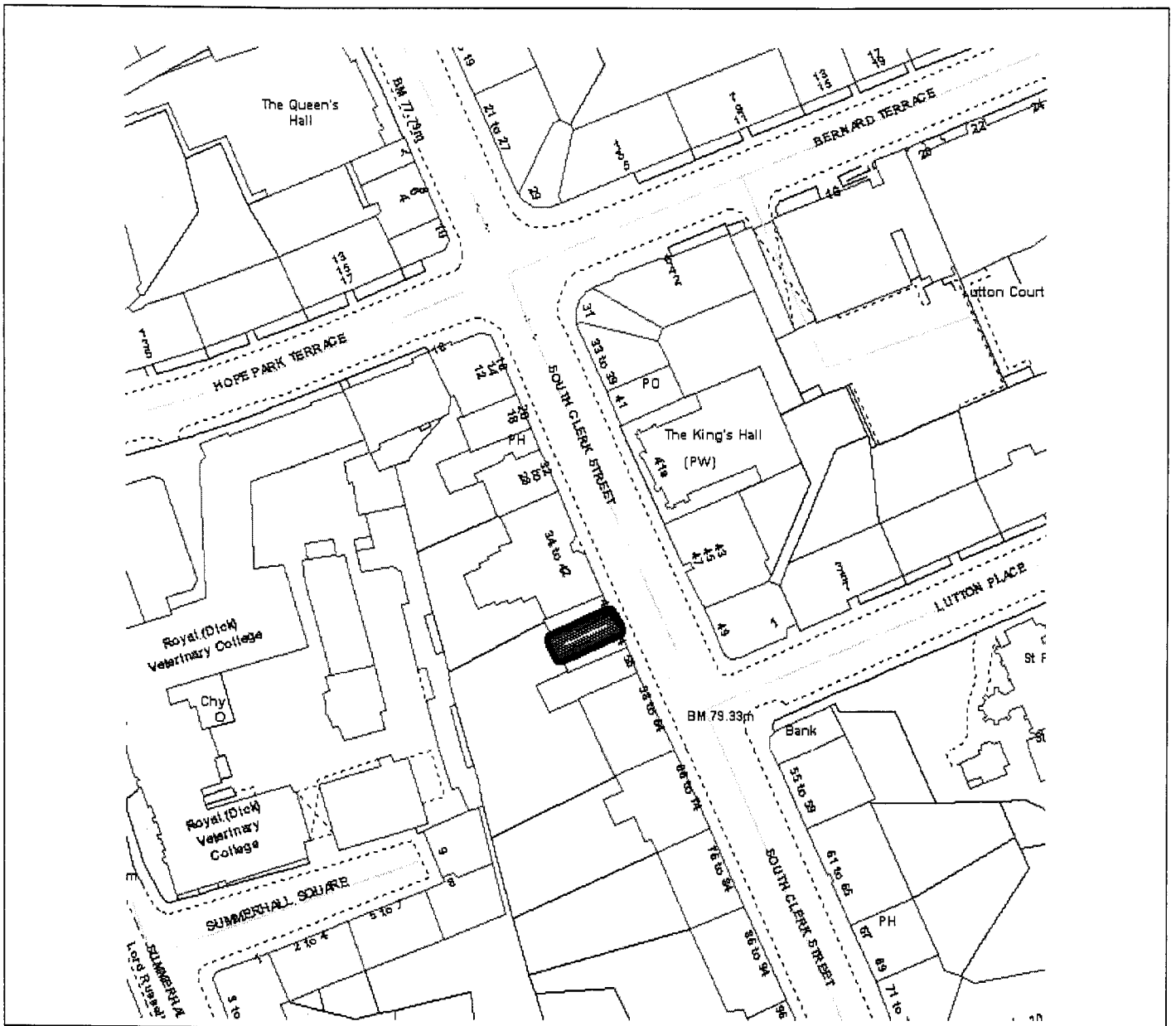
ASSESSMENT

Statutory enforcement action has recently been taken to secure the removal of a previous signage scheme. The notices served have been largely complied with. It would appear that the previous signage has been altered and then re-applied to the frontage along with two spotlights. The new fascia sign is the same height and width as the previous sign although it is no longer internally illuminated and is no longer a box sign. It is approximately 4.5 metres wide and over 1 metre in height. The sign is large in relation to the property frontage. The synthetic material it is made from gives it a garish appearance. The spotlights are relatively large and bulky and disrupt the original composition of the frontage. The sign and the spotlights do not comply with development plan policy or non-statutory policies and have an adverse effect on the character and appearance of the conservation area and the listed buildings. They are not acceptable.

It is recommended that the Committee agrees to initiate statutory enforcement action to secure the removal of the fascia sign and associated spotlights.


Alan Henderson
Head of Planning and Strategy

Contact/tel	David Cooper on 0131 529 3653
Ward affected	33 – South Side
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mainly Residential Area
File	af
Date Complaint Received	26 th July 2004



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ENFORCEMENT

Address	46 South Clerk Street, Edinburgh, EH8 9PS,		
Breach			
Application number:	03/00486/A01	WARD	33- Southside
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			