

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 100639831-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Roderick"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Petrie"/>	Building Number:	<input type="text" value="36"/>
Telephone Number: *	<input type="text" value="07736683352"/>	Address 1 (Street): *	<input type="text" value="Bruntsfield Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH10 4HJ"/>
Email Address: *	<input type="text" value="rod@rbp-properties.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Nether Cambushinnie Farm"/>
First Name: *	<input type="text" value="Ruth"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="McColl"/>	Address 1 (Street): *	<input type="text" value="Braco"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cromlix"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="FK15 9JU"/>
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="56 MARCHMONT ROAD"/>
Address 2:	<input type="text" value="MARCHMONT"/>
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="EH9 1HS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672263"/>	Easting	<input type="text" value="325443"/>
----------	-------------------------------------	---------	-------------------------------------

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 for the property from residential to short term let

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached appeal statement. Originally sent to DPEA 10/6/24

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)

Appeals statement and supporting documents

Application Details

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

23/05626/FULSTL

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

30/09/2023

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

11/03/2024

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 Roderick Petrie

Declaration Date: 12/06/2024

23/05626/FULSTL

Appeal Statement

We wish to appeal against the decision handed down on 11 March 2024 to refuse planning permission for the change of use of the property at 56 Marchmont Road, Edinburgh EH9 1HS. The application was rejected on 2 grounds and we refute both.

1 - The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

The policy referred to in the first point is set out below:

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance

A number of the neighbour comments on the original application cited the effects of noise to neighbouring properties. There are over 3,500 HMO licenses currently in issue in the Meadows/ Morningside ward according to records obtained from <https://www.edinburgh.gov.uk/downloads/download/13239/licensing-registers-civic> as of June 2024. We would expect that most of these properties would be let to students or young professionals who wish to live in the area due to the high density of amenities and proximity to the University and city centre and would suggest that these groups are more likely to generate unsociable levels of noise and disturbance late into the night as opposed to small groups of holidaymakers who may be staying in the property. Given that there were over 500 new HMO licenses approved according to the Council's own figures, we would argue that there would be a lack of consistency in the Council's application of this policy.

We would also argue that tenants in an HMO property (especially students) are more transitory in nature and therefore should really be considered as non-residential inhabitants.

Furthermore, the property has already been trading as a STL, quietly and considerately hosting corporate guests predominantly associated with the Edinburgh Festival and Hogmanay celebrations (Underbelly, Assembly etc) who make a significant contribution to Edinburgh as a whole and, as many would agree, enhance the ambiance of the city. There is therefore no further deterioration in living conditions.

2. - The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property that has not been justified.

The NPF Policy 30(e) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

We argue that the use of this property as a STL is entirely in keeping with the character of the neighbourhood which has long been established as a melting pot of residents and visitors to the city. Edinburgh thrives on its ability to share its history with tourists and visitors and there is no better way of doing this than by creating opportunities for them to stay in the centre of some of the most iconic areas of the city. As referred to above, the suggestion that all visitors who make their way to the property would be “enjoying themselves with socialising and music late” is more likely to be associated with the vast numbers of HMO properties in the area. Many of the guests who stay in this property are contributing to events such as the Edinburgh Festival or Hogmanay celebrations which enhance the character of the neighbourhood.

On the second point, evidence was given by the Edinburgh Festival Fringe Society regarding the impact of Covid-19 on the DCMS sector suggesting that the Edinburgh Fringe alone contributes between £200m-£1bn to Scotland and the UK. This would not be possible without the breadth of accommodation needed house performers, organisers and visitors for these events. This does not consider the large number of other events hosted by the city and just generally being able to welcome visitors to the city. The headlines generated recently as a result of Taylor Swift’s recent visit (<https://www.bbc.co.uk/news/articles/cd11em0e5e6o>) are a pertinent reminder that Edinburgh needs to have capacity for major events or could risk losing the opportunities to host these. It is clear that the economic benefits heavily outweigh the loss of the residential accommodation.

Written evidence submitted by the Edinburgh Festival Fringe Society

Impact of Covid-19 on DCMS sectors

EVIDENCE TO UK PARLIAMENT

What has been the immediate impact of Covid-19 on the sector?

The Edinburgh Festival Fringe Society is the charity that underpins and supports the wider Edinburgh Festival Fringe landscape. It was set up some 60 years ago by artists as a lean organisation with charitable purpose to support artists participating in the Fringe, to help audiences find the work and to represent and promote the Fringe in its entirety. The Fringe Society receives little in the way of public subsidy and relies on ticket sales, donations, subscriptions and sponsorship to fund its activities.

The Edinburgh Festival Fringe brings an economic impact of well over £200m annually to Scotland and the UK (other sources put this figure closer to £1bn). The Fringe is a vital annual economic driver for much of the city business infrastructure and makes an enormous contribution to Edinburgh, Scotland and the UK's global reputation as a cultural, creative economy and destination.

The Fringe not happening in 2020, meant a revenue gap of £1.5M for the Fringe Society. However, the damage to the Fringe ecology is far wider reaching. Specifically, most Fringe venues are not in receipt of public funding (or less than 10% of public funding) and fall through the cracks of current government support. Collectively, and at early and frugal estimates, the deficit facing these venues is sitting around £21M.

The Fringe is made up of many micro businesses from across the UK, including around 323 venues plus hundreds, if not thousands, of producers, designers, technicians and creative professionals. The Fringe provides in excess of 2,840 full-time jobs in Edinburgh and over 3,400 across Scotland and the UK [these statistics will have increased since research in 2015]. Each of the venues employ a vast number of staff from across Scotland, the UK and internationally. In addition, there are a wide range of small business providers who service the venues, from skilled trades, catering, equipment hire, accommodation, marketing, food and drink, materials and resources, who rely on the Fringe for over 25% of their annual income. They will be demonstrably impacted by a conservative estimate of over £15M.

