

Planning Committee

10.00am, Thursday, 27 February 2014

Annual Review of Guidance

Item number 5.5

Report number

Wards

Links

Coalition pledges [P15](#),

Council outcomes [CO8](#), [CO16](#), [CO18](#), [CO19](#),

Single Outcome Agreement [SO1](#), [SO4](#)

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Executive summary

Annual Review of Guidance

Summary

This report advises the Committee of changes in guidance in 2013 and those intended for the coming year.

This report also seeks approval for limited updates to two consolidated guidelines – Guidance for Businesses and the guidance on Listed Buildings and Conservation Areas.

Recommendations

It is recommended that the Committee:

- 1) notes progress in consolidating and updating guidance to users of the planning service (Appendix 1); and
- 2) approves updates to two frequently-used guidelines (Appendix 2).

Measures of success

Planning guidance is easier to understand for applicants and other stakeholders in the planning process.

Financial impact

There is no direct financial impact arising from this report. The costs of publishing the updated guidance will be met from existing budgets.

Equalities impact

The impact of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights has been considered. The report has no significant direct impact on the delivery of the Council's three equality duties. However, the review of individual guidelines could in due course have an impact, and so each will be subject to an assessment. The appended updates to certain guidelines may have a positive impact on standards of living, by including improved controls on noise impacts of certain uses.

Sustainability impact

The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered, and the outcome is summarised below.

- This report and the updates it recommends will have no impact on carbon emissions because it relates to a programme of consolidating guidance.
- This report and the updates it recommends will have no impact on the city's resilience to climate change because it relates to a programme of consolidating guidance, and the updates it recommends have no impact on the issue of climate change.
- This report will help achieve a sustainable Edinburgh because the review of guidance will not directly promote social justice, but several of the guidelines covered do.
- This report will help achieve a sustainable Edinburgh because it includes an update which clarifies elements of the Guidance for Businesses, which should make it easier for small businesses to understand and meet the Council's requirements.
- This report will have a positive impact on environmental stewardship because the updated guidance it covers will be published in electronic-only format, reducing the use of paper.

Consultation and engagement

Individual guidelines which have been fully revised are reported and published in consultative draft form. Consultation responses are taken into account when the guidelines are amended prior to final approval and use.

This report seeks approval for limited updates to two guidelines. These updates have not been subject to formal consultation, however, they relate to either clarifications or existing practice. As such, it is appropriate to publish the updated editions of the relevant guidelines without consultation.

Background reading / external references

Annual Review of Guidance, [Report to Planning Committee](#), 28 February 2013

Edinburgh Local Development Plan, [Proposed Plan](#), March 2013.

www.edinburgh.gov.uk/planningguidelines

www.edinburgh.gov.uk/supplementaryguidance

Annual Review of Guidance

1. Background

- 1.1 In 2011 the Planning Committee set a structure and programme for consolidating non-statutory topic guidance. The intention is that the new structure will be more user-friendly, and will help people understand the Council's expectations before proposals are formulated and submitted as applications. The previous annual review report ([28 February 2013](#)) includes diagrams which illustrate this conceptually.
- 1.2 The most frequently-used consolidated guidelines were approved in late-2012 to mid-2013. Early feedback on their use is now available and indicates that updates are necessary. Their scope is relatively limited and approval for these updates is sought in this report, instead of a series of separate reports for each guideline.
- 1.3 As well as covering non-statutory guidance on topics, this report provides an overview of progress in the preparation of supplementary guidance.
- 1.4 Current and draft non-statutory guidance can be viewed online at www.edinburgh.gov.uk/planningguidelines . Emerging supplementary guidance can be viewed at www.edinburgh.gov.uk/supplementaryguidance .

2. Main report

Changes to guidance in 2013

- 2.1 Appendix 1 shows the current suite of guidance. Changes to non-statutory guidance in 2013 were as follows:
 - Guidance for Businesses – limited update to refer to 'short stay commercial leisure apartments'
 - Edinburgh Design Guidance – approved in final form
 - Developer Contributions and Affordable Housing – consultation draft with major revisions to reflect new policies in Local Development Plan (LDP)
 - Advertisements, Sponsorship and City Dressing – approved in final form
 - Communications Infrastructure – limited update to style and renamed

