

Planning Committee

2.00pm, Wednesday, 27 February 2019

Annual Review of Guidance

Item number	7.1
Report number	
Executive/routine	
Wards	All
Council Commitments	1,4,10,11,12 and 15

Executive Summary

This report advises the Planning Committee of changes to planning guidance in 2018 and those intended for the coming year. It also seeks approval of minor updates to certain guidelines.

Annual Review of Guidance

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes progress in consolidating and updating guidance for users of the planning service (appendix 1);
 - 1.1.2 approves the attached updates to certain guidelines (appendix 2); and
 - 1.1.3 approves the programme for work in 2019 as set out in Section 3 of this report.

2. Background

- 2.1 The Council issues non-statutory guidance to help its customers interpret the statutory development plan.
- 2.2 Over the last eight years, this guidance has been consolidated from around 50 separate documents to five main guidelines, focused on the main customer group plus a small number of specialist topic guidelines.
- 2.3 The suite of guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 2.4 In [March 2018](#) the Planning Committee agreed a streamlined process for the preparation and review of non-statutory guidance, following a successful trial period in 2017.
- 2.5 Current non-statutory guidance can be viewed [online](#). Statutory Supplementary Guidance (SG) can also be viewed [online](#).

3. Main report

Drivers for Change

- 3.1 The main factors which can indicate a need to consider changes to guidance are as follows:
 - 3.1.1 changes in national or development plan policy and guidance (including Scottish Planning Policy, other national documents, the Strategic Development Plan, the Local Development Plan (LDP);

- 3.1.2 change in the city (including economic, social, environmental and physical changes or changes in corporate or community planning policy);
 - 3.1.3 findings from monitoring the use of existing guidance and policy, including appeal decisions;
 - 3.1.4 the opportunities presented by organisational change; and
 - 3.1.5 the service's Customer Engagement Strategy and Service Charter.
- 3.2 Appendix 1 shows the current status of the Development Plan and non-statutory guidance. It also sets out scheduled reviews and updates which are to be undertaken during 2019.

Summary of Progress on Changes to Guidance since March 2018

- 3.3 Changes to guidance carried out since last year's report are as follows:
- 3.3.1 preparation, consultation and adoption of statutory SG on Heat Opportunities Mapping, to implement a requirement of the Edinburgh LDP;
 - 3.3.2 consultation and finalisation of new statutory SG on Developer Contributions and Infrastructure Delivery. This was submitted to Scottish Ministers in September 2018 and is the subject of a separate report to the February 2019 meeting of the Planning Committee;
 - 3.3.3 consultation on the Advertisements, Sponsorship and City Dressing non-statutory guidance took place in summer 2018; and
 - 3.3.4 the non-statutory Edinburgh Design Guidance was reviewed and minor updates were approved in October 2018 and published in November 2018.

Summary of Proposed Minor Updates to Guidance for Approval

- 3.4 Regular monitoring of the use of guidance has indicated the need for some minor updates to the following guidelines:
- 3.4.1 guidance for businesses, to make businesses aware of the A-board ban, controls in the Royal Mile and policy on storage of trade waste.
 - 3.4.2 Listed Buildings and Conservation Areas, to clarify the Council's approach to rooflights and artificial grass;
 - 3.4.3 guidance for householders, to clarify the Council's approach to new dwelling houses in garden grounds, artificial grass and size of garden grounds;
 - 3.4.4 Advertisements, Sponsorship and City Dressing to refer to the ban on A-boards;
 - 3.4.5 Development in the Countryside and Green Belt, to clarify that proposing a new residential unit does not represent intensification of existing use; and
 - 3.4.6 Affordable Housing, specifically the practice note appended to the non-statutory planning guidance. These changes relate to the practice of the Council's Housing Service in advising on what constitutes affordable housing, rather than to the planning guidance itself.

