

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	-
Forename	VAHAP	Forename	JAMES
Surname	FIRAT	Surname	WASON.
Company Name	-	Company Name	-
Building No./Name	31	Building No./Name	17/7
Address Line 1	REDHALL CRESCENT	Address Line 1	FALCON ROAD WEST
Address Line 2	-	Address Line 2	
Town/City	EDINBURGH.	Town/City	EDINBURGH
Postcode	EH12.1HU	Postcode	EH10.4AD
Telephone		Telephone	0131.447.4774
Mobile		Mobile	07973.311941.
Fax	-	Fax	-
Email		Email	WASONJAMES@HOTMAIL.COM.
3. Application Details			
Planning authority	CITY OF EDINBURGH COUNCIL.		
Planning authority's application reference number	14/02887/FUL		
Site address	CAFE COCKBURN. 34 COCKBURN STREET. EDINBURGH. EH1.1BP		
Description of proposed development	TO CHANGE OF USE FROM CLASS 1 TO CLASS 3 TO ALLOW CAFE WITH SEATING		

Date of application

18 JULY 2014.

Date of decision (if any)

10/11 FEB 2015

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

PLEASE REFER TO SECTION 2 "STATEMENT" APPENDIX A.

7. Site inspection

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

Can the site be viewed entirely from public land? ✓

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE.

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REFER TO APPENDIX SHEET A ATTACHED.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

PLEASE REFER TO APPENDIX SHEET A ATTACHED.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. APPENDIX SHEET 'A'
2. PETITIONS IN SUPPORT OF APPLICATION AS SIGNED BY NEIGHBOURS AND OTHERS. (WITH DRAWING 7/5/15/ SEE ATTACHED EMAIL)
3. PLAN VIEW OF PROPOSAL WITH REAR EXTERNAL ELEVATION SHOWING EXTRACT DUCT TO ROOFTOP LEVEL.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

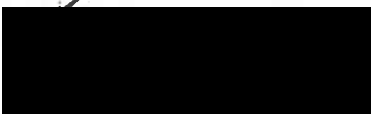
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name: JAMES WASON.

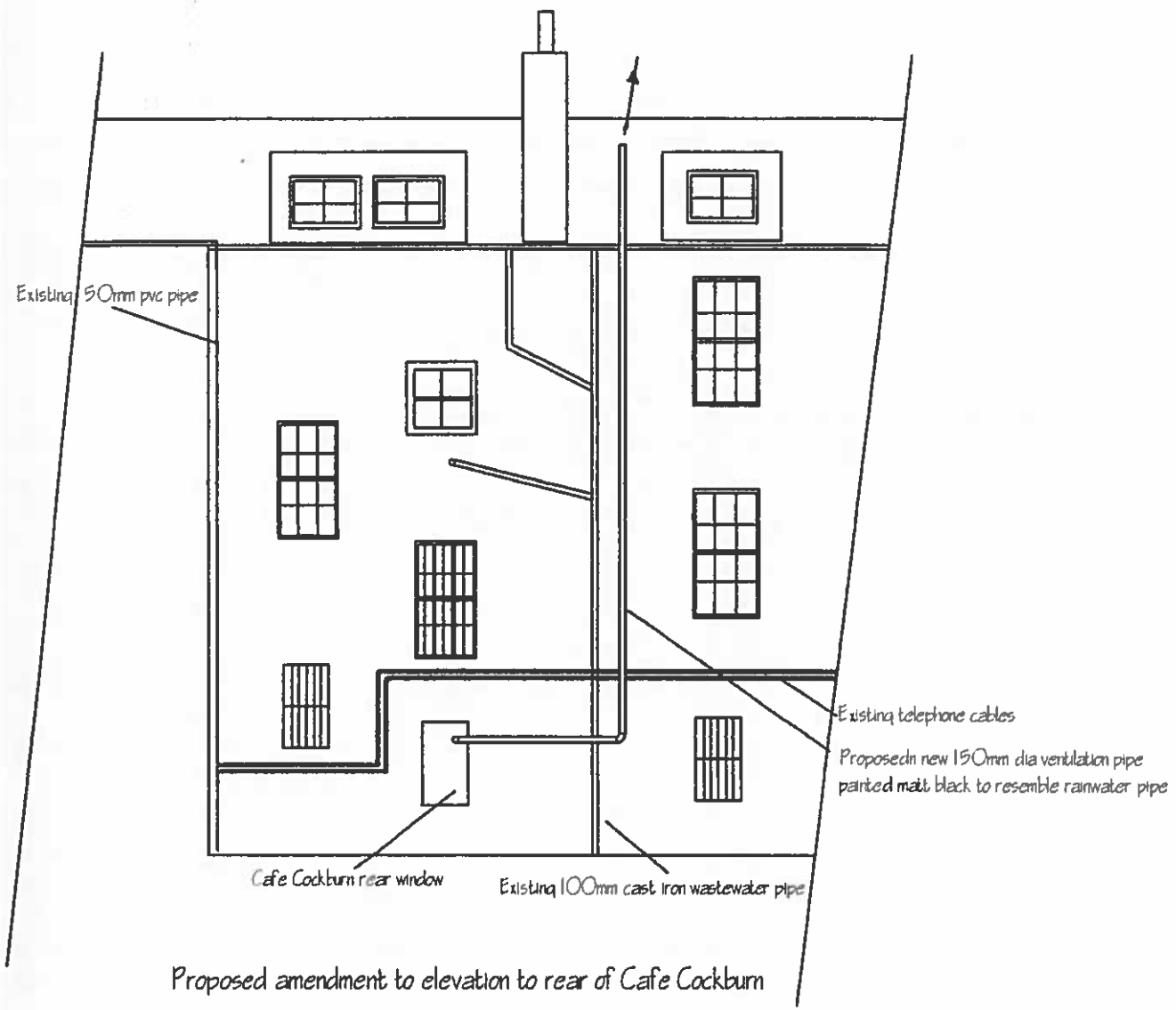
Date: 3 APR. 2015.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Ref. Section 8, our reasons to request a review of the delegated decision regarding the Application for Class 3 use for Café Cockburn at 34 Cockburn Street are as follows :

