

Notice of meeting and agenda

Planning Committee

2.00 pm Wednesday, 7th August, 2019

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

Contacts

Email:

Tel:

1. Order of Business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Planning Committee of 15 May 2019 - submitted for approval as a correct record 7 - 10

5. Business Bulletin

- 5.1 Planning Committee Business Bulletin 11 - 68

6. Development Plan

- 6.1 Strategic Development Plan 2 - Scottish Ministers' Decision – Report by Executive Director of Place 69 - 78
- 6.2 City Plan 2030 - Development Plan Scheme – Report by 79 - 92

Executive Director of Place

- 6.3** City Centre Retail Core Supplementary Guidance Review – Report by Executive Director of Place 93 - 114

7. Planning Policy

- 7.1** Review of Planning Guidance: Outdoor Advertising and Sponsorship – Report by Executive Director of Place 115 - 130

8. Planning Process

- 8.1** Affordable Housing Policy Delivery – Report by Executive Director of Place 131 - 140
- 8.2** Short Term Letting In Edinburgh - referral from the Corporate Policy and Strategy Committee – Report by 141 - 152
- 8.3** Edinburgh Planning Concordat – Report by Executive Director of Place 153 - 158
- 8.4** Training and Awareness Raising Programme – Report by Executive Director of Place 159 - 162

9. Planning Performance

- 9.1** None.

10. Conservation

- 10.1** Trinity Conservation Area Character Appraisal Review – Report by Executive Director of Place 163 - 184

11. Motions

- 11.1** None.

Laurence Rockey

Committee Members

Councillors Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler and Councillor Rob Munn

Information about the Planning Committee

The Planning Committee consists of x Councillors and is appointed by the City of Edinburgh Council. The Planning Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact , Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel , email .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

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Minutes

Planning Committee

2.00pm, Wednesday 15 May 2019

Present

Councillors Gardiner (Convener), Booth, Cameron (substituting for Councillor Child), Dixon, Gordon, Griffiths, Mitchell, Mowat, Osler and Staniforth.

1. Minutes

Decision

To approve the minute of the Planning Committee of the 27 February 2019 as a correct record.

2. Business Bulletin

The Business Bulletin of the 15 May 2019 was presented.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

3. Western General Hospital Place Brief

Approval was sought for a Place Brief to guide clinical-related development at Western General Hospital. It had been prepared by the Planning Service in collaboration with NHS Lothian and had involved extensive engagement with the local community and other stakeholders.

Decision

To approve the Place Brief for the Western General Hospital site as non-statutory planning guidance.

Declaration of Interest

Councillor Gardiner declared a financial interest in the above item as an employee of NHS National Services Scotland.

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

4. Planning Improvement Plan – Progress Update

An update was provided on the progress made on the Council's Planning Improvement Plan 2018/21.

Decision

To note the progress being made on the implementation of the Planning

Improvement Plan.

(References – Planning Committee, 27 February 2019 (item 5); report by the Executive Director of Place, submitted.)

5. Changes to the pre-application advice service and Edinburgh Planning Concordat

Details were provided of proposed changes to the pre-application advice service the Council provided to customers in advance of their making a planning application. In response to feedback from consultation with stakeholders, several reforms to deliver an improved service were proposed. To help deliver the improved service, it was proposed to introduce charges set to cover the costs of providing pre-application advice. The report also proposed changes to the Edinburgh Planning Concordat.

Motion

- 1) To agree the proposed changes to the Council's pre-application advice service and the proposed charges for providing pre-application advice be implemented from 1 July 2019.
- 2) To agree that a follow-up report be brought to Planning Committee within six months of the implementation date.
- 3) To agree to consult with the Edinburgh Development Forum and Civic Forum on the proposed changes to the Edinburgh concordat and to report back to Committee prior to agreeing any changes.
 - Moved by Councillor Gardiner, seconded by Councillor Griffiths

Amendment

- 1) To agree the changes to the PPA but to reject the introduction of a charging regime until the agreed changes had been embedded and improvement was demonstrated via the Planning Improvement Plan.
- 2) To agree to consult with the Edinburgh Development Forum and Civic Forum on the proposed changes to the Edinburgh concordat and to report back to Committee prior to agreeing any changes.
- 3) To agree to bring back a report that detailed how the £100,000 savings required would be met.

Voting

For the motion - 7 votes

For the amendment - 4 votes

(For the motion - Councillors Cameron, Dixon, Gardiner, Gordon, Griffiths, Osler and Staniforth.)

For the amendment – Councillors McLellan, Mitchell, Mowat and Osler.)

(Reference - report by the Executive Director of Place, submitted.)

6. Funding Third Sector Delivery Partners: Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust

Committee were advised that a report was presented to Committee in October 2018 that requested approval to change the funding basis for EWH and ELGT from annual grants to three-year service level agreements. Approval was sought to enter into those service level agreements with both organisations, for financial year 2019/20. Similar amounts would be put forward for inclusion in the Council budgets for subsequent years.

Decision

- 1) To approve the Service Level Agreements for 2019-22 with Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust for the services and activities detailed in Appendices 1 and 2 of the report, subject to funds being available in the Council budget.
- 2) To approve the sums of £46,000 for Edinburgh World Heritage and £25,833 for Edinburgh and Lothians Greenspace Trust for 2019/20.

Declaration of Interest

Councillor Gardiner declared a non-financial interest in the above item as a Board member of Edinburgh and Lothians Greenspace Trust.

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

7. Internal Audit Quarterly Update report: 26 November 2018 to 29 March 2019 – referral from the Governance, Risk and Best Value Committee

The Governance, Risk and Best Value Committee on 7 May 2019 considered the Internal Audit Quarterly Update Report: 26 November 2018 to 29 March 2019, which detailed progress with the 2018/19 Internal Audit Plan and the outcomes of the completed audits. The report was referred to the Planning Committee for review and scrutiny.

Decision

- 1) To note the report.
- 2) To agree that progress on developer contributions was reported to each Planning Committee, 5 times a year in the Business Bulletin, with a full report on planning performance, to include this aspect, on an annual basis, with the first full report to come forward to the December 2019 Planning Committee as part of the Performance update in the Planning Improvement Plan progress report.

(Reference – report by the Head of Strategy and Communications, submitted.)

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Business bulletin

Planning Committee

2.00pm, Wednesday 7 August 2019

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

Planning Committee

Convener:	Members:	Contacts:
<p>Councillor Neil Gardiner</p>  <p>Vice-Convener Councillor Maureen Child</p> 	<p>Councillor Chas Booth Councillor George Gordon Councillor Joan Griffiths Councillor Cameron Rose Councillor Max Mitchell Councillor Joanna Mowat Councillor Rob Munn Councillor Hal Osler Councillor Mary Campbell</p>	<p>Veronica MacMillan Committee Services 0131 529 4283 veronica.macmillan@edinburgh.gov.uk</p> <p>David Givan Service Manager Building Standards 0131 529 367 david.givan@edinburgh.gov.uk</p> <p>David Leslie Chief Planning Officer 0131 529 3948 david.leslie@edinburgh.gov.uk</p>

Planning (Scotland) Bill 2019

The Scottish Parliament passed the Bill on 20 June 2019.

The final stages of it becoming an Act are in progress. As with the 2006 Act, the new Act will amend the Town and Country Planning (Scotland) Act 1997.

Further stages of legislative change are expected with the secondary legislation required to implement the Act and through further reviews of orders, circulars and guidance.

The Scottish Government has indicated that its priority in Autumn 2019 is to begin the preparation of the next National Planning Framework (NPF4).

For planning authorities, the provisions of the new Act are both discretionary (where decisions will be required on whether to use enabling powers in the local context) and mandatory (where procedural change will bring new or amended requirements and reviews of ways of working may be required).

The key provisions in relation to concerns expressed and inputs made by this Council at the earlier stages of the Bill include:

Development planning:

- Purpose for planning defined in relation to sustainable development and achieving national outcomes.
- Local Development Plans (LDPs) and the National Planning Framework to be reviewed every 10 years rather than five years
- Housing targets will be included in the National Planning Framework instead of Strategic development plans.
- Strategic development plans will be abolished and replaced by Regional Spatial Strategies which will not be part of the statutory development plans but will provide input to the preparation of the National Planning Framework.
- There is a requirement to evidence the participation of children and young people in plan making.
- Supplementary Guidance will no longer be part of the development plan.
- Local place plans may be prepared by community bodies and must be considered in the preparation of a local development plan.

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[Bill As Passed \(731KB posted 21 June 2019\)](#)

Development management:

- Short-term let control area provisions will allow a planning authority to define areas where planning permission will be required for short term holiday lets.
- Masterplan consent area schemes may be prepared by a planning authority to set out authorisation for development in place of requiring planning applications.
- Proposals for national or major scale developments will have to consider health impacts.
- Repeat applications will not be considered within five years rather than the current two-year period.
- Enforcement changes include amendments to fines and recovery of expenses for enforcement activity.

General:

- Chief Planning Officer role will be a statutory requirement for each planning authority.
- Training for Councillors involved in planning decision making will be compulsory.
- Annual planning performance report by planning authorities will become a statutory requirement.

It worth noting that the final Bill does not include provisions for

- Culturally sensitive zones.
- Equal right of appeal.
- Land value capture.

Planning Improvement Plan Update

Progress continues to be made on implementing actions under each of the three improvement plan themes. Progress made since the previous Committee meeting in May is summarised below:

Theme 1 - Leadership and Management

Five new assistant planning officers have joined the Council and are working in various teams across the Development Management service. A mentoring and development programme is in place to provide support and guidance for these officers.

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A staff survey and team stress risk assessments were undertaken in May. The outcomes of these have been shared with all staff and priority issues and actions identified.

Theme 2 - Customer

The main focus has been preparation for and the introduction of the new pre-application advice service on 1 July 2019.

A complaints workshop was held for planning managers to review procedures and reflect on the lessons learnt from recent complaint investigations.

A customer survey has been undertaken and the results will be used as input to the annual Customer Forum to be held in September.

A revised version of the Planning Concordat was discussed at meetings of the Civic Forum and Development Forum in June.

Theme 3 - Continuous Improvement and Performance

New working arrangements are being trialled in Development Management aimed at speeding up decision making and improving performance.

The Council's Planning Performance Framework (PPF) 2018/2019 has been prepared for submission to Scottish Government on 31 July. A copy is attached as Appendix 2 to this Business Bulletin and published on the Council's website.

The PPF includes information across a range of planning performance measures for the period 1 April 2018 – 31 March 2019. It includes qualitative narrative and case studies structured under four headings – Quality of Outcomes; Quality of Service and Engagement; Governance and Culture of Continuous Improvement. Statistical performance information is also provided in relation to National Headline Indicators (Part 4) and Scottish Government Official Statistics (Part 5). The PPF is used by the Scottish Government to assess the performance of all planning authorities against a standard set of performance markers.

Planning performance in terms of decision-making timescales is measured in a number of different ways, none which cover all aspects. It is therefore appropriate to report on a range of indicators.

The following information on planning performance is included in the Council’s Annual Performance Report 2018 -2019 which was reported to the Council meeting on 27 June 2019. This shows that, in the period April 2018 – March 2019, performance in relation to major applications has improved mainly as a result of working with the applicant to review progress and agree revised targets where appropriate.

Over the same period, performance in relation to non-householder applications has dropped slightly mainly as a consequence of the volume and complexity of applications being handled by the team covering the city centre and west of the city. Steps have already been taken to address these issues including new ways of working and caseload distribution. Progress is reflected in the equivalent figures for the first Quarter of 2019/2020 – Major Applications 33% and Non-Householder applications 63%.

	2016/17	2017/18	2018/19	Target
% of major planning application decisions within 4 months or agreed target	14%	13%	28%	70%
% of non-householder planning applications dealt within 2 months (or agreed target)	72%	60%	57%	70%

At the Planning Committee on 15 May 2019, it was agreed that more detailed monitoring information would be presented regularly to Committee. A meeting was held with representatives of each political group to discuss the type of monitoring information that Committee would find useful.

The outcomes of this meeting are reflected in the tables included in Appendix 1.

These will be updated and presented on a quarterly basis. This update provides information for Quarter 1 (i.e. 1 April – 30 June 2019).

Over the past three years, the number of enforcement cases relating to short term lets has increased from 32 in 2017, 112 in 2018 and 108 in first half of 2019. An update on the Council's approach to short term letting in Edinburgh is provided in a separate report to Planning Committee on 7 August 2019.

Monitoring information on enforcement activity is subdivided into cases relating to short term lets and all other cases. Evidence gathering for enforcement enquiries relating to short term lets tends to take longer than other enforcement cases given the nature of the activity to be investigated. A six month rather than a three-month target for short term let cases is therefore used for monitoring purposes.

One of the monitoring indicators used relates to time taken to close a case. An enforcement case is closed when there is:

- no breach of planning control and no further action is taken;
- there is a breach and it causes no demonstrable harm to the character or amenity of the area or its residents;
- there is a breach, but remedial action has been taken to address the breach without the need for formal action; or
- there is a breach and a notice has been served and formal enforcement action has been taken.

Where a notice is served, it will take longer to close the case than where no further action is required.

Information is also provided on legal agreements and Scottish Government appeal decisions.

Next Steps

A more detailed progress update on the Planning Improvement Plan will be reported to Committee on 11 December 2019. This will include monitoring information for Quarter 2 i.e. 1 July – 30 September 2019.

Developer Contributions

At its last meeting in May 2019, Planning Committee considered the recommendations of the Internal Audit report on developer contributions and asked for a progress report to each meeting, five times a year in the Business Bulletin process with a full report on planning performance, to include this aspect, on an annual basis.

This update addresses key areas of progress since May.

Pre-determination/ heads of terms template

This new process is being used for major planning applications and captures all of the details required for a planning obligation during the consideration period of the application. It ensures that all receiving sections identify what works/payments are required and when they are required to be completed. It also permits the developer to authorise, at their own risk and cost, the commencement of the obligation drafting with the aim of providing a faster process for issuing of the decision letter. This will be part of performance monitoring.

