

Urgent Item

Planning Local Review Body (Panel 1)

10.00 am Wednesday, 28th April, 2021

Virtual Meeting - via Microsoft Teams

Additional Item

46 Bath Street, Edinburgh - Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking - 20/05505/FUL

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

Note: this item requires to be ruled urgent by the Convener to be considered at the meeting

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Andrew Kerr

Chief Executive

Format Building Design.
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146 Duddingston Road West
Edinburgh
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Mr Aslan
46 Bath Street
Edinburgh
EH15 1HF

Decision date: 26 January 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

At 46 Bath Street Edinburgh EH15 1HF

Application No: 20/05505/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 9 December 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Granted** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

1. Cooking, heating and reheating operations on the premises shall be restricted to the use of microwave, toastie machine and soup tureen only.
2. The premises shall operate between 07:00 and 20:00 only.
3. The existing stonework shall be repaired, and missing sections replaced, using natural stone chosen to match the existing stonework.
4. Prior to the shop opening for customers the acoustic ceiling proposed in the plans hereby approved should be fully installed.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to minimise potential damage to the stonework.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives:-

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant is encouraged to contact waste services to resolve the general bin storage arrangements on Bath Street.
5. The applicant is reminded that advertisement consent will be required for any signage on the building.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 1-2, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The application is acceptable in principle re-using an existing shop unit. The proposal will enhance the character and appearance of this part of the Portobello Conservation Area whilst enhancing the character of the category B listed building,

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jennifer Paton directly on jennifer.paton@edinburgh.gov.uk.

D R Leech

Chief Planning Officer

PLACE

The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 20/05505/FUL
At 46 Bath Street, Edinburgh, EH15 1HF
Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.**

Item	Local Delegated Decision
Application number	20/05505/FUL
Wards	B17 - Portobello/Craigmillar

Summary

The application is acceptable in principle re-using an existing shop unit. The proposal will enhance the character and appearance of this part of the Portobello Conservation Area whilst enhancing the character of the category B listed building,

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES05, LDES13, LEN04, LEN06, LRET11, NSG, NSLBCA, NSBUS,
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Report of handling

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site relates to a vacant shop unit, occupying a corner ground floor property within four storey and attic red sandstone constructed tenement by Edward Calvert, 1895, category B listed (Portobello Ward), Portobello Conservation Area.

The unit measures 53 square metres and is accessed from Bath Street only. The property is one of a remaining shop unit in a row of ground floor units recently converted from shops to flats.

This application site is located within the Portobello Conservation Area.

2.2 Site History

9 Dec 2020 - A parallel application was submitted for listed building consent for change of use from class 1 shop to class 3 sandwich and patisserie restricted cooking. Install new sliding timber window and glazed door to shop front, (application reference 20/005508/LBC).

12 April 2005 - Planning permission was granted for the change of use from betting shop to flat and alterations, at 46 Bath Street (application reference 04/04624/FUL).

28 April 2005 - Listed Building consent was granted for Internal and external alterations, at 46 Bath Street (application reference 04/04624/LBC).

Adjacent History

May 2002 - consent granted to convert existing shop into flat at 48 Bath Street (02/00844/FUL and 02/00844/LBC).

May 2002 - consent granted to convert existing shops into flats at 54-56 Bath Street (02/00869/FUL and 02/00869/LBC).

Main report

3.1 Description Of The Proposal

The application proposes a change of use from class 1 shop to class 3 sandwich and patisserie with restricted cooking.

The existing shop unit measures 53 square metres. It is a ground floor corner unit within a category B listed building close to Portobello beach promenade. There is only one entrance to the premises from the front on Bath Street.

There will be some changes to the internal layout to provide for ice cream and cake display. Sandwich preparation will take place at the rear of the shop. A new partition is proposed around the staff WC at the rear corner of the shop.

The proposal involves a replacement shop window which would be constructed from timber with a central pier and would slide open to enable the ease of sale. The entrance door would be replaced with a glazed door, retaining the flush frontage, with fanlight above. A parallel application has been submitted for listed building consent for these works.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposal will impact on the character of the listed building;
- b) the proposal will detract from the character or appearance of the conservation area;
- c) the proposal will be detrimental to the amenity of neighbours; and
- d) any comments raised have been addressed.

a) Impact on the character of the listed building

The statutory requirement is that the character of the listed building is retained. Alterations and repairs to historic buildings should protect its character.