- a) We have only recently established that the premises above the coffee shop are *not a domestic residence* but are operated as 'hostel type accommodation'. As our Client's hours of operation are proposed to be 9am to 6pm, the references to 'noise and loss of residential amenity' as referred to in the planning decision, it would seem, are not viable. Furthermore those who own and actually live in the surrounding apartments are very much in favour of our Client's application and this is evidenced by many signed petitions of support with positive comments.
- b) It has also come to our attention that the *only objector* to the application actually owns a rival café in the same street and who also owns the apartment above our Client's premises.
- c) Regarding the planning decision to refuse permission on the basis of the 'speciality shopping character' of Cockburn Street, just to note that the number of businesses operating on a Class 2 basis at the lower end of the street does little to promote the vitality of the street. Whereas our client's Café Cockburn is an aesthetically pleasing shop with delicatessen counter, is popular with visitors and local patrons alike and would appear to indeed complement and be very much in keeping with the street's character.
- d) Regarding our client's plan for the premises, he wishes to allow customers the benefit of seating at tables which is only allowable with Class 3 use approval. Our Client has not been fully aware of the planning implications of having seating and we are trying to rectify the issue on his behalf. Typical food to be served would include light breakfasts, pasta and baked potato dishes.
- e) The proposed extract ventilation system will comply with Environmental Services requirements and with regard to the 'noise impact assessment' requirements we have now gained approval from Council Environmental Services for a 'desktop noise assessment', as allowance for access by acoustic consultant to hostel premises above has been withheld.
- f) I am also pleased to note that my Client is the Cockburn Street Representative of the City of Edinburgh Council's Neighbourhood Partnership and the current President of the Turkish-Scottish Chamber of Commerce.
- g)

On the basis of the above, we do hope you can come to a decision to reverse the delegated decision and find in favour of our Client's Application for Change of Use to Class 3 status.



SK. 1.

Janis O'Sullivan

From: James Wason [James.Wason@edinburghcollege.ac.uk]
Sent: 07 May 2015 10:41
To: Janis O'Sullivan
Subject: Ref : LRB Notice of review application for 34 Cockburn Street Edinburgh.
Attachments: 34 Cockburn St Appendix A.docx

Dear Janis,

With reference to your email regarding the above, please find attached our revised written statement with the section relating to 'attached signed letters of support' deleted.

I would be pleased if you would replace our earlier statement with the above and many thanks for your assistance.

Kind Regards,

James Wason

Edinburgh College is a registered Scottish Charity - No. SC021213

This e-mail and any files transmitted with it may contain confidential or privileged information and is intended solely for the use of the individual(s) to whom it is addressed. If you are not the intended recipient (or responsible for delivery of the message to such person) please notify the sender immediately, delete the message from your computer and do not copy, disclose, distribute or make use of the information.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the college. Finally, the recipient should check this email and any attachments for the presence of viruses. Edinburgh College accepts no liability for any damage caused by any virus transmitted by this email.

Privacy Policy and Terms of Use: For information about how the College processes data and monitors communications please see our ICT Acceptable Use Policy.

Freedom of Information and Environmental Information: The College is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004. If you have requested information from the College and are dissatisfied with the response, you have the right to apply for a review of our response. If you remain dissatisfied, you have the right to apply for a decision from the Scottish Information Commissioner.

www.edinburghcollege.ac.uk