Model s75 Obligations template

This ensures that obligations are, on the whole, phrased in the same way in the legal agreement. The model obligation has been finalised by legal services and is being used by the Council's external Framework Legal Firms. The aim to reduce the time take to conclude the legal drafting process will be part of performance monitoring.

Improved communication/use of shared spreadsheets with Finance service

Joint working arrangements are being piloted to ensure that the receipt of financial contributions are clearly identified for the defined purpose.

Financial contributions

For the period 1 April 2018 - 31 March 2019 over £15m was collected in developer contributions. Many of these contributions will be held until the relevant trigger is reached for the delivery of the infrastructure, for example

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educational facilities, at which point the drawdown will happen.

The total drawdown from developer contributions for the delivery of projects in 2018/19 was £2,495,000.

Building Standards Performance

High performance levels have been sustained this quarter. During this time, 97% of applications received first reports within the 20 working day timescale. This performance was achieved while there was an increase in applications received of 1178 compared with an average of 1045 for the previous three quarters.

79% of warrants were also granted within the target 10 working day timescale last quarter. This is an improvement on the previous quarter where the figure was 73%.

The following table summarised progress made in performance:

	Quarter of: 2018 / 2019				19/20
	Q1	Q2	Q3	Q4	Q1
No of applications received	1209	1054	1000	1082	1178
No of first reports and warrants with no report	1263	1501	1123	1038	1188
% on 20 day target	68%	72%	91%	98%	97%
No of warrants granted	1098	1202	1349	1125	1101
% on 10 day target	60%	62%	60%	73%	79%

With the backlog of applications awaiting reports remaining at low levels, performance is expected to be sustained during quarter 2 of 2019/20.

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Appendix 1 – Monitoring Information (1 April – 30 June 2019)

Major Applications 2019/ 2020				
	Q1	Q2	Q3	Q4
Number submitted	11			
Number determined	9			
Number (and %) determined within 4 months or agreed timescales (target =70%)	3 (33%)			
Number (and %) determined with Planning Processing Agreements or Agreed Extensions of Time	3 (33%)			
Comments				
<p>The three applications determined on target were the Impact Centre at St Andrews Square (granted), student housing at London Road (granted) and a hotel at Ingliston Road (refused). Processing agreements were in place for housing developments at Bonnington and Queensferry but these took longer to determine than envisaged and extended target dates weren't agreed. The application for a school at Burdiehouse took nearly a year to determine because of an objection from SEPA. The time taken to conclude legal agreements caused delays to some applications. Five legacy applications i.e. those older than a year old were determined in this quarter.</p>				

Non-Householder Applications 2019/2020				
	Q1	Q2	Q3	Q4
Number submitted	200			
Number determined	269			
Number (and %) determined within 2 months or agreed timescales (Target = 70%)	169 (62.8%)			

Householder Applications 2019/2020				
	Q1	Q2	Q3	Q4

Number submitted	372			
Number determined	387			
Number (and %) determined within 2 months or agreed timescales (Target 90%)	318 (82.1%)			

Listed Building Consent Applications 2019/2020				
	Q1	Q2	Q3	Q4
Number submitted	226			
Number determined	187			
Number (and %) determined within 2 months or agreed timescales (target 70%)	116 (62.0%)			

Advertisement Consent Applications 2019/2020				
	Q1	Q2	Q3	Q4
Number submitted	58			
Number determined	62			
Number (and %) determined within 2 months or agreed timescales	45 (72.6%)			

Short term Let Enforcement Cases 2019/2020				
	Q1	Q2	Q3	Q4
Number submitted	66			
Number closed	19			
Number (and %) closed within 6 months (target 80%)	14 (77.7%)			
Number of notices served	5			
Number (and %) served within 6 months (target 80%)	5 (100%)			

Comments

Performance on dealing with short term let cases is above or close to targets. The Council has set up a Short Term Lets Virtual Team to co-ordinate action using existing powers across several services. Planning enforcement has a key role in addressing this issue. However, investigating the increasing number of short term let cases diverts resources away from other enforcement investigations.

All Other Enforcement Cases 2019/2020

	Q1	Q2	Q3	Q4
Number submitted	192			
Number closed*	162			
Number (and %) closed within 3 months (target 80%)	109 (67.3%)			
Number of notices served	8			
Number (and %) served within 3 months (target 80%)	5 (62.5%)			

Comments

The new city-wide Enforcement team set up at the beginning of June has focussed on closing legacy cases. This, together with the increased number of short stay let investigations, has resulted in a dip in performance against the three-month targets.

Legal Agreements 2019/2020

	At end Q1	At end Q2	At end Q3	At end Q4
Number of applications currently at legal agreement stage	41			
Number of applications where more than 6 months since Minded to Grant decision	26			

Comments

Team managers and monitoring officers are working with the relevant case officers and legal services to identify an appropriate way forward for each of the 26

applications where it has been longer than six months since the minded to grant decision. For some of this, further consideration by the DM Sub-Committee may be necessary.

Measures already in place as part of the Planning Improvement Plan should reduce the number of future applications falling into this category.

Scottish Government Appeal Decisions (1 April 2019 – 30 June 2019)

In Quarter 1, there were 12 appeal decisions issued by the Planning and Environmental Appeals Division (DPEA) on applications refused by the City of Council. Of these nine were dismissed and three were allowed. There were X applications which Committee refused contrary to officer recommendation. All X of these appeals were dismissed.

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)
ENA-230-2147	Enforcement Notice Appeal	Flat 14 , 6 Pilrig Heights, Edinburgh, EH6 5BF	Appeal Dismissed	03 Apr 2019	Delegated N/A
PPA-230-2259	Planning Permission Appeal	Kellerstain Stables, Gogar Station Road, Edinburgh, EH12 9BS	Appeal Dismissed	24 Apr 2019	Committee No
LBA-230-2171	Listed Building Consent Appeal	63 Great King Street, Edinburgh, EH3 6RP	Appeal Allowed	09 Apr 2019	Committee No
LBE-230-2043	Listed Building Enforcement Notice Appeal	2F3, 1 Upper Bow, Edinburgh, EH1 2JN	Appeal Dismissed	10 Apr 2019	Delegated N/A

PPA-230-2262	Planning Permission Appeal	46 Craigleith Road, Edinburgh, EH4 2DR	Appeal Allowed	15 May 2019	Committee No
LBA-230-2172	Listed Building Consent Appeal	7 Raeburn Street, Edinburgh, EH14 1HY	Appeal Dismissed	13 May 2019	Delegated N/A
ADA-230-2040	Advertisement Consent Appeal	49 Lothian Road, Edinburgh, EH1 2DJ	Appeal Dismissed	28 May 2019	Delegated N/A
LBA-230-2173	Listed Building Consent Appeal	3A Chester Street, Edinburgh, EH3 7RF	Appeal Allowed	13 Jun 2019	Delegated N/A
LBA-230-2174	Listed Building Consent Appeal	St Peters Episocpal Church, 8 Lutton Place, Edinburgh, EH8 9PE	Appeal Dismissed	11 Jun 2019	Delegated N/A
PPA-230-2268	Planning Permission Appeal	30 Corstorphine Road, Edinburgh, EH12 6HP	Appeal Dismissed	30 May 2019	Committee Yes
ADE-230-2015	Advertisement Enforcement Notice Appeal	El Toro Loco, Ground Floor, 60 Grassmarket, Edinburgh, EH1 2JR	Appeal Dismissed	13 Jun 2019	Delegated N/A
PPA-230-2272	Planning Permission Appeal	4 Huly Hill Road, Newbridge, EH28 8PH	Appeal Dismissed	25 Jun 2019	Committee No

Further information on the three appeals that were allowed is set out below.

Case	Proposal	Key Points from Reporters' Decision Notice
Listed Building Consent Appeal at Chester Street	Single storey rear extension	The proposed extension was acceptable taking account of its size, scale, design and position to the rear of the building. There were other larger extensions to neighbouring properties.
Planning permission appeal at Craigleith Road	Dwelling house in curtilage of existing property	The principle of development, design and impact on neighbouring amenity are acceptable.
Listed Building Consent Appeal at Great King Street	Internal alterations to a category A Listed Building	The proposed door opening and doors would not have any significant impact on features of architectural or historic interest.



PLANNING PERFORMANCE FRAMEWORK

2018 - 2019



Contents

Introduction	2
Part 1 Qualitative Narrative and Case Studies	4
Quality of Outcomes	4
Quality of Service and Engagement	7
Governance	11
Culture of Continuous Improvement	16
Part 2 Supporting Evidence	21
Part 3 Service Improvements	22
Part 4 National Headline Indicators	28
Part 5 Scottish Government Official Statistics	31
Part 6 Workforce Information	33
Part 7 Planning Committee Information	35
Appendix 1 - Performance Markers	36
Appendix 2 - Qualitative Narrative and Case Studies Checklist	39

Introduction

The City of Edinburgh Council is pleased to present its eighth Planning Performance Framework (PPF) report. The document highlights the work undertaken from April 2018 to March 2019 to improve performance and to deliver a high quality planning service.

Edinburgh is a successful city that is growing both economically and demographically. The Council seeks to protect Edinburgh's key heritage assets and support local communities while balancing the need to meet the demand for new homes, commercial floorspace and infrastructure. This creates a busy and complex workload for the planning service within the context of significant budget pressures.

Learning from the Council's Building Standards Improvement Project, a more focussed approach to improving planning performance has been introduced. A three year Planning Improvement Plan was approved by the Planning Committee in December 2018.

A dedicated Planning Improvement Team has been set up to accelerate the delivery of actions. Particular attention is being given to the performance markers which scored "red" in the feedback provided on last year's Planning Performance Framework, in particular decision making timescales.

In March 2018, work commenced on the preparation of Edinburgh's next Local Development Plan (LDP), City Plan 2030. The important early stages in the process have included increased elected member involvement, input from Services across the Council and considerable community and stakeholder engagement and awareness raising communications.





Throughout 2018 -2019, the Planning Service has worked collaboratively with other parts of the Council and external partners on a range of plans, programmes and projects. Through the LDP Action Programme, three projects which form part of Edinburgh - Connecting our City, Transforming our Places (City Centre Transformation, City Mobility Plan and Low Emission Zone) and major brownfield regeneration at Granton and Leith Waterfront, the Planning Service has played a key role in influencing and supporting the growth of the city.

In March 2019, the Council celebrated the 10th birthday of the Edinburgh Urban Design Panel with a workshop event reflecting on the contribution made by the panel to the quality of development in Edinburgh and lessons learnt to promote improved design quality.

This year, the Council handled a number of high profile planning applications, some of which attracted hundreds and even thousands of representations. Three proposals were considered through the Committee hearing process - Meadowbank, Stead's Place and the Sick Kids' Hospital. The Council also took part in a lengthy public inquiry into proposals for the development of the former Royal High School (Calton Hill) and an appeal hearing for proposals at West Craigs.

We continue to strengthen the involvement of children and young people in planning. Coinciding with the 2018 Year of Young People, we have been asking and collecting the views of young people about what they think about their area the issues facing the city.

As a service we continue to make improvements based on customer feedback through complaints, compliments, general feedback and events such as our annual customer forum. We have also invested in our ICT systems, with a major upgrade to the system which handles planning applications undertaken in November 2018.

Part 1 Qualitative Narrative and Case Studies

Quality of Outcomes

Planning is for the long term improvement of the city. A key measure of performance lies in how changes to the building and natural environment of the city are managed to deliver a better place for people to live, work and play.

The service continues to place an emphasis on the delivery of high quality development across the city. In recognition of this, many of the new developments across the city have won architecture and design awards. Projects this year that were recognised included Collective on Calton Hill, a contemporary arts centre and The Jack Copland Centre for the Scottish National Blood Transfusion Service. In both of these cases and many other developments, Planning played a key role and added value at pre-application stage and during the assessment of the application.

During the past year, the Edinburgh Urban Design Panel carried out 15 reviews of development proposals across the city, including greenfield housing, brownfield regeneration, re-use of listed buildings, and mixed use city centre development. These took place when proposals were still at an early stage and in each case, the applicant received a copy of the Panel's report with issues and ideas to consider in order to improve the quality of the submitted application.

The following case studies are examples of recently completed developments (2018-2019) which show how changes to the built and natural environment have been managed to deliver a better place. The case studies demonstrate how planning policies and guidance have been implemented to deliver high quality development and place making.

Case Study 1 : Edinburgh Printmakers Building

Overview

This category C listed 19th century building was once home to the famous North British Rubber Company and McEwan's Fountain Brewery until its closure in 2005 after which the site lay vacant for over a decade. An application for Planning Permission was submitted in July 2015 to convert the C Listed former offices into a creative hub for the Edinburgh Printmakers.



Goals

The site within the Fountainbridge Development Brief was identified as being part of a wider strategy to re-establish a community with mixed uses and with the intention of safeguarding and reusing the few remaining heritage assets.

Outcomes

- Completes a key part of the wider Fountainbridge Development Brief.
- Opened in 2019, the adaption of this building to new uses has brought vitality and vibrancy to the area.
- Double height openings were installed to activate the street frontage and to bring life back into the building.

Key Performance Marker - 3

Case Study 2: New Boroughmuir High School

Overview

The site forms part of the wider Fountainbridge area. An **application** was submitted for in January 2013 for Planning Permission in Principle for a new secondary school.

Goals

The **Fountainbridge Development Brief** identified this site for the potential relocation of the old Boroughmuir High school in order to enhance community facilities in the area.

Outcomes

Designed by **Allan Murray Architects**, this award winning waterfront school completes a key part of the wider **Fountainbridge Development Brief**.

- Linkages across the site have been designed for both cyclists and pedestrians. The school represents an innovative design solution to a compact urban site which embraces its canal-side location.



The public realm is in line with the vision and quality set out in the Council's **Fountainbridge Public Realm Strategy**.

Key Performance Marker - 12

Case Study 3: Redevelopment of Caltongate, New Street

Overview

The site is part of the major redevelopment of a former bus depot at New Street. **Planning Permission was granted in 2007** for a mixed use development which was later **renewed in 2013** with development now well underway. The Planning Service worked with the developer to bring forward a project stalled by the economic downturn.



Goals

The **Caltongate masterplan 2006** sought to achieve a sustainable and integrated city quarter in the heart of Edinburgh's Old Town.

