



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 100625294-001

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: TmC Planning and Property Development Ltd.

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Philip Building Name: The Barn

Last Name: * Landa Building Number:

Telephone Number: * Address 1 (Street): * Netherton Farm

Extension Number: Address 2: Westcraigs Road, Harthill

Mobile Number: Town/City: * Shotts

Fax Number: Country: * Scotland

Postcode: * ML7 5TT

Email Address: *

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"/>
First Name: *	<input type="text" value="Graham"/>	Building Number: <input type="text" value="30"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): * <input type="text" value="King Street"/>
Company/Organisation	<input type="text" value="Cornucopia EH11 Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: * <input type="text" value="Inverkeithing"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KY11 1NB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

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="27 BANKHEAD TERRACE"/>
Address 2:	<input type="text" value="SOUTH GYLE"/>
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="EH11 4DY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670966"/>	Easting	<input type="text" value="319095"/>
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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)

APPEAL STATEMENT FOR CHANGE OF USE FROM ADMINISTRATION OFFICE (CLASS 4) TO THE PRIVATE ADULT CLUB (SUI GENERIS)

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.

Refer to 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)

1. Location Plan 2. Proposed plan 3. Decision notice 4. Handling report 5. Amended form 6. Planning Statement

Application Details

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

22/04345/FUL

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

23/09/2022

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

25/01/2023

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 Thomas Cochrane

Declaration Date: 17/04/2023



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

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Thank you for completing this application form:

ONLINE REFERENCE 100595404-001

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.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposal detailed in planning statement

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

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:	TmC Planning and Property Development Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Thomas	Building Name:	Suite 1:12 Stadium House
Last Name: *	Cochrane	Building Number:	
Telephone Number: *		Address 1 (Street): *	Alderstone Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Livingston
Fax Number:		Country: *	Scotland
		Postcode: *	EH54 5DT
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Graham	Building Number:	30
Last Name: *	Ludar-Smith	Address 1 (Street): *	King Street
Company/Organisation	Cornucopia EH11 Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverkeithing
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	KY11 1NB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

UNIT 4

Address 2:

27 Bankhead Terrace

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH11 4DY

Please identify/describe the location of the site or sites

Northing

671186

Easting

318562

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

576.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Business Administration

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">36</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">36</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

N/A

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☒ Yes ☐ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Carvetti Properties LLB, 24, Carnbourne Road, Carlisle, United Kingdom, CA2 7JN

Date of Service of Notice: *

28/06/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Thomas Cochrane

On behalf of: Cornucopia EH11 Ltd

Date: 26/08/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Thomas Cochrane

Declaration Date: 26/08/2022

Payment Details

[REDACTED]

Created: [REDACTED]

Proposal Details

Proposal Name	100625294
Proposal Description	APPEAL STATEMENT FOR CHANGE OF USE FROM ADMINISTRATION OFFICE (CLASS 4) TO THE PRIVATE ADULT CLUB (SUI GENERIS) On behalf of Graham Ludar Smith, Unit 4, 27 Bankhead Terrace, Edinburgh, EH11 4DY
Address	27 BANKHEAD TERRACE, SOUTH GYLE, EDINBURGH, EH11 4DY
Local Authority	City of Edinburgh Council
Application Online Reference	100625294-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Location	Attached	A4
Plan	Attached	A4
Decision Notice	Attached	A4
Handling Report	Attached	A4
Amended Form	Attached	A4
Supporting Document	Attached	A4
Supporting Document 01	Attached	A4
Supporting Document 02	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Change of Use from Class 4 to Sui Generis

ON BEHALF OF GRAHAM LUDAR-SMITH FOR THE
PROPERTY AT UNIT 4, 27 BANKHEAD TERRACE,
EDINBURGH, EH11 4DY

RUSSELL, LUCY

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1 INTRODUCTION

The following application is for a private adult's club, also known as a 'swingers' club. The club will be for patrons, and does not have any sex workers providing entertainment, and the members will all be consenting adults.

The tenant is seeking to make the future planned use of this property legal by requesting a change of use from a class 4 to sui generis. The renovations that will take place if permission to change use is granted will be relevant to the running of the club as a private adult venue.

The location of the site is removed from the city centre and residential areas. It is located within a business park that won't be operational during the operating times of the proposed premise.

2 SITE BACKGROUND

2.1 SITE LOCATION

The site is in Unit 4, 27 Bankhead Terrace, Cutlins Road. It is within the Bankhead Workspace in the Sighthill area of Edinburgh, is within the larger Hermiston Gait retail/industrial park. The workspace is made up of various businesses. The site is surrounded by other retail and business units and is not close by to residential units or dwellinghouses.



Figure 1: 27 Bankhead Terrace

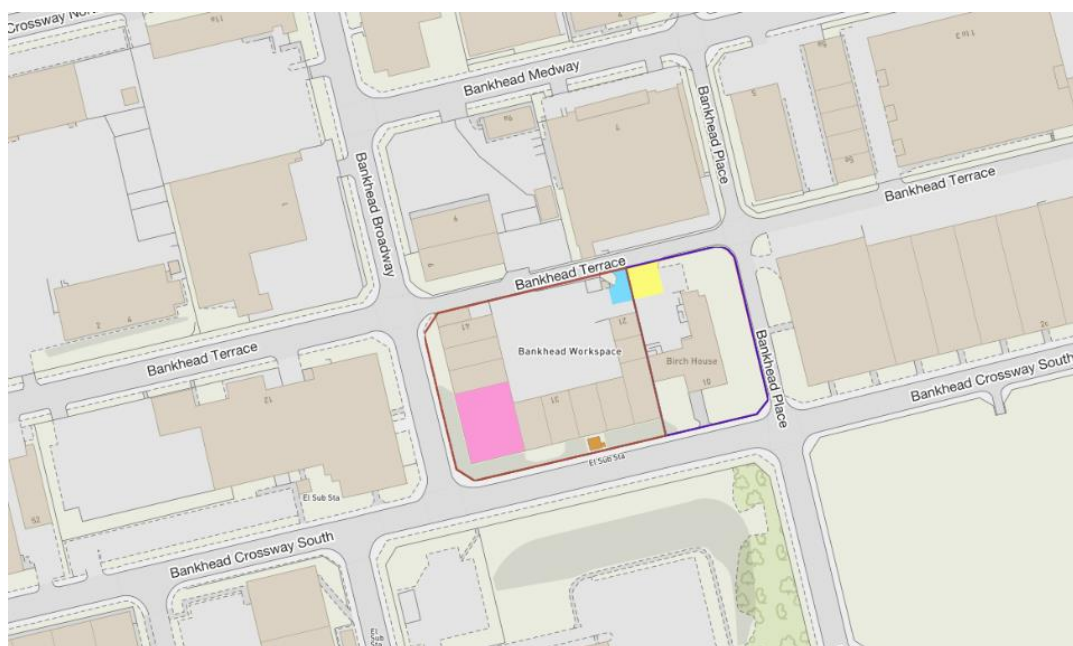


Figure 2: 27 Bankhead Terrace (ScotLIS map)

2.2 CURRENT USE

The unit of the proposed development is 6200 square feet. Its current use class is 4 (Business) as per City of Edinburgh Council quick guide to change of use. The property was previously used as Administration office for Edinburgh Napier University. The interior of the property is currently fitted for this use and therefore any granting of permission to change of use will subsequently be followed with renovations to make it appropriate for its new use as a private adult club.

2.3 PLANNING HISTORY

There have been several applications submitted and granted to utilise the space in a variety of ways from industrial, light industrial to general business and retail. The park has changed from its original use and has developed the site into a diverse location for a variety of uses. Few applications from the site surroundings are presented below.

App ref: 07/02248/FUL: **Withdrawn**

Application for Change of use from industrial to business, retail, general industrial, storage and distribution.

Change of use from industrial to business, retail, general industrial, storage and distribution

10 Bankhead Crossway South Edinburgh EH11 4EP

Ref. No: 07/02248/FUL | Received: Wed 30 May 2007 | Validated: Wed 30 May 2007 | Status: Withdrawn

App ref: 06/02921/FUL: **Granted**

Change of use and alterations from industrial to business, general industrial, storage, distribution (class 4, 5 and 6)

Change of use and alterations from industrial to business, general industrial, storage, distribution (class 4, 5 and 6)

10 Bankhead Crossway South Edinburgh EH11 4EP

Ref. No: 06/02921/FUL | Received: Wed 12 Jul 2006 | Validated: Thu 20 Jul 2006 | Status: Application Granted

2.4 EDINBURGH LOCAL DEVELOPMENT PLAN

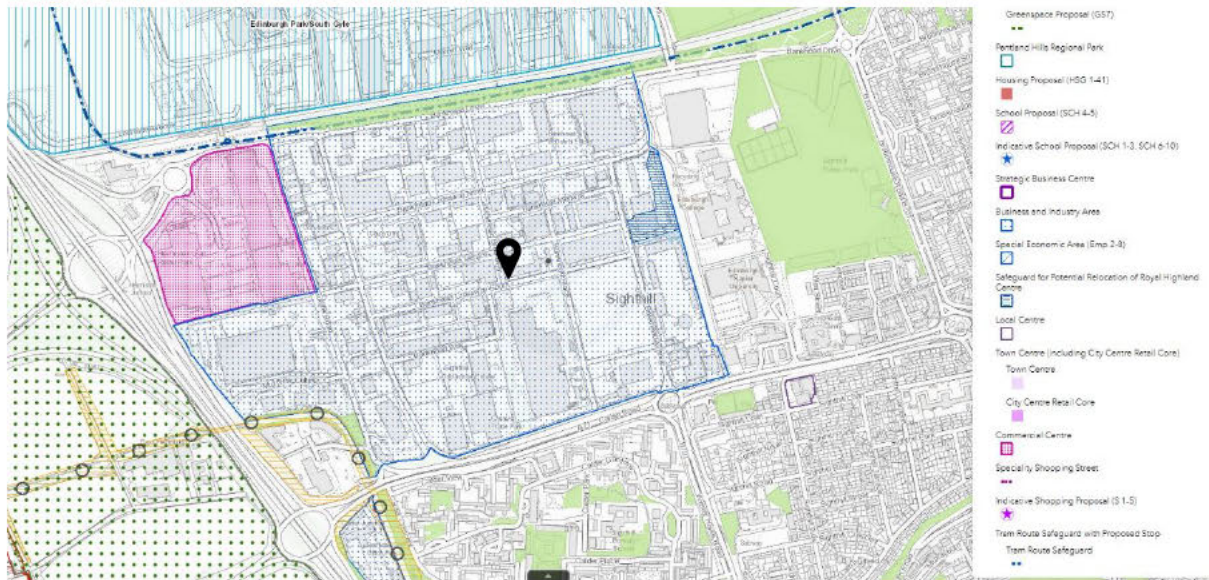


Figure 3: Edinburgh City Local Development Plan, 2016

The proposed site area is under Business and Industry area category as per the city Local Development Plan. In addition, the radius of 800m is under the same category as the proposed site.

3 PROPOSAL

The proposal is for a change of use permission from Class 4 (business) to Sui Generis. The tenant wishes to operate the space as a private adult club and wishes to secure this change of use to renovate the space to make it appropriate for this use. This includes the addition of various private rooms and open rooms of varying sizes throughout the 6200sqft floorspace.