Local Development Plan policy Env 4 requires that special regard is given to the preserving the listed building, its setting or any features of special architectural or historic interest that it possesses.

The Council's non-statutory guidance on Business Premises encourages shopfronts to retain historical features.

Historic Environment Scotland have raised no comment on the application.

The alterations proposed to the listed building in order to accommodate the proposed change of use are considered to be sensitive to the character of the listed building. Internally the alterations are minimal and relate to screening the wc at the rear of the shop. The proposed new shop front will use natural timber and will remove the previous additions.

It is considered that the proposed alterations are sensitive in nature and will bring this building back into use; they will protect and enhance the character of this category B listed building.

b) Character or appearance of the conservation area

LDP policy - Env 6 - Conservation Areas- Development; aims to protect, and where possible enhance, the character and appearance of the conservation area. Proposals should demonstrate high standards of design and utilise materials appropriate to the historic environment.

The Portobello Conservation Area is defined in the Conservation Character Appraisal statement of significance "Portobello retains the character of a small town with a distinct town centre, an exceptionally high-quality residential hinterland, a shoreline setting and a long sea-front promenade. The architectural form and character of Portobello is rich and varied, with many fine Georgian and Victorian historic buildings. The building materials are traditional: stone, harling, slate, pantiles, timber windows and doors."

Bath Street is principally a residential street, this section of it being largely Victorian and built in red sandstone . Most of the traditional ground floor shops have been altered over the years, converted to residential units. The proposed re-opening of this shop unit after a long time and upgrading the shop front would enhance the overall character and appearance of this part of the Portobello Conservation Area.

c) Amenity of neighbours

Local Development Plan policy Ret 11 - Food and Drink Establishments aims to protect residential areas from noise and disturbance from food and drink establishments and avoid concentration of such uses in close proximity to residential properties.

The application site was historically part of a parade of shops within this locality, the neighbouring shops having been converted to flats more recently. There is a pub, The

Espy, at the end of Bath Street which fronts onto the Promenade, with a coffee shop opposite. The size of the application shop unit is small and is most likely to serve local needs and some visitors to the beach. In this regard it is not envisaged that it will attract a large number of people resulting in congestion in the locality. Good management practice by the shop owner should ensure that neighbours entrances do not get blocked by people queuing for the shop.

Internally the applicant proposes a suspended acoustic ceiling which will help with potential noise between the shop and first floor flat above. The suspended ceiling can be installed with minimal impact upon any existing cornice features. There will be no hot food preparation on the premises, the application is for restricted cooking, sandwiches and patisseries. To further ensure that the operations of the shop do not disturb residential neighbours in the locality it is recommended that hours of operation be controlled between 7am and 8pm.

The applicant proposes to continue with the existing waste strategy for the area. Local residents advise that many of the bins of Bath Street have migrated to the area in front of the shop on a yellow line. The applicant is encouraged to discuss this with waste services and ensure the intended bin layout for the street is resumed. This will allow for more comfortable pedestrian movement in front of the shop.

It is concluded that the proposed appearance of the building will be improved resulting in an upgrade the amenity of the area, adding to overall surveillance of the street and improving safety and security.

d) Comments raised have been addressed.

Five letters of representation were received, three comments and two objections as follows;

Support

- The property has been empty and unsightly for at least 25 years, so its renovation and reuse is welcomed.
- The use as a sandwich shop is supported.

Objection

- Narrow pavement in front of the shop unit/ concern re queuing for the shop or passing safely, the queues could block access to the side ate of 44 Bath Street; therefore recommend pavement widening (addressed in section 3 c))
- Concern regarding current bin arrangement in the street and the addition of more bins adding to the visual clutter detrimental to the conservation area, waste management should be considered (addressed in section 3 c))
- Apply hours of operation controls to protect residential amenity of the area (addressed in section 3 c))
- Smell and noise pollution from the operations (addressed in section 3 c))
- Traffic congestion at the bottom of Bath Street from deliveries and customers (addressed in section 3 c))

The Portobello Amenity Society commented on the application; No objection is raised to the change of use from class 1 to class 3, but they consider insufficient detail has been submitted with regards to the changes to the frontage. No info regarding new signage, no mention of the stone pilasters on either side of the shopfront. Paint should be removed from the two pilasters on either side of the shop frontage and match in with other pilasters on the ground floor. Changes should respect the character and appearance of the listed building.