Outcomes

- The integrated delivery of mixed use developments, a new civic space and **integrated pedestrian and cycle links** as created an attractive new place in the heart of the city.
- The development of this stalled site has implemented the vision set out in the masterplan bringing vitality and vibrancy to this part of Edinburgh's Old Town.

Key Performance Marker - 14

Case Study 4: Brunstane - LDP allocation

Overview

The Adopted Edinburgh Local Development Plan (2016) allocated this 48ha site for housing together with new school and local facilities on the eastern edge of the Council area.

Goals

The Brunstane masterplan was developed through participation in the **Architecture and Design Scotland Forum**. The aim was to engage Council Officers, Key Agencies and the Developer's multi-disciplinary team in a constructive design review process with practitioners and academics representing A+DS. The intended outcome was the development of a high quality masterplan from concept design through to the point of submission for **planning consent**.

Outcomes

The masterplan demonstrates key principles of the city's **Open Space Strategy** and the **Council's Design Guidance** - in particular advice on multi-functional green networks and integration of sustainable urban drainage features. These will be secured at the delivery stage through conditions of consent tied to masterplan design framework and phasing.

Key Performance Marker - 10



Quality of Service and Engagement

The service continues to focus on customer engagement and improvements. Throughout the year customer feedback was received by various means including the Edinburgh Civic Forum, Community Council briefings, the Access Panel, the Edinburgh Development Forum and various consultations. Actions suggested by attendees at a Customer Forum event in June 2018 have been incorporated into the Planning Improvement Plan approved in December 2018.

The Council provided a pre-application advice service on all major and many local and listed building applications where required. Planning enforcement enquiries were made using our online form with the customer charter setting out the level of service the customer should expect. Generic guidance was also available, for example Guidance for Homeowners. Information on changes to our pre-application advice service to address customer and Council priorities is set out in the Governance section.

The Edinburgh Planning Concordat set out how communities could get involved in major development proposals and what they should expect from the Council and applicants.

The Council's website provides information and advice on [submitting major applications](#). This includes a guidance note on processing agreements and a model processing agreement. Part of the pre-application service provided for major applications includes a consultee meeting at the Proposal of Application Notice (PAN) stage. These are chaired by case officers and attended by relevant consultees. This allows potential issues and supporting information requirements to be identified at an early stage. Anticipated developer contribution requirements and any potential economic viability concerns within the context of the Council's Finalised Developer Contributions and

Infrastructure Delivery Supplementary Guidance were also discussed at pre-application stage.

In preparing this PPF report, we asked for customer feedback:

"Our experience of the pre-application process is extremely positive. The Planning service are open and upfront on the information required to assist in the process and work with us in that respect. appreciating the specific circumstances of the case. There are clear benefits to our clients in engaging early in the process at pre-application stage, including allowing for briefings on emerging policy and material considerations such as developer obligations."

Montagu Evans Planning Team

"The proportionate request for relevant information at the pre-application stage along with discussions around developer contributions at this early stage should result in a smoother process during the application stage"

Dr Ali Afshar, Chair of Chamber of Commerce Property Forum

"There is a sense of positive collaboration and understanding in some teams which allows the agent to act as an effective conduit between Council & Client, finding mutually acceptable solutions to problems"

Robin Holder, HolderPlanning

The following case studies provide examples of the Council taking a proactive and innovative approach to supporting sustainable economic growth. New guidance on heat opportunities mapping and SUDS introduced in the past year demonstrate the role that planning can play in helping to meet the Council's climate change objectives. Examples are also provided of good practice and new approaches in community and stakeholder engagement in preparing the next Local Development Plan (City Plan 2030) and engaging children and young people.

Case Study 5:

Heat Opportunities Mapping – supplementary guidance

Overview

Planning Committee formally adopted the **Supplementary Guidance (SG) on Heat Opportunities Mapping** in August 2018 to be used in the assessment of the most suitable low carbon energy and heat solutions for new developments.

The SG sets the **national** and **local** context for heat networks as a part of meeting Scottish Government energy and climate ambitions, and establishes the policy and accompanying map.

Key Agencies, community councils and groups and relevant industry were directly consulted and a public event took place in May 2018 to promote the Council's approach to sustainable heat including the SG.

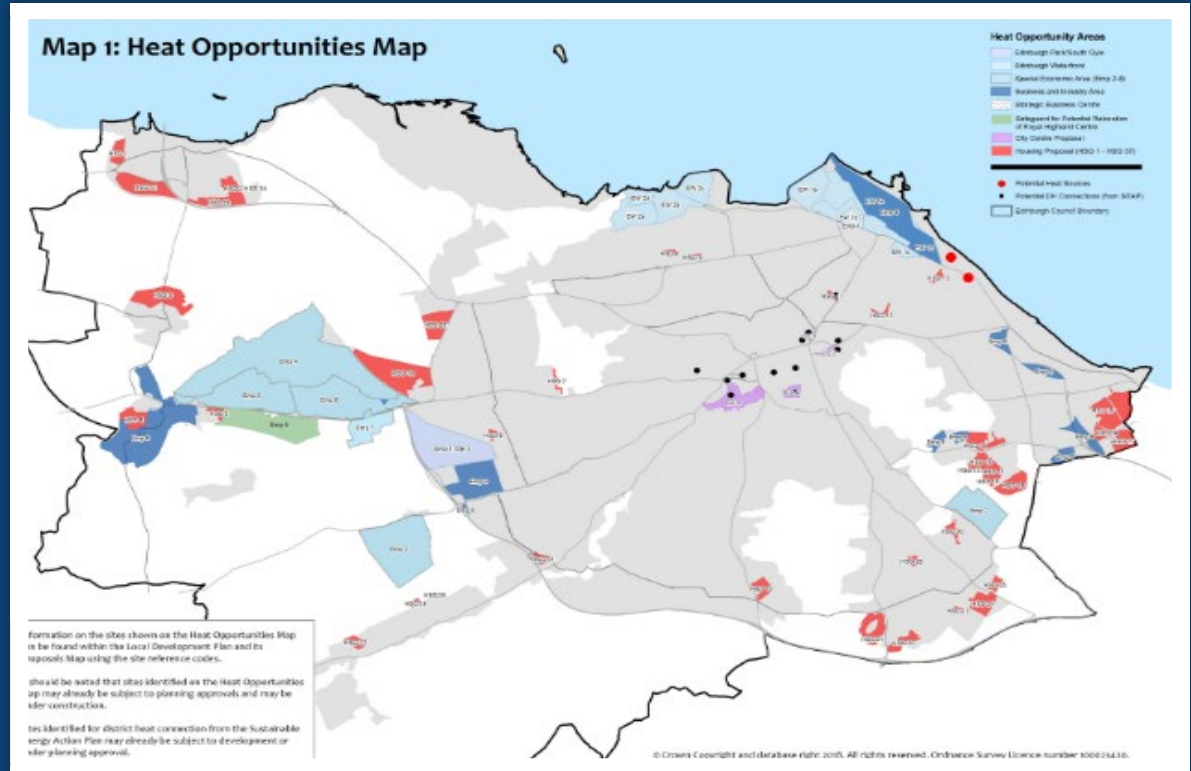
Goals

The SG identifies both the LDP's site allocations and major planning applications as opportunities for heat networks. It requires applicants to demonstrate whether a heat network is feasible and investigate other heat networks for connection.

Outcomes

This SG supports the implementation of Policy Des 6 Sustainable Buildings and Policy RS 1 Sustainable Energy of the Edinburgh LDP.

Key Performance Marker - 11



Case Study 6: Edinburgh SUDS Design Guidance

Overview

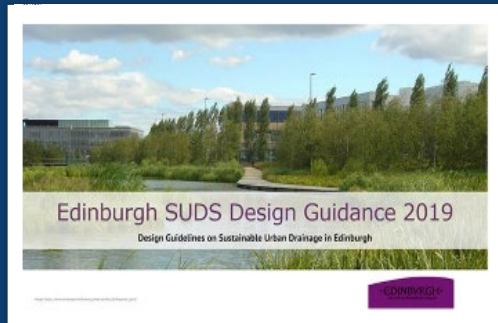
SUDs Guidance is being prepared and funded through SUStrans as part of the suite of documents that form the **Edinburgh Design Guidance**. The consultants are **Atkins** and the budget is 50k. Atkins have extensive knowledge of SUDS and recently authored the **SUDs in London** design guidance.

Goals

It will form a separate chapter of the **Edinburgh Design Guidance** and address how SUDS can be retrofitted into the **World Heritage Site** and cope with existing pressures and climate change. Case studies are being put together by **Abertay University** and technical design and maintenance sheets will also be part of the final document.

Outcomes

In the past year new working arrangements with **Scottish Water** have been proposed, to look beyond their **SUDS standards** and use guidance more specific to the Edinburgh context. Funding was sought and awarded to support new guidance and training with the detail required to make this possible, and deliver attractive places with SUDS integrated into the landscape



Key Performance Marker - 11

Case Study 7:

City Plan 2030 - City Engagement and Partnership Working

Overview

The early stages in preparing the next LDP **City Plan 2030** included citywide events on key subjects and engagement workshops with community groups and young people.

We asked people "what makes a great place?" and "what should be in our Choices document to be published as part of our main consultation in 2019?".

Goals

Building on lessons learnt from the first LDP, the aim was to start conversations with people who live, work or study in specific areas or fields at an early stage. This would allow sharing knowledge in specific topics and provide local insight into the issues and ideas City Plan 2030 will need to address.

Outcomes

Early engagement activities included 9 **school workshops**, 12 **community briefings**, 6 **community workshops**, 3 **community planning partner discussions**, 1 **training session**, **library display** and 4 **topic events** on **housing**, **offices/industry**, **visitor accommodation** and **shopping/leisure**.

This engagement strategy increased the overall level of engagement and targeting specific underrepresented groups such as young people.



Key Performance Marker - 9

Case Study 8: Engaging children and young people in planning

Overview

As part of a project for the Old and New Town of Edinburgh (ONTE) World Heritage Site, our World Heritage co-ordinator engaged with over 100 students studying music, fashion design, professional cookery, computing and dance at **Edinburgh College**. The project sought to capture what life in Georgian Edinburgh times was like, looking at the unique ways of seeing, hearing and tasting the history of ONTE. Students showcased their work and legacy through an interactive exhibition held in May 2019 as part of the **Edinburgh College Glow 2019**.

In preparing **City Plan 2030**, we visited **9 secondary schools** across Edinburgh to ask and collect the views of young people on what they think about their area and the issues facing the city.

Goals

The aim was to increase engagement in planning and place among younger people who don't normally get involved in plans and projects relating to land use and the environment.

Outcomes

These projects coincided with Scotland's **2018 Year of Young People**, which aimed to give young people a greater voice in society. We used the **Place Standard Tool** to help us structure conversations about place, including the physical and social aspects, identifying the assets of a place, and areas where places could improve.

These examples demonstrate our continued commitment to involve children and young people in planning.

Key Performance Marker - 10



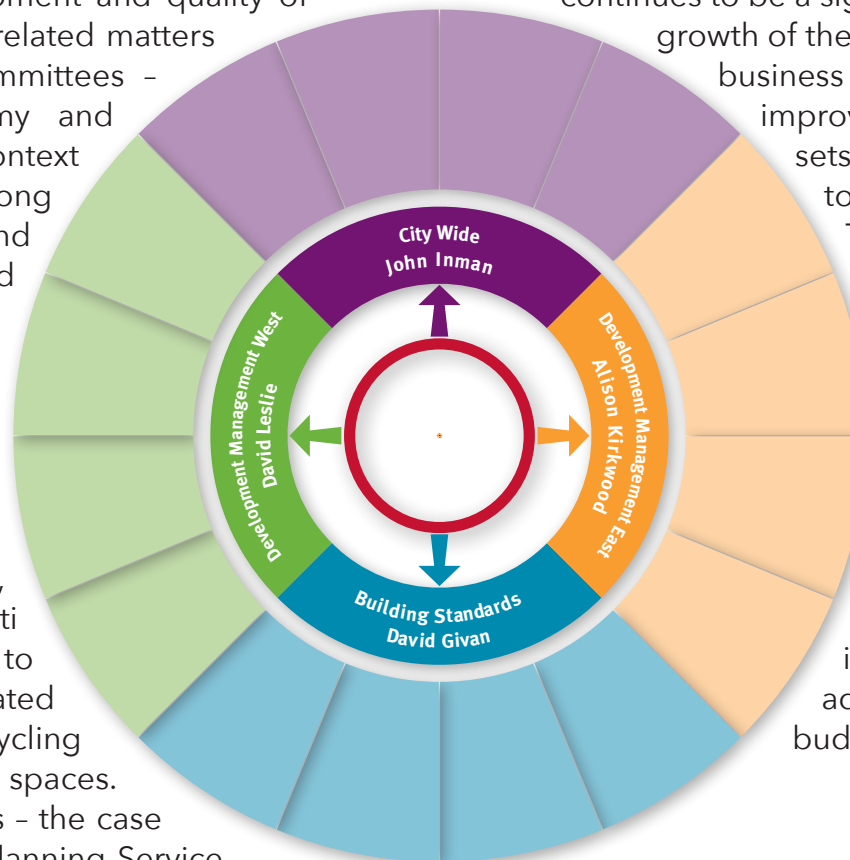
Governance

Within the Council structure, the planning and building standards service sits within the Place Directorate alongside other Council functions responsible for development and quality of place. At political level, planning related matters are reported to three main Committees - Planning, Housing and Economy and Transport and Environment. This context provides the opportunity for strong collaboration on key projects and regular joint working by officers and Councillors.

Two case studies demonstrate how a collaborative approach has been used in the preparation of City Plan 2030 and in the ambitious programme "Edinburgh: Connecting our city, transforming our places - multi disciplinary working" which aims to reduce congestion and traffic related pollution, increase walking and cycling improve city streets and public spaces. These are both long term projects - the case studies focus on the role of the Planning Service over the past year.