3.1 DESIGN



Figure 4: Site Plan, Elevation and Sections

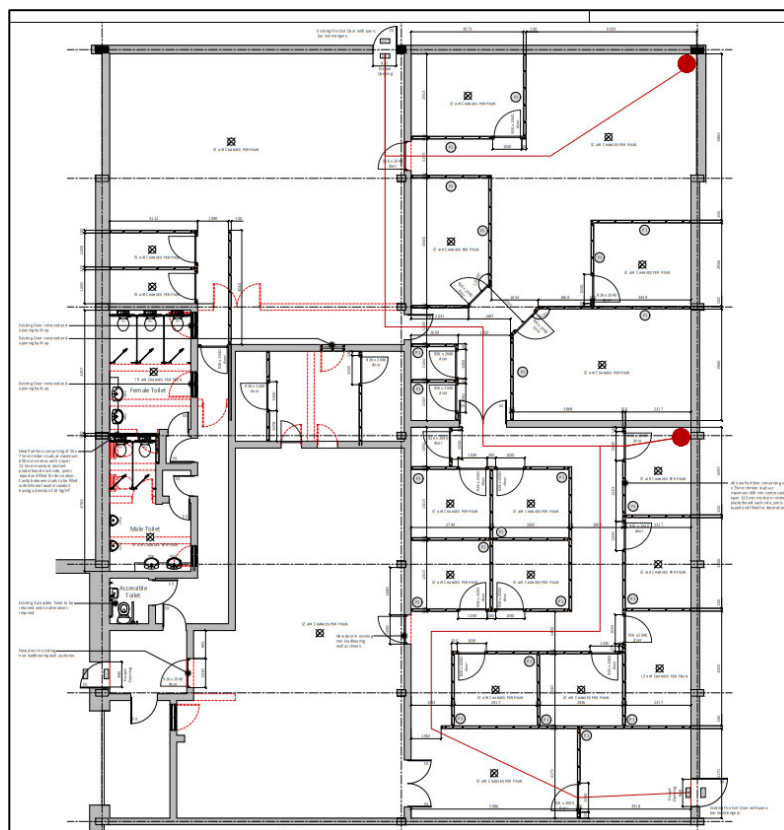


Figure 5: Proposed Floor Plan

The works being proposed are described in detail in the full building drawings (see appendix e).

3.2 JUSTIFICATION FOR DEVELOPMENT

This development has mitigated its potential bad neighbour effects by proposing that it operates from a business park which is about 0.6 miles from the nearest residential development. Although this means it is accessible, it will not cause undue noise to neighbouring properties. Furthermore, the nearest school is 0.9 miles away, but the site is additionally secured from street access by a fence around the perimeter. The site has been ensured to have public access which means visitors can use public transport to access an out of centre development and can return via this way during the night as well.

The following are the public transport links which are within a 20 minute or less walking distance:

- Bankhead trams stop: 0.44 miles (see appendice a)
- Edinburgh Park tram stop 0.52 miles (see appendice b)
- Edinburgh Park train station 0.52 miles (see appendice b)
- Bus stop heading west-ward 0.61 miles (see appendice c)
- Bus stop heading east-ward 0.60 miles (see appendice d)

Additionally, there has been contention surrounding the permitting of private adult venues within the city centre and the social issues that accompany them. This development, however, is far more secluded and will not be easily accessible by members of the public or children.

4 RELEVANT POLICY

The following policies from have been deemed relevant to this application.

4.1 EDINBURGH LOCAL DEVELOPMENT PLAN

Policy Emp 8 Business and Industry Areas

Planning permission will be granted for business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'. Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas.

215. *This policy aims to retain a range of employment sites across the city where new and existing businesses can operate, expand, or relocate. It applies to land at Leith Docks, large industrial areas such as Sighthill and Newbridge and other smaller estates dispersed across the city.*

Response: This development is supportive of this local development plan policy as it is a form of business development.

Policy Ret 8 Entertainment and Leisure Developments – Other Locations

Planning permission will be granted for entertainment and leisure developments in other locations provided:

- a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable*
- b) the site is or will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally*
- c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character*
- d) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance, and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.*

258. *This policy sets out criteria for assessing proposals for entertainment and leisure developments in other locations, such as commercial centres, local centres and elsewhere in the urban area. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents.*

Response: The private adult club's location within an employment zone which is not widely used by the public after general operating hours meaning, that this venue will not cause disturbance through noise or other means to neighbouring residents. Furthermore, as there are no schools or places of worship in a mile radius, children will not be exposed to the venue given its location. Any bad neighbour effects associated with this development are limited greatly as well as limiting the general public or children to exposure from it.

Policy Ret 6 Out-of-Centre Development

Proposals for retail development in an out-of-centre location will only be permitted provided it has been demonstrated that:

c) the proposal will not have a significant adverse effect, either individually or cumulatively with other developments, on the vitality and viability of any existing centre.

d) the site is or can be made easily accessible by a choice of transport modes and will reduce the length and overall number of shopping trips made by car.

252. There are benefits in providing small scale, convenience stores (up to 250sq.m. gross floorspace) in locations easily accessible on foot or by cycle. These will complement the role of the identified centres and therefore for such proposals it is not necessary to demonstrate that there is no site suitable and available in or adjacent to an identified centre (criterion b) in Policy Ret 6). The other requirements of Policy Ret 6 do need to be satisfied. This will allow, for example, large scale housing proposals to include local shopping facilities to serve new residents. This will also help meet create more sustainable communities, one of the overall objectives of the plan.

253. Policies Ret 7 and Ret 8 apply a sequential approach to the location of entertainment and leisure uses such as cinemas, theatres, restaurants, night clubs, ten pin bowling, bingo halls and soft play centres. These policies will also be applied to proposals for visitor attractions supporting Edinburgh's role as a major tourist destination and cultural centre of international importance.

Response: This is an out of centre development being proposed within an employment opportunity area. The development taking place in this area mitigates any perceived negative effects of having this use class within the city centre or near residential development. Additionally, the site is accessible by Edinburgh's transport links (see appendices a & b) as there is rail, trams, and bus links within a 20-minute radius.

Policy Ret 9 Alternative Use of Shop Units in Defined Centres

In the City Centre Retail Core and town centres, change of use proposals which would undermine the retailing function of the centre will not be permitted. Detailed criteria for assessing proposals for the change of use of a shop unit to a non-shop use will be set out in supplementary guidance. Supplementary Guidance will detail an approach tailored to different parts of the city centre retail core and each town centre to be informed by town centre health checks which will assess the centres strengths, vitality and viability, weaknesses and resiliencies. The change of use of a shop unit in a local centre to a non-shop use will be permitted provided:

b) the proposal is for an appropriate commercial, community, or business use, which would complement the character of the centre and would not be detrimental to its vitality and viability.

262. The policy aims to avoid areas of 'dead frontage' and reduced pedestrian flow which would detract from the character and vitality of the centre by requiring that at least one unit in every four is in shop use. Beyond this requirement, the policy applies a flexible approach to change of use applications in local centres provided the use will be beneficial to the local community such as providing services, hot food or entertainment facilities. In local centres, former shop units may also be suitable for business use, providing a beneficial use for vacant properties and opportunities for small start-up businesses and job creation close to where people live.

Response: The change of use from class 4 business use to sui generis would not undermine the aims of this plan. The resultant change of use would not result in 4 units being used as non-shops. The change of use would result in the unit being used for a commercial use, appropriate to the setting. It would contribute to the vitality and diversity of business within the retail centre.

5 SUMMARY

The proposed private adult venue would be best operated in an area that is detached from the public; both for the benefit of the public and for the safety of the club's patrons. The operation of private adult venues is unavoidable, however, permitting them to legally operate and allowing them to do so in an area that reduces risk to all parties as far as possible is the best option for ensuring this.

In terms of the local development plan, the proposed site is within a business area; introducing this type of development will diversify and vitalise it.

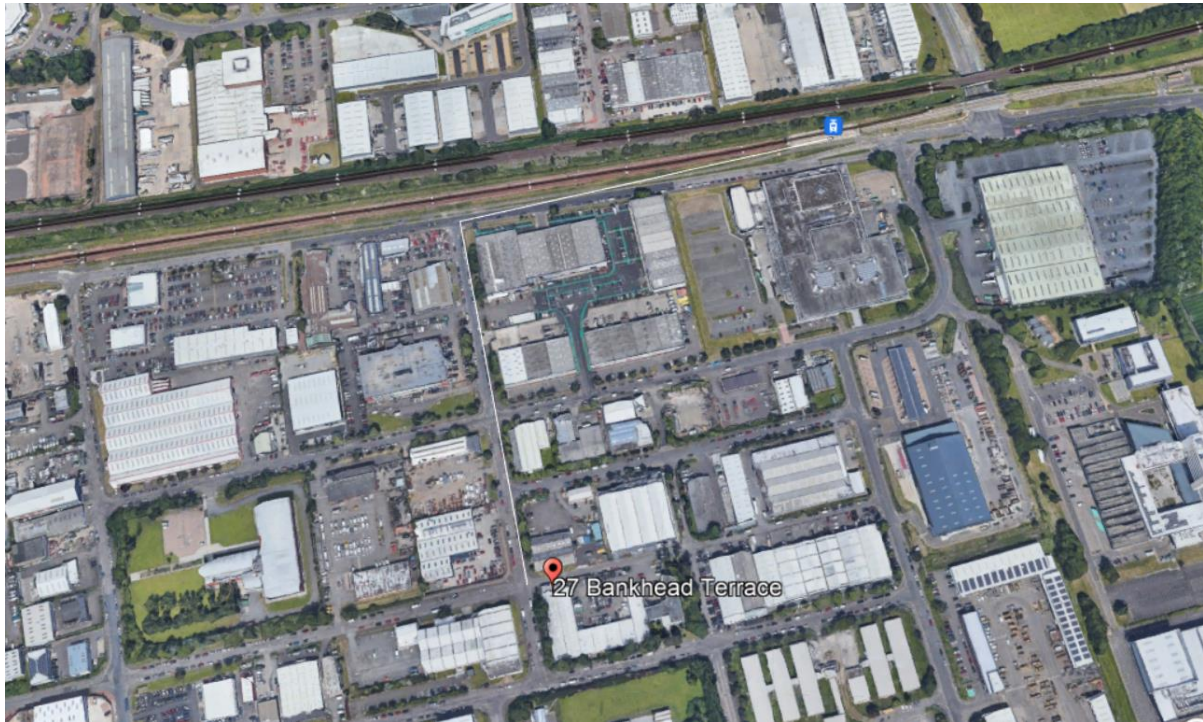
The provision of public transport to and from the site mean that its out-of-centre location does not make it inaccessible without the use of a car or private vehicle.

The design of the proposal has ensured that the design principles set out in the Local Development Plan are adhered to. The design from the exterior is fitting with the character of the area it is within and does not constitute overdevelopment.

