



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 100580618-002

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="Gilberts"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="George"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Gilbert"/>	Building Number:	<input type="text" value="39"/>
Telephone Number: *	<input type="text" value="01312473100"/>	Address 1 (Street): *	<input type="text" value="Grassmarket"/>
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="GB"/>
		Postcode: *	<input type="text" value="EH1 2HS"/>
Email Address: *	<input type="text" value="gg@gilberts.co.uk"/>		

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="38"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Quality Street"/>
Company/Organisation	<input type="text" value="TOURIST SERVICES [EDINBURGH]"/>	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="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH4 5BS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="gg@gilberts.co.uk"/>		

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="44 MAIN STREET"/>
Address 2:	<input type="text" value="DAVIDSON'S MAINS"/>
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="EH4 5AA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="675434"/>	Easting	<input type="text" value="320718"/>
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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)

Amendment of condition 1 of Planning Consent 14/01199/FUL.

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.

See attached documents.

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)

Statement by Appellant.

Application Details

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

22/03376/FUL

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

29/06/2022

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

31/08/2022

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

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: Mr George Gilbert

Declaration Date: 24/11/2022

44 MAIN STREET, DAVIDSON'S MAINS, EDINBURGH EH4 5AA

PLANNING CONSENT 14/01199/FUL

REFUSAL OF AMENDMENT OF CONDITION 1 UNDER PLANNING APPLICATION 22/03376/FUL

SUBMISSION TO LOCAL REVIEW BODY

1.0 INTRODUCTION

It is the considered opinion of the Appellant that the case officer who administered this planning application for an extension of opening hours by delegated procedures did not consider the available evidence in support of the submission in a balanced, fair, and equitable manner.

The Appellant would be grateful if the Local Review Body would reconsider the facts of the case with a view to reaching a decision which protects neighbouring residential amenity and at the same time provides the restaurateur with trading conditions commensurate with those applied to immediately neighbouring similar businesses.

2.0 APPLICATION HISTORY AND JUSTIFICATION

Planning consent was granted on 30:05:2014 for the change of use of the above property from Class 1 retail use to Class 3 café/restaurant use.

A single specific condition was applied to the grant of consent.

This condition limited the opening hours of the premises from 7.30am until 9.30pm daily.

The Applicant wishes to seek parity with adjoining similar businesses and have the opening hours extended to 11.00pm.

The Applicant and property owner has now leased the premises to two tenants whose restaurant businesses have failed due to the operational inefficiencies caused by the implications of a 9.30pm closing restriction.

This time constraint effectively means that last table orders require to be taken no later than 7.30pm thus limiting the evening customer profile and numbers materially.

It is arguable that opening time conditions were known to the tenants prior to them entering lease agreements.

However, this does not detract from the stark reality eventually faced by the tenants.

This situation is compounded because of the opening hours of six hot food outlets and one cold food retailer [listed below] all located within 100m of 44 Main Street.

These businesses enjoy permission to open until 11.00pm and 10.00pm respectively.

They operate sympathetically within a mixed-use area of the City and where careful consideration needs to be given to the amenity of residential occupiers.

There is no reason to believe that the facility at 44 Main Street could not work equally successfully with similar opening hours.

The Applicant would like to address this inequality of trading conditions facing future restaurant operators at 44 Main Street and have Condition 1 of Planning Consent 14/01199/FUL varied to include a closing time of 11.00pm.

List of hot food and cold food businesses adjacent to the application site opening until 10.00pm and 11.00pm daily.

Abida Indian Takeaway

19 main Street

Ye Old Inn Lounge Bar and Restaurant

25 Main Street

The Norhet Public Bar and Restaurant

45 Main Street

The Bangla Kitchen

67-69 Main Street

The Corbie Fish and Chip Shop

72 Corbiehill Road

The Kowloon Chinese Takeaway

51 Corbiehill Road

Spar [cold food]

54B Main Street

3.0 RELEVANT ASSOCIATED INFORMATION

A]

A significant number of written objections in connection with this planning application have been received by the Planning Authority.

Scrutiny of these documents demonstrates that almost all have been submitted by the two persons living at 44A Main Street, immediately above the application property.

This manoeuvre artificially distorts the acceptability of the application to the local community.

Two considered and constructive representations were received from the Local Community Council.

These submissions promoted a compromise extended hours of opening until 10.30pm.

B]

The occupiers of 44A Main Street have been serial complainers about the operation of the café/restaurant since its opening.

Indeed, inappropriate physical objections by these same parties have been the subject of police and court intervention.

CEC enforcement officers have investigated a number of these complaints to a conclusion.

The café/restaurant operator has been exonerated on every occasion.

It is a fact that the current owners of the flat at 44A Main Street have now sold and have moved to an alternative location.

It is anticipated that a co-operative arrangement will now ensue between the neighbouring parties.

C]

The café/restaurant has a mature client profile who enjoy traditional conversation over dinner.

Evening dispersal is managed, orderly and considerate of others.

A statement by the restaurateur providing further information on the operation of the business is attached as an appendix to this document.

4.0 CONCLUSION

The Appellant has noted the compromise solution promoted by the Local Community Council who have suggested a closing time not later than 10.30pm.

The Appellant would be pleased to adopt this constructive suggestion if the Local Review Body were mindful to grant planning permission on this basis.

44 MAIN STREET, EDINBURGH, EH4 5AA
VILLAGE BISTRO

TENANT My name is Paula Neilson and I have lived in the Davidson's Mains area all of my life, having been brought up in Corbiehill and then after being married some time ago residing in Silverknowes. I was educated at Davidson's Mains primary school and the Royal High.

BUSINESS EXPERIENCE

I currently run a residential property business which has more than 20 properties in its portfolio and have done so for 22 years.
I also have a small bakery business which supplies a few local cafes with home bakes.

BISTRO CLIENTELE

The majority of our evening customers are aged over 40.

AMBIENCE

We play soothing background music on the premises and encourage conversation, being family friendly and a community resource.

DEPARTING GUESTS

Our customers leave the premises with consideration for our neighbours and we have NOT received any complaints in this regard.

DAVIDSON'S MAINS AND SILVERKNOWES ASSOCIATION

I am aware of their response to the opening hours which suggests that a compromise would be to extend the opening hours until 10.30pm rather than 11pm. I would also be prepared to compromise and agree to this.

