

Mr Benjamin Fletcher.
35 Flat 20, Pefferbank
Edinburgh
EH16 4FE

Decision date: 24 April 2020

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

Change of use from class 5 to class 11.
At 29 Peffer Place Edinburgh EH16 4BB

Application No: 20/00879/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 24 February 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

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

Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

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

Should you have a specific enquiry regarding this decision please contact Murray Couston directly on 0131 529 3594.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

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Report of Handling

Application for Planning Permission 20/00879/FUL At 29 Peffer Place, Edinburgh, EH16 4BB Change of use from class 5 to class 11.

Item	Local Delegated Decision
Application number	20/00879/FUL
Wards	B17 - Portobello/Craigmillar

Summary

The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

Links

<u>Policies and guidance for this application</u>	LRET08, LEMP08, LDES05, NSBUS,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

Single storey unit located at Castlebrae Business Centre.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the change of use from a Class 5 to a Class 11 with the proposed use a martial arts and fitness centre.

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 principle of development is acceptable in this location;
- b) any comments raised have been addressed.

a) The site is located in the Castlebrae Business Centre Business and Industry Area in the adopted Edinburgh Local Development Plan (LDP). Policy Emp 8 of the LDP states

that development, including change of use, which results in the loss of business, industrial or storage floor space or potential will not be permitted in these areas. The proposal would result in the loss of business, industrial or storage floor space and the introduction of a non-conforming use into the premises.

The proposal is contrary to LDP policy emp 8 and is not acceptable in principle.

b) One neutral comment was received in relation to parking not encroaching on other businesses on the site.

Conclusion

In conclusion, the proposal is not acceptable in principle as it would result in the loss of business, industrial or storage floor space and the introduction of a non-conforming use into the premises. The proposal is contrary to policy LDP policy Emp 8.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

One letter of representation has been received.

Background reading / external references

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

Statutory Development

Plan Provision	The site is within the Urban Area and Castlebrae Business Centre.
Date registered	24 February 2020
Drawing numbers/Scheme	01-02,

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

Contact: Murray Couston, Planning Officer
E-mail:murray.couston@edinburgh.gov.uk Tel:0131 529 3594

Links - Policies

Relevant Policies:

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Emp 8 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

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

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

Appendix 1

Consultations

Transport
No objection to the proposal.

Environmental Protection
No formal response has been received.

END

Comments for Planning Application 20/00879/FUL

Application Summary

Application Number: 20/00879/FUL

Address: 29 Peffer Place Edinburgh EH16 4BB

Proposal: Change of use from class 5 to class 11.

Case Officer: Murray Couston

Customer Details

Name: Mr George Higginson

Address: 31 Peffer Place Peffer Industrial Estate Craigmillar Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

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

Comment Reasons:

Comment: Please ensure parking spaces do not encroach on neighbouring businesses.

Comments for Planning Application 20/00879/FUL

Application Summary

Application Number: 20/00879/FUL

Address: 29 Peffer Place Edinburgh EH16 4BB

Proposal: Change of use from class 5 to class 11.

Case Officer: Murray Couston

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Commercial

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

Comment Reasons:

Comment: Please ensure parking spaces do not encroach on neighbouring businesses.

From: Planning VIP
Sent: 7 Jul 2020 09:49:04 +0000
To: Local Review Body
Subject: FW: Support for Planning Appeal 100274693-001

Hi

Please see below a comment in support of a review.

Thanks
Eileen

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: SHEPPARD, Tommy <tommy.sheppard.mp@parliament.uk>
Sent: 06 July 2020 14:25
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: Support for Planning Appeal 100274693-001

Good afternoon

Planning Appeal reference 100274693-001 – 29 Peffer Place EH16 4BA

I am writing in support of my constituent Ben Fletcher who runs CVA Jiu-Jitsu and who is appealing against the decision not to allow a change of use for 29 Peffer Place to allow it to be used as a martial arts gym.

While I appreciate that the proposed change of use would not be in line with light industrial use (for which the site is zoned in the LDP), the Covid-19 crisis is pushing us towards a recession of unprecedented scale. It is crucial that the Council exercises discretion where appropriate to enable positive economic activity in the city. It seems to me that this is a good example. CVA Jiu-Jitsu is a successful business which has outgrown its current premises and is looking to remain in Craigmillar, an area which would benefit from more economic activity, particularly as we deal with the fallout from Covid-19.

I strongly believe that CVA Jiu-Jitsu should be enabled to continue to grow in the community it has established itself in. I hope that you will look favourably on this appeal.