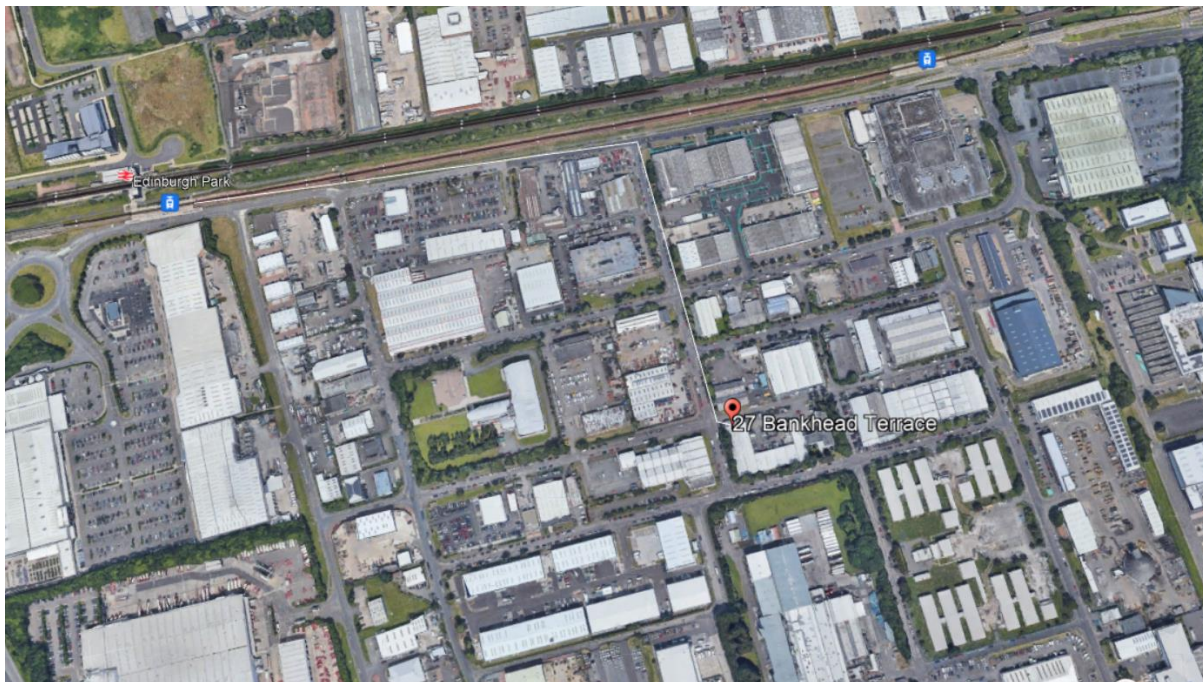
The site is demonstrably ideal for this type of development and therefore hope that this request for change of use will be permitted.

APPENDICES

Appendix a



Appendix b



Appendix c



Appendix d



Appendix e



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6th April 2023

Application No: 22/04345/FUL – Decision Notice

To whom it may concern,

This is an academic letter of support to appeal the Decision Notice of Application No: 22/04345/FUL. As a Reader in Critical Masculinity Studies at the University of Newcastle, I have spent the past twenty-five years researching gender, society and culture. This letter of support draws upon empirically collected evidence from academic research that has been carried out for the last five years on adult clubs. This research is a culmination of interviews with adult club owners, visits and observation of over twenty-five adult clubs, interviews with those who visit clubs and data collected from the profiles of over 7,000 people who have visited clubs (Haywood 2023a; Haywood 2023b; Haywood 2023c; Haywood 2022a; Haywood 2022b; Haywood 2020a; Haywood 2018). My research is the only research that has looked at adult clubs in terms of issues of safety, community, sexual health, sexual practices and commercial viability. There are other pieces of research on adult clubs, but these primarily deal with specific concerns of licencing and the communities that use the clubs. This letter is in response to concerns raised about the opening of *After Dark* in Edinburgh and addresses claims made in the recent planning permission judgements. It addresses these concerns in turn:

1. “The proposal is contrary to NPF 4 Policy 26, as it would fail to encourage, promote and facilitate business and industry uses.”

Adult clubs as commercial entities are increasingly being viewed by visitors as part of the broader leisure and tourism industry. The increasing prevalence of premises-based adult clubs in the UK, from around 6 in 2003 to over 45 in 2023, is part of a broader trend of leisure sex consumption that has seen an increase in erotic retail on the high street and online, bespoke travel excursions to tourist destinations, erotic festivals and events and an increase in private erotic parties. Adult clubs have become a growing part of this growing trend as a business in the experience economy. From a building that was unoccupied for a number of years, *After Dark* has revitalised the space and invested close to £1 million in the purchase and renovation of the club. The club is committed to making a return on its investment. that had been empty for a number of years to be used as a business. *After Dark* already has a direct impact on the economy. At present, the club has 12 employees, directly and indirectly, as well as 22 volunteers. Subject to its success, the club aims to increase the number of staff employed to support the business.

The club is not only a business in itself, it has a positive impact on the broader commercial ecosystem of the locality. Based on a sample of over 4000 visitors to adult clubs in the UK, the average journey to a club is around 64 miles. Given that clubs tend to open at around 9.00 pm and close at 2.00 am, it is most likely that those visiting will use local hotels and amenities as part of their visit. A current trend of club visitors is to eat out in local restaurants or have pre-club drinks at local bars. Several adult clubs in the UK already advertise local attractions and events on their websites. Therefore, adult clubs have a direct impact, generating business in the local community. *After Dark* is adopting a similar strategy by embedding itself into the tourist ecology of the area and looking to highlight local hotels and restaurants that will be convenient to visitors of the club.

Furthermore, the club in the process of developing its facilities has used local neighbouring businesses. This direct feed to local businesses will continue via contracting for club maintenance, soft drinks and refreshment suppliers, CCTV and sound system maintenance

as well as commissioning annual health and safety inspections. Finally, *After Dark* will be a strong source of revenue for local taxi firms with club members overwhelmingly using taxis to visit and leave the club.

2. “The proposal would be unacceptable by virtue of its impact on public safety.”

There are two areas of safety that may concern the running of an adult club, the safety of those visiting and the safety of those working there. In terms of the safety of those visiting this can be categorised as safety within the club and safety outside of the club.

Safety within the Club

The majority of clubs in the UK are private members clubs where an initial registration to the club takes place. *After Dark* is no different and requires an annual membership before entrance to the club can take place. By operating a membership system, the club offers an incentive for those attending to abide by the rules of the club. Failure to follow the rules means that membership can be suspended or withdrawn in the event of inappropriate behaviour. A membership system also provides reassurance for members that behaviour in the club is monitored. The membership scheme also enables a thorough listing of people who are attending the club, essential in the event of an emergency, such as a fire.

All clubs in the UK have their internal rules or code of conduct and all clubs that I have researched operate a ‘No Means No’ policy with consent a priority unwanted attention swiftly addressed. In the majority of cases this club prioritise women’s wellbeing, specifically highlighting that if a woman complains of unwanted behaviour, the person causing the complaint is often immediately removed from the club. The club is actively inclusive and does not tolerate members of the club engaging in misogynist, homophobic, racist or transphobic behaviours. On the contrary, *After Dark* is similar to other clubs in the UK where cis and trans communities are welcomed in an inclusive and supportive manner. Adult clubs often provide the infrastructure for friendships and support networks. The average age of those attending clubs is around 44-45 and the sense of community based on respect and often care, means that being in an adult club is a safe place. Other clubs across the UK have become support hubs for swinger and trans communities and *After Dark* is no different.

These networks are already in place, with a number of them being transferred from the previous Edinburgh adult club, the *After Eight*.

Internal safety is also reviewed by internal CCTV cameras and periodic monitoring by staff visiting the rooms within the club to oversee the well-being of the club members. Random violence in a club is extremely rare and if it does take place, the club is often well-trained and resourced to deal with it. Those working in *After Dark* have extensive experience working in the adult club context having previously worked at the adult club *After Eight* club in the past.

Safety Outside of the Club

The club location is not unique. Other adult clubs across the UK are not only situated on industrial and business estates but can also be found in isolated rural locations. All of the clubs in my research ensure the safety of their members when arriving and leaving the club. Club websites often provide clear directions on how to arrive at the club and a contact number for anyone who has difficulty reaching the destination. Adult clubs in the UK tend to have good lighting in and around the facility ensuring that those arriving by car, taxi or foot know exactly where the entrance is located. *After Dark* follows a similar standard with high-quality CCTV cameras that record activity that takes place outside the club. The club also has the intention of developing additional signage for those arriving at the club.

Unlike, pubs, bars or nightclubs, adult clubs offer an unprecedented level of support and aftercare for their members. Ensuring the safety of those leaving at the end of the evening is of paramount importance to adult clubs. By ensuring the safety of those visiting, the club is likely to welcome the member back. In other words, if a member feels safe, then they are more likely to be a repeat customer. Many clubs have arrangements with trusted local taxi firms and *After Dark* is the same. When leaving the club, those members without their own transport will be invited to remain inside the club until a trusted local taxi firm has been called. As with other clubs, *After Dark* employees have experience ensuring the well-being of women and men who may show signs of vulnerability. This may not only involve arranging transport but also providing aftercare in the form of mobile calls/texts or contacting relevant local support services. Where members wish to use public transport *After Dark* staff will

offer members the opportunity to be accompanied to local transport hubs either by staff themselves or by arranging a larger group of members leaving the club.

3. “The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in an unacceptable loss of a business and/or industrial floor space.”

The club is entering an increasingly competitive marketplace. One of the reasons why people choose to visit clubs is because of the facilities that they provide, more specifically, the diversity of leisure spaces within the club. Having sufficient floor space enables commercial attractiveness in a highly competitive industry. Rather than a loss of business, the change of use will facilitate an increase in business. This can be seen in other clubs in the UK, where those with larger spaces (some clubs offer 44 different rooms, dance floors, and swimming pools), tend to be more successful. As part of the experience economy, clubs tend to generate more revenue based on the attractiveness of their facilities. The modest floor space rather than being superfluous to the business is an essential part of the Club’s unique selling points and marketability.

Finally, it is important not to view the change of use of premises as resulting in a singular commercial venture. Rather the change of use will facilitate the development of a range of commercial revenue streams. As with other adult clubs from across the UK, there is scope for a wider range of business activities to place during the day when the adult club business is closed. In order to diversify revenue streams, adult clubs in the UK routinely hire the premises for private, themed events. A number of clubs across the UK have been hired for television or film sets. Other clubs provide erotic well-being and wellness training. Furthermore, clubs have also diversified into providing a place for both private and professional photoshoots. *After Dark* is actively exploring the range of different revenue streams mentioned above that could be developed to support the future of the business. They have already hosted private events and are looking to develop the potential of the space within the premises via the development of a range of commercial activities.

Summary

To be successful businesses, adult clubs need to demonstrate to their members that they offer a unique experience and are safe places to visit. Based on my existing research, my communication with the managers of the club and visiting the club itself, I, without reservation, stipulate that this is:

1. A business that is generating income for itself and other local businesses and services;
2. Offers a robust approach to public safety both within the premises and outside of the premises;
3. Is committed to using the floor space of the premises to develop a successful business and is developing a range of business activities within the premises to accompany the adult club venture.

Yours sincerely

A black rectangular box redacting the signature, with a small circular mark to its left.

Dr Chris Haywood

Two black rectangular boxes redacting contact information, one above the other.

References

Haywood, C. (2023a) The Commercial Viability of Sex Clubs and the Provision of Sexual Health. Report being prepared for the Wellcome Trust.

Haywood, C. (2023b). Post-lockdown Sex: Uncertain Intimacies, Cultures of Desire, and UK Sex Clubs. In T. Sikka, G. Longstaff and S. Walls *Disrupted Knowledge: Scholarship in a Time of Change* (pp. 219-239). Brill.

Haywood, C. (2023c) Chris Haywood, 'It's the touch that is doing the talking': Sex clubs, Dark Rooms and the Loss of Masculinity' in N. Gaag, A. Massoumian and D. Artus (Eds) *Patriarchies in Practice: Are Post-Patriarchal Masculinities Possible?* Bloomsbury: London.