Infrastructure is key to the delivery of the aims and strategy of the adopted LDP and to support the growth of the city. However, it continues to be a significant challenge. The LDP recognises that the growth of the city, through increased population and housing, business and other development, will require new and improved infrastructure. The LDP Action Programme sets out how the infrastructure and services required to support the growth of the city will be delivered. This includes developer contributions secured through legal agreements to mitigate the impact of development arising from planning permission. The case study explains the progress made and challenges faced in terms of the funding and delivery of infrastructure.

The other case study in this section focusses on the preparation for changes to the Council's Pre-Application Advice Service. It sets out the effective and efficient approach to the introduction of a new approach to pre-application advice within a tight timescale which addressed budget priorities and customer feedback.



Service Structure

Case Study 9: City Plan 2030 - Project Governance

Overview

Following the adoption of the Edinburgh LDP in November 2016, a review was undertaken to reflect on various aspects of the project, set out learning points and actions for the preparation of the next LDP titled 'City Plan 2030'. This was done through stakeholder feedback, an internal audit and our own internal evaluation of LDP1. New governance arrangements were introduced to provide oversight and implement these actions.

Goals

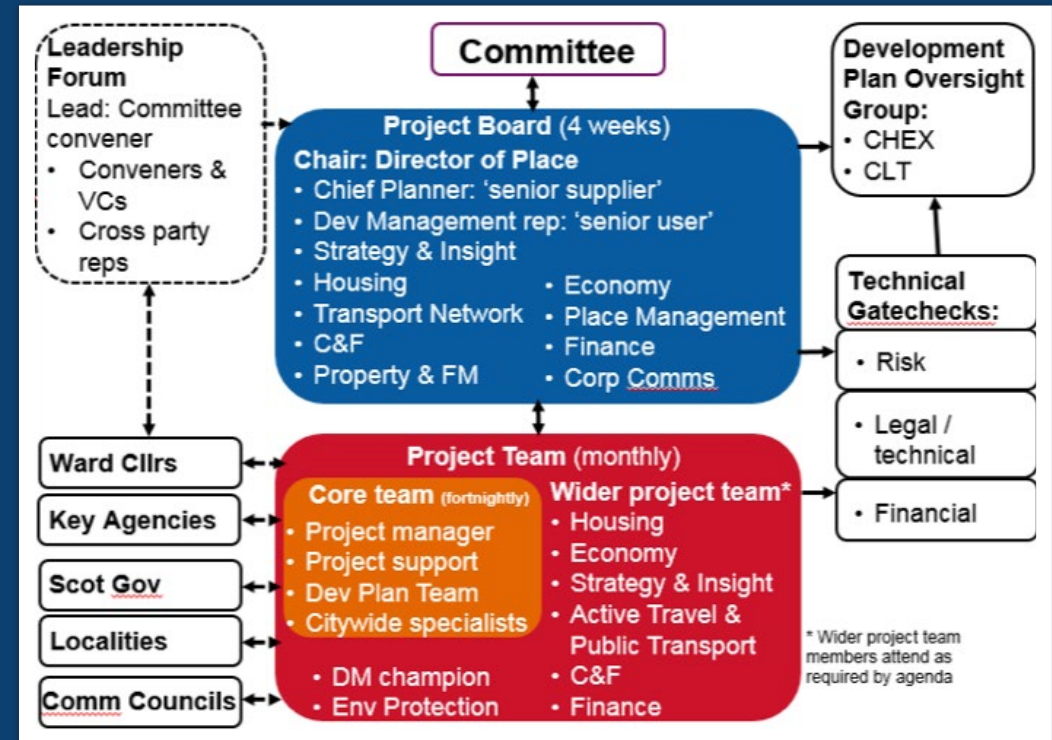
The aim was to increase elected member involvement from the outset and provide effective management and oversight of potential constraints. In particular, the new governance arrangements sought to prevent the delays and issues which affected the previous LDP project.

Outcomes

Strong project management, clear governance arrangements and regular meetings with elected members has meant that potential constraints and issues have been addressed quickly and effectively. Lessons learnt in terms of managing SDP related dependencies helped ensure that the delayed decision on the **second proposed SDP** didn't derail the City Plan 2030 programme.

Identifying a lack of public engagement, in particular for **children and young people**, has meant that this is now a high priority for the current City Plan 2030 project.

Key Performance Markers - 8, 9 and 12



Case Study 10: Edinburgh: Connecting our city, transforming our places - multi-disciplinary working

Overview

Edinburgh is one of the fastest growing cities in the UK which brings many benefits. However, reducing congestion and traffic related air pollution, improving journey times by public transport, realising the health benefits of walking and cycling, and creating streets and spaces that support city living are key to sustaining this growth.

Goals

Three strategies are being prepared simultaneously: **City Mobility Plan**, **Low Emissions Zone** and **Edinburgh City Centre Transformation** aimed at addressing these issues in a holistic manner. The strategies are being coordinated through a single multi-disciplinary team set within the Planning Service with support from **Sustrans** and working with other Council Services.

Outcomes

For each of the three strategies, extensive consultation was carried out between May 2018 and September 2018 resulting in more than 5,000 people having their say. The outcomes were used to inform a report to the Council's **Transport and Environment Committee** in February 2019 which revealed an appetite for radical change in the way that space is used in the city.

The three projects are being progressed in a co-ordinated manner with close links to City Plan 2030. The Planning Service has played leading role in this integrated approach to engagement and inter-disciplinary working. The next steps were further consultation in May 2019 prior to the unveiling of bold proposals for the city centre.

Key Performance Markers - 9 and 12



Case Study 11: Preparing for Changes to Pre-Application Advice Service

Overview

Pre-application advice is an important part of the planning service to ensure the submissions of quality applications and to reduce the time spent on processing them. However, to meet ongoing budget challenges, the way the pre-application advice service operates needed to change.

A consultation survey and stakeholder events held in March 2019 sought views on the quality of the existing service and the potential introduction of service charges for pre-application advice.

These changes were considered within the context of the Edinburgh Planning Concordat which encourages developers, community councils and the planning authority to work together at the pre-application stage. With a target date of 1 July 2019 for the introduction of the new service, a focused and efficient approach was required.

Goals

The Planning Service aims to meet a Council target for cost recovery by charging for pre-application advice. This was considered as part of an overall enhancement of the service provided. Gathering feedback and ideas from stakeholders was an essential first step in the process.

Outcomes

In March 2019, a consultation paper on the reform of the pre-application advice service was published seeking views on the scope to improve and enhance the pre-application service. 90 responses were received.

Two stakeholder workshops were held in March 2019 – one for statutory consultees and developers and one for other Council Services. These enabled round table discussions on how the pre-application service could be reformed. Discussions also took place at meetings of the Edinburgh Civic Forum and Edinburgh Development Forum in March 2019.

Feedback from stakeholders resulted in the identification of a number of key principles to underpin the new pre-application advice service including providing clear advice on the acceptability of all proposals covered by the service, responding within agreed timescales and providing a consistent service across all teams within the Planning service.

Further information on the work undertaken in preparation for the changes to the pre-application advice service can be found in a report to 15 May Planning Committee.

Key Performance Markers – 3 and 15

Case Study 12: Delivering Infrastructure to Support City Growth

Overview

The Local Development Plan Action Programme sets out the infrastructure improvements needed to support the growth of the city. It is underpinned by a financial assessment and work is progressing through interdisciplinary working and Corporate project governance. Over the past year, we have also been working on the preparation of the Developer Contributions and Infrastructure Delivery Supplementary Guidance. An Internal Audit on processes and procedures for developer contributions was undertaken in Summer 2018.

Goals

The Council's approach to developer contributions and infrastructure delivery helps ensure the growth of the city creates sustainable and successful places.

Outcomes

In November 2018, the Edinburgh LDP Action Programme and Financial Assessment won an award in the Scottish Awards for Quality in Planning. *"The Judges felt this project was corporate, cumulative and credible"*.

In 1 April 2018 - 31 March 2019, £15.3 million of developer contributions were received - nearly 3 times the amount received in the previous year. During the same period, developer contributions totalling £2.495 million was spent on a range of education, transport and public realm projects.

A revised finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance was submitted to Scottish Government in September 2018. An independent Reporter was appointed to examine the guidance and we are still awaiting the outcome. The lack of clarity and certainty in relation to the status of the supplementary guidance has had implications for the time taken to conclude legal agreements and therefore also for planning application decision making timescales.

Throughout the year, progress has been made of various aspects of the processes and procedures relating to developer contributions and legal agreements. These include the introduction of a new model agreement, templates and project management tools to speed up preparation of legal agreements and cross service working on the identification and implementation of actions arising from the Internal Audit. Progress on these matters are to be reported regularly to the Councils Planning and Governance, Risk and Best Value Committees.

Key Performance Markers - 4, 10, 12 and 15



Culture of Continuous Improvement

Over the past year, there has been an increased commitment to improving performance. Shared learning from the Building Standards Improvement Project has been used to inform a more focussed, outcome driven approach with clear governance and regular reporting to Planning Committee and Corporate Boards.

Part 3 provides evidence of the progress made on the service improvement actions set out in last year's PPF. It also sets out the actions from the Planning Improvement Plan 2018 -2021 approved by the Council's Planning Committee in December 2018. Further information on the Planning Improvement Plan is set out in the case study below.

As examples of continuous improvement, case studies are also included on an event held to mark the 10th birthday of the Edinburgh Urban Design Panel, reviewing planning policy and guidance and training for planning staff and Councillors.

In March 2019, we took part in the RTPI 'Chief Planner for the Day' initiative to allow young planners to work-shadow with those in leadership roles, and invited Lisa Proudfoot a Planner from [Montagu Evans](#) to learn from our Chief Planner. The morning started with an introduction to the service and a meeting with the [Planning Convener](#) to discuss a number of projects. The afternoon was spent on a [pre-application project](#) workshop with other Council services and finally attendance at a briefing meeting for the next Development Management Sub Committee.



David Leslie - Chief Planning Officer, Lisa Proudfoot - Montagu Evans, Neil Gardiner - Planning Convener

"I would highly recommend this scheme to other young planners – it is great to see the RTPI and Local Planning Authorities working to push for good leaders in planning and to provide Chief Planners of the future with these opportunities"

Lisa Proudfoot

Case Study 13: Planning Improvement Plan 2018 -2021

Overview

The Planning Improvement Plan 2018 -2021 was approved by the Planning Committee in December 2018.

Goals

Our vision is to be a great organisation to work for and with because we are making a better Edinburgh and providing excellent service. The Planning Improvement Plan set out how we intend to achieve this vision. It built on previous improvement plans and the Building Standards Improvement project and was set within the context of wider Council objectives and priorities. Our strategy for improvement was based on four Themes.

Outcomes

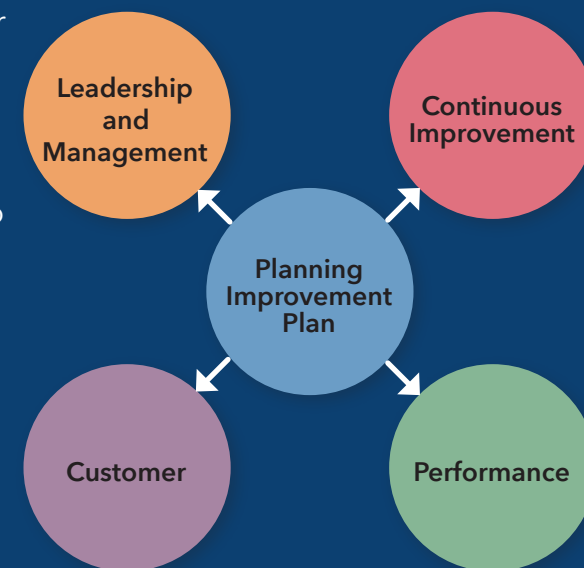
The first phase of action was progressed by the end of March 2019. A report to Planning Committee on 15 May 2019 summarises these and sets out proposed actions to be progressed in next six months.

Delivery included

- Setting up a dedicated Improvement Team to speed up progress.
- Recruitment to additional posts and alignment of staff resources to address priorities
- Revised Scheme of Delegation to making decision making more efficient
- Addressing issues in time taken to prepare legal agreements
- Working with ICT services to improve systems and support to reduce delays and improve customer experience.

This is a three year improvement plan which will be kept under review and updated as part of the Council's commitment to continuous improvement. The actions to be delivered in the coming year are set out in Part 3.

Key Performance Markers - 1 and 6



Case Study 14: Training for Staff, Councillors and Community Councils

Overview

Over the past year, the Planning Service has delivered a varied learning and development programme for staff, Councillors and Community Councils. Individual teams have organised development days where the focus for the development activity is agreed by the team and is aimed at addressing team specific learning priorities. It can be an opportunity to assess development on the ground, share good practices and highlight potential areas for improvements. We held lunchtime seminars with other Services to share experience and good practice and topic workshops to keep our professional knowledge is up to date.

As part of the Planning Performance Framework peer review process, we met twice with East Dunbartonshire Council covering a wide range of topics and sharing of experiences.

An annual Planning Committee tour is part of this training programme with the Committee visiting completed developments across the city. It includes discussions with developers, community representatives and members of the Edinburgh Urban Design Panel.

Goals

As a RTPI Learning Partner, we aim to support all staff in their continued professional development. Training and development support for staff is an important element in service performance and consistency of delivery. Training provided for Councillors and Community Council aims to enhance their understanding of planning matters and increase participation in the planning process.

Outcomes

Staff attended the RTPI Scotland and Scottish Young Planners Conference and shared their learning with colleagues. Training workshops were provided on SUDs and Place-making, delegation, economic viability, permitted development and learning outcomes from the Royal High School Public Inquiry.

Collaboration with East Dunbartonshire Council identified that although the make-up of the two Council areas were very different, the challenges faced were similar, such as negotiating with developers, layout/design of developments and protecting green and countryside areas. Work carried out in Kirkintilloch town centre was a good example of engagement and collaborative working.

The training programme for Councillors included:

- Economic Viability
- Affordable Housing
- Planning practice and improvement issues

A Community Council workshop in November 2018 covered the following:

- An introduction to planning enforcement
- Retail Policies - alternative use of shop units

Key Performance Markers - 6 and 13



Case Study 15: Urban Design Panel 10th Birthday

Overview

The Edinburgh Urban Design Panel was set up by Planning Committee with the aim of raising the quality of the built environment within the City, by providing constructive design advice at an early stage. The Panel first met in March 2009 and has reviewed almost 200 development proposals over the past 10 years.