Non material planning matters

- Access to water supply will need to be gained from a neighbouring property (this will be a private matters for the applicant to agree with the neighbour).

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Cooking, heating and reheating operations on the premises shall be restricted to the use of microwave, toastie machine and soup tureen only.
2. The premises shall operate between 07:00 and 20:00 only.
3. The existing stonework shall be repaired, and missing sections replaced, using natural stone chosen to match the existing stonework.
4. Prior to the shop opening for customers the accoustic ceiling proposed in the plans hereby approved should be fully installed.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to minimise potential damage to the stonework.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the

development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The applicant is encouraged to contact waste services to resolve the general bin storage arrangements on Bath Street.

5. The applicant is reminded that advertisement consent will be required for any signage on the building.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The application is within the Portobello Conservation Area and was advertised on 31 December 2020.

Five letters of representation were received, three comments and two objections.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development**Plan Provision**

Edinburgh Local Development Plan.

Date registered

9 December 2020

Drawing numbers/Scheme

1-2,

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Paton, Senior planning officer
E-mail: jennifer.paton@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Consultations

Environmental Protection - no response

END

Comments for Planning Application 20/05505/FUL

Application Summary

Application Number: 20/05505/FUL

Address: 46 Bath Street Edinburgh EH15 1HF

Proposal: Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

Case Officer: Jennifer Paton

Customer Details

Name: Org Portobello Amenity Society

Address: 4A Elcho Terrace, Edinburgh EH15 2EF

Comment Details

Commenter Type: Amenity Body

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: On behalf of Portobello Amenity Society, I wish to comment on this application. While the society does not object to the change of use from class 1 to class 3, we are concerned that insufficient detail is given regarding the changes that are proposed to the frontage. For example, no details are given of the proposed new signage, nor is any mention made of the stone pilasters on either side of the shopfront. Other former shops on the ground floor of this block have been converted into flats and the paint has been removed from the pilasters on either side of the property. This has been done in such a way to improve the look of the ground floor and maintain the character of the listed building. The society would like to be assured that the paint will be removed from the two pilasters on either side of the shop frontage and that every effort will be made to match the other pilasters on the ground floor. This shop has been boarded up and disused for years. The society welcomes its renovation and the property being brought back into use but is concerned that any changes to the frontage should respect the character and appearance of this listed building. Yours sincerely, John M. Stewart, Chair, Portobello Amenity Society.

Comments for Planning Application 20/05505/FUL

Application Summary

Application Number: 20/05505/FUL

Address: 46 Bath Street Edinburgh EH15 1HF

Proposal: Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

Case Officer: Jennifer Paton

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Amenity Body

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: On behalf of Portobello Amenity Society, I wish to comment on this application. While the society does not object to the change of use from class 1 to class 3, we are concerned that insufficient detail is given regarding the changes that are proposed to the frontage. For example, no details are given of the proposed new signage, nor is any mention made of the stone pilasters on either side of the shopfront. Other former shops on the ground floor of this block have been converted into flats and the paint has been removed from the pilasters on either side of the property. This has been done in such a way to improve the look of the ground floor and maintain the character of the listed building. The society would like to be assured that the paint will be removed from the two pilasters on either side of the shop frontage and that every effort will be made to match the other pilasters on the ground floor. This shop has been boarded up and disused for years. The society welcomes its renovation and the property being brought back into use but is concerned that any changes to the frontage should respect the character and appearance of this listed building. Yours sincerely, John M. Stewart, Chair, Portobello Amenity Society.

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Address: 46 Bath Street Edinburgh EH15 1HF

Proposal: Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

Case Officer: Jennifer Paton

Customer Details

Name: Mrs Suzanne McIntosh

Address: 45C Bath Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: This unit has been empty and unsightly for as long as I have lived here (25 years) so it being renovated and brought into use is to be welcomed.

The proposed use as a sandwich shop would appear to be appropriate in this area and will no doubt be well used. So in essence that is supported, I have stated neutral comments because I have points that I'd like you to consider below.