Haywood, C. (2022a) *Sex Club: Recreational Sex, Fantasies and Cultures of Desire*. Palgrave.

Haywood, C. (2022b) Sex Clubs in the UK: Recreational Sex, Erotic Diversity and Geographies of Desire. *International Journal of the Sociology of Leisure*, 1-24.

Haywood, C. (2020) Exploring Men, Masculinity and Contemporary Dating Practices, in L. Götzen and S. de Boise (eds.) *Routledge Compendium of Men and Masculinity*. Routledge.

Haywood, C. (2018) *Men, Masculinity and Dating*. Palgrave.

APPEAL STATEMENT FOR CHANGE OF USE FROM ADMINISTRATION OFFICE (CLASS 4) TO THE PRIVATE ADULT CLUB (SUI GENERIS)

On behalf of Graham Ludar Smith, Unit 4, 27
Bankhead Terrace, Edinburgh, EH11 4DY



HISTORY

The subjects comprise a mid-terraced industrial unit of concrete frame construction with metal corrugated cladding and a pitched metal roof. Access is provided by a 3-meter-wide up-and-over electric roller shutter door with a pedestrian door to the side and two rear fire exit doors.

Internally, the premises' most recent use was as a document storage and preparation centre. It comprises four distinct offices, storage, and workshop spaces with a kitchen, server room, male and female toilet facilities, and shower.

The current specification includes suspended ceilings, vinyl floor coverings, data trunking, and modern lighting with high-level windows on the rear elevation providing natural light. Parking is available in the courtyard with the premises benefitting from 7 allocated spaces.

The unit of the proposed development is 6200 square feet. Its current use class is 4 (Business) as per the City of Edinburgh Council's quick guide to change of use.

The property was previously used as an administrative office for Edinburgh Napier University.

The interior of the property is currently fitted out to a very high standard, and it is suitably divided internally to provide public and private rooms. This allows various minority groups to hire the space they need for their own use,

There have been several applications submitted and granted within the Industrial estate to utilise the space in a variety of ways from industrial, and light industrial to general business and retail, we have listed some examples in the appendix.

The park has changed from its original use and has developed into a diverse location for a variety of businesses.

LOCATION

Sighthill Industrial Estate enjoys a strategic location situated approximately 4 miles west of Edinburgh city centre. It is ideally positioned for access to the principal road networks and communication links including the Edinburgh City Bypass (A720), the M8 interchange at Hermiston Gait, and Edinburgh International Airport.

The subjects form part of a terrace of units known as Bankhead Workspace which are all set around a central courtyard. The location is accessed off Bankhead Terrace close to the junction of Bankhead Place and is just a short distance from A71 Calder Road, a principal route leading into and out of Edinburgh.

The adjoining units in the development are occupied by a range of companies including Francey Joiners and Shopfitters, Boundless Workshop, Scot Shirts, and Artisan Roofing.

Access to public transport is available within a short walking distance including bus stops and the Bankhead tram stop.

REASON FOR APPEAL:

The planning officer has stated the following:

- 1. The proposal is contrary to NPF 4 Policy 26, as it would fail to encourage, promote, and facilitate business and industry uses.**

Oxford English Dictionary states the definition of *business* as the following:

- A person's regular occupation, profession, or trade
- Commercial activity

Policy 26:

- Development proposals for business and industry use on-site allocated for those uses in the LDP will be supported.

RESPONSE: The centre operates as a commercial entity and is open on a regular basis for commercial activity, thus complies with the definition stated within the Oxford English Dictionary

- b. Development proposals for home working, live-work units, and micro-businesses will be supported where it is demonstrated the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.

RESPONSE: This business is neither home working, live-work units, or micro-business, therefore this part does not apply.

- c. Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

RESPONSE: This proposal will support new and expanded businesses that cater to minority groups, stimulate adult entrepreneurship, and promote alternative ways of working to achieve a well-balanced economy. The business will also support tourism within the city, with this type of club attracting visitors for out with the city, Refer to section 1 of the Academic report.

- d. Development proposals for business, general industrial, and storage and distribution use out with areas identified for those uses in the LDP will only be supported where:

- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii. The nature and scale of the activity will be compatible with the surrounding area.

RESPONSE: There are no suitable areas defined in the Local Development Plan or land audit, for this type of Venue,
The nature of the business is compatible with the area due to most businesses being closed at night, thus parking becomes available for clients. The location of the site is removed from the city centre and residential areas, thus not causing inconvenience with residential amenities.

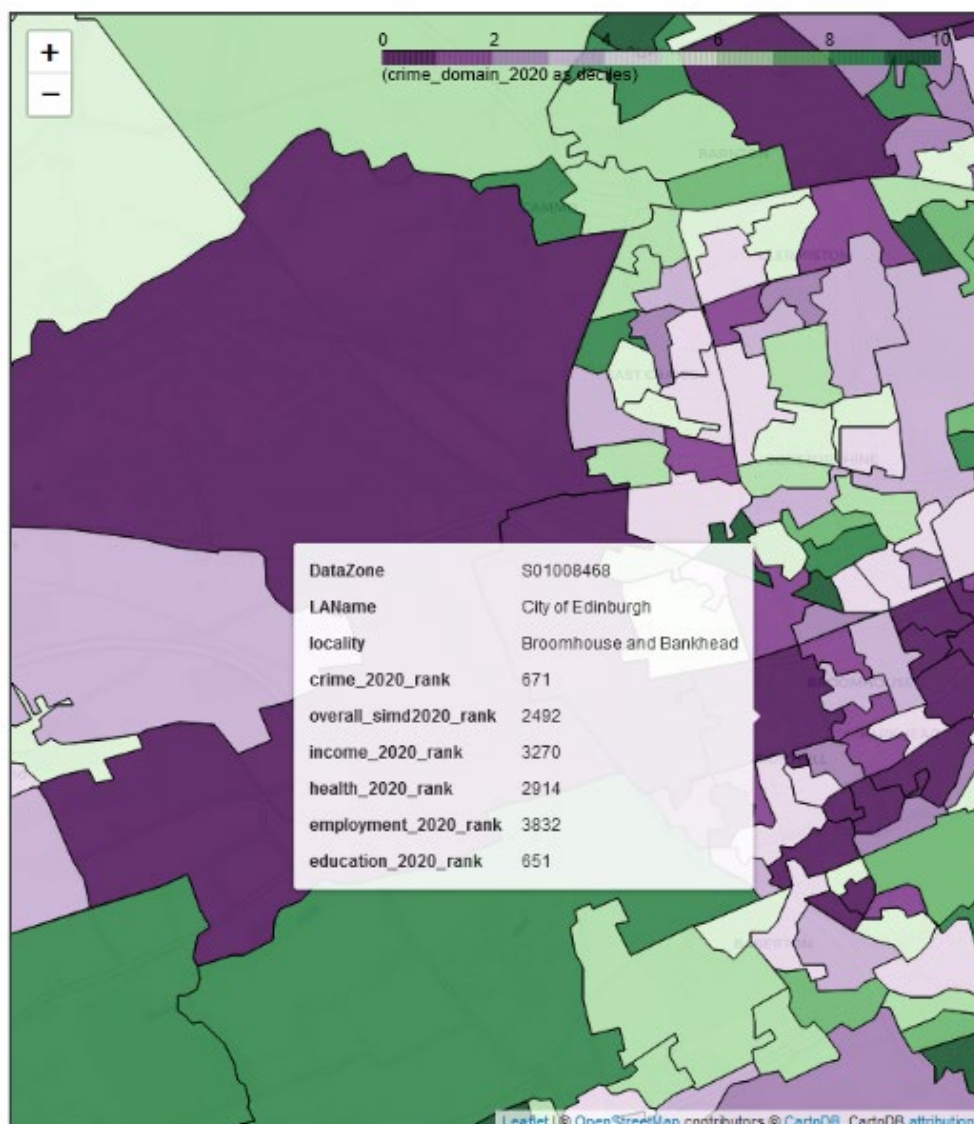
- e. Development proposals for business and industry will consider:
- i. Impact on surrounding area residential amenities, sensitive uses, and the natural and historic environment
 - ii. The need for appropriate site restoration at the end of a period of commercial use.

RESPONSE: This proposed development would not result in a significant loss of business and employment amenities as the club employs 12 part-time workers and 22 volunteers. The proposed development would not give rise to an unacceptable loss of amenities to the occupiers of neighbouring properties. The neighbour businesses will benefit, from increased parking during the day, which is at a premium, due to the club not being open.

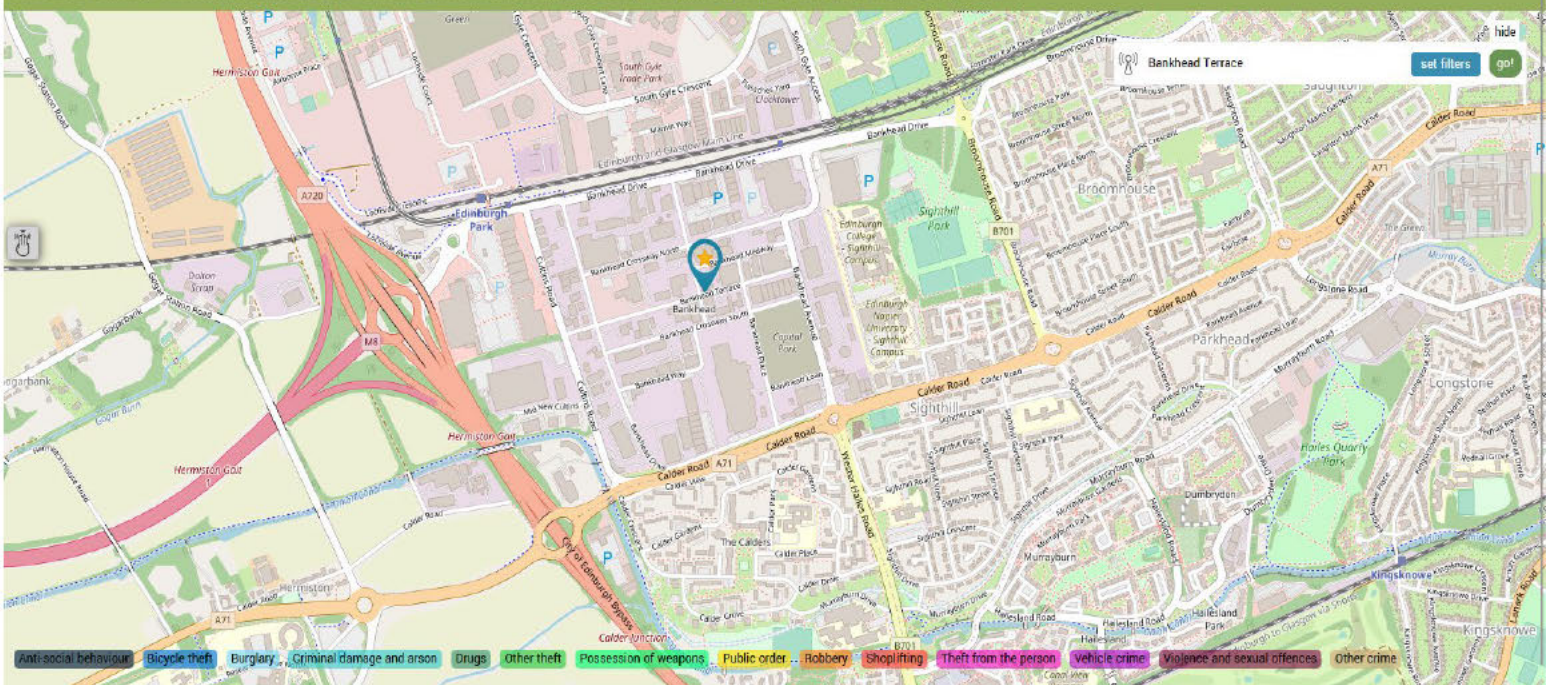
This proposed development would not open during the day while neighbouring businesses were operating and would not make “unreasonable noise” for nearby properties.