- 3.5 In summary, the changes to the Affordable Housing Practice Note are as follows:
- 3.5.1 inclusion of an affordable housing statement (to assist the assessment process);
 - 3.5.2 prioritisation of affordable housing tenures (prioritises delivery of rented housing in line with housing strategy);
 - 3.5.3 removal of two tenures that are no longer fit for purpose (little take up with tenures no longer supported by mortgage lenders);
 - 3.5.4 a quantum of the number of low cost home ownership delivered on each site (limits golden share to 20% of affordable housing on the site or 12 units; whichever is lesser in order to maximise delivery of rented housing);
 - 3.5.5 consolidation of Registered Social Landlord (RSL) homes on smaller sites (to encourage developers to come up with designs that work for RSLs in management and maintenance terms);
 - 3.5.6 commuted sums (clarifies that the amount required needs to be sufficient to enable purchase of an alternative site); and
 - 3.5.7 annual update on income thresholds (advises developers to get the current figure from the affordable housing webpage, to be included in the published document).
- 3.6 Further details of all the above updates are set out in appendix 2 for the Committee's approval.
- 3.7 All of the above updates are considered sufficiently minor to not require consultation.

Summary of Programme for 2019

- 3.8 The following non-statutory guidelines are proposed for review or update in 2019:
- 3.8.1 Advertisements, Sponsorship and City Dressing – conclude review and report to Planning Committee, scheduled for May 2019; and
 - 3.8.2 any non-statutory guideline reviews arising following the consultation stage for the City Plan 2030 project.
- 3.9 It may be appropriate to commence a review of the City Centre Retail Core SG, to take account of the Edinburgh City Centre Transformation project, which is progressing in 2019.

4. Measures of success

- 4.1 Planning guidance is easier to understand for applicants and other stakeholders.
- 4.2 Planning guidance is kept up-to-date and relevant and ensures that a high quality of development is delivered through the planning application process.

5. Financial impact

- 5.1 There are no direct financial impacts arising from this report.

6. Risk, policy, compliance and governance impact

- 6.1 This report does not raise any concern in relation to risk, policy, compliance and governance. Setting out progress made and work to be programmed is a positive step in relation to these considerations. Potential impacts are considered in relation to each individual guidance document in its development.

7. Equalities impact

- 7.1 There is no requirement to undertake an assessment at this time. Integrated Impact Assessments will be undertaken for individual guideline reviews as appropriate at the relevant time.

8. Sustainability impact

- 8.1 There are no perceived sustainability impacts arising from this report. Individual guideline reviews will consider sustainability impacts as appropriate at the relevant time.

9. Consultation and engagement

- 9.1 Consultation responses are taken into account when the full reviews of guidelines are finalised. A summary of consultation responses is included when finalised guidelines are reported allowing the Planning Committee to see how consultation views have influenced the guidance. There is no need for additional consultation in relation to this report, which is primarily for work scheduling purposes and minor updates to guidance.

10. Background reading/external references

- 10.1 Annual Review of Guidance, Report to Planning Committee, [14 March 2018](#);
- 10.2 [Planning Guidelines](#); and
- 10.3 [Supplementary Guidance](#).

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11. Appendices

11.1 Appendix 1 – Status of Development Plan and Guidance; and

11.2 Appendix 2 – Minor Updates to guidance

Status of Development Plan and Guidance

Title	Status and Date	Comment
Development Plan		
Strategic Development Plan	Approved June 2013	Supplementary Guidance (2014)
Edinburgh Local Development Plan	Adopted November 2016	
Supplementary Guidance (adopted)		
City Centre Retail Core	Adopted 2017	City Centre Retail Core potentially to be reviewed to take account of City Centre Transformation project.
Tollcross Town Centre		
Corstorphine Town Centre		
Gorgie / Dalry Town Centre		
Leith / Leith Walk Town Centre		
Bruntsfield / Morningside Town Centre		
Nicolson St/Clerk St Town Centre		
Portobello Town Centre		
Stockbridge Town Centre		
Heat Opportunities Mapping	Adopted December 2018	
Emerging Development Plan		
SDP 2 Proposed Plan	October 2016	Examination reported July 2018, recommendations and plan with Scottish Ministers for approval.
City Plan 2030 (replacement local development plan)	Early engagement stage	See www.edinburgh.gov.uk/cityplan2030 for information on timetable.
Supplementary Guidance (yet to be adopted)		
Developer Contributions & Infrastructure Delivery	Finalised August 2018	Awaiting Scottish Ministers authorisation to adopt.
Edinburgh BioQuarter & South East Wedge Parkland	To be re-finalised in 2019	To be updated to reflect changes in adopted LDP
Non-statutory Guidance		
Consolidated Guidelines		
Guidance for Householders	Updated March 2018	<i>Minor updates reported February 2019</i>
Guidance for Businesses	Updated March 2018	
Listed Buildings & Conservation Areas	Updated March 2018	
Edinburgh Design Guidance	Updated November 2018	Guidance comprises new Parking Standards and Street Design Guidance in a consolidated document. Ongoing monitoring may indicate need for reviews/updates
Other non-statutory guidance (alphabetical order)		
Advertisements, Sponsorship and City Dressing	Approved 2013	Consultation on review started May 2018. <i>Interim minor update reported February 2019.</i>
Affordable Housing	Reissued October 2017 <i>Updates to Practice Note February 2019</i>	<i>Minor updates to appended Practice Note reported February 2019.</i> Wider review to take place in parallel with City Plan 2030 project.
Art in Public Places	Approved 1998	Review commenced, due to be progressed in 2019
Communications Infrastructure	Approved 2013	
Development in the Countryside & Green Belt	Updated October 2017	<i>Minor update reported February 2019</i>
Open Space Strategy	Approved December 2016	Action plans being progressed
Student Housing	Approved February 2016	