Best
Tommy

Tommy Sheppard MP
SNP Shadow Leader of the House of Commons
Member of the Westminster Parliament for Edinburgh East

Constituency Office: 94 Portobello High Street, Edinburgh EH15 1AN

Tel: (0131) 661 8023

Westminster: House of Commons, London SW1A 0AA

Tel: (0207) 219 6653

www.tommysheppardmp.scot

[e-newsletter](#) | [twitter](#) | [facebook](#)

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From: Planning VIP
Sent: 31 Aug 2020 10:41:34 +0000
To: Local Review Body
Subject: FW: Planning Appeal reference 100274693-001 – 29 Peffer Place EH16 4BA

Hi

Please find below a representation for 20/00064/REVREF.

Thanks
Eileen

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 28 August 2020 12:50
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: Planning Appeal reference 100274693-001 – 29 Peffer Place EH16 4BA

Good afternoon

I'm writing in support of the planning appeal for CVA Jiu Jitsu who have applied for a change of use for 29 Peffer Place.

I've received a number of emails from constituents who support this application as they consider the Jiu Jitsu school to be a valuable community asset and have made the point that it is widely recognised as being of great benefit to the community.

Aside from the obvious health and wellbeing benefits to those in the community and beyond who are able to take part in activities at the school, it also provides local employment and valuable jobs at a time when we are facing a rise in unemployment and serious negative impacts on our economy from the coronavirus pandemic.

While I appreciate that the proposed change of use would not be in line with Emp 8 (the site is zoned in the LDP), there are strong economic and wellbeing benefits to the community and I hope this will be considered.

I don't believe a change of use would have a detrimental impact on the continued use of the surrounding area for activities as defined by Emp 8 – and this site would still be in use as place of employment.

Given the significant impact of the coronavirus on our economy, employment and wellbeing I hope the panel will give consideration to using discretion to allow this change of use so that this site can be in use, employing people and making a significant contribution to the wellbeing of the wider community.

Kind regards
Kate

Kate Campbell

SNP Councillor | Portobello-Craigmillar
Housing, Homelessness and Fair Work Convener

0131 529 4933 | 07738 116 221

Twitter - @KateC_SNP

Facebook - @KateCampbellSNP

Sign Language (BSL) users can get in touch using [contactSCOTLAND-BSL](#)



Due to Covid 19 I am unable to hold face to face surgeries at this time.

*Please get in touch by email or phone if you have an issue that you would like me to help with.
I can arrange a virtual appointment if you would prefer so please let me know what suits you best.*

Data Protection

To serve the interests of constituents I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the data protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. If you would like to learn more about how I manage your personal information, please see the Councillor's Privacy Notice on the Council's website <http://www.edinburgh.gov.uk/councillors/name>



From: Jamie Black
Sent: 26 Aug 2020 10:49:28 +0100
To: Local Review Body;Planning Support
Subject: Letter in support of Planning Appeal - 20/00879/FUL Appeal Ref: 100274693

Dear Sir/Madam,

Please find attached submission in relation to the above planning application and appeal. I would be grateful if you would ensure this is distributed to the appropriate colleagues for consideration of this appeal.

Please can you respond with acknowledgement of receipt of this email.

Regards, Jamie Black

Planning Application Reference Number: 20/00879/FUL (the "Application")
Address of Property: 29 Peffer Place, Edinburgh EH16 4BB (the "Property")
Change of Use from Class 5 to Class 11 (the "Proposed Development")

I write with regard to an appeal to the decision to Reject the above application.

I would urge the panel to overturn this decision to Reject for the simple reason that it is - at the most basic level - fundamentally flawed and either deliberately or through incompetence has ignored a very obvious fact.

The decision to reject this application was made solely on the below grounds:

Reason for Refusal:- 1. The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

It MUST be noted that the Report of Handling is limited and does not enter into any more detail - the reason for refusal given is wrong - that is a fact beyond doubt. It was within the power of the authority to provide the detailed rationale within the refusal but it did not do so - neither did it explain why this business was not the type of business that was acceptable (any argument of which would in itself prove it was a business and therefore the policy is deficient, not the proposal)

The application for Change of Use would change from Storage to use a Jui Jitsu Club. It should be a source of embarrassment to the planning authority and the wider City Council that they are unable to identify what a business is and the different forms that businesses take. At the very least if the authority felt there was any doubt as to whether this was a business, they could have sought clarity at which point, they would quickly agree this was a business and therefore a straightforward granting of permission should have been

made. To go further, the is also baffling to state or imply that permitting this development would result in the loss of anything. I would have expected any rejection to explain this 'loss' and why permitting this change would result in the original use not being possible in the future. No such argument was advanced.