1. The width of pavement outside the front of the unit is substandard and very restrictive - two lots of people can't easily pass each other. A queue outside the sandwich shop will create more issues with this and conflicts with residents. The pavement being widened would help this immensely. Would the council entertain this or the applicant contributing to it? People queuing outside the front doors and window sills of adjoining flats or houses isn't desirable at all, especially at the moment.

2. The presence of a large array of bins outside the unit along to number 52's door compresses the area at present. Adding more bins to this will be detrimental to the street scene. I would object to this point.

Visually this unit has been an issue for years. Most of the bins in this area at present started life in groups up the street but they've drifted down to this point - so they shouldn't actually be there.

I note that the applicant will make no provisions for bins internally - their bins will further exacerbate an existing problem if they are on the pavement. If they are permanently on the road - trade waste bins in this location will detract further from the visual amenity of the street/conservation area. Provision of bins should be internal, can this be conditioned if permission is

granted. They should only come out on collection days - because of the impact on the physical space available and impact not he street scene. The applicant could use their existing bins round the corner at Miros?

3. I note also that the application forms do not appear to provide a water supply - and thought that seemed very odd.

4. Portobello is a busy, thriving place but at times it can be pretty busy from early morning until late at night - I would ask you to consider if an hours of operation condition be appropriate given there are houses and flats all around this unit?

I wish the applicant every success in their venture - its not easy to operate a business, especially in covid times and they have proved a popular venue with their existing cafes on the Prom and High Street.

Thank you for the opportunity to comment

Comments for Planning Application 20/05505/FUL

Application Summary

Application Number: 20/05505/FUL

Address: 46 Bath Street Edinburgh EH15 1HF

Proposal: Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

Case Officer: Jennifer Paton

Customer Details

Name: Mr Jon Davey

Address: 52/6 Bath Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Good to see this derelict property coming back into use.

However concerns over waste disposal in what is already an area over-congested with rubbish bins. Can the new premises keep their bins indoors except for collection days?

Will there be strict opening hours (and delivery times if required) to minimise impact on residents in what is predominantly a residential street?

Will there be an change to the pavement in front of the shop which is currently rather narrow at that point? Especially important if there are queues outside the shop which will impact on residents in adjacent properties.

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Address: Not Available

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I wish the applicant every success in their venture - its not easy to operate a business, especially in covid times and they have proved a popular venue with their existing cafes on the Prom and High Street.

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Address: 46 Bath Street Edinburgh EH15 1HF

Proposal: Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

Case Officer: Jennifer Paton

Customer Details

Name: Mrs Victoria Ellison-Eprile

Address: 44 Bath Street Portobello Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The pavement outside the property is narrow, any queuing customers would block access to the side gate of 44 Bath Street, which has a right of access over that part of the pavement.

To provide a water supply to the unit part of my property must be dug up and disturbed.

The unit is surrounded by residential properties that are already disturbed by the deliveries for the bottom of the street, having large vehicles at the very tight corner would create extra noise pollution, traffic jams and potential damage to nearby properties when attempting to reverse out of the confined space.

Comments for Planning Application 20/05505/FUL

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Address: Not Available

Comment Details

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Case Officer: Jennifer Paton

Customer Details

Name: Mr Mark Eprile

Address: 44a Bath Street Portobello Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: New bins would have to be added to the jumbled collection of bins that are already scattered at the corner.

Potential damage to properties 44, 45C and 51 with large delivery trucks.

There is currently no active water supply so street and neighbors would have to be disturbed.

Potential waste smell for residential units.

Queues outside world block pedestrian access to the rest of the street.

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Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: New bins would have to be added to the jumbled collection of bins that are already scattered at the corner.

Potential damage to properties 44, 45C and 51 with large delivery trucks.

There is currently no active water supply so street and neighbors would have to be disturbed.

Potential waste smell for residential units.