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

Minor Updates to Non-Statutory Guidance

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
Guidance for Businesses	The guidance can make businesses aware of the need to have storage space off street to accommodate segregated containers for trade waste, as sought by the Council's Trade Waste policy.	<p><u>Page 5 What other consents might be required?</u> Add new section at end as follows: Trade Waste Proposals for commercial use of a property should ensure that there will be sufficient storage space off street to store segregated waste containers, in line with the Council's Trade Waste policy.</p>
	The guidance's section on signage and adverts can help make businesses aware of an existing Regulation 11 Direction Order which sets special controls on adverts on the Royal Mile.	<p><u>Page 20, Signage and Advertisements</u> Add new text in box as follows: Amend title to read: Listed Buildings, Conservation Areas and Royal Mile Add sentence: In the Royal Mile area of Special Control, there are additional controls on advertisements.</p>
	The guidance should be updated to reflect the citywide ban on temporary on-street advertising (i.e. A boards) which came into force in November 2018.	<p><u>Page 21, Signage and Advertisements</u> Amend relevant section to read as follows: Directional Signs / Temporary On-Street Advertising / A boards Advance directional signs outwith the curtilage of the premises to which they relate (including 'A boards' and other temporary on-street advertising) will not be permitted. Delete reference to 'unless particular circumstances justify a relaxation'.</p>
Listed Buildings and Conservation Areas	There is scope to improve the clarity of the guidance on replacement rooflights on certain unlisted buildings in conservation areas.	<p><u>Page 25, Windows and Doors</u> Add text so that penultimate sentence reads: Rooflights on unlisted properties of a traditional design should be of a 'conservation style', i.e. with a central vertical glazing bar with flush flashings preferably top hung.</p>

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
	<p>Guidance does not currently make mention of artificial grass, which is development requiring planning permission, when not benefiting from permitted development rights. Artificial grass can adversely affect the character of an area, in particular conservation areas or in the grounds of listed buildings.</p>	<p><u>Page 22 New development in the grounds of listed buildings + Page 28 following Air Conditioning...</u> Add new sections to read as follows: Artificial Grass Artificial grass and the substructure/base required for its installation is development. It requires planning permission in conservation areas and in the grounds of listed buildings. In circumstances where permission is required, there is a general presumption against installation of artificial grass in the grounds of listed buildings and in conservation areas and other instances where it could impact adversely on the character of an area.</p>
<p>Guidance for Householders</p>	<p>The Guidance can help prospective applicants better understand when a proposal does not fall within the definition of householder development, and instead requires an application as local development. Specifically, it can clarify that ancillary development does not include proposals for a new dwelling housing in the garden grounds of an existing dwelling house, and that such proposals require a different type of application.</p>	<p><u>Page 5, Do I need planning Permission?</u> Add new sub section at end of page as follows: What kind of development am I proposing? There is a hierarchy of development in Scotland: householder, local, major and national. These require different type of applications. This guideline focuses on householder development. Proposals for a new dwelling house in the garden grounds of an existing dwelling house are local development, not householder. The Council’s Edinburgh Design Guidance is relevant. <u>Page 7</u> Add new paragraph at end of sub-section starting Ancillary buildings...: Proposals for a new dwelling housing in the garden grounds of an existing dwelling house are local development – see page 5</p>
	<p>Guidance does not currently make mention of artificial grass, which is development requiring planning permission, when not benefiting from</p>	<p><u>Page 7, Do I need Planning Permission? (cont)</u> Add new section after section on Gates... to read as follows: Artificial Grass</p>