Whilst further more complex and nuanced arguments can (and have been) advanced , I feel there this is in many ways superfluous given that on the most basic test, the Planning Authority has erred when assessing this application. It therefore is the duty of the appeal hearing panel to ensure this basic error is righted and the integrity and credibility of the council and planning department upheld. The refusal should be overturned and permission granted without condition.

Yours sincerely,

Jamie Black
The Old Water Tank
Brisbane Glen Road
Largs KA30 8SN

From: Planning VIP
Sent: 1 Sep 2020 10:32:39 +0000
To: Local Review Body
Subject: FW: CVA jiu jitsu

Representation

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 31 August 2020 16:51
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: CVA jiu jitsu

Good afternoon

Please see a statement in support of the appeal for a change of use for 29 Peffer Place that has come in from a constituent.

Kind regards
Kate

From: Steve Cole <cole.sm123@yahoo.co.uk>
Sent: 26 August 2020 11:02
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>; Mary Campbell <Mary.Campbell@edinburgh.gov.uk>; Maureen Child <Maureen.Child@edinburgh.gov.uk>; Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>
Subject: CVA jiu jitsu

Good morning,

I am contacting you regarding an appeal from CVA jiu jitsu to change use of an empty business unit in Craigmillar to be used for recreational sports use.
CVA jiu jitsu was founded a few short years ago using the Jack Kane centre.
It grew in membership and following a short closure of the Jack Kane, moved to a small space. This was still in Craigmillar.
This space was only temporary as the membership grew towards 100.
Its was then looking to move to a business unit in Craigmillar at considerable expense, bring a much needed social space that incorporates exercise that promotes mental and physical well being.
However the council decided to deny permission for this much needed boost to the area.
The appeal is on the 10th September. I would ask you do whatever you can to support this appeal.

Jiu jitsu improves physical and mental well being and creates a sense of camaraderie amongst the participants.

I hope you can support this appeal withing your represented area.

Regards

Stephen Cole

[Sent from Yahoo Mail on Android](#)

From: Planning VIP
Sent: 1 Sep 2020 10:59:09 +0000
To: Local Review Body
Subject: FW: Planning Appeal - Ref - 100274693-001

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources | The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 31 August 2020 16:52
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: Planning Appeal - Ref - 100274693-001

Good afternoon

Please see a statement in support of the appeal for a change of use for 29 Peffer Place that has come in from a constituent.

Kind regards
Kate

From: douglas.mcclure@openreach.co.uk <douglas.mcclure@openreach.co.uk>
Sent: 26 August 2020 10:30
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>; Mary Campbell <Mary.Campbell@edinburgh.gov.uk>; Maureen Child <Maureen.Child@edinburgh.gov.uk>; Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>
Subject: Planning Appeal - Ref - 100274693-001

Good morning Kate, Mary, Maureen and Callum

I hope this finds you well?

I am emailing you today to ask for support on a planning appeal that is being heard on the 10th of September.

Ref - 100274693-001. CVA Jiu-Jitsu planning appeal for class 11 permission at 29 Peffer Place.

I have been a member of CVA Jiu Jitsu for 3 years and have seen it grow from a small group to now a large training group producing Scottish and British champions, members competing at European and World events. All these people are from Edinburgh, from within our community. I have trained Jiu Jitsu for a total of 8 years at other gyms in Edinburgh.

Ben Fletcher the owner and head coach was born in Portobello, went to primary school at St Johns and after moving to America and then Brazil has returned to Edinburgh and set up home and his business locally in your community.

He has been trying to get a new full time gym in Peffer Place to accommodate the amount of training members and keep his gym and business local, but is not having much luck in getting the permission to change the units use. We need your help please.

Ben has built a team that is welcoming to everyone. We have people all ages, backgrounds, lively hoods and countries training together and becoming life time friends. We have had people visiting us from around the world all then staying in our community when they do.

To not be able to get this appeal through to a successful conclusion will have huge impact. If it was successful the team can grow, the opportunities for more people to train and develop will grow, the pride of more success within our local community will grow. CVA Jiu Jitsu has changed lives and it will change more if given the chance to grow.

I hope I can count on your support.

Regards
Doug

From: Planning
Sent: 1 Sep 2020 13:18:24 +0000
To: Local Review Body
Subject: FW: Plead for support: 100274693-001

From: ellinor.pilquist <ellinor.pilquist@live.se>
Sent: 01 September 2020 13:58
To: Planning <planning@edinburgh.gov.uk>
Subject: Plead for support: 100274693-001

To whom it may concern,

I hope you are well and keeping safe.