A key component of the Panel is the requirement to annually review its effectiveness and to report to the Planning Committee. The review typically considers feedback, work programme, organisation of the panel, case studies and concludes with recommendations and actions.

Goals

To mark 10 years of the Panel's operation and this year's theme on collaborative working to improve the quality of places, a lessons learned workshop was held in March 2019. Panel members were joined by a range of stakeholders, including applicants who had attended the panel and officers from Glasgow City and West Dunbartonshire Councils to provide insight on their design panels. Contributors were invited to share their experience and to explore the following key questions:

- How has the Panel added value?
- How does collaboration deliver good development?

Outcomes

Group discussions considered the contributions made by the panel in terms of particular LDP design policies.

There continues to be support for the review process with value being added to development proposals.

Suggestions on how the panel can add more value included shaping the panel with experience appropriate to individual projects, allowing follow up at later stages in the application and development process and more advice to applicants on presentation materials.

Key Performance Markers – 3 and 13

Case Study 16: Monitoring and Review of Guidance

Overview

Regular monitoring of non-statutory guidance helps to ensure that quality outcomes are being achieved in the assessment of planning applications. An annual report to Planning Committee identifies where guidance needs to be reviewed as part of our commitment to continuous improvement. This case study focusses on two reviews undertaken in the past year - our Advertising Guidance and the Southside Conservation Area Character Appraisal (CACA).

Goals

In response to the increasing move towards **digital advertising**, we have been reviewing our existing guidance on **Advertisement, Sponsorship and City Dressing**.

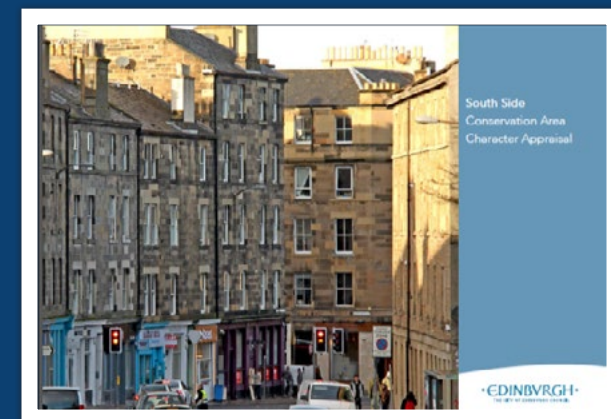
With 50 designated conservation areas within Edinburgh, priority for review of their character appraisals is based on the age of the appraisal and development pressures in the area. The Southside Conservation Area was the latest appraisal to be updated with amendments to its boundary.

Outcomes

Targeted consultation on the advertising guidance review took place from July to September 2018 with a representative range of commercial and community groups. A public questionnaire was posted on the Council's consultation hub. This explored the opportunities and concerns surrounding all types of outdoor advertising and sponsorship. The outcomes from the consultation will be used to inform a report to a future Planning Committee setting out our revised approach to managing future applications for digital adverts.

The Southside CACA review was the subject of consultation with local residents, businesses and institutions and city-wide amenity groups. The **Southside CACA** was approved by the **Planning Committee in February 2019** to provide an agreed basis for understanding what makes the area special and help to manage future change.

Key Performance Marker - 11



Part 2 Supporting Evidence

In preparing this report we have drawn on a range of sources to inform the planned service improvements. This has included the annual customer forum, community council training, working with other Council services, our partner agencies such as Historic Environment Scotland and benchmarking through Heads of Planning Scotland. Sources used to compile this report include:

- Planning Committee reports
- Planning Committee training
- The Scottish Government Review of Planning
- The Scottish Parliament - Local Government and Communities Committee
- SESPlan
- The Edinburgh Local Development Plan
- Development Plan Schemes
- Planning Guidelines
- Planning Enforcement - online form and charter
- Regular Planning Edinburgh blogs
- Planning and Building Standards Customer Care Charters
- Edinburgh Urban Design Panel progress report (update)
- The City of Edinburgh Council webcasts
- Edinburgh People Survey 2018
- RIAS Awards
- EAA Awards
- SAQP Awards
- Landscape Institute Awards
- Planning Service Improvement Plans
- Processing agreements guidance and template
- Feedback from events with stakeholders including community councils, agents and developers

Part 3 Service Improvements

The table below sets out the improvement priorities for the year ahead as agreed by the Planning Committee in December 2018.

Improvement Themes	Year 1	Years 2 and 3
<p>Theme 1 Leadership and Management:</p>	<p>A successful planning service requires strong leadership and employees who are fully committed to working together to deliver improvements. Priority will be given to actions which promote a positive and inclusive culture: create an environment that encourages effective engagement, open communication, empowerment and high performance.</p> <p>In year 1, the focus will be on the following people related priorities</p> <ul style="list-style-type: none"> • Recruitment and Resources Strategy • Performance Management • Staff Communications and Relations • Quality Assurance 	<p>All staff have the potential to develop leadership qualities. We will continue to empower and invest in our employees to ensure they are fully engaged and take a proactive role in the continuous improvement of the planning Service.</p>
<p>Theme 2 Customer</p>	<p>Feedback from customers indicates that we are not meeting their expectations in terms of how we communicate with them. We aim to bring forward improvements which enable us to communicate more effectively with customers but still allows us to meet timescale targets. The following aspects of customer service have been identified as priorities in year 1.</p> <ul style="list-style-type: none"> • Communicating with Customers • Pre-application advice • Complaints Procedure • Planning input to Council projects • Working with External Partners. 	<p>The Planning Service has a wide range of customers with sometimes competing needs. We will continue to work with customer groups to explore different options for how we can improve the level of service we provide.</p>

Improvement Themes	Year 1	Years 2 and 3
Theme 3 Continuous Improvement	<p>We will review our processes and procedures in relation to the following areas and bring forward actions to improve performance in the following areas.</p> <ul style="list-style-type: none"> • Development Management Sub Committee and Local Review Body • Delegated Decisions • Legal Agreements and Developer Contributions • Internal Consultations on Planning Applications • Business and ICT Support 	<p>We will continue to improve our Service by introducing gradual changes over time. This will help increase efficiency in processes and improve the quality of outcomes.</p>
Theme 4 Performance	<p>Delivering the actions identified under themes 1-3 will improve our performance. We will also review how we measure and monitor key indicators and agreed priorities to ensure we address all aspects of our performance. We want to improve the speed and efficiency of our service but also the quality of development resulting from our decisions. In year 1 we will focus on the following areas of performance</p> <ul style="list-style-type: none"> • Quality of Development/Place • Timescale indicators for planning applications and enforcement cases • Quality of Decisions 	<p>We will continue to review how we measure and improve our performance within the context of wider Council objectives and changes to planning legislation and national policy.</p>

The table below sets out progress on Service Improvement Action Plan 2018/2019 (approved 30 May 2018)

Action Point	Action	Target Date	Progress	Status	
Resources					
1	Ensure adequate staffing levels to meet service demands	Fill all establishment vacancies as they arise and where appropriate use agency cover in the interim.	Mar-19	By end of March 2019, two new senior planning officer (enforcement) posts and a new senior administrator (customer) post had been filled. Recruitment was nearing completion for a new senior planning officer (design) post and four new assistant planning officers. Three maternity vacancies filled.	
2		Invest increase in budget provision in additional staff resources in accordance with Council Commitments	Sep-18	See action 1	
3		Invest increase in fee income in additional staff in accordance with Council Commitments	Sep-18	See action 1	
Processes					
4	Improve performance in processing planning applications	Review the relationship between the planning applications process and the road construction consent process and any organisational change required.	Sep-18	Improved quality and consistency of responses to planning applications on behalf of Roads Authority including developer contribution requirements. Better monitoring of response times. Delay in structural review of Transport Service has delayed proposed improvement in relation to seamless service on input to planning applications, the issuing of road construction consents and the adoption of new roads.	
5		Increase the use of processing agreements or agreed extensions of time	Mar-19	Extensions of time have been used in a number of major applications where planning processing agreements were not in place. Using this tool to work with the applicant to amend targets has resulted in a larger proportion of major applications being determined within agreed timescales. Case officers have been instructed to pursue Planning Processing Agreements for all new major applications.	

Action Point	Action	Target Date	Progress	Status	
6	Develop or review protocols with key consultees to improve response times and links between council policies.	Mar-19	Transport Officers introduced a standard template for consultation responses on planning applications to improve quality, consistency and speed. A liaison meeting took place with Environmental Protection officers to discuss issues relating to planning applications and enforcement. Changes to the Affordable Housing Practice Note were approved in February 2019.		
7	Undertake lean review of Intake, Registration, Validation and Allocation processes.	Dec-18	Action incorporated into Theme 3 of Planning Improvement Plan. Workshop held with technicians and transactions teams to review processes and deliver improvements.		
8	Implement updated model Section 75 agreement	Jun-18	Now in use		
9	Improve alignment of development management and local community planning	Review area team structures and the potential to align with Localities while maintain a balance of workload.	Mar-19	Action no longer relevant as Council is reviewing Localities model	N/A
10	Ensure developers meet their commitments	Undertake process review of developer contributions	Jun-18	Internal audit of developer contributions process undertaken and detailed actions identified. These are being implemented by Planning, Finance and Legal Services.	
11	Increase the proportion of delegated planning decisions upheld by the Local Review Body	Monitor LRB decisions. Review and revise non-statutory planning guidance as necessary.	Mar-19	In 2018 -2019, 69% of reviews were upheld compared to 79% the previous year. The outcomes of each LRB was shared immediately with all staff as part of a culture of ongoing reflection and learning. The non-statutory Edinburgh Design Guidance was reviewed and minor updates were approved in October 2018. Minor changes to other guidance were approved in February 2019.	

Action Point	Action	Target Date	Progress	Status		
Engagement						
12	Increase transparency of service	Put diagram of structure of service on web pages and planning blog.	Jun-18	Information on service structure and key contacts was published and sent out to customers.	Green	
13	Improve communication with customers	A review of communication channels including out-of-office messages and auto-responses to help manage customer expectations about how quickly the service responds.	Sep-18	Action incorporated into Theme 2 of Planning Improvement Plan. Issues were discussed at Customer Forum in June 2018 and a review of options undertaken. Improvements not yet delivered.	Orange	
14 Page 53	Channel Shift: remove barriers to an efficient and reliable electronic planning application process	Upgrade the back office case handling and document management systems.	Dec-18	Major ICT upgrade undertaken in November 2018.	Green	
	12	Increase transparency of service	Put diagram of structure of service on web pages and planning blog.	Jun-18	Information on service structure and key contacts was published and sent out to customers.	Green
	13	Improve communication with customers	A review of communication channels including out-of-office messages and auto-responses to help manage customer expectations about how quickly the service responds.	Sep-18	Action incorporated into Theme 2 of Planning Improvement Plan. Issues were discussed at Customer Forum in June 2018 and a review of options undertaken. Improvements not yet delivered.	Orange
14	Channel Shift: remove barriers to an efficient and reliable electronic planning application process	Upgrade the back office case handling and document management systems.	Dec-18	Major ICT upgrade undertaken in November 2018.	Green	

Action Point	Action	Target Date	Progress	Status
15	Work with external software providers to develop Public Access system to provide better information to customers particularly on application progress.	Mar-19	Not yet progressed	
16	Create "quick guides" and "how to" videos to help customers understand the planning process and make best use of online facilities	Sep-18	Guidance and a video on high hedges was published on the Planning blog. Customer information on short term lets was updated on the Council website in March 2019. This included a best practice note for those interested in renting their property and advice on how to report a problem with a short-terms let to Planning Enforcement.	
17	Work with Scottish Government to develop the national Digital Planning Strategy	Mar-19	Attendance at workshops and meetings with Scottish Government as part of Planning Reform on national Digital Planning Strategy.	

Part 4 National Headline Indicators

National Headline Indicators

A: NHI Key Outcomes - Development Planning:

Development Planning	2018/19	2017/18
Local and Strategic Development Planning		
Age of local/strategic development plan(s) at end of reporting period	2 years 4 months	1 year 4 months
Will the local/strategic development plan(s) be replaced by their 5 year targets?	No	Yes
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Yes	No
Were development plan scheme engagement/consultation commitments met during the year?	Yes	Yes

Effective Land Supply and Delivery of Outputs	2018/19	2017/18
Established housing land supply	30,164	30,204
5-year effective housing land supply programming	13,748	12,155
5-year effective land supply total capacity	22,696	22,194
5-year housing supply target	10,526	11,479
5-year effective housing land supply (to one decimal place)	6.5	5.3
Housing approvals *	2,523	2,690
Housing completions over the last 5 years	11,243	10,921
Marketable employment land supply **	284.6	288.4
Employment land take-up during reporting year	3.4	0

* The housing approval figures only include FUL and PPP applications (not AMC) to avoid double counting. The 2017/18 figure has been adjusted to the same basis.

** The figure for 2017/18 has been amended to reflect more accurate digitisation.

B: NHI Key Outcomes - Development Management:

Development Management:	2018-19	2017-18
Project Planning		
Percentage and number of applications subject to pre-application advice	20.9% (769)	15.8% (516)
Percentage and number of major applications subject to processing agreement	60 % (15)	30.7 % (8)
Decision Making		
Application approval rate	89.6%	89.7%
Delegation rate	94.7%	95.2%
Validation	66.4%	64.6%
Decision-making Timescales		
Major Developments	86.3 weeks	56.3 weeks
Local developments (non-householder)	18 weeks	14.7 weeks
Householder developments	8.5 weeks	8.8 weeks
Legacy Cases		
Number cleared during reporting period	85	40
Number remaining	60	89

C: Enforcement Activity

Enforcement:	2018-19	2017-18
Time since enforcement charter published / reviewed	15 months	3 months
Requirement: review every 2 years		
Complaints lodged and investigated	708	740
Breaches identified - no further action taken	243	109
Cases closed	691	713
Notices served	73	79
Direct Action	3	3
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

D: NHI Key Outcomes - Commentary

Work has commenced on the preparation of the next Local Development Plan. However, progress was delayed awaiting the outcome of Scottish Ministers' consideration of the Proposed Strategic Development Plan. As a result, the LDP will not be adopted within the five year target.