2. The proposal would be unacceptable by virtue of its impact on public safety.

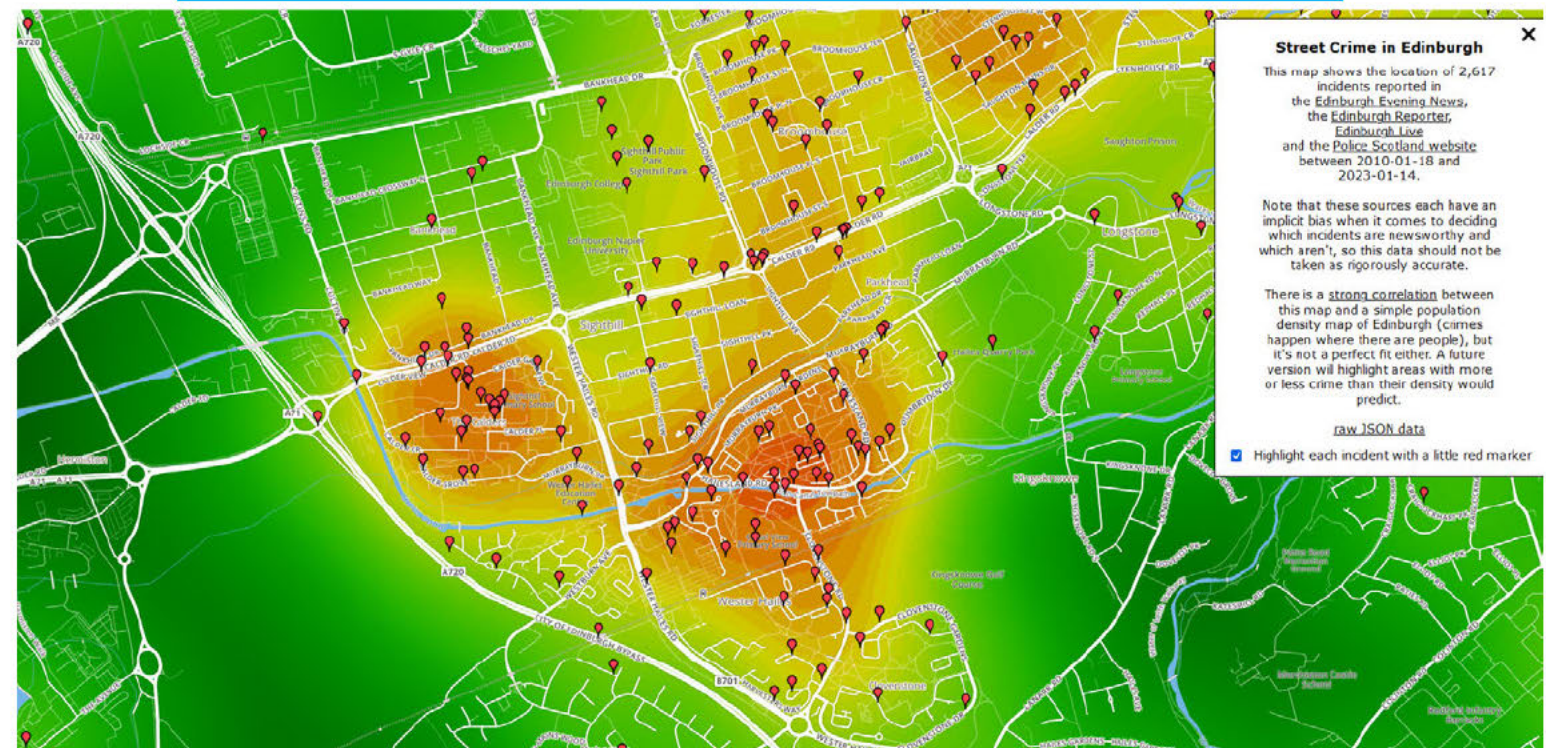
Based on Street Crime in Edinburgh between 2010 to 2023, the area has one of the lowest crime rates within the city, thus it is safer for people visiting the club at night.



Anti Social Behaviour Crime Map for November 2022 around Bankhead Terrace (named road) - Haymarket, Juniper Green, City of Edinburgh, Scotland



Crime map – see the recorded crime in the Bankhead Terrace area in 2022.



Street Crime in Edinburgh between 2010 to 2023

3. The proposal is contrary to the Local Development Plan Policy EMP 8 in respect of Business and Industry Areas, as it would result in an unacceptable loss of a business and/ or industrial floor space.

The proposed development has no adverse effect on the provision of this type of use. The development Principles and Vision for this area are to create a thriving business. The ELDP describes the area as one of varied 'low-density commercial properties with the potential for some incremental change over time'. The proposal will create employment opportunities using the facility.

In terms of site-specific policy, the site is located within a designated 'Business and Industry Area' as identified on the LDP Proposals Map. Connected to this allocation, LDP Policy EMP 8 Business and Industry Areas applies. This states 'Planning permission will be granted for business.

There is currently a significant supply of business space for let in South Gyle /Edinburgh Park Area. Not only will the change of use of this unit not have an adverse impact on the supply of office land at Edinburgh Park Area / South Gyle but by reducing the supply of vacant floorspace it will have the positive impact of increasing demand for the other vacant units.

The proposed change of use will comply with EMP8, by providing employment, and will not adversely impact the amenity of the surrounding area. The proposed development would have no detrimental impact on residential amenities, road safety or infrastructure.

Amenity:

The premises are situated within an existing industrial estate with no noise-sensitive receptors in proximity to the closest residential properties located a significant distance away

Car Parking and Traffic

This location is well served by public transport alongside parking within the curtilage of the property and on-street parking. The proposal would not impact road safety or traffic. The proposal complies with TRA 2 of the Edinburgh Local Development Plan.

REPORT OF HANDLING

Summary

The development application is unacceptable in terms of the relevant policy within the **Edinburgh Local Development Plan and its impact on Public Safety**. As considered within the Development Plan assessment of the application it is concluded that the proposals will have an unacceptable impact and the approval of the proposals would conflict with **the provisions set out within NPF 4, specifically Policy 26**. The proposal would **have no adverse impact on neighbouring residential amenities**. There are no material considerations that outweigh this conclusion.

RESPONSE: This development has mitigated its potential bad neighbour effects by proposing that it operates from a business park which is about 0.6 miles from the nearest residential development. Although this means it is accessible, it will not cause undue noise to neighbour properties.

Furthermore, the nearest school is 0.9 miles away. The site location makes use of sustainable transport which means visitors can use public transport to access the out-of-centre development and can return via this way during the night as well.

Additionally, there has been contention surrounding the permitting of private adult venues within the city centre and the social issues that accompany them. This development, however, is far more secluded and will not be easily accessible by members of the public or children.

The private adult clubs located are within an employment zone which is not widely used by the public after general operating hours meaning, that this venue will not cause disturbance through noise or other means to neighbouring residents. Furthermore, as there are no schools or places of worship in a mile radius, children will not be exposed to the venue given its location. Any bad neighbour effects associated with this development are limited greatly as well as limiting the public or children to exposure from it.



Approximate site location from primary school and residential area



12

Assessment:

The Development Plan comprises Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered area.

1. Policy EMP 8 Business and Industry Areas

Planning permission will be granted for business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'.

Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas.

RESPONSE: This is an out-of-centre development being proposed within an employment opportunity area. At present, the club has 12 employees, directly and indirectly, as well as 22 volunteers. Subject to its success, the club aims to increase the number of staff employed to support the business.

There are any other material considerations which must be addressed?

Concerns regarding **anti-social behaviour and public safety** were raised during the public representation process. The extent to which these matters are material planning considerations depends on the specific development proposals, including the size and scale of the application, the proposed use, and the location context. Regard has been given to these considerations based on the severity of the matters raised. Having attached (significant) weight to these concerns, the proposal would be unacceptable.

RESPONSE: The location of the site is removed from the city centre and residential areas. It is located within a business park that won't be operational during the operating times of the proposed premise. This development has mitigated its potential bad neighbour effects by proposing that it operates from a business park which is about 0.6 miles from the nearest residential development. Although this means it is accessible, it will not cause undue noise to neighbouring properties. Furthermore, the nearest school is 0.9 miles away.

Additionally, there has been contention surrounding the permitting of private adult venues within the city centre and the social issues that accompany them. This development, however, is far more secluded and will not be easily accessible by members of the public or children. The development taking place in this area mitigates any perceived negative effects of having this use class within the city centre or near residential development.

The private adult clubs are located within an employment zone which is not widely used by the public after general operating hours meaning, that this venue will not cause disturbance through noise or other means to neighbouring residents. Furthermore, as there are no schools or places of worship in a mile radius, children will not be exposed to the venue given its location. Any bad neighbour effects associated with this development are limited greatly as well as limiting the public or children to exposure from it.

The proposed private adult venue would be best operated in an area that is detached from the public; both for the benefit of the public and for the privacy of the club's patrons. The

operation of private adult venues is unavoidable, however, permitting them to legally operate and allowing them to do so in an area that reduces risk to all parties as far as possible is the best option for ensuring this.

In terms of the local development plan, the proposed site is within a business area; introducing this type of development will diversify and vitalise it.

The provision of public transport to and from the site means that its out-of-centre location does not make it inaccessible without the use of a car or private vehicle.

Regarding public safety, we do not understand what the planning officer implies by the statement that there is a public safety issue.

Is it the safety of the public from users of the club, or the safety of the club members from the public? This was not highlighted properly in the handling report, and as such we would like to have these comments removed. It is our opinion that the Planning Authority was using a moral standpoint in the rejection of this application, this is something that is not allowed under the Town and Country Planning Act.

Club safety policy

For the customers' safety, the club management and staff, make sure all the customer's safety is a Principle priority. They will organise a taxi if the customer needs a taxi or they will be offered a lift to the bus stop or escorted by a staff member. Most Members usually wait until there is a group leaving and leaving together, having safety in numbers.

The following are the public transport links which are within a 20-minute or less walking distance: Refer to the appendix.

- Bankhead trams stop: 0.44 miles.
- Edinburgh Park tram stop 0.52 miles.
- Edinburgh Park train station 0.52 miles
- Bus stop heading westward 0.61 miles.
- Bus stop heading east-ward 0.60 miles.

SUMMARY

In terms of the local development plan, the proposed business is within a business area; introducing this type of development will not cause detriment to the area.

The provision of public transport to and from the site means that its out-of-centre location does not make it inaccessible without the use of a car or private vehicle.

The design of the proposal has ensured that the design principles set out in the Local Development Plan are adhered to. The design from the exterior is fitting with the character of the area it is within and does not constitute a diversion from the policy.

The proposed development also would be for consensual adults with no sex workers employed. The club will be guest-only and will not have sex workers providing entertainment and members will all be consenting adults.

This venue also provides a safe location for members of LGBTQ groups to have meetings and social events. The local development plan does not provide any allocated areas for these minority groups to associate. We feel that this could be regarded as sexual discrimination against these minority groups. This is against the Equalities and human rights listed below.