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
	permitted development rights. Artificial grass can adversely affect the character of an area.	Artificial grass and the substructure/base required for its installation is development. It requires planning permission, except when it benefits from permitted development rights. In circumstances where permission is required, there is a general presumption against installation of artificial grass in the grounds of listed buildings and in conservation areas and other instances where it could impact adversely on the character of an area.
	There is scope to improve the clarity of the guidance on rear extensions and private garden space. Current guidance explains both the total amount of garden space which should normally be retained (depending on the spatial patten of the area) and the maximum proportion of the original rear garden area which can be occupied, but is unclear on how these relate.	<u>Page 10 – Fitting it on to the site</u> Amend first paragraph in Gardens section to read as follows: There should be enough private garden space left after extensions – normally a total of at least 30 sq.m., depending on the spatial pattern of the neighbourhood – to avoid over-development.
Advertisements, Sponsorship and City Dressing	The guidance should be updated to reflect the citywide ban on temporary on-street advertising (i.e. A boards) which came into force in November 2018.	<u>Page 2 Hoardings and Roadside Advertisements</u> Delete last two bullet points and replace with: There is a citywide ban in place on ‘A boards’ and all forms of temporary on-street advertising. For further information, please go to the dedicated webpage: http://www.edinburgh.gov.uk/info/20026/support_for_business/1773/on-street_advertising_structures
Development in the Countryside and Green Belt	There is scope to improve the clarity of the guidance with regard to what intensification of use means with regards to residential use.	<u>Page 9, Ancillary Development Related to an Existing Use</u> Insert after fifth paragraph: Where existing use is residential the creation of an additional residential unit does not constitute intensification of use.
Affordable Housing (Updates relate to Appendix – Practice Note. No updates to	There are no longer nine accepted affordable housing tenures.	<u>Page 4 – Contents</u> Replace “nine” with “types”

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
<p>non-statutory planning guidance in main body of guideline document. Current document available online here)</p>	<p>To emphasise the demand for social rented homes.</p> <p>To encourage on-site delivery by clearly stating that off-site is a last resort.</p> <p>To encourage early engagement with CEC so that advice on affordable housing delivery can be provided.</p>	<p><u>Page 4 SECTION 1 - Requirements, aims and objectives of the AHP</u></p> <p>Amend paragraph on Housing Needs and Demand Assessment as follows:</p> <ul style="list-style-type: none"> • Housing Need and Demand Assessments continue to identify a very large need for affordable housing, and social rented housing provides for those in highest priority need. • Off-site provision will only be considered as a last resort • Applicants should engage with CEC at earliest stage to identify the affordable housing provision and approach to delivery.
	<p>The inclusion of an Affordable Housing Statement as part of the planning application aims to ensure that engagement and consideration of affordable housing provision is undertaken by the developer at the earliest opportunity so that an onsite affordable housing solution can be identified.</p> <p>The consideration of RSL design standards to make it more likely that on-site affordable housing could be delivered.</p>	<p>Add new paragraph as below:</p> <p><u>Affordable Housing Statement</u> Applicants are requested to submit, as part of their planning application, an Affordable Housing Statement to allow for quicker assessments of proposals. This Statement ensures that engagement and consideration of affordable housing provision is undertaken at the earliest opportunity to enable the appropriate layouts, mix and affordable housing tenure to be delivered. The Statement will identify how the proposals meet planning standards whilst incorporating RSL requirements into the design of the building. The Affordable Housing Statement will include:</p> <ol style="list-style-type: none"> 1. Confirmation of the RSL identified to deliver affordable housing; 2. Confirmation that the proposal meets the priority housing needs as identified in the HNDA and includes the following: <ol style="list-style-type: none"> a. A mix of housing size and type, representative of that provided by the market housing; and