In the past year, the established land supply has remained almost static with sites with housing completions being replaced by new 'windfall' sites.

The amount of land regarded as effective (i.e. land with no constraints preventing effective development) has increased slightly. The increase in the effective land supply is due to a small number of existing sites overcoming development constraints allowing development to take place.

The 'five year effective housing land supply programming' is the number of new homes expected to be completed over the next five years. This figure has increased significantly over last year's five year programme. Many of the large sites allocated in the local development plan are now under construction and completion rates are the highest experienced since the millennium.

Improvements to the provision of pre-applications advice and the use of processing agreements are reflected in the statistics. However, the decision making timescale statistics do not yet reflect measures introduced through the Planning Improvement Plan.

Applications with processing agreements are not included in the decision- making timescale statistics. The "average weeks" figure therefore only covers 10 out of the 25 major applications determined. Of these, three were determined in under four months. The determination of legacy applications has a detrimental impact on the average decision making timescale figure - the determination of three applications over three years old, including one which took five years to determine, has significantly increased the "average weeks" figure.

Part 5 Scottish Government Official Statistics

A: Decision -making timescales (based on 'all applications' timescales)

Timescales	2018-19 Numbers / Percentages	2018-19 Weeks	2017-18 Weeks
Overall			
Major developments	11	61.1	56.3
Local developments (nonhouseholder)	676	16.8	14.7
• Local: less than 2 months	(43.5%)	7.1	7.5
• Local: more than 2 months	(56.5%)	24.2	22.5
Householder developments	1329	8.5	8.8
• Local: less than 2 months	(77.2%)	7.2	7.4
• Local: more than 2 months	(22.8%)	13.0	13
Housing Developments			
Major	3	78.0	67.6
Local housing developments	179		
• Local: less than 2 months	(31.3%)	7.1	7.6
• Local: more than 2 months	(68.7%)	30.1	27.3
Business and Industry			
Major	2	88.8	23.3
Local business and industry developments	50		
• Local: less than 2 months	(54.0%)	7.1	7.6
• Local: more than 2 months	(46.0%)	17.0	14.5
EIA Developments	0	N/A	None
Other Consents			
• As listed in the guidance(right)	1306	10.2	9.9
Planning/legal agreements			
• Major: average time	7	84.6	66.2
• Local: average time	31	68.5	59.4

B: Decision-making: local reviews and appeals

Original decision upheld					
	Total number of decisions	2018-19		2017-18	
Type	No.	No.	%	No.	%
Local reviews	94	65	69.1	46	79.3
Appeals to Scottish Ministers	84	48	57.2	34	68.0

Case Context

Work over the past year on the Planning Improvement Plan has provided a greater understanding of how we use different indicators to measure performance. In addition to the data provided to Scottish Government reflected in table A, the Council also reports on indicators which take account of applications with Planning Processing Agreements and agreed Extensions of Time. In 2018-2019, 28% of major applications were determined within four months or an agreed target (up from 13% the previous year). During the same period, the % of non-householder applications determined within two months or an agreed target was 57% (down from 60% the previous year).

As explained in part 4, the information provided in table A on major applications relates to 10 out of 25 applications determined. The determination of three very old applications has had a negative impact on the average figures.

The time taken to process more straightforward local and householder applications has improved. However more complex local applications took longer to determine - this was due to a range of factors including the need for Committee decisions, preparation of legal agreements, workload pressure, the submission of additional supporting information or revised proposals and awaiting outstanding consultee responses. All of these factors are being addressed through the Planning Improvement Plan.

There was a significant increase in the number of appeals submitted in 2018 -2019. There were 94 appeals to the Local Review Body (up from 58 in 2017-18) and 84 to the Scottish Ministers (up from 50 last year). The time taken to handle these had an impact on resources and decision making timescales.

Part 6 Workforce Information

In 2018/19 the planning service was based on East and West team areas for development management and enforcement, with other planning activities undertaken on a City Wide basis. Business support staff, including the ICT and GIS support are provided from a central resource outwith the service area and are not included in the below table. Specialist roles include transport officers, environmental health officers, biodiversity staff, landscape officers and streetnaming staff. Planning enforcement is handled as part of the householder application teams and is not a separate role. The majority of the staff within the service are either members or eligible to be members to the Royal Town Planning Institute (RTPI).

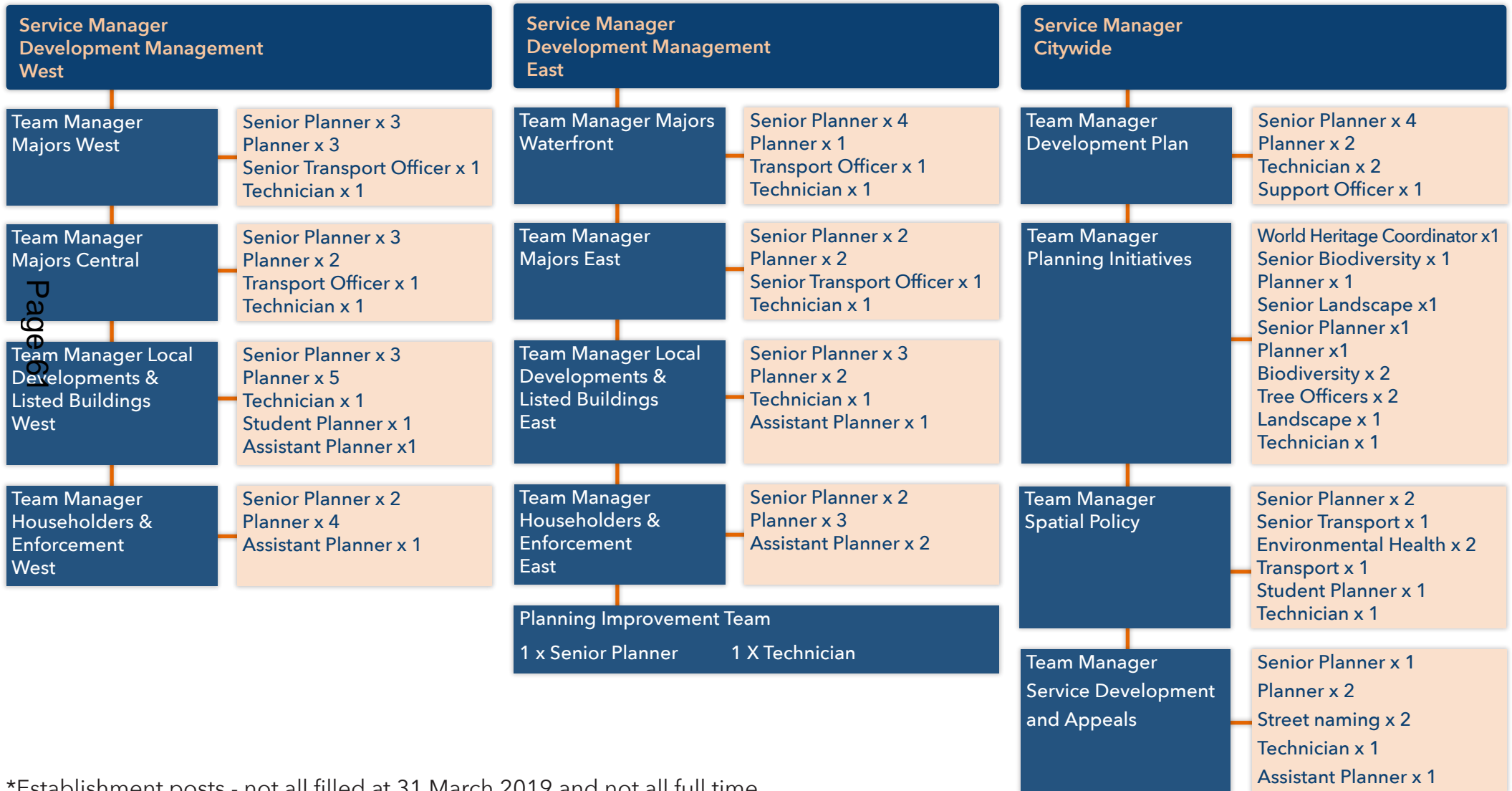
Staff	Headcount	FTE
Service Managers	3	3 FT
Development Management (DM) including enforcement	59 planners 6 technicians	48FT/11PT 6 FT
Development Planning including project teams, appeals and conservation	15 planners 1 LDP Support staff 6 technicians	11/4PT 1 FT 5FT/1PT
Specialist (non-planners)	4 Transport officers in DM 15 staff including transport policy, air quality, streetnaming, biodiversity, trees and landscape officers	3FT/1PT 10FT/5PT

Staff Age Profile	Headcount
Under 30	9
30-39	29
40-49	30
50 and over	42

RTPI Chartered Staff Headcount
49

	Tier 1 Chief Executive	Tier 2 Director	Tier 3 Head of Service	Tier 4 Service Manager
Chief Planning Officer				X

Planning Service Structure (at 31st March 2019)*



*Establishment posts - not all filled at 31 March 2019 and not all full time

Part 7 Planning Committee Information

The table below sets out the Committees for the past 2018/19 year.

Committee & Site Visits	Number per year
Full Council meetings	12
Planning Committees/ Development Management Sub Committees	4 and 21
Area committees	Not applicable
Committee site visits	17
Local Review Body (LRB)	14 LRB meetings
LRB site visits	5

Appendix 1 - Performance Markers

	Performance Marker	Part of PPF report demonstrating evidence for this marker
Driving Improved Performance		
1	Decision making: authorities demonstrating continuous evidence of reducing average timescales for all development types	Part 4B Part 5A
2	Project management: offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications and availability publicised on planning authority website	Part 1 - Quality of Service and Engagement Part 4B
3	Early collaboration with applicants and consultees on planning applications: <ul style="list-style-type: none"> • availability and promotion of pre-application discussions for all prospective applications • clear and proportionate requests for supporting information 	Part 1 - Quality of Service and Engagement Part 4B Case Studies 11 and 12
4	Legal agreements: conclude (or reconsider) applications within 6 months of 'resolving to grant	Part 1 - Quality of Service and Engagement Part 1 - Governance Case Study 12 Part 5A
5	Enforcement charter updated / re-published	Part 4C
6	Continuous improvements: <ul style="list-style-type: none"> • show progress/improvement in relation to PPF National Headline Indicators • progress ambitious and relevant service improvement commitments identified through PPF report 	Part 1 - Culture of Continuous Improvement Case Studies 13 and 14 Part 3 - Service Improvement Plan

Page 63

	Performance Marker	Part of PPF report demonstrating evidence for this marker
Promoting The Plan-Led System		
7	LDP less than 5 years since adoption	Part 1- Quality of service and engagement Part 1 – Governance Case Studies 7 and 9 Part 4A
8	Development plan scheme demonstrates next LDP: <ul style="list-style-type: none"> • on course for adoption within 5-year cycle • project planned and expected to be delivered to planned timescale 	Part 1- Quality of service and engagement Part 1 – Governance Case Studies 7 and 9 Part 4A
9	Elected members engaged early (pre-MIR) in development plan preparation	Part 1 - Quality of Service and Engagement Part 1 – Governance Case Studies 7 and 12
10	Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	Part 1 - Quality of Service and Engagement Part 1 – Governance Case Studies 7 and 12
11	Production of regular and proportionate policy advice, for example through supplementary guidance, on information required to support applications	Part 1 - Quality of Service and Engagement Case Studies 5, 6 and 16

	Performance Marker	Part of PPF report demonstrating evidence for this marker
Simplifying And Streamlining		
12	Corporate working across services to improve outputs and services for customer benefit (e.g. protocols; joined-up services; single contact; joint pre-application advice)	Part 1 - Quality of Service and Engagement Part 1 - Governance Case Studies 9 and 10
13	Sharing good practice, skills and knowledge between authorities	Part 1 - Culture of continuous improvement Case Studies 14 and 15
Delivering Development		
14	Stalled sites/legacy cases: conclusion/withdrawal of planning applications more than one-year-old	Part 1 - Quality of Outcomes Part 4B Case study 3
15	Developer contributions: clear expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan,) and • in pre-application discussions 	Part 1 - Quality of service and engagement Part 1 - Governance Case Studies 11 and 12

Appendix 2 - Qualitative Narrative and Case Studies Checklist

Case Study Topics	Issue covered by case study	Case Study Topics	Issue covered by case study
Design	4 and 15	Interdisciplinary Working	9 and 10
Conservation	1	Collaborative Working	11
Regeneration	2	Community Engagement	7 and 8
Environment	6	Placemaking	2 and 3
Greenspace		Charrettes	
Town Centres		Place Standard	8
Masterplanning	3 and 4	Performance Monitoring	13 and 16
LDP & Supplementary Guidance	5 and 7	Process Improvement	12 and 13
Housing Supply		Project Management	9
Affordable Housing		Skills Sharing	14
Economic Development	12	Staff Training	14
Enforcement		Online Systems	
Development Management Processes	11 and 16	Transport	
Planning Applications	1 and 15	Active Travel	10
Other: Sustainability 5 and 6			



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Planning Committee

2.00pm, Wednesday, 7 August 2019

Strategic Development Plan 2 – Scottish Ministers’ Decision

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

1.1 It is recommended that Committee:

- 1.1.1 notes the content of the attached report to the SESplan Joint Committee regarding the rejection of Strategic Development Plan (SDP) 2 by the Scottish Ministers.

Paul Lawrence

Executive Director of Place

Contact: John Inman, Service Manager

E-mail: john.inman@edinburgh.gov.uk | Tel: 0131 469 3721

Strategic Development Plan 2 – Scottish Ministers’ Decision

2. Executive Summary

- 2.1 The purpose of this report is to formally advise the Planning Committee of the rejection of SDP 2 by Scottish Ministers and to make the Committee aware of SESPlan Joint Committee’s consideration of the matter.