I am writing with regards to the local review of Case 100274693-001 CVA Jiu-Jitsu planning appeal for class 11 permission at 29 Peffer Place. CVA plays a huge part of my life, I go (during normal times pre-covid) roughly 6 days a week. Especially now when the gym has been closed in accordance to UK guidelines have I felt the impact of not training with my team. It is my family. I go to maintain both my mental and physical wellbeing. This team means everything to me, and I hope we will get permission to start using the new space on 29 Peffer Place. Brazilian Jiu Jitsu helps people, CVA helps people. CVA has helped me and I would be extremely disappointed should the decision be upheld to reject the change of use.

I've made friends with people from almost every walk of life at CVA. When I moved to Edinburgh I didn't know anyone, but when I joined CVA that changed. CVA is a huge community and the area would be deprived if we do not get a chance to grow.

Should you require any more information from myself please do not hesitate to email me back.

Kind Regards,
Ellinor Pilquist

From: Planning VIP
Sent: 1 Sep 2020 15:10:33 +0000
To: Local Review Body
Subject: FW: [EXTERNAL] RE: 100274693-001 Planning Appeal

Rep

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 01 September 2020 15:31
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi

Please see below, a representation from my constituent in relation to the planning appeal at 29 Pepper Place.

Thanks
Kate

From: Stuart Gordon <Stuart.Gordon@cms-cmno.com>
Sent: 01 September 2020 14:42
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>
Subject: RE: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi Kate, thanks for coming back to me so quickly, your support is really appreciated here. If you could forward my email on to them I would be very grateful.

Thank you

Stuart Gordon

From: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>
Sent: 31 August 2020 19:50
To: Stuart Gordon <Stuart.Gordon@cms-cmno.com>
Subject: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi Stuart

I totally support the change of use to enable the Jiu Jitsu School to operate on this site and recognise that it is a valuable community asset. Unfortunately I'm not on the planning

committee so definitely won't be on the panel and therefore not involved in the decision making.

I've written to the planning department in support of the application. I've copied the email below.

Unfortunately sending statements to ward councillors isn't the same as sending to the planning department so it would be great if you could either forward your email to planning@edinburgh.gov.uk or let me know that you are happy for me to forward on your behalf.

That way it will be on the record and the councillors who consider the appeal will be aware of the support that has come in from the local community and people who use the school.

I really hope that we get a positive outcome.

Kind regards
Kate

Good afternoon

I'm writing in support of the planning appeal for CVA Jiu Jitsu who have applied for a change of use for 29 Peffer Place.

I've received a number of emails from constituents who support this application as they consider the Jiu Jitsu school to be a valuable community asset and have made the point that it is widely recognised as being of great benefit to the community.

Aside from the obvious health and wellbeing benefits to those in the community and beyond who are able to take part in activities at the school, it also provides local employment and valuable jobs at a time when we are facing a rise in unemployment and serious negative impacts on our economy from the coronavirus pandemic.

While I appreciate that the proposed change of use would not be in line with Emp 8 (the site is zoned in the LDP), there are strong economic and wellbeing benefits to the community and I hope this will be considered.

I don't believe a change of use would have a detrimental impact on the continued use of the surrounding area for activities as defined by Emp 8 – and this site would still be in use as place of employment.

Given the significant impact of the coronavirus on our economy, employment and wellbeing I hope the panel will give consideration to using discretion to allow this change of use so that this site can be in use, employing people and making a significant contribution to the wellbeing of the wider community.

Kind regards
Kate

Kate Campbell
SNP Councillor | Portobello-Craigmillar
Housing, Homelessness and Fair Work Convener

0131 529 4933 | 07738 116 221

Twitter - @KateC_SNP

Facebook - @KateCampbellSNP

Sign Language (BSL) users can get in touch using [contactSCOTLAND-BSL](#)



Due to Covid 19 I am unable to hold face to face surgeries at this time.

Please get in touch by email or phone if you have an issue that you would like me to help with.

I can arrange a virtual appointment if you would prefer so please let me know what suits you best.

Data Protection

To serve the interests of constituents I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the data protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. If you would like to learn more about how I manage your personal information, please see the Councillor's Privacy Notice on the Council's website <http://www.edinburgh.gov.uk/councillors/name>

From: Stuart Gordon <Stuart.Gordon@cms-cmno.com>
Sent: 31 August 2020 19:38
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>
Subject: 100274693-001 Planning Appeal

Dear Sir/Madam

I am a member of the CVA Jiu-Jitsu Club, who are presently engaged in acquiring facilities at 29 Pepper Place. The acquisition of these premises requires planning permission to make changes to the layout and essentially we require to move the property from a Class 5 identity to Class 11.

The original submission to the Planning Department of City of Edinburgh Council was rejected, and as a result we await the outcome of an appeal which will be held on 10 September 2020.

T

The purpose of my writing to you is to engage your help and support ahead of the appeal.

I have personally been a member of the club for two years, and during that time I have gained many benefits from attending between 4/5 days each week.