Actions for 2014 and beyond

- 2.2 Appendix 1 also indicates which guidelines are due to be reviewed and potentially revised in 2014. These changes are:
- Guidance for Householders – review section on dormer windows, to reflect recent practice and take account of appeal decisions.
 - Street Design Guidance - draft new guideline, which will consolidate and eventually supersede several pieces of guidance.
 - Student Housing – full review and potential revision informed by monitoring of three years of its use and analysis of census data.
 - Housing in Multiple Occupation – full review to reflect changes in LDP and changes in licensing system.
 - Development in the Countryside and Green Belt – full review and updates to reflect policy in LDP.
 - Review and potential updating of the Edinburgh Design Guidance following at least one full year of use (i.e. post May 2014)
 - Limited updates to:
 - Guidance for Businesses
 - Guidance on Listed Buildings and Conservation Areas
- 2.3 In addition, it is proposed to make minor amendments to two of the existing consolidated guidelines. The changes are in response to feedback on the use of the guidelines in the first year which indicates that some clarification is necessary. In particular, there is a need to be more precise on what the Council will permit and when permission is necessary. The guidelines are set out in Appendix 2 for the Committee's approval and are summarised below.
- 2.4 Guidance for Businesses – clarification of use classes, updates on use of conditions relating to noise and clarification of guidance on shopfronts.
- 2.5 Listed Buildings and Conservation Areas – clarification of guidance on replacement windows and doors.
- 2.6 It is intended to publish the updated guidelines electronically as a 2014 edition, with a small number printed to distribute to libraries. Community Councils will be notified of the update, and it will be publicised through other channels (e.g. Twitter and the Planning blog).

Supplementary Guidance

- 2.7 The above sections of this report deal with the Council's non-statutory guidance, which provides advice on interpretation of the development plan.
- 2.8 The Planning etc. (Scotland) Act 2006 introduced scope for a different, statutory type of guidance. Called 'Supplementary Guidance', it will form part of the development plan when formally adopted. There are certain procedural

requirements for its preparation and it must only provide further information or detail in relation to identified policies or proposals in a local or strategic development plan.

- 2.9 The Proposed LDP (March 2013) devolves policies on change of use in town centres down to individual supplementary guidance documents. This allows much more local engagement than is practicable in the LDP process.

The individual documents can have more detail, and potentially be prepared on a faster cycle, which allows them to respond to emerging issues like longstanding vacant units and site opportunities.

- 2.10 Appendix 1 identifies those town centres for which emerging supplementary guidance has been prepared so far. Separate reports provide more detail. The Proposed LDP pilots the use of supplementary guidance to plan out a specific location, at Edinburgh BioQuarter. This pilot will be monitored, along with experience in use of supplementary guidance elsewhere in Scotland, to inform future LDPs.

- 2.11 It should be noted that until the LDP is adopted, finalised supplementary guidance is not part of the development plan, but can be used as a material consideration in the determination of relevant planning applications.

3. Recommendations

- 3.1 It is recommended that the Committee:
- 1) notes progress in consolidating and updating guidance to users of the planning service (Appendix 1); and
 - 2) approves updates to two frequently-used guidelines (Appendix 2).

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well-managed neighbourhood CO18 Green – We reduce the local environmental impact of our consumption and production CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Status of Development Plan and Guidance Appendix 2 – Updates to Guidance