With the Fringe not taking place, shows don't perform, venues don't operate, smaller local businesses don't get that work and accommodation providers don't benefit - the overall impact and picture is immense, and extends beyond 2020, especially if these organisations and businesses (not able to avail of the existing public assistance) are unable to survive to make the return to business in the future.

Therefore, a catastrophic year, brought on by Covid-19, could lead to the loss of Edinburgh's infrastructure as the world's leading festival city, and the pivotal role the Fringe plays for the UK creative industries. Unless financial support of £1M can be secured within this financial year, the Society and the Fringe itself, the largest non-curated performing arts festival in the world, will face significant costs with existential consequences.

Collectively, the Fringe not taking place will be hugely damaging to UK's economy. Unlike Germany and Canada where substantial financial investment has been promised to the creative sector, there seems to be no immediate recognition of the fragility of the creative sector in the UK.

Following the lead of these nations, the UK Government should seriously look at setting up a specific distress fund for those organisations in the creative/culture sector who have less than 10% public subsidy.

• How effectively has the support provided by DCMS, other Government departments and arms-length bodies addressed the sector's needs?

The Society has applied for all relevant funds where we meet the criteria. We were unsuccessful in receiving funds from the Scottish Government's third sector resilience scheme and are still awaiting an outcome on rates grant. We have furloughed 70% of staff, made 4 redundant, and the remaining team taking a 20% pay cut. In addition, we have stopped all spend, appealed to the public and our supporters for donations, working with sponsors to honour their commitments whilst working through online opportunities in 2020. With all of these measures in place we still face the stark reality that the Fringe, and the associated economic benefits to the UK economy, is under threat as we still face a shortfall in the region of £1M.

• What will the likely long-term impacts of Covid-19 be on the sector, and what support is needed to deal with those?

Many of the artists, producers, venues and the creative sector are facing their own financial hardships and we conservatively estimate that this will be in the region of £21M to the Fringe stakeholders in August. However, as many are all year-round concerns, Covid-19 may mean they will be unable to attend the Fringe marketplace in 2021 and receive the benefits of their work being picked up and toured extensively, securing ongoing future income and a number of years of work. Indeed, quite a number of individuals and organisations who attend the Fringe will not recover from this pandemic.

The Fringe is a leading cultural brand for the UK and central to our attractiveness as a global destination supporting economic sustainability and community wellbeing. This sits alongside our key roles in the creative economy and reputation of the UK as a leading creative nation, retaining and attracting talented people to live, work, visit and study here. The Edinburgh Fringe is an essential connector for Scotland's cultural sector to the UK and the rest of the world. Artists and cultural entrepreneurs across the UK rely on the Fringe to feed their livelihoods, their festivals, their venues and their annual pipeline of creative talent and work.

The Fringe is a key milestone for thousands of artists' annual commitment and employment. It is not just the 2020 Festival at risk, but the longer-term recovery and sustainability of the arts, creative, business and tourism sector as a whole.

The work presented at the Fringe is seen and bought by other festivals, venues and curators across the UK and the world, which leads to numerous years of work for those artists, scriptwriters, stage designers, etc. Without a vibrant marketplace for this work, many of the theatres – already in a precarious situation with Covid-19 – will struggle to find content in the winter months and well beyond 2020. The double-edged sword is that if the

Fringe is under threat, we can make a fair assumption that there will be a serious reduction of employment for many people and a lack of shows for many theatres and festivals up and down the country, when they are already struggling to get back on their feet.

For the whole ecosystem of independent performers and presenters, for example those at the Fringe who self-finance, the potential losses are substantially higher and will have a devastating effect on cultural venues and independent artists for years to come. Potential ticketing income losses are in excess of £30m across the Fringe and in most cases reflects well over 70% of total income for artists and venues.

The Fringe is made up of hundreds of SMEs and entrepreneurial creative talent and is supported by a network of trades and industry, much of which is local and relies on the spike of available work in August to sustain their business year-round.

• What lessons can be learnt from how DCMS, arms-length bodies and the sector have dealt with Covid-19?

The Fringe supports so many creative livelihoods well beyond three weeks in August, and yet the Society finds itself in a situation where, unlike other festivals that are in receipt of public funding, we are facing insolvency. It is unconceivable that the UK's most important cultural festival, which attracts such a high social, creative and economic impact is facing a precarious, fragile and uncertain future.

• How might the sector evolve after Covid-19, and how can DCMS support such innovation to deal with future challenges?

If the Fringe Society survives the current crises, we already are looking to technological solutions and innovations to develop the Fringe into a more sustainable model. There is already a proposition sitting with DCMS to support the UK creatives participating at the Fringe, enhancing our ability to promote the work more successfully at the UK's premium arts marketplace. With over 3,200 shows appearing the UK (over 2,000 from England) it is important the UK Government recognises the Fringe for what it is, and does, for the UK's cultural sector. Ongoing DCMS core support could be transformative to the creative and culture sector across the whole of the UK.

A strengthened Fringe Society (which would lead to a strengthened Fringe) and would reduce its reliance on single sources of income. Our futureproofing and resilience will require a more mixed economy model

The Edinburgh Festival Fringe Society delivers by far the greater economic impact and global reputation than any other festival in the UK. The provision of a UK core grant annually would provide an underlying stability to our charitable purposes and public good.

This would enable us to cap our market share of the Fringe box office and therefore take less from the wider Fringe eco-system and providing more kick-back to artists, producers and venue operators. We could also reduce registration fees for artists and companies.