The physical benefits for myself have been amazing – I feel totally energised by the experience and have now acquired a high level of fitness. This is particularly beneficial for me, as I come from a family with a history of heart disease and diabetes.

The knock on effect on my mental health is also massive – I feel the benefits especially during my working day are fantastic.

I know that fellow members of the Club share these benefits and I think a rejection of this appeal would have a negative impact on us all.

The club will function within the heart of Niddrie and to lose this opportunity would be a blow to the local community. The Club is open 7 days a week from 9.00am to 9.00pm.

Can I please ask you to have a look at the circumstances surrounding our plight and support us in this vitally important appeal?

If you need any further information, you can contact me on 07757669350.

Kind regards

Stuart Gordon

CMS has 75 offices around the world, located in Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bogota, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Dusseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Kyiv, Leipzig, Lima, Lisbon, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Mexico City, Milan, Mombasa, Monaco, Moscow, Munich, Muscat, Nairobi, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, Sarajevo, Seville, Shanghai, Sheffield, Singapore, Skopje, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

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From: Planning
Sent: 2 Sep 2020 10:26:05 +0000
To: Local Review Body
Subject: FW: Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Peffer Place

From: Magnus Jeffrey <magnusjeffrey@hotmail.com>
Sent: 02 September 2020 11:17
To: Planning <planning@edinburgh.gov.uk>
Subject: Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Peffer Place

Dear Planning Department,

Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Peffer Place

I write to you as a resident of Ward 15 regarding an issue in Ward 17.

I moved to Edinburgh last August and, as a Brazilian Jiu-Jitsu (BJJ) practitioner, was quick to join CVA Jiu-Jitsu at Pefferbank. I had heard very good things about the club on the BJJ circuit in Aberdeen, and so it proved.

The club is extremely well run by Ben Fletcher and clearly provides a community focus for those wanting to develop both physically and mentally by way of a demanding martial art. The club has a diverse and inclusive membership, and I was impressed by how welcoming everyone was and how committed they were to the club. On a personal level, as an Army veteran of Iraq and Afghanistan I find the camaraderie, training, and challenge that the club provides a key part of my dealing with mental health issues. I have certainly missed it during the lockdown.

Over the last year I have watched the club grow rapidly (notwithstanding COVID-19 restrictions) and quickly outgrow its current premises. There was much excitement when new premises were identified for training at Peffer Place. This excitement was quickly replaced with disappointment when we were told planning permission would not be granted to allow the club to move to its new location.

I am quite astonished that such restrictions would exist. We are not just dealing with a club that is dearly important to its membership, but a start-up business that has shown clear growth and a very strong future. This is before we consider the physical, mental, and community benefits that an active sports organisation provides. We, as a local community, should be doing everything we can to support such endeavours, not creating obstacles or obfuscation through bureaucracy. I would urge you to do what you can to support a successful appeal against the restriction so that CVA Jiu-jitsu can continue to flourish and provide a valued service to our community.

Yours faithfully,

Magnus

MJC Jeffrey

+44 (0)7920-482-203

magnusjeffrey@hotmail.com

[linkedin.com/in/magnus-jeffrey](https://www.linkedin.com/in/magnus-jeffrey)

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 100274693-001

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

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="Benjamin"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Fletcher"/>	Address 1 (Street): *	<input type="text" value="Flat 20, Pefferbank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 4FE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

29 PEFFER PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH16 4BB

Please identify/describe the location of the site or sites

Northing

671984

Easting

328940

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)

Change of use from class 5 to class 11.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the supporting statement appended to this application.

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)

The new material arises from the refusal of the application.

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)

Decision notice and report of handling Supporting Statement dated 29 June 2020 Letter of support from Andrew McCurrah, Investment Portfolio Officer at the City of Edinburgh Council, dated 1 May 2020. Correspondence from Cllr Callum Laidlaw dated 18 May 2020 supporting the planning application.

Application Details

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

20/00879/FUL

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

24/02/2020

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

24/04/2020

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

As a local resident and business owner, I think it's important to be given an opportunity to engage directly with the Local Review Body and to answer any queries they may have.

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 Benjamin Fletcher

Declaration Date: 29/06/2020

Proposal Details

Proposal Name	100274693
Proposal Description	Appeal against planning decision to reject proposal to grant Class 11.
Address	29 PEFFER PLACE, EDINBURGH, EH16 4BB
Local Authority	City of Edinburgh Council
Application Online Reference	100274693-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Supporting Statement	Attached	A4
Report of handling	Attached	Not Applicable
Decision notice	Attached	Not Applicable
Andrew McCurrach Supporting Letter	Attached	A4
Cllr Calum Laidlaw- support correspondence	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

To Whom it May Concern

Date 1st May 2020

Your ref 20/00879/FUL

Send to email to:

Our ref ASM/27PP/FLETCHER

fletcher_ben@outlook.com & planning@edinburgh.gov.uk

Dear Sir / Madam,

Letter of Support
Change of Use – Application Ref: 20/00879/FUL
29 Peffer Place, Edinburgh

I am writing in connection with the above noted application.