Equalities and Human Rights

ARTICLE 8

Right to respect for private and family life

1. Everyone has the right to respect his private and family life, his home, and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary for a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

RESPONSE:

Article 8

Sexual activity and orientation are part of a person's private life, The local authority is not zoning areas for this activity and refusing an application in a zone that is designated as a business area, even though the club is run as a business could be seen to be interfering with LGBTQ and people with other sexual fetishes' rights to practice.

ARTICLE 9

Freedom of thought, conscience, and religion

1. Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice, and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others.

RESPONSE:

Article 9

Although not a religion, the freedom to meet other people with the same beliefs and to allow association is limited by the planning authorities' actions towards this application. There is no difference between people who think that their sexual beliefs and activities are acceptable and those people who expect their religious beliefs to be honoured and respected.

ARTICLE 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, politics, or another opinion, national or social origin, association with a national minority, property, birth, or another status.

RESPONSE:

Article 14

The planning authority's refusal could be seen as a direct infringement of Article 14 by discrimination against minority groups and their opinions and sexual orientation and practice.

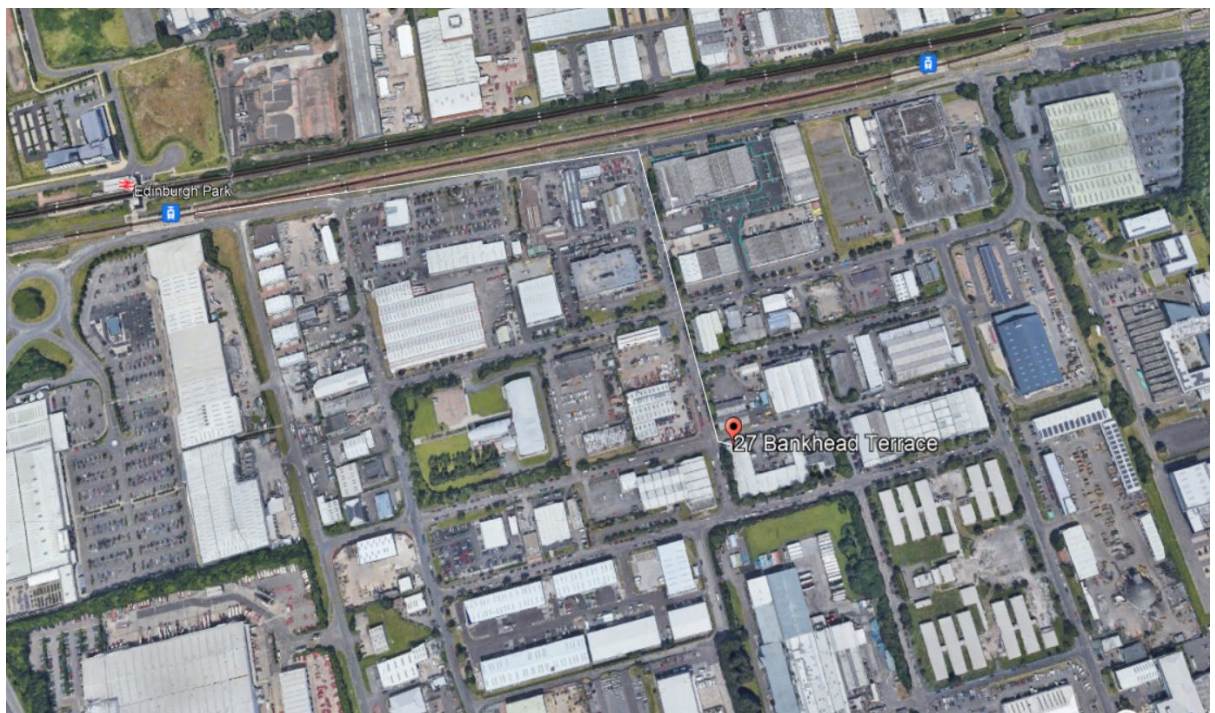
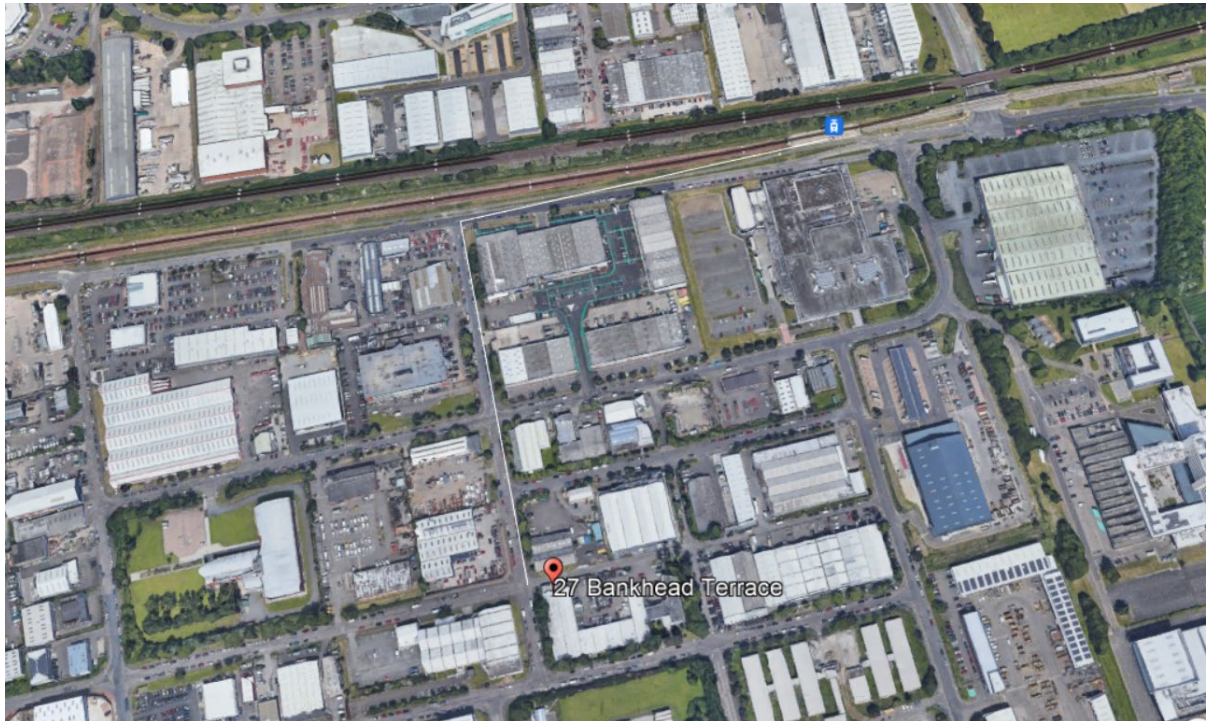
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Appendix

Public Transport





1. 28th October 2022

Comments for Planning Application 22/04345/FUL

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Conor MacGreevy

Customer Details

Name: Mr Ross McKenzie

Address: 6/48 Wharton Square Edinburgh

Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Policy Emp 8 Business and Industry Areas

"Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas."

2. 28th October 2022

Comments for Planning Application 22/04345/FUL

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Conor MacGreevy

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Policy Emp 8 Business and Industry Areas

"Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas."

3. 20th October 2022

Comments for Planning Application 22/04345/FUL

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Conor MacGreevy

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Comments for Planning Application 22/04345/FUL

4.

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Conor MacGreevy

Customer Details

Name: Org J Francey

Address: 35 Bankhead Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object Change of Use from administration office (Class 4) to private adult club (Sui Generis)

5. 13th October 2022

Comments for Planning Application 22/04345/FUL

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Local1 Team

Customer Details

Name: Mr James Malcolm

Address: 2 Bankhead Drive Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I work around the corner from this place. After 6 pm the whole place is deserted. I think it would be extremely unsafe for young girls or women to come out of this club. When I work late I sometimes feel unsafe at night. I think this is an accident waiting to happen.

having an establishment like this in an industrial estate prevents proper businesses from moving in and setting up proper businesses. I know my employer has been struggling to get additional space in the industrial estate and has been unable to and is now looking out with the city.

6. 13th October 2022

Comments for Planning Application 22/04345/FUL

Application Summary

Application Number: 22/04345/FUL

Address: Unit 4 27 Bankhead Terrace Edinburgh EH11 4DY

Proposal: Change of Use from administration office (Class 4) to private adult club (Sui Generis)

Case Officer: Local1 Team

Customer Details

Name: Not Available

Address: Not Available

Comment Details

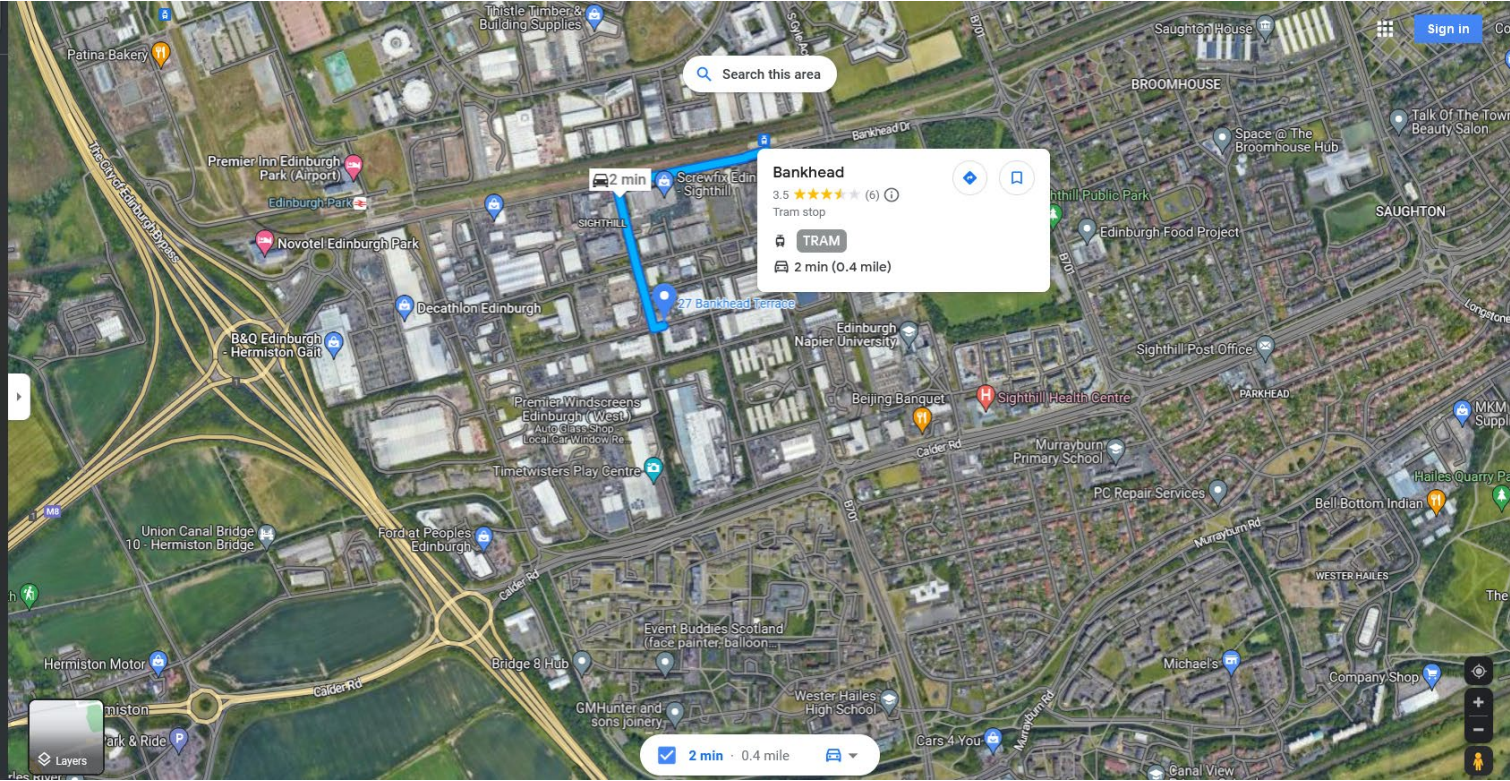
Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I work around the corner from this place. After 6 pm the whole place is deserted. I think it would be extremely unsafe for young girls or women to come out of this club. When I work late I sometimes feel unsafe at night. I think this is an accident waiting to happen.

having an establishment like this in an industrial estate prevents proper businesses from moving in and setting up proper businesses. I know my employer has been struggling to get additional space in the industrial estate and has been unable to and is now looking out with the city.



