



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 100596460-001

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:	<input type="text" value="Format Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Shona"/>	Building Name:	<input type="text" value="Holyrood Business Park"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="146"/>
Telephone Number: *	<input type="text" value="01316617666"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH16 4AP"/>
Email Address: *	<input type="text" value="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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="77A"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="George Street"/>
Company/Organisation	<input type="text" value="Window Catering Company (West End)"/>	Address 2:	<input type="text"/>
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="EH2 3ES"/>
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="77A GEORGE STREET"/>
Address 2:	<input type="text" value="NEW TOWN"/>
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="EH2 3ES"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673987"/>	Easting	<input type="text" value="325090"/>
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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)

Part change of use from Class 1 (shop) to Class 1 (shop /deli) and Class 3 (restaurant).

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 attached appeal statement

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)

Appeal statement

Application Details

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

22/02158/FUL

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

22/04/2022

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

02/08/2022

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 members of the Local Review Body to visit 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: 26/08/2022

Planning Appeal Statement – 77A George Street, Edinburgh

**Part Change of Use from Class1 (shop)to Class1 (shop/Deli) and Class3 (restaurant)
Planning Reference: 22/02158/FUL**



**Format Design
26 September 2022**

Introduction

This application was refused on 2 August 2022.

There was a single reason provided for the refusal decision.

“The proposal is contrary to the Local Development Plan Policy Ret 9 in respect of, Alternative Use of Shop Units - Elsewhere in defined centres, as it would contribute to over 1/3 of non-shop uses within the block.”

The response for review:

A. The applicant wishes to appeal this decision, as they consider that this reason for the refusal is deeply flawed as George Street is specifically excluded from ‘City Centre Primary Frontages’ (see pages 4 and 5 of the Supplementary Guidance City Centre Shopping and Leisure), that in any event the front part of the unit will be retained in retail use (Class 1 shop/deli) and the decision fails to recognise that there is insufficient retail to fill vacant premises in George Street.

The current Local Development Plan and Supplementary Guidance was drafted and adopted prior to the pandemic and the major restructuring of the retail sector due to the massive shift in online sales and the opening of the St James Quarter. This has dramatically changed shopping patterns in Edinburgh and across the country. This has been recognised in the review of policy on Princes Street, but so far, the council’s policies have not been reviewed in a way that will help regenerate and return the vibrancy to this important thoroughfare and destination.

The refusal is very likely to create another vacant unit or lead to a dramatically lower quality of shopping brand, which is surely not in the best interest of the future of George Street, or the vitality and viability of the City Centre. It will certainly not tackle the very serious vacancy rates being experienced in George Street.

B. There are also numerous positive reasons (listed below) why the applicant feels the application should be supported. The applicant is an experienced operator running significant businesses of scale in George Street. The applicant supports the views expressed by Essential Edinburgh that a more flexible approach is required to tackle the challenges faced by George Street, especially as George Street is about to undergo very significant and disruptive works to implement the council’s planned changes. The applicant supports the changes being promoted by the council, but they are aware that such major works will cause many years of disruption, adding to the pressures already faced on George Street. Also, in this proposal the retail frontage will be retained as a delicatessen (Class 1), complimenting the remainder of the unit as a restaurant use and therefore complies with the policy on retention of a Class1 use.

Reasons why the applicant feels this appeal should be upheld:

1. A mixed use of Shop (Class1 deli) and Class 3 uses are a viable and attractive alternative. Large Class 1 shop uses are under extreme pressure from online retailing and out of town shopping. A more sophisticated and flexible approach to alternative uses within the traditional centres should be adopted. This approach is supported in Scottish Planning Policy Document dated 18 December 2020 paragraphs 60 and 70 quoted below:

Para 60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- ***apply a town centre first policy^[33] when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;***
- ***encourage a mix of uses in town centres to support their vibrancy, vitality, and viability throughout the day and into the evening.***

- **ensure development plans, decision-making and monitoring support successful town centres; and**
- **consider opportunities for promoting residential use within town centres where this fits with local need and demand.**

Para 70 - Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development

2. Paperchase (the current occupants) are about to vacate this unit, and we understand they are considering a rebranding of their operation and to operate from smaller outlets in more local areas such as Bruntsfield and Stockbridge, so still retaining Paperchase as a retail shop within Edinburgh, but the current store simply is not viable.
3. The applicants are a successful Scottish family business which runs Cafe Andaluz restaurants on George Street and George1V Bridge, Cadiz and Amarone, as well as other restaurants in other cities with a total staff of c1200.
4. The retail delicatessen floorspace to the front street would retain a retail frontage and complement the restaurant very well. It would also help to deliver and support the council's vision for 'Twenty Minute Neighbourhoods' for city centre residents by improving the shopping offer in the city centre, which would serve local workers, residents, and tourists.
5. The proposal is strongly supported by Essential Edinburgh, an organisation, which is one of the country's most effective Business Improvement Districts and was established to ensure that Edinburgh city centre excels as a place to work, a place to do business, a place to shop and a place to visit. Essential Edinburgh strongly supports a flexible approach that avoids long term vacancies in George Street.
6. A previous application for this site was to change the use to solely a Class 3 restaurant, and at that time the premises did not have an end user. The proposal now has an end user which is a local business as described above. This application was only narrowly defeated at the previous Local Review Body by a single vote. That application did not retain the retail element now proposed as part of the mixed use. The applicant feels that these positive changes have not been appropriately acknowledged or recognised in this refusal.
7. Being a quality food offer, it will support local fresh food suppliers. This will help improve the retail mix in George Street where high-end retail of clothes, hats, shoes, and jewellery currently prevails.
8. The creation of a vibrant city centre restaurant and delicatessen fronting the street will be a significant benefit to the vitality of George Street, ensuring an active frontage all day and into the evening.
10. The proposal will create further local jobs, 77 George Street will support 40 new jobs, more than would be provided by a shop alone.
11. The reason for the refusal is based solely on the alleged loss of a retail unit and fails to acknowledge that the new application retains the frontage of the unit as retail (delicatessen).
12. Lastly, but more for clarification is that the current 50% non-retail element in that frontage will not be increased, as a retail element will be retained as a Delicatessen, but in any event the

Supplementary Guidance CC3 specifically excludes George Street which would lead to the conclusion George Street should be in Guidance CC4 i.e. (1/2 of frontages not 1/3)

Conclusion:

Paperchase is about to add to the historically high vacancy rate in George Street.

The world is now in a very different place since the Local Development Plan Ret 9 was adopted, and the policy is overdue for review as a result.

The retail sector in George Street has been particularly hit hard by the pandemic with the trend towards online shopping and the opening of the St James Quarter.

The proposal is for a mixed use that will offer locals and workers a place to obtain goods for daily household use (where most of the retail units on George Street are for upmarket clothing wear) and a restaurant both adding to the vibrancy of George Street.

There was one objection to the proposed flue but not for the change of use. The flue is deemed acceptable in the Planning Report of Handling and is not given as a reason for refusal.

There are very significant material considerations for supporting this proposal, to overturn the refusal and grant planning permission. In doing this, the applicant strongly believes that this will have a very positive contribution to strengthening and improving George Street and the City Centre in general.

The approach for this application is supported in Scottish Planning Policy Document dated 18 December 2020 as per paragraphs 60 and 70 of the Policy Document outlined above.

Attached are photographs of the current vacant units (at the time of the application) in the City Centre and immediate vicinity of the application site. It is our understanding that none of these have interest from retail operators and they may lay empty for much longer as a result.

We hope that the Local Review Body, after consideration of this appeal, will for all the positive reasons highlighted above support the appeal and grant Planning Permission.



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