I am disappointed to note that this application for Change of Use was rejected. As you will be aware, this type of use is becoming more commonplace and we have had similar uses approved within a number of our industrial type properties throughout the city.

The City of Edinburgh Council (as landlord not Local Authority), has a number of alternative properties both in the immediate vicinity and throughout the wider city. We can therefore demonstrate that alternative properties remain available (and are being actively marketed).

Market conditions have been difficult and we expect these will become even more so once the nationwide lockdown is eased. You may not be aware but this property fell vacant on 31st July 2019 and despite active marketing, it was not re-let until 17th February 2020, to Mr Fletcher.

We therefore feel that we can demonstrate that ample time was provided to more traditional occupiers and they did not express an interest in the property. We consider that this justifies the proposed alternative use.

I would be grateful if you consider these comments in conjunction with the Appeal to be raised by Mr Fletcher. Please feel free to contact me on 07500444283 if you wish to discuss this matter in greater detail.

Yours faithfully,

Andrew McCurrach
Investment Portfolio Officer
T: 0131 529 4682
E: Andrew.mccurrach@edinburgh.gov.uk

Property and Facilities Management

Business Centre 1/4, Waverley Court
4 East Market Street, Edinburgh, EH8 8BG

Mr Benjamin Fletcher
35 Flat 20
Pefferbank
Edinburgh
EH16 4FE

Email: cvajiujiitsu@gmail.com

29 June 2020

The City of Edinburgh Council
Planning Local Review Body
City Chambers
High Street
Edinburgh
EH1 1YJ

Dear Sirs

Planning Application Reference Number: 20/00879/FUL (the “Application”)
Address of Property: 29 Peffer Place, Edinburgh EH16 4BB (the “Property”)
Change of Use from Class 5 to Class 11 (the “Proposed Development”)

I write to request an appeal of The City of Edinburgh Council’s (the “**Council’s**”) decision to refuse the above Application (the “**Appeal**”). The Appeal is made on the basis that the Council has failed to properly satisfy its statutory duty to take material considerations relevant to the Application into account.

Under section 25(1) of the Town and Country Planning (Scotland) Act 1997, the Council is obliged to determine applications with regard to its local development plan “**unless material considerations indicate otherwise**”. The Planning Officer who determined the Application failed to assess any material considerations, which include:

1. the exemptions to Policy EMP 8 for small scale proposals which promote local businesses;
2. the criteria for granting leisure developments provided for by Policy RET 8;
3. the significant benefits that the proposed development will bring to the local community; and
4. the personal hardship that a refusal of the Application will create.

These are explained more fully in this supporting statement.

Background

By way of background, I own a CVA Jiu-Jitsu club. The club is thriving, with over 100 regular members, despite being established only a few years ago. The club started with a few weekly classes in the local Jack Kane centre and has now expanded into a full-time business which services a large part of the Craigmillar (and wider Edinburgh) community, offering Brazilian Jiu-Jitsu classes to both children and adults. There is only one other full-time Jiu-Jitsu studio in Edinburgh (located at the foot of Leith Walk).

However, we have struggled to find a permanent home suitable to meet the growing demand from the local community. Prior to submitting the offer to lease the Property from the Council, I consulted with Andrew McCurrah (the Investment Portfolio Officer managing the property on behalf of the Council), and emailed the Council Planning Department, to make sure that the proposed change of use would be acceptable to the

Council. I was advised to proceed with the application to lease the Property. I have since ended the lease with my previous landlord and have spent a significant sum of money on fit out works at the Property.

As a small, local business trying to survive in a challenging economic environment, the decision to reject the Application without having fully assessed all of the relevant material considerations is disappointing. I hope that this statement persuades you to reconsider this decision.

Policy EMP 8

The Application was rejected on the basis that the proposal is contrary to policy EMP 8 of the Edinburgh Local Development Plan (the “LDP”). Policy EMP 8 states that:

“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.”

This policy applies to the wider designated area of Castlebrae Business Centre, which includes the Pepper Place Industrial Estate, within which the Property is located.

As a Class 11 use, the Proposed Development would result in the loss of “business, industrial or storage floorspace”, as these uses are defined under The Town and Country Planning (Use Classes) (Scotland) Order 1997 (Classes 4, 5 and 6). However, Policy EMP 8 does not specifically refer to the 1997 Order or define what is constituted by “business, industrial or storage floorspace”. The Proposed Development is a local business.

