

Planning Committee

10.00 am, Thursday, 6 October 2016

Present

Councillors Perry (Convener), Lunn (Vice-Convener), Bagshaw, Blacklock, Cairns, Cardownie, Gardner, Heslop, Keil, McVey, Mowat, and Ritchie.

1. Minutes

Decision

To approve the minutes of the Planning Committee of 11 August and 5 September 2016 as correct records.

2. Short Stay Commercial Leisure Apartments – Monitoring Report

In 2013, the Planning Committee agreed to make changes to its non-statutory 'Guidance for Businesses', in order to make specific reference to the issue of short stay commercial leisure apartments (SSCLA) – so called 'party flats'.

At its meeting on 6 August 2015, the Planning Committee considered a progress report and noted the current position in respect of action by the planning enforcement service relating to short stay commercial leisure lets.

Since the previous update, the planning authority had closed 14 enquiries into the alleged use of residential properties as SSCLAs. There were currently a total of 10 cases pending consideration.

In terms of the 14 cases that had been closed, three were the subject of enforcement notices (26 Old Tollbooth Wynd, 3F1 22 Learmonth Terrace and F5 2 Eyre Place). The notices at 26 Old Tolbooth Wynd and 3F1 22 Learmonth Terrace were not appealed and the use ceased in accordance with the notice. The case at 2 Eyre Place was notable as it was the first SSCLA enforcement notice that has gone to appeal. The reporter gave general support to the Council's policy guidance, in as much as it was found to be relevant in assessing whether there was a change of use. The outcome was that the reporter agreed with the Council that a material change of use had occurred with the result that the notice was upheld and the use had ceased.

A separate outcome of the Eyre Place decision was that the terminology in the Guidance for Business had been changed from short term commercial leisure

apartments to short term commercial visitor accommodation. This was to reflect the fact that this type of accommodation was not only used for leisure accommodation for holiday/tourism purposes but could also be used by other visitors in particular business travellers.

In terms of new cases, there had been 10 SSCLA cases raised in the last year. This compared with 14 cases in 2014/2015 and 19 cases in 2013/2014. Notwithstanding the relatively small number of new cases, it was evident from the growth of websites advertising short term lets that there were a large number of properties particularly in the City Centre and Leith that were being let out for short term lets. This had the potential to become a significant issue for the City. In this regard the Association of Scotland's Self-Caterers (ASSC) had advised that it had recently drafted a Code of Practice for short-term let operators to encourage best practice and promote a harmonious existence between short term let apartments and local residents. This proactive approach by the ASSC was welcomed but at this early stage it was not possible to say whether it was having any effect on how premises are used.

Decision

1. To note the current position in respect of action by the planning enforcement service relating to short stay commercial leisure lets and that a further report on progress would be made in a year's time; and
2. To note that the Head of Planning and Transport would review the process for communicating appeal decisions to elected members.
3. The Executive Director of Place to submit an update report on:
 - I) The number of this type of properties in sensitive areas of the city.
 - II) The categorisation (commercial or residential) of the properties in respect of waste collections etc.
 - III) Any proposals being advanced in other cities to define this type of property in regards to commercial or non commercial.
4. The report to be sent to all Edinburgh and Lothian List Members of the Scottish Parliament.
5. To refer the report to Health, Social Care and Housing Committee for information.

(References – Planning Committee, 28 February 2013 (Item 3), 5 December 2013 (Item 7), 7 August 2014 (Item 2) and 6 August 2015 (Item 6); report by the Executive Director of Place; submitted.)

3. Housing Land Audit and Delivery Programme 2016

The Housing Land Audit and Delivery Programme (HLADP) was a monitoring tool used to assess the performance of Strategic Development Plan housing land policies and
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targets. The HLADP recorded the amount of land available for house building, identified any constraints affecting development and assess the adequacy of the land supply against the supply target and housing land requirement set by the Strategic Development Plan (SDP). Edinburgh's 2016 HLADP had been completed. Completions in 2016 were significantly above 2015 levels, continuing the upward trend following the credit crunch and subsequent recession.

The HLADP examined both the supply of land (an input) and the expected delivery of new homes (an output). The delivery of new homes was dependent on many economic and demand related factors unrelated to the supply of land and although the delivery programme was currently below the level needed to meet the housing supply target for the next five years, the HLADP demonstrated that this was not due to a lack of effective housing land and the supply of land was sufficient to meet the housing land requirement.

The Committee received a presentation on the programme

Decision

1. To note the findings of the report by the Executive Director of Place including Appendix 2, "The Housing Land Audit and Delivery Programme 2016".
2. To refer the report to the SESplan Project Board.
3. To refer the report to the Health, Social Care and Housing Committee with a request to consider the actions identified in paragraph 3.18 to help accelerate housing delivery; and
4. To refer the report to the Scottish Government to assist in the ongoing development of planning practice in relation to housing delivery and measuring the availability of land.

(References – Health, Social care and Housing Committee, 21 April 2015 (Item 6); report by the by the Executive Director of Place; submitted.)

4. East Lothian Proposed Local Development Plan 2016: Period of Representations

East Lothian Council had considered the comments received on its Main Issues Report (MIR) and had published its Proposed East Lothian Local Development Plan for a statutory period for representations, this period would run from 19 September to 31 October 2016. Following this period East Lothian Council would assess representations received and consider if changes should be made to the Plan. Any unresolved representations would be considered through an examination by Scottish Government Reporters.

The Proposed Plan set out East Lothian Council's settled view as to what the final adopted content of the plan should be. It comprised a development strategy for the Planning Committee –6 October 2016

future development of East Lothian to 2024 and a detailed policy framework for guiding development. It was supported by an Action Programme and other planning guidance on specific matters, which were also published in draft form.

The Proposed Plan implemented the requirements of the approved SESplan Strategic Development Plan 2013. There was no concern that the plan as proposed would prejudice the interest of this Council.

Decision

1. To note the publication of the East Lothian Proposed Local Development Plan for a period of representations; and
2. To agree that no formal representation was submitted on behalf of the City of Edinburgh Council.

(Reference – report by the by the Executive Director of Place; submitted.)

5. Finalised Portobello Conservation Area Character Appraisal

On 19 May 2016, Committee approved a draft revised Portobello Conservation Area Character Appraisal for consultation. The draft featured a proposal to extend the boundary of the Conservation Area to the north west to incorporate an important approach and entrance area. The extended area included part of the Promenade, beach and foreshore and two surviving historic kilns.

Approval was sought for the finalised version of the Portobello Conservation Area Character Appraisal, including a proposed boundary amendment.

Decision

1. To approve the finalised version of the Portobello Conservation Area Character Appraisal, including the proposed boundary amendment.
2. To note the boundary amendments would require to be advertised in the Scotsman and Edinburgh Gazette. This process would be completed by the end of 2016.

(References – Planning Committee, 3 October 2013 (Item 7), 19 May 2016 (Item 9); report by the by the Executive Director of Place; submitted.)