

Planning Local Review Body – Further Written Submissions – Procedure Note

Name: Mr Vahap Firat

Site: 34 Cockburn Street Edinburgh EH1 1PB

Description: Change of use from retail (Class 1) to cafe (Class 3) (as amended from proposed restaurant), and new extract air duct on rear elevation.

Planning Application: 14/02887/FUL

Background

The Local Review Body (LRB) continued this application for a local review on 1 July 2015. The LRB continued it for further details on the occupancy of the properties above the café and for further details as to why a refusal at 40 Cockburn Street was overturned. Under LRB regulations, a procedure notice can be issued to the appellant and other interested parties requesting information. In this case, the LRB requested further written submissions from the planning adviser, Nancy Jamieson of the City of Edinburgh Council and this document seeks further comments in compliance with the statutory regulations.

The applicant was informed of the continuation on 2 July 2015 and asked for any further information about the use of the premises. Further information was provided and is included in this report and the LRB papers.

Further information

- 1. Occupancy of the properties above the café.** In his letter of 6 July 2015, the agent Mr James Wason states “we can advise that it is known to be marketed as ‘*party leisure flat / short term hostel type accommodation*’ and is apparently commonly used by ‘*stag/ hen party clientele*’”. Further information was provided on the people objecting and it was stated neither of them were resident in the flats above the application property. This document is available to view on Public access under application number 14/02887/FUL.

The Council’s Corporate Address Gazetteer team has checked the database for 34 Cockburn Street. That shows there are 3 properties for 34 Cockburn Street –

- 34 Cockburn Street (the application site). This is recorded as commercial in the database.
- 1F 34a Cockburn Street (above application site). This is recorded as residential in the database. Scottish Tax Assessors rated the property as residential in 1994. This is consistent with the

planning permission for change of use from offices to residential in 1994.

- 2F 34a Cockburn Street (above application site). This is recorded as residential in the database. Scottish Tax Assessors rated the property as residential in 1994. This is consistent with the planning permission for change of use from offices to residential in 1994.

It can be concluded that the properties above the application site are in residential use. There have been no applications to change the use to commercial leisure use which would be the normal classification for stag and hen parties and it may be that this use is on such a scale that it is still residential or otherwise it is unauthorised.

2. **Local Review decision at 40 Cockburn Street.** Planning application 13/04308/FUL was for 'change of use from Class 1 retail to a mixed use of cafe and delicatessen.' It was refused on 10 March 2014 but this was overturned by the LRB on 7 May 2014. The LRB took into account that this change would not affect the speciality shopping street and indeed would introduce a specialised unit. It also considered that there were two units which had remained vacant in this location and the LRB wished to maintain the area's viability and vitality.

LRB process

The applicant and other interested parties now have 14 days from the receipt of this procedure note to provide further comments which may assist the further written submissions which will go back to the LRB on 2 September to allow it to make a decision on the review.

Please email any comments to localreviewbody@edinburgh.gov.uk by Monday 10 August 2015.

Nancy Jamieson
Planning Adviser to LRB

24 July 2015

James Wason

Heating

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6/7/15

City of Edinburgh Council,
Planning and Building Standards,
Waverley Court,
Edinburgh, EH8 8BG
For attn. Nancy Jamieson, Team Manager.

Dear Ms. Jamieson.

Planning Application 14/02887/FUL for Café Cockburn, 34 Cockburn Street.

Thank you for your email of 2nd July inviting further written submission and confirming the next Local Review Body meeting will be at 10 a.m. on 2nd September.

Regarding your request for additional information on the occupancy of properties above our client's Cockburn Street premises, we can advise that it is known to be marketed as '*party leisure flat / short term hostel type accommodation*' and is apparently commonly used by '*stag/hen party clientele*'.

It would seem therefore that the objection that there would be excess noise and anti-social behaviour arising from the Cockburn Café premises below, which typically close for business by 6.00 pm, would appear to be unfounded.

With regard to the objections by members of the public, I am advised that the writers of the only two objections received by Council to this Application and who have submitted their address as being a) 34A(1f) and b) 34A(2f) above our client's café, are **not resident** at the addresses shown, (ref. para. 2 above and *party /leisure flats use*). We have it on good authority that objector a) owns and operates a café in the same street (Southern Cross Café, 63 Cockburn Street') potentially in competition to Café Cockburn. Also objector b) does not reside in the area at all and is an employee of the same Southern Cross Café. It would therefore seem reasonable to assume that the purpose of these written objections principally relates to a potential '*conflict of commercial interest*' and which could be seen to be unfair towards our client.

Additionally positive notes of support recommending approval of this planning application from several other neighbours have been received (as submitted to Council earlier) and the overwhelming opinion is that Cockburn Cafe is most aesthetically pleasing and most certainly '*enhances the character of Cockburn Street.*'

Trusting that the above offers the sort of additional information that you have called for, but in the meantime, should you require any further information, please do not hesitate to contact me.

Yours Sincerely,

James Wason

James Wason
B.Sc., C.Eng, MCIBSE
Agent for Mr. Vahap Firat.

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7/8/15

City of Edinburgh Council,
Planning and Building Standards,
Waverley Court,
Edinburgh, EH8 8BG
for attn. Nancy Jamieson, Team Manager.

Dear Ms. Jamieson.

Planning Application 14/02887/FUL for Café Cockburn, 34 Cockburn Street.

Thank you for your email of 24 July including '*further information*' for LRB and inviting '*any comment*' by 10 August 2015, please find our response as follows :

With reference to your heading '**Occupancy of the properties above the café**', we would respectfully advise that, irrespective of the Council held database information on the pre-approved use of the premises as a 'normal residence', our Client re-confirms that the flat above his café is *not a normal residence* but is currently being rented out as '*party leisure flat / short term type accommodation*'.

Accordingly it would appear that the main reason for Council Planning Officer's non-approval of the application, i.e. on the basis of assumed '*disturbance to the resident above the café*', would seem to be unreasonable and non-valid.

A related point links in to our Client's advice that regularly, when opening his premises in the morning, *he is faced with debris lying in the doorway behind his gate (including take-away cartons with half eaten food, beer cans and cigarette ends), some of which, one might reasonably surmise, had been discarded by the returning stag party-goers upstairs from the previous night.*

We would therefore respectfully submit that for the non-resident owners of the flat above the café to raise objections to our application on the grounds of 'excess litter, anti-social behaviour, noise disturbance, etc.', from the café below, their objections would appear to be misplaced.

With reference to the heading '**Local review of decision at 40 Cockburn Street**', we note that agreement was reached that the proposed change of use of no. 40 from grocery store to café /mixed use *would not affect the speciality shopping street*, we would respectfully submit that this consideration also applies to our Client's application for change of use to no. 34.

On visiting our Client's café at no. 34 the Review Board committee, we feel sure, will appreciate that our Client's proposals will 'enhance the success and character' of the street, in contrast to the two apparently fairly long term vacant units further down the street and the letters of endorsement from other neighbouring residents as earlier submitted, testify to the presumption that approval of this application will contribute towards the area's vitality and viability.

Trusting that the above offers the sort of additional information that you have called for, but in the meantime, should you require any further information, please do not hesitate to contact me.

Yours Sincerely,

James Wason

James Wason
B.Sc., C.Eng, MCIBSE
Agent for Mr. Vahap Firat.