The Council’s Estates team has confirmed in a letter dated 1 May 2020 (submitted with the Appeal) that there are a number of alternative properties suitable for business, industrial or storage use in the area, but that uptake on these properties has been minimal. Granting the Application will not result in a material or significant reduction in business, industrial or storage floorspace within the area.

The explanatory notes in relation to Policy EMP 8 confirm that an exception to this policy will be made for small-scale ancillary applications:

“Small scale proposals for ancillary uses which support local businesses and provide services for their employees may be supported as an exception to this policy.” (para. 216).

The Planning Officer, in determining the Application, failed to consider this exception.

Paragraph 216 does not limit what constitutes “ancillary uses” for the purposes of this exception. My business represents one of the few local leisure units at which local employees can improve their physical and mental wellbeing. It is important, particularly in the current climate, that employees are able to exercise in a safe and local environment that requires minimal travel.

I have support from other units within the Industrial Estate, who view the Application as a positive development for the area which will support their businesses, as it will serve as an additional deterrent for anti-social behaviour. Several businesses within the Industrial Estate have retail counters within their units, and there is a concern that their premises may be targeted after operating hours. By having an active unit that is staying open later within the development, my studio serves as a deterrent to potential anti-social behaviour and crime within the Industrial Estate.

There is precedent for other non-business, industrial or storage floorspace within the Industrial Estate. Unit 4 (27 Pepper Place) is the sole premises for the Edinburgh Headway Group, a specialist organisation and charity which supports the longer-term needs of people with a brain injury after discharge from hospital. Edinburgh Headway Group hosts a range of rehabilitation activities on site, including a social club, training and a carer support network. This use does not fall within a Class 4 business use (being more appropriate

under Class 2: Financial, Professional and other services), but it has been permitted within the Industrial Estate and serves a vital and necessary service for the people of Edinburgh (not just local employees within the Estate).

Additionally, Policy EMP 8 recognises the importance of local businesses in providing jobs, investment opportunities and valued local services to the area (para. 214). The LDP acknowledges that a thriving city economy needs an adequate supply of land for business and industry. In light of the challenges created by the coronavirus pandemic, now more than ever, the Council has a duty to do all that it can to help local businesses (including those which do not fall within a Class 4 definition) thrive, and to refuse the Application would do more harm to the local economy than good.

The Planning Officer placed undue weight on Policy EMP 8 in determining the Application and failed to take account of the exception to this Policy.

Policy RET 8

The Planning Officer who determined the Application failed to consider Policy RET 8, which applies throughout the Edinburgh area, including the Castlebrae Business Centre and the Peffer Place Industrial Estate.

Policy RET 8 states:

“Planning permission will be granted for entertainment and leisure developments in other locations [i.e. those not identified within the LDP] 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.”

The Application meets these criteria, as follows:

- a) I have considered alternative sites for the businesses for some time with no success. I stay locally and the business was established locally as a result of growing demand. Accordingly, this unit is the only suitable option available to help meet the needs of my local clientele and to grow the business. There is one other full-time Jiu-Jitsu studio located in the City Centre/Leith, and it would be unsuitable for my business to be located too close to this studio.
- b) The proposed change of use will not result in an unacceptable increase in local traffic as the established client base is local. Indeed, it is for this reason that the Application should be granted, as it is important that the business remains easily accessible to my client base. Moving to an alternative location outwith the Peffer Place area will lead to an unacceptable increase in traffic in other areas of Edinburgh. While my business attracts local clientele, it also attracts clients from wider afield (e.g. East Lothian and Midlothian). The site is easily accessible to those from neighbouring local authorities via a means of transport and public transport.

- c) The nature of my business necessitates an attractive frontage of a high-quality design in order to attract interest from passers-by. I am committed to ensuring that the frontage will safeguard the existing character of the unit.
- d) The Proposed Development is unlikely to give rise to noise and disturbance within the locale. The operating hours of the business will be later than those in the immediate area, which will act as a deterrent to antisocial behaviour in the area once other businesses are closed for the evening. Peak hours for the business will not conflict with peak hours for the other businesses within the Industrial Estate. Consequently, there will not be an increase in noise or disturbance. Additionally, the nature of my business actively discourages antisocial and delinquent behaviour: at-risk youths have joined the club, and it is well-established that the existence of local and communal exercise outlets generally reduces antisocial behaviour in an area.

As such, Policy RET 8 applies in relation to the Property and is a material consideration on which weight should be placed in determining the Appeal.

