

To Whom it may concern

My name is Yasin Ozkan and I run the Castle Rock chip shop on 87 Grassmarket, EH1 2HJ.

We have recently lodged an application with the Planning Department to have our opening hours extended from 12.00a.m. to 2.00a.m.

We are applying for the extended opening hours mainly as a service for the local businesses and the workers working in the hospitality venues in the Grassmarket and the surrounding areas. Many of the pubs close at 1.00a.m. and the staff would like to come to the Castle Rock for their supper, however what is currently happening is that the staff have to phone the Castle Rock before 12.00a.m. when we prepare the food and take it to them prior to us closing at 12.00a.m. therefore the food is cold by the time they finish work. We would like to be able to provide a service not only for locals and tourists but for the local workforce as well. We are asking local businesses for a statement of their needs and we will attach this to our planning application with our supporting statement.

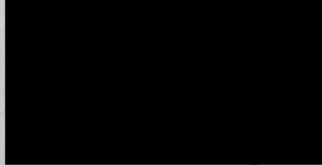
If you are happy with Castle Rock's efforts in attempting to have extended hours to 2.00a.m please can you sign agreeing to the statement below.

I LUKASZ JEDRASIK understand that there is a proposal to increase the opening hours of the Castle Rock chip shop to 2.00a.m, the chip shop has been there for many years and we have never had any problems with them. I agree that the premises is a great addition to the Grassmarket and I hope that your department can support this application.

Name: LUKASZ JEDRASIK

Business name: BIDDY MULLIGANS

Comments on our business needs: Good food always available after shifts.

Signature: 

Date: 10/11/22

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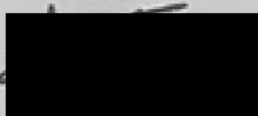
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I M. IVASCU understand that there is a proposal to increase the opening hours of the Castle Rock chip shop to 2.00a.m, the chip shop has been there for many years and we have never had any problems with them. I agree that the premises is a great addition to the Grassmarket and I hope that your department can support this application.

Name: M. IVASCU

Business name: Biddy M.

Comments on our business needs: Always there to feed us after a long shift.

Signature: 

Date: 10/11/22



MR UMBERTO CROLLA

Local Review Body Appeal



APPLICATION – 22/06028/FUL

Application for Planning Permission to
Amend Opening Hours Until 2am.
87 Grassmarket, Edinburgh, EH1 2HJ .

REVIEW STATEMENT

April 2023

apt planning &
development

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It is often said that the planning system is not in place to create competitive advantage. Similarly it should not be used as a tool to create a disadvantage to one business over another. That is clearly the case in this instance, and similar businesses should be afforded an equal opportunity to operate and do the best that they can.

The Castle Rock Takeaway is an established, well run business that has made a significant contribution to the Grassmarket over the years. This is not an application for a new use or a new business at this location.

As this Statement clearly shows, there are many examples of other hot food takeaways (and convenience stores) in the general locality operating within a mixed use area, with much later closing times. Many, if not all of these other businesses have opened since the Castle Rock was established

Permitting an additional two hours' opening will have little or no impact on residential amenity in what is a genuinely an established mixed-use and entertainment hub in the City of Edinburgh. People living in the Grassmarket and similar areas do so due their convenience and vibrancy. Late night noise and activity is part of city living and often an element that makes living here so attractive.

There is no evidence to support the view that permitting an additional two hours' opening would create increased disturbance/anti-social behaviour, in fact we would argue the opposite, that more premises being open provides greater natural surveillance and passive security.

Greater activity in the area at that time of night can act as a deterrent as people are more likely to be observed. Specifically, the driveway immediately to the side of the Castle Rock would be less isolated and less likely to attract undesirable/anti-social behaviour.

The hot food takeaway offers a complimentary service to other businesses operating at that time of night, specifically a number of bars which are in neighbouring premises. There are also a number of take-aways and convenience stores nearby that are open later than The Castle Rock or even on a 24-hour basis. The appellant is being commercially disadvantaged by what is an unfair and unreasonable stance.