3. Background

- 3.1 The six councils which together make up the South East Scotland Strategic Development Plan Authority (SESplan) had a duty to prepare a new SDP for the area. This project was to result in a SDP 2 which would replace the current SDP, which was approved by Scottish Ministers in 2013.
- 3.2 A Proposed SDP 2 was published in 2016, following [approval](#) by all six councils. Representations to this Proposed Plan were considered in an examination. The examination issued its [report](#) in July 2018 for consideration by Scottish Ministers.

4. Main report

- 4.1 The Scottish Ministers issued their decision on SDP 2 on 16 May 2019. The decision letter is available at the end of the appended SESplan Joint Committee report (24 June 2019).
- 4.2 The Ministers rejected SDP 2. As summarised in the SESplan Joint Committee report, three reasons were given:
- 4.2.1 the Scottish Ministers were not satisfied that the Plan has been informed by an adequate and timely transport appraisal;
- 4.2.2 the plan does not take sufficient account of the relationship between land use and transport; and
- 4.2.3 the Scottish Ministers do not support the use of supplementary guidance to resolve this issue.

- 4.3 As noted in the appended SESplan report, this decision leaves the current SDP (2013) as the approved strategic development plan. The current SDP has a period which extends up to 2032.
- 4.4 The SESplan Joint Committee considered the Ministers' decision at its meeting of 24 June 2019.
- 4.5 The rejection of SDP 2 is final and an end to that particular process. The risk of increased attempts for development proposals which are contrary to development plans and identification of insufficient five year effective housing land supplies are identified in the appended Joint Committee report.
- 4.6 Since the appended SESplan Joint Committee report was prepared, the Planning Bill has been passed by the Scottish Parliament. This sets out the future context for regional spatial planning. Further details of how and when this will operate are yet to be provided by the Scottish Government.

5. Next Steps

- 5.1 A report to the SESplan Joint Committee on next steps for regional planning activities is anticipated at a future date. These activities will include the preparation of a regional spatial strategy as provided for in the recently passed Planning Bill. Members of the SESplan Joint Committee have agreed to explore its future remit and the use of resources to meet new objectives.
- 5.2 Discussions have been taking place regarding the development of a Regional Growth Strategy, with the Spatial Strategy sitting alongside. A further report on this will be brought to Committee once these discussions produce a more detailed scope and approach.
- 5.3 The decision on SDP 2 resolves uncertainty over what will be the SDP context for the Council's next local development plan called City Plan 2030. In their decision letter the Scottish Ministers state their support for a plan-led system and their commitment to work with authorities with respect to local development plans in the SESplan area. The revised timetable for City Plan 2030 is the subject of a separate report on the new annual Development Plan Scheme.

6. Financial impact

- 6.1 There are no direct financial impacts arising from this report. A report on the SESplan Operating Budget was made in December 2018.

7. Stakeholder/Community Impact

- 7.1 The stakeholder and community groups who made formal representations to the Proposed SDP 2 will be notified of the decision on behalf of SESplan.

- 7.2 Stakeholders and community groups interested in the SESplan-level context to the next local development plan for Edinburgh – City Plan 2030 – will be kept informed through the measures described in a separate report on the Council’s Development Plan Scheme.

8. Background reading/external references

- 8.1 Strategic Development Plan Proposed Plan and Action Programme Report to Planning Committee [11 August 2016](#).
- 8.2 SESplan Strategic Development Plan (2013), approved plan, available at: www.sesplan.gov.uk.
- 8.3 SESplan Operating Budget 2019/20, [Report to Planning Committee](#), 12 December 2018.

9. Appendices

- 9.1 Appendix 1 – Strategic Development Plan Ministers’ Decision - Report to SESplan Joint Committee (24 June 2019).

ITEM 6 – STRATEGIC DEVELOPMENT PLAN MINISTER’S DECISION

Report By: Fiona McBrierty

Purpose

The purpose of this report is to advise the Joint Committee of the Minister’s decision on the second Strategic Development Plan (SDP2).

Recommendations

It is recommended that the Joint Committee note the Minister’s decision to reject SDP2.

1. Background

- 1.1 The first strategic development plan (SDP1) was prepared in response to the Planning etc. (Scotland) Act 2006 and was adopted in June 2013 with supplementary guidance setting housing targets for the member authorities being adopted in November 2014 (the housing targets covered 2009 – 2024).
- 1.2 Strategic development planning authorities (SDPAs) are required by section 4(1) of the Act to prepare and review strategic development plans (SDPs), and submit these to Scottish Ministers within four years of the approval of the existing plan (section 10(8)). SESplan complied with this requirement. The rejection of SDP2 by the Minister results in the current SDP (SDP1) remaining the adopted strategic development plan.

2. The Minister’s Decision

- 2.1 On 26 June 2017 the SDP2 Proposed Plan was submitted to the Scottish Government’s Directorate of Planning and Environmental Appeals (DPEA) for Examination. The Examination commenced in August 2017 and the report of

Examination was published on 20 July 2018. Following consideration of the report the Minister issued his decision letter on SDP2 on 16 May 2019. The letter advised that SDP2 had been rejected. The decision letter is attached as Appendix A.

- 2.2 The decision letter sets out three reasons for rejection of the Plan:
1. The Scottish Ministers were not satisfied that the Plan has been informed by an adequate and timely transport appraisal;
 2. The plan does not take sufficient account of the relationship between land use and transport; and
 3. The Scottish Ministers do not support the use of supplementary guidance to resolve this issue.

The Minister found that the requirements of Scottish Planning Policy (SPP), specifically paragraphs 272-275 had not been met and therefore the plan was deficient.

- 2.3 Whilst Section 13(1) of the Planning Act (the Town and Country Planning (Scotland) Act 1997 (as amended)) provides for rejection of a Plan by the Minister, such occurrences in terms of SDP preparation are unprecedented. It is now for SESplan to determine what action, if any, it intends to take in light of the Minister's decision. The options are currently being investigated with a view to reporting to the SESplan Joint Committee at a future date.
- 2.4 In the absence of an up to date development plan SESplan and the member authorities are exposed to risk in terms of development proposals which are contrary to the development plan and with regard the need to maintain an effective five year housing land supply.

3. The Planning Bill – Implications for Strategic Planning

-
- 3.1 In September 2015, an independent panel was appointed by Scottish Ministers to review the Scottish Planning System with the objective of bringing together ideas to achieve a quicker, more accessible and efficient planning system. The report of the

panel “Empowering Planning to Deliver Great Places” was published 31 May 2016. Scottish Ministers published their response to the report on 11 July 2016 which included a commitment to consult on a White Paper outlining proposed reforms to the Planning System with the ambition of enabling a Planning Bill to be brought forward late in 2017. The Planning (Scotland) Bill was originally introduced to the Scottish Parliament on 4 December 2017. The Planning Bill is scheduled for ‘stage 3 scrutiny’ in June 2019 and if passed, the Planning Bill, with royal assent, could come into effect in late 2019. The Bill, as drafted, proposes to disband SESplan and cease the requirement to prepare strategic development plans. This requirement would be replaced with the introduction of regional strategies - the details of which are not yet defined.

- 3.2 In addition to the Planning Bill, the Scottish Government is intending to publish its National Planning Framework 4 (NPF4) in draft in the summer of 2020. NPF4 will potential reference regional strategies and also set housing targets.

Appendices

Appendix A: SDP2 Minister’s Decision dated 16 May 2019

Report Contact

Fiona McBrierty

Development Planning & Environment Manager (West Lothian Council)

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Peter Arnsdorf
Acting SESplan Manager
SESPlan SDPA

By email to:
contactus@sesplan.gov.uk
peter.arnsdorf@midlothian.gov.uk

Our ref: A24431563

16 May 2019

Dear Peter

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SESPLAN STRATEGIC DEVELOPMENT PLAN (SESPLAN 2)

I write to advise you that the Scottish Ministers have decided to reject the above plan.

In reaching their decision Ministers have considered the issues raised in representations made in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended) (“the Planning Act”) and the report from the examination conducted under Section 12 of the Planning Act.

Under Section 13(1) of the Planning Act, this decision has been made for following reasons:

- **The Scottish Ministers are not satisfied that the Plan has been informed by an adequate and timely Transport Appraisal.** The Scottish Planning Policy sets out Ministers’ expectations for this in paragraphs 274 and 275. Concerns about the adequacy of the approach taken to the Transport Appraisal were repeatedly raised by the Scottish Government throughout the preparation of SESplan 2. These concerns have not been adequately addressed by the authority. At Examination the Reporter acknowledged that the plan is not consistent with Ministers’ expectations for Transport Appraisal as set out in the Scottish Planning Policy.
- **The plan does not take sufficient account of the relationship between land use and transport.** Paragraphs 272 to 275 of the Scottish Planning Policy sets out Ministers’ policy expectations for this. The plan does not properly acknowledge and address the region’s infrastructure constraints to support the spatial strategy for delivering housing land across the area. This falls short of Ministers’ expectations as



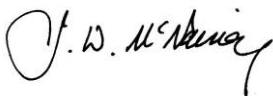
set out in National Planning Framework 3. The Examination confirmed that the plan does not include sufficient information on transport interventions required to support the spatial strategy. Ministers do not consider that it is acceptable to approve the plan as to do so would be to adopt a spatial strategy which is not supported by an adequate assessment of the transport impacts or by an adequate strategy to mitigate its impact on the strategic transport network.

- **The Scottish Ministers do not support the use of supplementary guidance to resolve this issue.** Paragraph 274 of the Scottish Planning Policy states that the Transport Appraisal should be carried out in time to inform the spatial strategy of the plan. Adoption of the plan, ahead of the preparation of supplementary guidance on transport, is not considered by Scottish Ministers to be an acceptable solution. Supplementary guidance brought forward after the plan has been adopted will not be able to change the spatial strategy that would already be embedded in the adopted plan. Scottish Government policy is clear that the plan's spatial strategy should be informed by an appraisal, prior to being adopted.

It is for the SDPA to decide the next steps for strategic planning in their area. It is open to the SDPA to prepare a new SESplan 2 informed by a full Transport Appraisal addressing strategic transport infrastructure issues, including cross-boundary requirements. In considering their position, authorities will wish to be mindful of the implications of the Planning (Scotland) Bill and any future transitional arrangements.

I recognise that the authorities will have significant concerns about the implications of this decision for planning in their areas. I can assure you that the Scottish Government continues to support a plan-led system and that we are committed to working with you to address the implications of this decision with respect to future local development plans across the area.

Yours sincerely



John McNairney
Chief Planner

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Planning Committee

2.00pm, Wednesday, 7 August 2019

City Plan 2030 – Development Plan Scheme

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

1.1 It is recommended that Committee:

- 1.1.1 approves the new Development Plan Scheme (DPS) (Appendix 1) for publication.

Paul Lawrence

Executive Director of Place

Contact: John Inman, Service Manager

E-mail: john.inman@edinburgh.gov.uk | Tel: 0131 469 3721

City Plan 2030 – Development Plan Scheme

2. Executive Summary

- 2.1 The purpose of this report to seek the Committee's approval of a new DPS. Planning authorities have to publish a scheme at least once a year, to set out their programme for preparing their Local Development Plan (LDP). The last scheme was reported in [August 2018](#) and published in September 2018. The appended DPS sets out the dates and events for the main consultation stage in the project to prepare a replacement LDP entitled City Plan 2030 and sets out a revised timetable.

3. Background

- 3.1 The City Plan 2030 commenced in 2018. At its meeting on [30 May 2018](#) the Planning Committee noted a report referred from the Housing and Economy Committee which set out an overview of the new LDP project. A subsequent report to the Housing and Economy Committee on [7 June 2018](#) set out arrangements for elected member involvement in the project.
- 3.2 It is important that all stakeholders, including individual members of the public and community groups, have opportunities to influence the content of a LDP. There are several stages in the preparation when people can make statutory written representations to the Council. Councils need to give all parties advance notice of when these engagement periods will take place. Accordingly, councils have to publish a development plan scheme at least once a year.
- 3.3 In [August 2018](#) the Planning Committee approved a [Development Plan Scheme](#) which set out a project timetable. This included reporting of the main consultation document in January 2019, on the assumption that Strategic Development Plan (SDP) 2 would have been approved by Scottish Ministers in September 2018. That did not take place and a revised timetable is now necessary.

4. Main report

Purpose and Timetable

- 4.1 The purpose of a DPS is to set out publicly a planning authority's programme for preparing its development plan. This is intended to help communities, individuals and organisations know in advance about formal opportunities to engage with the planning process. A DPS must include a 'participation statement' for that purpose.
- 4.2 A new DPS is attached for approval (Appendix 1).
- 4.3 The August 2019 Development Plan Scheme:
 - 4.3.1 explains its purpose, and what development plans are;
 - 4.3.2 describes the context in which the new plan is being prepared;
 - 4.3.3 sets out a timetable and dates for the new plan project;
 - 4.3.4 sets out a Participation Statement, which is described in more detail below; and
 - 4.3.5 provides contact details for further information including social media details to help people follow planning activities.
- 4.4 LDPs cover a 10 year period. The current statutory target is to replace a LDP within five years of adoption. In Edinburgh's case this means by November 2021. From that point, the current LDP may be considered out-of-date under national policy, with potential implications for decisions on applications.
- 4.5 The new plan will have to be consistent with the current SDP, which was approved in 2013. This follows the rejection of its replacement – SDP 2 – by Scottish Ministers, in May 2019.
- 4.6 This shift from the anticipated SDP context, and the time taken for it to be resolved, have affected the timetable for City Plan 2030. However, the SDP 2 decision has ended a period of uncertainty, and the City Plan 2030 project is now progressing in an adjusted context.
- 4.7 The previous timetable in the August 2018 DPS would have allowed earlier replacement (4.5 years). The examination report recommended an early review of the first LDP, as did feedback from the Minister for Local Government and Housing, reported to Planning Committee in [December 2016](#). This is no longer possible, however there is scope for the proposed plan to be used as a material consideration in decision making on planning applications from 2020, which would provide an early response to any emerging and urgent issues. This would also help manage the implications of the current LDP turning 5 years old in November 2021.
- 4.8 The timeline diagram and table on pages 3 and 4 of Appendix 1 show the main stages of the project.