Queues outside world block pedestrian access to the rest of the street.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.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 100367663-001

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:	Format Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Shona	Building Name:	
Last Name: *	Mackay	Building Number:	146
Telephone Number: *	01316617666	Address 1 (Street): *	Duddingston Road West
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH16 4AP
Email Address: *	formatdesign@aol.com		

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" value="Format Design"/>
First Name: *	<input type="text" value="K"/>	Building Number:	<input type="text" value="146"/>
Last Name: *	<input type="text" value="Aslan"/>	Address 1 (Street): *	<input type="text" value="Holyrood Business Park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Duddingston Road West"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 4AP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="formatdesign@aol.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="46 BATH 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="EDINBURGH"/>
Post Code:	<input type="text" value="EH15 1HF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674070"/>	Easting	<input type="text" value="330717"/>
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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)

Application for Change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking.

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 see appeal statement re amending Condition 2 of the approval re opening hours

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)

Appeals statement

Application Details

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

20/05505/FUL

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

09/12/2020

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

26/01/2021

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)

To allow the Local Review Body members to see the application site and its Environs

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: Mrs Shona Mackay

Declaration Date: 23/02/2021

Proposal Details

Proposal Name	100367663
Proposal Description	Appeal to LRB - 46 Bath Street
Address	46 BATH STREET, EDINBURGH, EH15 1HF
Local Authority	City of Edinburgh Council
Application Online Reference	100367663-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Existing and proposed drawings	Attached	A2
Appeal Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Tel: 0131 661 7666
Fax: 0131 659 6033
formatdesign@aol.com
www.formatbuildingdesign.com

Holyrood Business Park
146 Duddingston Road West
Edinburgh
EH16 4AP

Planning Appeal Statement - 20/05505/FUL - 46 Bath Street, Edinburgh

This is an appeal against Condition 2 of planning approval reference 20/05505/FUL re restricted hours of opening and to amend the condition:

“Condition 2 - The premises shall operate between 07:00 and 20:00 only”

This is a small shop unit, which has been vacant and semi derelict for many years, and the applicant is proposing to invest a considerable sum of money to renovate this listed building. The applicant is an experienced operator, and as such is well used to managing this type of operation, they are also conscious of their responsibilities with regard to the protection of the amenity of their neighbours.

However, the business will not be viable with the hours of restriction as approved, and the applicant now wishes to appeal against these hours and to amend the condition.

The proposed amended hours are 7.00a.m to 8.00p.m from 1 November to 28 February (this is the same opening hours as approved) and amend to 7.00a.m to 11.00pm from 1 March to 31 October. This will allow the proposed business to cater for the locals and visitors to Portobello later in the evening.

In the report of handling it is acknowledged that:

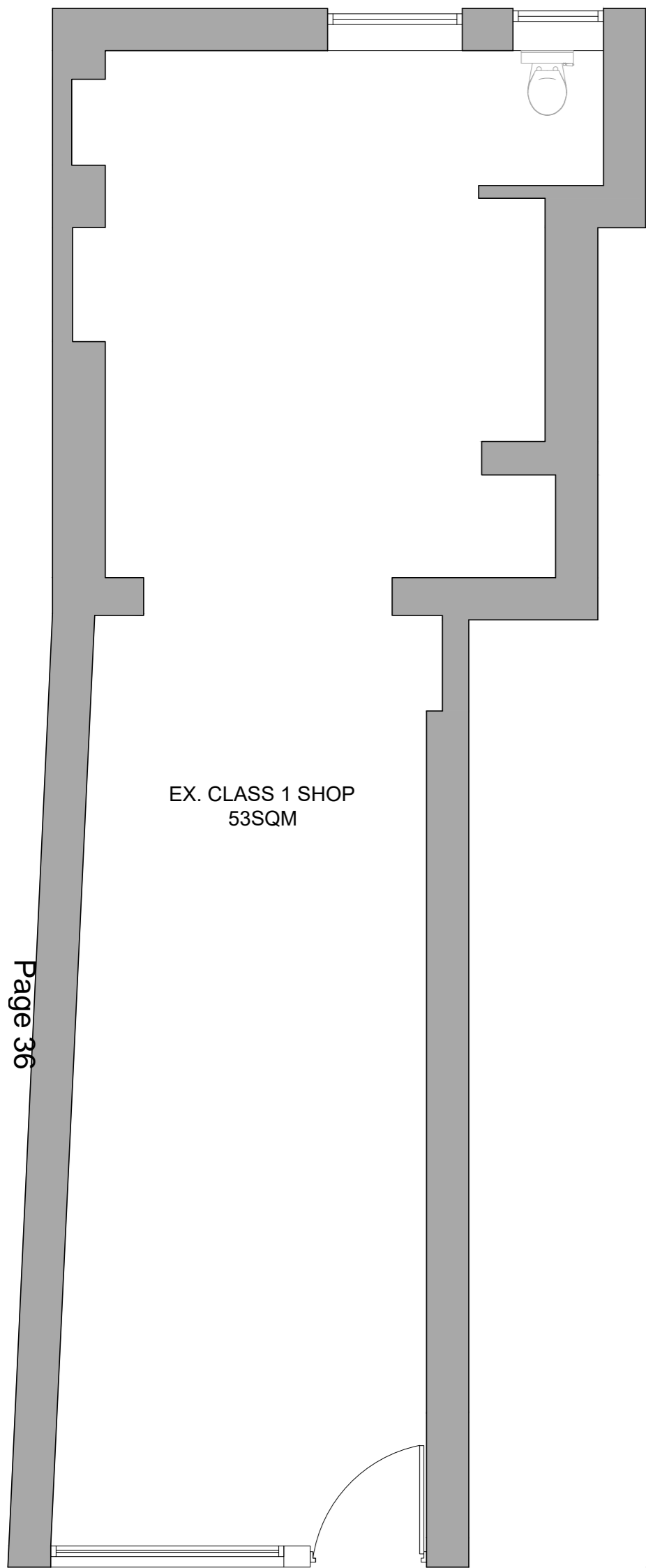
‘The size of the application shop unit is small and is most likely to serve local needs and some visitors to the beach. In this regard it is not envisaged that it will attract a large number of people resulting in congestion in the locality. Good management practice by the shop owner should ensure that neighbours entrances do not get blocked by people queuing for the shop. Internally the applicant proposes a suspended acoustic ceiling.’