Status of Development Plan and Guidance

Title	Status and Date	Comment
Development Plan		
Strategic Development Plan	Approved June 2013	Supplementary Guidance on housing allocations available as draft.
Edinburgh City Local Plan	Adopted January 2010	
Rural West Edinburgh Local Plan	Adopted June 2006	Alteration adopted June 2011
Emerging Development Plan		
Edinburgh Local Development Plan	Proposed Plan Mar 2013	Representations available online. Some policies can now be referred to as material considerations
Supplementary Guidance		
City Centre Retail Core	Draft May 2013	<i>Due to be finalised in February 2014</i>
Tollcross Town Centre	Finalised December 2013	Use as material consideration
Edinburgh BioQuarter & South East Wedge Parkland	Finalised December 2013	Pilot area SG. Use as material consideration
Corstorphine Town Centre	<i>Draft February 2014</i>	
Gorgie/Dalry Town Centre	<i>Draft February 2014</i>	
Remaining five town centres (Leith/Leith Walk, Morningside/Bruntsfield, Nicolson St/Clerk St, Portobello, Stockbridge)	2014 - 16	Aim to have drafted and consulted upon all by adoption of LDP. Proceed in alphabetical order
Non-statutory Guidance		
Consolidated Guidelines		
Guidance for Householders	Approved Dec 2012	Guidance on dormers to be reviewed in 2014
Guidance for Businesses	Approved Dec 2012	<i>Minor updates in February 2014 informed by monitoring feedback</i>
Listed Buildings & Conservation Areas	Approved Dec 2012	
Edinburgh Design Guidance	Approved May 2013	Review after 1 year's use.
Street Design Guidance	<i>Draft February 2014</i>	
Developer Contributions & Affordable Housing	Draft August 2013	<i>Due to be finalised in February 2014</i>
Edinburgh Standards		
Edinburgh Standards for Streets	Approved 2006	Will be superseded when Street Design Guidance finalised
Transport guidance		
Parking Standards	Approved 2009	To be reviewed after Street Design Guidance
Movement and Development	Approved 2000	Will be superseded when Street Design Guidance finalised
Bus Friendly Design Guide	Approved 2005	
Tram Design Manual	Approved 2006	Retain until no longer needed
Other non-statutory guidance (alphabetical order)		
Advertisements, Sponsorship & City Dressing	Approved Dec 2013	Updated with consultation.
Art in Public Places	Approved 1998	Under review
Communications Infrastructure	Approved Dec 2013	Minor updates
Development in the Countryside & Green Belt	Approved 2008	Will be reviewed to fit with LDP
Housing in Multiple Occupation	Approved 2006	Will be reviewed to fit with LDP
Open Space Strategy	Approved 2010	Second Audit due in late 2014
Student Housing	Approved 2010	To be reviewed in 2014 – informed by analysis of new Census data
Sustainable Lighting Strategy for Edinburgh	Approved 2012	Some sections relevant to Development Management.

Italics - due to be reported to same Committee meeting as Annual Review.
Excludes non-statutory area guidance: masterplans, development briefs etc.

Updates to Guidance

Guidance for Businesses

Page 7

Changing a Residential Property to a Commercial Use

Replace:

In some cases it may be appropriate to impose planning conditions in order to protect residential amenity. Such conditions are likely to relate to:

- *Hours of operation*
- *Insulation*
- *Noise from plant, machinery or equipment*
- *Ventilation*
- *Parking*

With:

If a proposal has the potential to result in impacts then these should be addressed at the outset so they can be considered by the case officer. Examples of information that may be required include:

- *An acoustic report if there is potential for noise impact.*
- *Details of ventilation systems if the application has the potential to create odour problems, and details of the noise impact of any proposed ventilation system.*
- *Details of any plant and machinery*
- *Details of attenuation measures if structure-borne and air-borne vibrations will occur.*

Reason for change: The conditions stated are in the main un-enforceable. As such recent practice has been to require information on noise from the applicant at the outset of their application. The new wording reflects that practice.

Changing to a Food or Drink Use

Page 8:

Amend section entitled 'What does this chapter cover?' to read:

Uses such as:

- *Restaurants and cafes (Class 3)*
- *Hot food takeaways (Sui Generis)*

- *Cold food takeaways which are classed as a shop (Class 1)*
- *Public Houses (Sui Generis)*
- *Class 7 uses (hotels and hostels) licensed or intending to be licensed for the sale of alcohol to persons other than residents or persons other than those consuming meals on the premises i.e. with a public bar*

Amend section entitled 'Changing a shop to Class 3 use or a hot food takeaway' to include addition words (**in bold**):

*Planning permission is required for a change of use from a shop **to a hot food takeaway** or to a Class 3 use such as a cafe or restaurant.*

Reason for change: to improve clarity and precision

Page 9

Hot Food Takeaways

Insert additional text at end of section:

Where a restaurants trade is primarily in-house dining but a minor element is take-away food then this still falls within the Class 3 use. Where take-away is a minor component of the business it will not require planning permission.

Reason for change: to improve clarity and precision

Page 18

Altering a Shopfront

Replace:

Boxes housing the blind projecting from the frontage will not be acceptable.

With:

Boxes housing blinds and canopies that project from the building frontage will not be acceptable.

Reason for change: to improve clarity and precision

Miscellaneous

Minor typographical errors and references will be amended, and the opportunity will be taken to replace some images with better quality versions.

Listed Buildings and Conservation Areas Guidance

Windows and Doors

Page 26

Amend second sentence in box as follows:

*Planning permission will **not** be required where replacement or altered windows and doors ~~will not match the existing in design, material, size, opening mechanism or proportion~~ **meet the following requirements.***

Amend first sentence in explanatory text as follows:

*Replacement windows and doors on all elevations of unlisted properties in conservation areas ~~should~~ **must** match original proportions, appearance, materials and opening method.*

Reason: to provide clearer advice on what the Council will permit, and when permission is necessary.