RETAIL ACTIVITIES IN INDUSTRIAL AREAS HAVE BEEN GRANTED

Application for Planning Permission
6 Bankhead Broadway, Edinburgh, EH11 4DB

Proposal: Change of use from class 5 (warehouse) to class 10 (non residential use) on a temporary basis

Item – Local Delegated Decision
Application Number – 22/01304/FUL
Ward – B07 - Sighthill/Gorgie

Recommendation

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

Summary

The proposal complies with the relevant Edinburgh Local Development Plan policies and non-statutory guidance. The development would have no detrimental impact on amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an industrial unit located on Bankhead Broadway. The building is not listed and is not in a conservation area.

Description Of The Proposal

The proposal is for a change of use from class 5 (warehouse) to class 10 (non residential use) on a temporary basis.

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP design policy Des 5 Development Design- Amenity
- LDP employment and economic development policy Emp 8 Business and Industry Areas
- LDP transport policy Tra 2- Private Car Parking

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering policies Des 5, Emp 8 and Tra 2.

Principle

The proposal falls within a 'Business and Industry Area', as defined on the LDP proposals map. This proposal for a change of use from Class 5 warehouse premises to Class 10 (being used as an office for a charity with associated weekly public meetings and an annual conference). Whilst this proposal would result in the loss of industrial space, the approval of an office for a charity would not impact on the strategic objectives outlined within LDP Policy Emp 8, which aims to retain a range of employment sites in such areas. Furthermore, the policy recognises the importance of small scale proposals for ancillary uses which support local businesses and provide services, with the above proposal meeting this criteria.

The proposal will not impact on the activities of neighbouring businesses and complies with Emp 8 of the Edinburgh Local Development Plan.

Amenity

The premises is situated within an existing industrial estate with no noise sensitive receptors in close proximity with the closest residential properties located a significant distance away. The proposal is compatible with the surrounding existing uses and will have no impact on residential amenity.

Environmental Protection have raised no objections to the proposed development.

The proposal complies with Des 5 of the Edinburgh Local Development Plan.

Car Parking & Traffic

This location is well served by public transport alongside parking within the curtilage of the property and on-street parking. The proposal would not impact on road safety or traffic.

The proposal complies with Tra 2 of the Edinburgh Local Development Plan.

Conclusion in relation to the Development Plan

The proposal is acceptable in principle and complies with policies Des 5, Emp 8 and Tra 2 of the adopted Edinburgh Local Development Plan.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

**Application for Planning Permission 19/03542/FUL
At 22 - 26 Bankhead Drive, Edinburgh, EH11 4DJ
Extension and internal alterations to existing car showroom.**

Item	Local Fast Track Decision
Application number	19/03542/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The proposal complies with the development plan and non-statutory guidance. The alterations to the building are compatible with the character of the building. There is no loss of residential amenity. There are no other material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSGD02, NSBUS,
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Recommendations

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

Background

2.1 Site description

The site lies on the south side of Bankhead Drive and is a car showroom surrounded by units of a similar design and scale.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for the erection of a 2 storey extension to the south (rear) of the site. The existing single storey pitched-roof section of the building (car valet area) will be demolished.

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.

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 scale, design and materials of the proposal are acceptable;

**Application for Planning Permission 19/00081/FUL
At 11 Bankhead Broadway, Edinburgh, EH11 4DB
Planning application for a change of use from
storage/parking of cars to the display of cars for sale and
associated works; surfacing of ground for car parking,
drainage works, installation of floodlights, heel kerbing and
(retrospective) erection of timber photo-fence structure.**

Item	Fast Track Decision
Application number	19/00081/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The proposals comply with the Local Development Plan and non-statutory guidelines and have no adverse effect on the setting of the listed building. The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Recommendations

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

Background

2.1 Site description

The application relates to an area of land measuring 0.319 hectares adjoining the rear and sides of the former HMSO store building, dating from 1949-50. The building is category A listed (ref. 30250, listed on 29.11.1990).

The site is currently used for the parking/storage of cars for the existing garage to the north on Bankhead Drive and is bounded by a timber fence to the east with vehicular access from Bankhead Broadway.

The site is within Bankhead Industrial Estate and is surrounded by many similar businesses and buildings.

2.2 Site History

30.03.2000 - planning permission granted to form hardstanding for parking/storage of cars (00/00272/FUL).

Main report

3.1 Description Of The Proposal

The application is for a change of use from the storage/parking of cars to the display of cars for sale and associated works including the partial surfacing in permeable and non-permeable block paving, installation of 3 floodlights along the eastern edge of the site and (retrospective) erection of a photo-fence.

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.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the

The floodlights are compatible with other floodlights in the area in terms of height and the photo-fence will be in a discreet location.

The proposals are therefore acceptable in terms of scale, design and materials, in compliance with LDP Policy Des 12.

d) Residential Amenity, Road Safety and Infrastructure

There are no residences in proximity to the development and no road safety implications.

No financial contribution towards the tram infrastructure is required as the proposed use falls within the same use class as the existing in the supplementary guidelines and no additional site area is proposed.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

Conclusion

The proposals comply with the Local Development Plan and non-statutory guidelines and have no adverse effect on the setting of the listed building. The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

**Application for Planning Permission
53 Bankhead Crossway South, Edinburgh, EH11 4EP**

Proposal: Partial change of use to change unit from business unit to warehouse with ancillary showroom.

**Item – Local Fast Track Decision
Application Number – 21/00712/FUL
Ward – B07 - Sighthill/Gorgie**

Recommendation

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

Summary

The proposal is for an acceptable use which will complement the existing industrial and commercial character of the surrounding area. The proposal complies with the relevant policies of the Edinburgh Local Development Plan, and the Council's Non-Statutory Guidance for Businesses.

SECTION A – Application Background

Site Description

The site lies on the south side of Bankhead Crossway South and relates to a single storey industrial unit within an business centre.

Description Of The Proposal

The proposal is for a partial change of use to change unit from business unit to warehouse with ancillary showroom

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

**Application for Planning Permission
6 Bankhead Broadway, Edinburgh, EH11 4DB**

Proposal: Change of use from class 5 (warehouse) to class 10 (non residential use) on a temporary basis

**Item – Local Delegated Decision
Application Number – 22/01304/FUL
Ward – B07 - Sighthill/Gorgie**

Recommendation

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

Summary

The proposal complies with the relevant Edinburgh Local Development Plan policies and non-statutory guidance. The development would have no detrimental impact on amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an industrial unit located on Bankhead Broadway. The building is not listed and is not in a conservation area.