The appeal site has a long planning history. We would ask that you not be influenced by any previous decisions but base this assessment solely on the evidence presented as part of this submission.

EXECUTIVE SUMMARY

- a. The planning system and decision making does not take account of commercial considerations. However it should also be a fair system that shows consistency in decision making and certainly when an inconsistent approach disadvantages an established and well-run business.
- b. In this instance, the enforced midnight closing time for the Castle Rock Takeaway means that it does not benefit from catching many customers leaving the many pubs and clubs whilst they visit other establishments in the near vicinity that have been granted later opening hours.
- c. The Local Review Panel has the advantage of looking at an application with a fresh perspective. It is neither bound by the original decision nor by a strict interpretation of planning policy which provides a framework for decision making not an absolute.
- d. The Grassmarket is one of the most famous areas of Edinburgh, a hugely popular area for tourists and residents alike filled with independent shops, venues, bars, restaurants and hotels. It hosts a Saturday market and during the warmer months is filled with al fresco dining and has a carnival feel to it.
- e. It has a very well-established night-time economy covering George IV Bridge, the Cowgate, Victoria Street, Grassmarket and West Port/Tollcross and those visiting, staying, working and living in the area acknowledge that that is the character of the area.
- f. It is vibrant and full of life which brings with it opportunities but also an element of noise and activity late into the night. This is true about the area at the bottom of Victoria Street as it meets The Grassmarket, Cowgate and the bottom of Candlemaker Row
- g. The proposed extension to the Castle Rock Takeaway opening hours will not have a detrimental impact on residential amenity as is demonstrated elsewhere in the locality.
- h. As we show in the following pages, there are numerous examples of hot food takeaways operating with extended opening hours.
- i. Anti-social behaviour in the streets late at night is not caused by a fish supper, but the substances consumed elsewhere. If anything, the availability of food and soft drinks can help mitigate the situation and curb poor behaviour. The Castle Rock does not cause nor encourage bad behaviour, but it can help the situation.
- j. Planning policy does not exist to restrict development, but can, of course be used to control it. In this instance, the imposition of a midnight closing time for The Castle Rock is an unnecessary restriction and unfair when compared to other nearby commercial premises.

INTRODUCTION

1. **apt planning & development** has prepared this Review Statement on behalf of **Mr Umberto Crolla**, with regards to application **22/06028/FUL** seeking planning permission to amend the opening hours of the Castle Rock Fish and Chips from 12am to 2am.
2. The Crolla family has a longstanding history of operating reputable and successful restaurants and takeaway's across Edinburgh and East Lothian.
3. The Grassmarket area is a lively, busy city centre location which is comprised of a mix of uses including bars, hotels, restaurants and shops as well as having a residential population.
4. It is one of the most vibrant and eclectic parts of the city, a well-established destination for residents, tourists and visitors alike as well as home to many of the businesses and residential occupiers.
5. This appeal statement tries not to repeat much of what has been submitted in support of the application already, but will concentrate on the reasons given when the application was refused via delegated powers on the 27th January 2023. Accordingly any appeal to the Local Review Body had to be made by the 26th April 2023.

SITE CHARACTERISTICS, BACKGROUND AND PLANNING HISTORY

6. The Castle Rock Takeaway is a small, ground floor premises located on The Grassmarket and close to the junctions with Candlemaker Row, Victoria Street and the Cowgate. The immediate area is characterised by other ground floor commercial uses, including public houses, takeaways and convenience outlets that are open until 1am (at least), retail and class three uses and residential uses on the floors above and typical of the characteristics of City Centre locations.

OTHER SIMILAR OPERATORS (Please see appendix)



7. **Bobby's Kebab House** – Candlemaker Row – open until 2am.
8. Ground floor premises with residential above and residential on upper floor opposite.