Conclusion:

Due to the physical size of the unit, it is not envisaged that it will attract excessive numbers of customers to affect the amenity of neighbours, and that the later opening hours proposed for the lighter evenings will serve as an asset to the community and visitors alike and ensure the viability of the business.

For the above reasons it is hoped that this amendment to the opening hours is found to be acceptable, the appeal is upheld and Condition 2 of the planning approval is amended as requested.

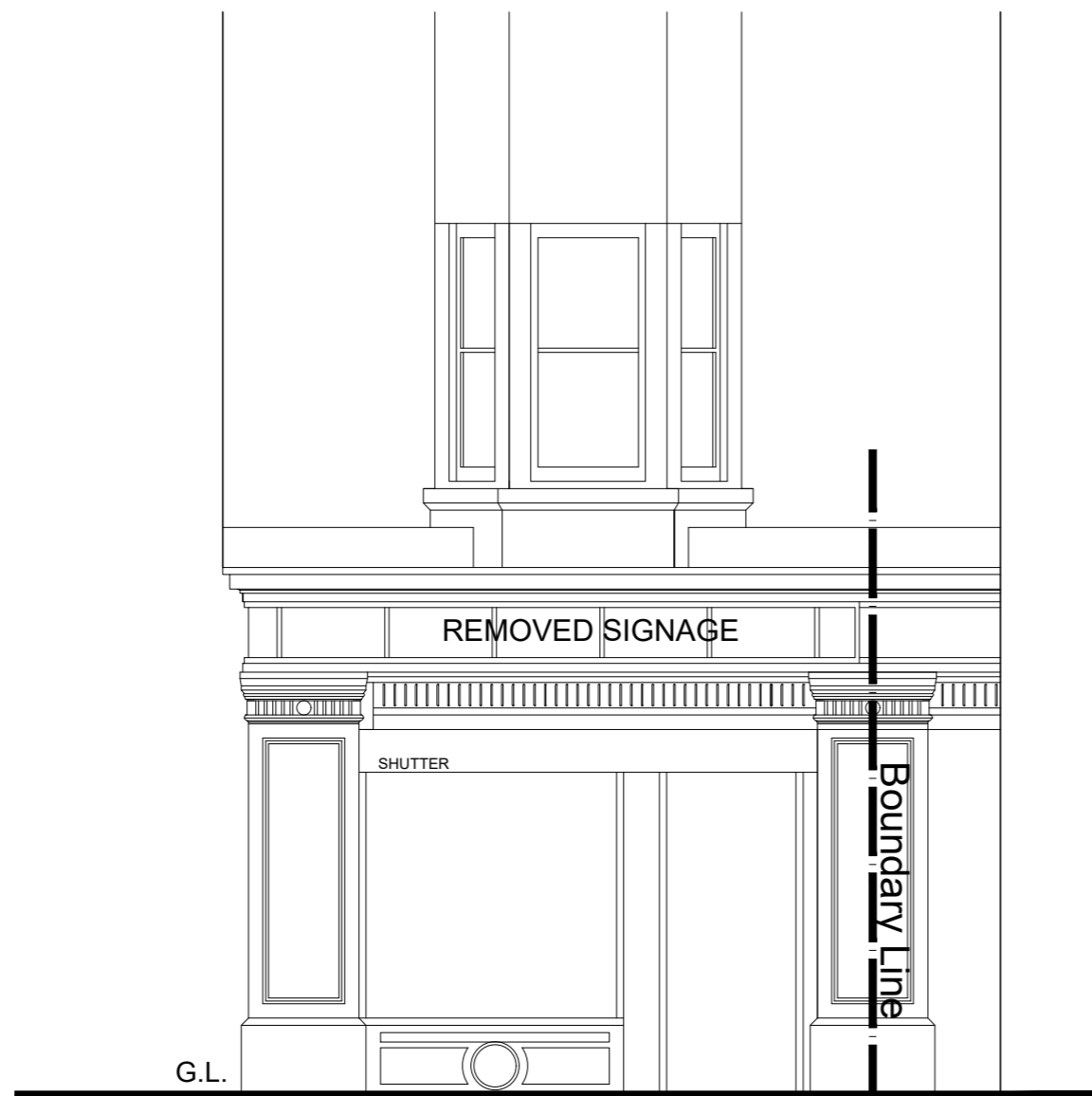
**Format Design
February 2021**



Ex. Ground Floor Plan
Scale 1/50



Prop. Timber Sliding Window
Sample Photo



Ex. Front Elevation
Scale 1/50

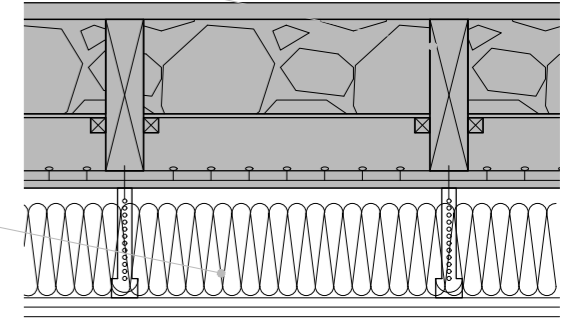


Prop. Ground Floor Plan
Scale 1/50



Prop. Front Elevation
Scale 1/50

Ex. floor above cafe typical build up:
22mm T&G floor covering on timber joists with deafening boards and ash deafening on lath and plaster ceiling



New fire rated/sound proof ceiling build up.
Gypliner universal ceiling suspended with Gypframe GL1 lining channels at 450mm centres to give min cavity of 50mm to a max of 145mm. 100mm Isover acoustic partition roll (APR 1200) in the cavity achieving 59 Rw dB. Ceiling linings to be 2 x 12.5mm Gyproc giving 1hr protection.

Prop. Suspended Acoustic Ceiling
Scale 1/10

Prop. new shop front to have timber sliding double glazed window and entrance door with fanlight

rev	date	details	by	rev	date	details	by

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SERVICES OFFERED:

MEASURED SURVEYS
PLANNING CONSULTANTS
FEASIBILITY STUDIES
NEW BUILDS

PLANNING APPLICATIONS
LISTED BUILDING APPLICATIONS
BUILDING WARRANT APPLICATIONS
LIQUOR LICENCING DRAWINGS
DEED PLANS

drawing title: Ex. & Prop. Plans & Elevations	scale: @A2
job title: 46 Bath Street, Portobello, Edinburgh	drawing no:10231 03 01
client: Kazim Aslan	date: 07 12 20
status: Planning & Listed Building Consent	drawn: MJ
format DESIGN	
FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com	