Description Of The Proposal

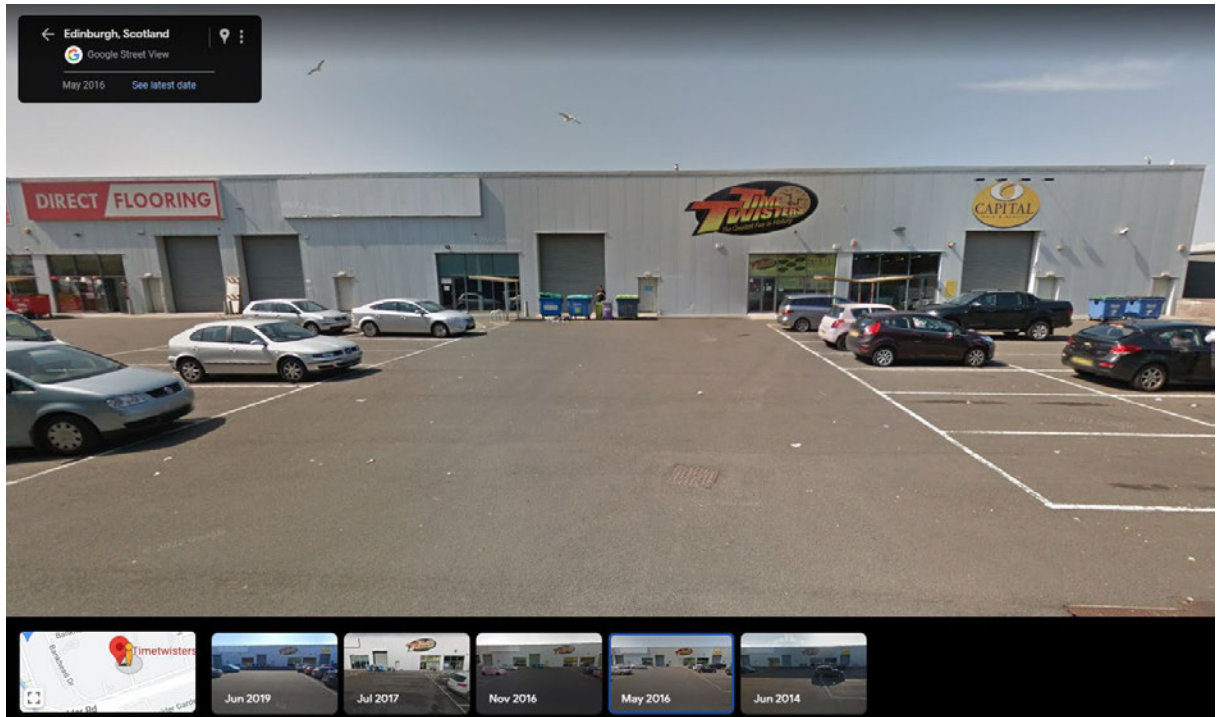
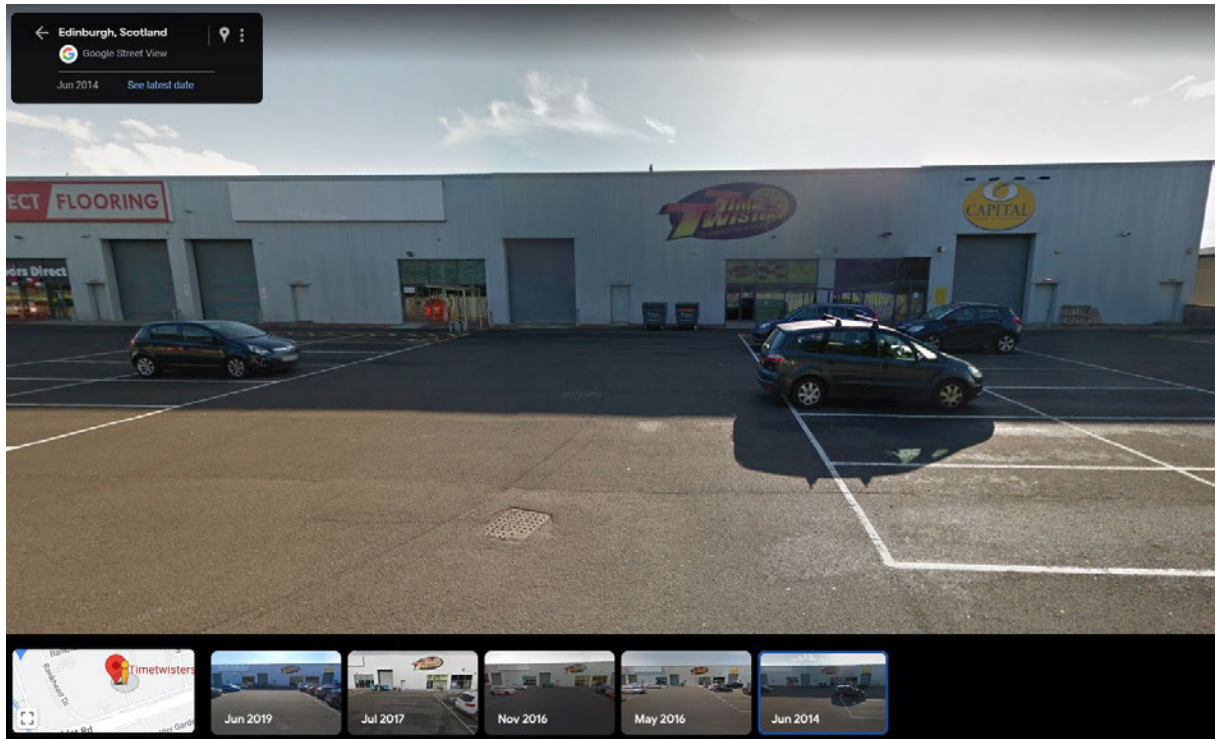
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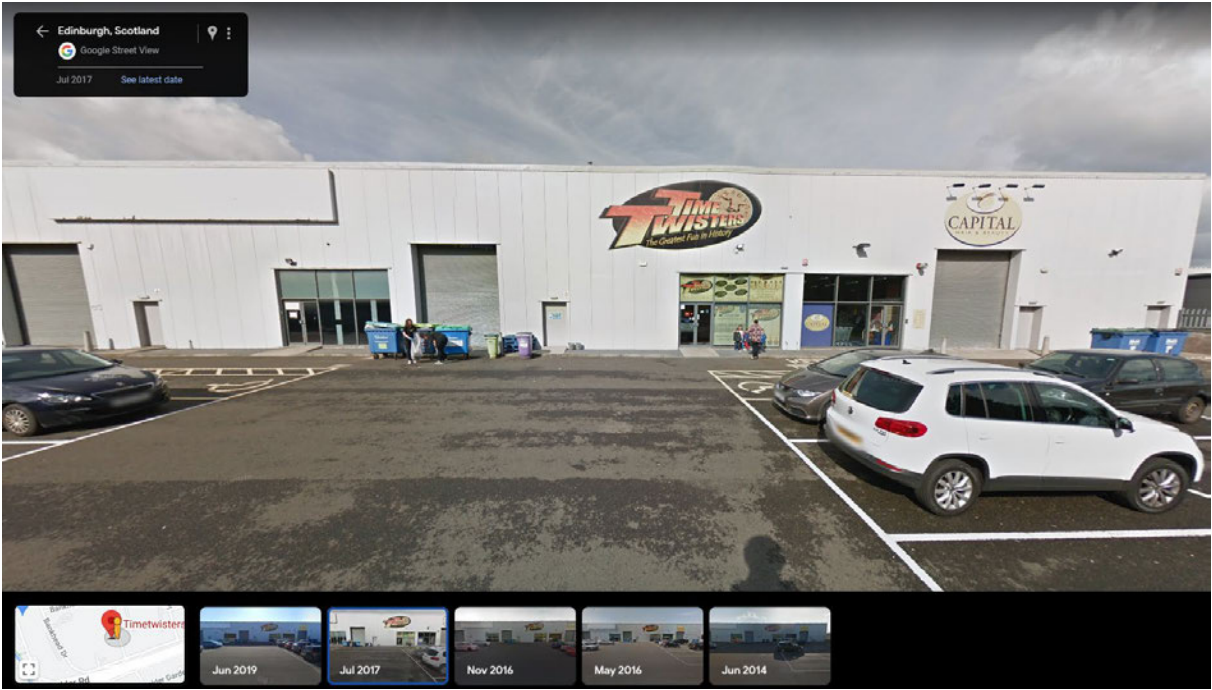
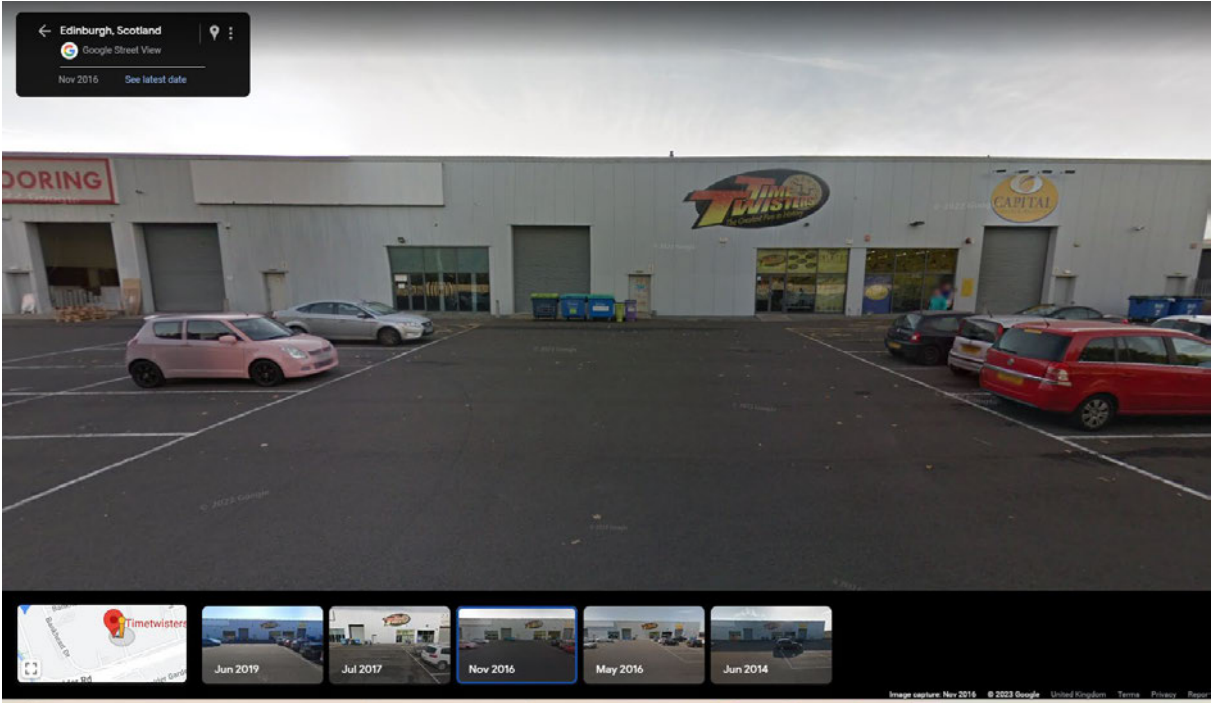
Relevant Site History

No relevant site history.

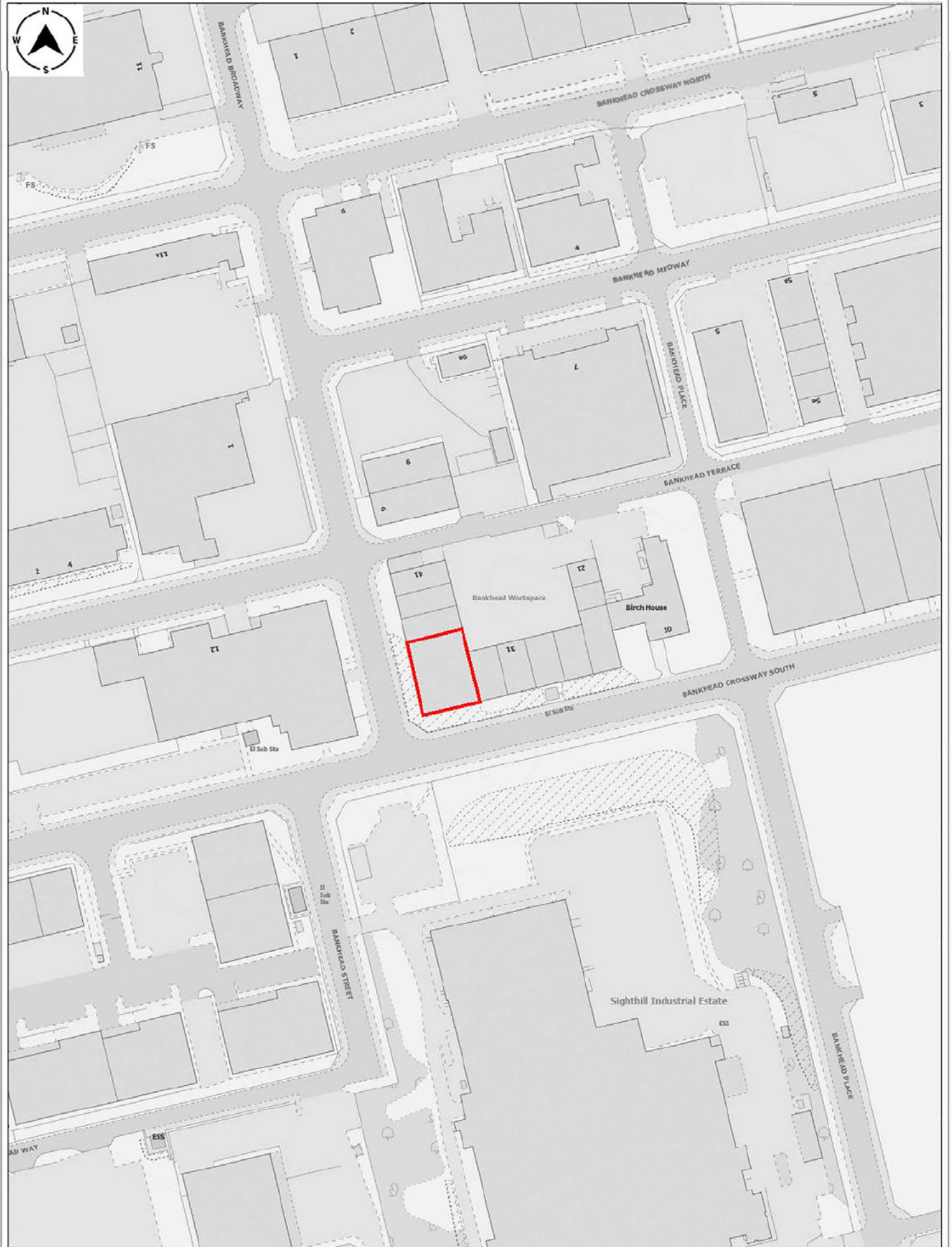
Other Relevant Site History

ASSEMBLY AND LEISURE IN INDUSTRIAL AREAS









Unit 4, 27 Bankhead Terrace, Edinburgh EH11 4DY
LOCATION PLAN 1:1250