Benefits to the local community

Notwithstanding the above policies, the Planning Officer failed to consider the positive impact that the Application would have on the local community, both economically and socially.

The martial arts centre will draw clients to an undeveloped area and is a local source of employment. Prior to my lease, the Property had been vacant for a significant period of time (from 31 July 2019 to 17 February 2020) despite active marketing. There are also several similar units within the area which remain available. Given the severity of the impact of the coronavirus pandemic on local employment and the economy, the ability of the Council to play a role in the safeguarding of jobs and the promotion of local businesses has never been more critical.

Furthermore, the business was established locally and there is a proven demand for martial arts classes within the local community. The martial arts club is part of the solution to ensure ongoing physical and mental health within Craigmillar, an area which has been identified as needing this support.

Additionally, my business draws in members of the wider community, with many clients travelling in from East Lothian and Midlothian. This leads to a direct economic benefit both within Craigmillar and the wider Edinburgh area, as my business serves as an encouragement for people to come in to Edinburgh from neighbouring local authorities. As classes are often in the evening hours, clients will use other facilities in the area (such as restaurant and leisure facilities) or will continue to travel into the City Centre to enjoy an evening in Edinburgh.

The Proposed Development therefore has a positive impact on the immediate community and the wider city, both socially and economically, and this is a material consideration which should weigh in favour of the Appeal being granted.

Personal hardship

It has been established that personal circumstances can be a material consideration in planning decisions where refusal would cause great hardship. The Planning Officer failed to engage with this consideration in determining the Application.

The refusal of the Application will result in a loss of money to my business that will affect its ability to survive, particularly in the current climate. I have committed to lease the Property, and the Council's own Estates Team advised that the change of use would not be an issue. I have incurred costs in submitting the Application. I have incurred significant costs in developing and fitting out the new premises as the Application was being determined to ensure that I would be able to open the new unit without delay. I have terminated the lease for my current premises (which the business had outgrown) and, consequently, I will

need to locate suitable alternative premises. Remaining in the Craigmillar area is very important to the business and to its clients. As stated above, the business had already been looking for an alternative location for some time now with no success – the Property was the first option to become available for a significant period of time. Another delay in finding an alternative location will affect the business’ ability to open for its clients (which has already been affected by the coronavirus lockdown). If the Appeal were to be refused, I may be left with no other choice but to stop operating, which would deprive local residents of an essential service. The refusal of the Application will therefore cause significant financial hardship to my business and to me personally.

Conclusion

In refusing the Application, the Planning Officer simply applied Policy EMP 8 without taking into account any material considerations. It was a “rubber stamp” decision that failed to engage with the heart and soul that sat behind the Proposed Development.

In reaching a planning decision, there is an obligation to have regard to the Local Development Plan, but this obligation will be outweighed “if material considerations indicate otherwise”. As I have demonstrated above, there are such material considerations in respect of this Application, including:

1. Policy EMP 8 includes an exception for small-scale proposals that support local businesses. The Proposed Development will support local businesses (and, in fact, is supported by local businesses within the Industrial Estate).
2. Policy RET 8 allows for leisure developments to be granted in other locations throughout Edinburgh where no alternatives exist and the proposals will not lead to increased traffic or antisocial/negative impacts. There are no suitable alternatives for the Proposed Development, nor will it lead to increased traffic or impacts.
3. The Proposed Development will have a positive impact on the local community, including a positive economic and social benefit.
4. The refusal of the Application has caused great hardship to the applicant.

I have been operating my business for over four years now. It is an established and successful business, although it, like all other local and small businesses currently, will be dramatically impacted by the coronavirus crisis. My business has a crucial role to play in supporting Edinburgh’s transition out of lockdown, particular in the wider Craigmillar area, as it provides a much-needed outlet for local residents to foster their physical and mental well-being. I therefore urge you to grant the Appeal and allow the Application for the change of use.

Please let me know if it would be helpful to provide any further information or supporting documents to assist with the determination of this Appeal.

Yours faithfully

Benjamin Fletcher



callum.laidlaw@edinburgh.gov.uk



6 of 6



Thanks for the prompt reply Mary. I hope so too! Ben.



Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>
to Kate, Maureen, kathryn.nolin@cms-cmno.com, me, Mary ▾

May 18, 2020, 8:13 PM



Dear Ben,

Thanks for getting in touch and flagging what does appear on first reading to be a strange issue, as I think the club clearly offers significant community benefit, responds to demand, offers employment and is (once we leave lockdown) part of the solution to helping ensure ongoing physical and mental health.

Let me look into this on your behalf and see what answers I can get and if there's a possible way forward.

Stay safe and well.

Best,

Callum

Cllr Callum Laidlaw
Conservative – Portobello/Craigmillar Ward