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
	<p>To ensure due diligence has been carried out by the developer with the aim of delivering higher priority tenures on site and rationale for providing a lower priority tenure, where this has not been achieved.</p>	<p>b. “Tenure blind” housing</p> <p>3. If affordable housing is not to be provided by an RSL, a clear statement on the management / maintenance arrangements and rationale for providing a lower priority tenure will need to be demonstrated, with a supporting detailed cost plan.</p>
	<p>The guidance previously included nine affordable tenures, but these were not clearly prioritised.</p> <p>Social rented housing is the highest priority tenure for affordable housing delivery in Edinburgh.</p>	<p><u>Page 6 , SECTION 3 - Tenure Types</u></p> <p>Add section as below which prioritises housing tenures: The tenures below are ranked in priority order, reflecting the highest housing need identified for the City. Applicants should clearly identify how their proposals have been designed to allow for on-site delivery by an RSL in the first instance. Should that not be proposed, a clear rationale for providing a lower priority tenure should be demonstrated.</p> <p>Amend title to read: The Approved Tenure Types. Add sentence: The approved tenures are ranked below, in priority order, reflecting the highest housing needs of the city.</p> <p>Add “highest priority” next to Social Rent. Include paragraph: There is an expectation that 70% of the AHP requirement on each site to be for Social Rent, reflecting HNDA requirements and Scottish Government targets.</p>

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
		2. Mid Market Rent – amend to read Private rented accommodation, subsidised, available at rents below market rent levels in the city, below Local Housing Allowance (LHA) levels.
	<p>Subsidised Low-Cost Home Ownership Discount Sale and Unsubsidised LCHO Discount Sale tenures are no longer supported by mortgage lenders so have been removed.</p> <p>Delivery of low cost ownership tenures at scale impacts on the availability of land for RSLs to deliver homes for social and mid-market rent.</p> <p>To ensure Golden Share is most effective in meeting needs, properties near the maximum sale value are expected to be three-bedroom homes.</p>	<p><u>Page 7 – Amend page, removing sections on Subsidised Low Cost Home Ownership (3) Discount Sale (subsidised) and Unsubsidised LCHO (1) Discount Sale.</u></p> <p>Add new section on <u>Unsubsidised LCHO</u> To maximise the delivery of social rented homes, as evidenced in the latest Housing Needs and Demand Assessment, any form of unsubsidised LCHO should not normally exceed 20% of the overall affordable housing provision, or 12 units, whichever is the lesser.</p> <p>Amend paragraph on “Unsubsidised LCHO (1) Golden Share” as follows: Add ...and properties approaching this value are expected to be 3 bedroom.</p>
	<p>Where an off-site contribution is suggested, evidence of why onsite affordable housing would not be possible is required, along with detailed costs.</p> <p>Emphasis on securing commuted sums at land value, as stated in the policy.</p>	<p><u>Page 8, SECTION 4 - Flexibilities & How they work procedurally</u></p> <p>Add Where this is the case the Affordable Housing Statement should include a clear rationale for providing an off-site contribution and must be submitted as part of the planning application, along with a detailed cost plan.</p> <p>At end of page, Add sentence Full commuted sums will be secured using the above formula.</p>

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)
	<p>An additional consideration in relation to block consolidation on smaller developments has been added to reflect RSL deliverability.</p>	<p><u>Page 9, SECTION 5</u></p> <p>Remove “five” and replace with “six” considerations associated with on-site affordable</p> <p>2) Add new paragraph Consolidation: On smaller developments of between 20 and 50 flats, it is likely an RSL will want to consolidate ownership of the affordable homes within a single stairwell. Proposals should be designed taking this into account, along with RSL design standards, to allow for on-site delivery to be achieved.</p> <p>Amend <u>3) Availability of subsidy</u> to include ...with the precise tenure mix to be determined by application stage.</p> <p>Amend “Services for Communities” to read “Place”.</p>
	<p>To allow regular updating of the average household income figure this will be published on the Council’s “Affordable Housing” webpage.</p>	<p><u>Page 10</u> – Remove sentence which details reasons for keeping tenure mix open.</p> <p><u>SECTION 6 - Definition of Priority clients</u> Remove “MEAN” and (£39,067). Include sentence: The average household income is published on the council’s website, at xx and is annually updated.</p>