Choices for City Plan 2030 – the main issues report

- 4.9 The key statutory consultation document for the project is the main issues report. This is a document which must:

- 4.9.1 set out the Council’s proposals for development of the city, including where development should and should not happen;
 - 4.9.2 set out reasonable alternatives to this;
 - 4.9.3 draw attention to how these options are different from the current LDP; and
 - 4.9.4 provide enough information to allow people to make meaningful representations in response to the above.
- 4.10 The previous main issues report was published in [2011](#). It was designed to be short and accessible to as wide a range of people as possible, by condensing the choices for the LDP into 20 questions. However, early engagement with community councils for the new plan indicated that it was still hard to engage the wider public with it.
- 4.11 It is intended to make the new main issues report as simple and easy to access as possible, whilst still meeting statutory requirements. To help this, it is intended to call it ‘Choices for City Plan 2030’.

City Plan 2030

- 4.12 The report to Planning Committee in [August 2018](#) explained the basis for calling the new plan ‘City Plan 2030’.
- 4.13 The following diagram shows the relationship of successive City Plans to the 2050 City Vision:



- 4.14 The frequency of review for LDPs is a matter which has been under consideration in the review of planning legislation. The newly emerged legislation proposes a switch from five year to 10 year reviews, with scope for exceptions where circumstances justify. Accordingly and subject to changes at national level there may in practice be a need for a ‘City Plan 2035’ and ‘City Plan 2045’ in between the above documents.
- 4.14 The [Planning Bill](#) was passed in June 2019. It will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. For comparison, the 2006 Planning Act was passed in November 2006 and its development planning regulations came into force in February 2009, 27 months later. Those regulations also set out

transitional provisions which allowed local plans which had already advanced to a certain stage to continue under the previous legislation.

- 4.15 Accordingly, City Plan 2030 is being prepared under the existing legislation. The appended DPS provides clarification on this for the benefit of its intended general audience.

Consultation Activities

- 4.16 The appended DPS sets out a participation statement with consultation activities.
- 4.17 There has been early engagement and dialogue with community representatives and others to shape the choices to be presented in the main consultation stage in 2019.
- 4.18 Consultation on the Choices for City Plan 2030 is planned as outlined below:
- 4.18.1 launch of consultation document and questions on Consultation Hub;
 - 4.18.2 publicity to raise awareness of consultation;
 - 4.18.3 notification to those groups and individuals on the project mailing list explaining how they can comment;
 - 4.18.4 staffed exhibitions in public places (see table in the appended DPS for details) to raise awareness; and
 - 4.18.5 drop-in sessions (see table in the appended DPS) to allow interested individuals the opportunity to find out more about the consultation proposals.

5. Next Steps

- 5.1 Once approved, the appended DPS will be published in designed form on the Council's website and circulated to the project mailing list.

6. Financial impact

- 6.1 There are no direct financial impacts arising from the approval of this report. The costs of circulating the DPS and delivering the consultation activities it describes will be met from existing budgets. The report to Housing and Economy Committee on [22 March 2018](#) provides further information on how financial impacts will be considered in the project.

7. Stakeholder/Community Impact

- 7.1 The formal consultation stages are set out in statute and focus in the main issues report and proposed plan stages.

- 7.2 The appended DPS sets out the statutory participation statement. This specifies the minimum consultation activities for the plan which will be carried out in 2019/2020, with particular focus on the main issues report stage – Choices for City Plan 2030. A new DPS will be reported and published by August 2020 to set out details of the Proposed Plan stage.
- 7.3 Further community briefing will be offered following the October 2019 community council elections, to help bring new community council representatives up to speed on the project.
- 7.4 Detailed project governance arrangements and controls have been informed by the findings of an internal audit. The recommendations of this audit were referenced in a report to the Governance, Risk and Best Value Committee on [16 January 2018](#). Project governance arrangements include regular monitoring and management of identified risks.
- 7.5 A Strategic Environmental Assessment (SEA) is being carried out as an integral part of the plan project. The ability of the Council to successfully manage the impacts arising from the growth of the city is critical to achieving sustainable development.

8. Background reading/external references

- 8.1 Local Development Plan – Elected Member Involvement, Report to Housing and Economy Committee, [7 June 2018](#)
- 8.2 Edinburgh Local Development Plan 2 – Project Overview, Report to Housing and Economy Committee, [22 March 2018](#)
- 8.3 Community Engagement in Planning – detailed proposals, Report to Planning Committee, [14 March 2018](#)
- 8.4 Programme for the Capital – The City of Edinburgh Council 2017-2022, Report to Full Council, [24 August 2017](#)
- 8.5 Edinburgh Local Development Plan - Adoption, Report to Full Council, [24 November 2016](#)
- 8.6 SESplan Strategic Development Plan (2013), approved plan, available at: www.sesplan.gov.uk
- 8.7 [Scottish Government Circular 6/2013: Development Planning](#)

9. Appendices

- 9.1 Appendix 1 – Development Plan Scheme

Appendix 1

DEVELOPMENT PLAN SCHEME

Contents

Background

What is a Development Plan Scheme?

What is a Development Plan?

Edinburgh Local Development Plan

The bigger picture – 2050 City Vision and other strategies

A new plan – City Plan 2030

Participation Statement

Early Engagement

Choices for City Plan 2030 Consultation

How Consultation will Shape City Plan 2030

How to stay informed

BACKGROUND

What is a Development Plan Scheme?

A development plan scheme sets out how the next local development plan will be prepared. It includes:

- an explanation of what a local development plan is;
- a timetable for preparing the next plan, to be called City Plan 2030; and
- details on how you can get involved in preparing City Plan 2030.

The council needs to publish a development plan scheme at least annually. The Council's last development plan scheme was published in September 2018.

What is a Development Plan?

The planning system impacts on everyone. Our lives are shaped by the places we live, work and visit and these places are shaped by planning decisions.

The Scottish Government requires Councils to prepare development plans for their areas. Local Development Plans contain a 10 year strategy for the future development of an area and set out policies and proposals to guide decision making on planning applications.

A local development plan needs to take account of the following statutory documents:

The National Planning Framework: this sets out, at the national level, the Scottish Government's strategy for the country's spatial development, including developments of national importance. The third National Planning Framework was published in June 2014.

A Strategic Development Plan: this sets out a long term (20 years or more) spatial planning strategy for a city region, including where future development will be located and what is required to deliver it. The Strategic Development Plan for South East Scotland was approved in June 2013. It was prepared by the Strategic Development Plan Authority for Edinburgh and South East Scotland (SESplan). The six councils which are members of SESplan are Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian.

The Strategic Development Plan, together with the local development plan and any associated supplementary guidance, form the statutory development plan referred to in decisions on planning applications.

Edinburgh Local Development Plan (2016) - The current Edinburgh Local Development Plan (LDP) was formally on 24 November 2016. The plan is available online at www.edinburgh.gov.uk/localdevelopmentplan.

The adopted plan is to be accompanied by twelve pieces of Supplementary Guidance. These will also form part of the overall development plan. They cover the following matters:

- 9 town centres, including the City Centre Retail Core
- Developer Contributions and Infrastructure Delivery
- Edinburgh BioQuarter and Little France Park
- Heat Opportunities Mapping

The plan is being used to determine planning applications. It is accompanied by a statutory Action Programme which is being used to ensure delivery of the plan's policies and proposals, including necessary infrastructure.

Councils are currently required to review their local development plan at least every five years.

Side Box – **Changes to the Planning System**

A Planning Bill was passed by the Scottish Parliament in June 2019. It will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. Accordingly, City Plan 2030 is being prepared under the existing legislation. Further information on changes to the planning system is available on the [Scottish Government webpage](#).

THE BIGGER PICTURE – 2050 CITY VISION AND OTHER STRATEGIES

City Plan 2030 is being prepared at a time when the long-term future of Edinburgh is being considered.

Edinburgh 2050 City Vision – an ongoing project in which residents, businesses and organisations define how they want the city to be in 2050. Emerging themes so far are of an inspired, thriving, connected and fair place.

Council Business Plan 2017-2022 – this sets out the Council's commitments and priorities over a five year period, several of which are relevant to the new local development plan.

National Planning Framework and policy – A replacement national planning framework is expected to be prepared during the preparation of City Plan 2030.

Community Planning – Four Locality Improvement Plans have been prepared – one for each part of the Council's area. In addition, an overall Community Plan has been prepared to coordinate services across the public and voluntary sector.

City Mobility Plan – a new transport strategy is being prepared alongside a project to deliver **City Centre Transformation**, and a **Low Emissions Zone**.

City Housing Strategy – a regularly updated strategy to deliver new affordable housing.

Edinburgh Economy Strategy – a strategy approved in 2018 which aims to enable good growth for Edinburgh's economy, based on inclusion, innovation and collaboration.

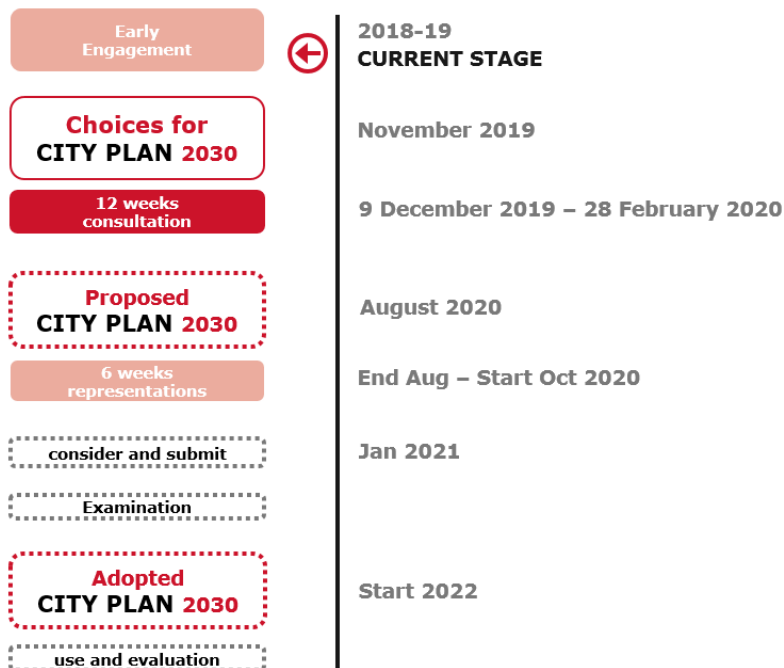
A NEW PLAN – CITY PLAN 2030

Our next local development plans can deliver the emerging vision of Edinburgh in 2050. The following diagram shows how a series of ten-year city plans can take us to 2050:



The new local development plan will be called **City Plan 2030**. This name is intended to help explain what time period the plan covers, and to be more user-friendly than calling our next plan an 'LDP'.

Timetable



Stage	Timetable	Dates
Choices for City Plan 2030 (main issues report) reported to Planning Committee	After decision on Strategic Development Plan 2	November 2019
Choices for City Plan 2030 consultation period	12 weeks	9 December 2019 – 28 February 2020
Proposed Plan reported to Planning Committee	9 months after publication of Choices for City Plan 2030	August 2020
Period for representations on Proposed Plan	6 weeks	End August – start October 2020*
Submit Plan and representations to Scottish Ministers	5 months after Proposed Plan formal publication	January 2021* <i>(assumes no notifiable modifications.)</i>
Examination and Report of Examination	6 to 9 months (target) + 1 month administrative preparation	November 2021*
Plan as Modified	Within 3 months after Report of Examination	December 2021*
Notify Scottish Ministers of intention to adopt	Within 3 months after Report of Examination	January 2022*
Adoption	Within 3 months after Plan as Modified	February 2022*

* Actual dates will be provided in later Development Plan Schemes, and may be adjusted to take account of factors such as Council committee schedules. Project stage duration estimates are derived from Circular 6/2013 Development Planning.

PARTICIPATION STATEMENT

The following section sets out how we intend to engage during the preparation of City Plan 2030, and what we have been doing so far.

Early Engagement (up to Autumn 2019)

We have been working with community representatives and others to shape the choices to be presented in the main consultation stage in 2019/2020. This engagement has included the following:

- Community briefings and workshops including 8 briefings with community councillors and ward councillors in March and June 2018, and 6 community workshops in late 2018.
- Children and Young People Engagement Programme, including 9 Place Standard workshops in schools.
- Topic stakeholder discussion events, focusing on key land use issues including office and industry development, housing, visitor accommodation and shopping and leisure.
- Use of social media to build awareness and interest in the project.
- Engagement and consultation on closely-linked projects such as City Centre Transformation.

Choices for City Plan 2030 Consultation

The main issues report is the key consultation opportunity in the City Plan 2030 project. Our main issues report will be called 'Choices for City Plan 2030'. It will set out the main choices for the new plan, including the Council's preferred options for change and other reasonable alternatives.

We will be consulting on these choices using the Council's online Consultation Hub. Support will be provided to those who do not have access to online services.

The following activities will be used to raise awareness and encourage people to have their say:

- Launch of consultation document and questions on Consultation Hub.
- Publicity to raise awareness of consultation.
- Notification to those groups and individuals on the project mailing list telling them how to comment.
- Staffed exhibitions in public places (see table below for details) to raise awareness.
- Drop-in sessions (see table below) to allow opportunity to find out more about consultation proposals.

Choices for City Plan 2030 consultation period 12 weeks (9 December 2019 – 28 February 2020)

DATE	<p>Public Places – 7 Events</p> <p>Staffed exhibitions to raise awareness of the Choices for City Plan 2030 documents</p> <p>Saturdays, 10am-3.30pm, potentially other times for commuter hubs</p>	<p>Potential venues:*</p> <ul style="list-style-type: none"> - Waverley Station - Haymarket Station - Westside Plaza - Gyle Centre - Cameron Toll - Fountain Park - Ocean Terminal
	<p>Public Drop-in sessions – 6 events</p> <p>Drop-in where you can find out more about City Plan 2030</p> <p>Timing & Dates:*</p> <p>Various weekdays,</p> <p>3.30pm-7.00pm (drop-in at any time).</p>	<p>Potential venues:*</p> <ul style="list-style-type: none"> - Leith Community Centre - Wester Hailes Library - Royal High Primary School - Roseberry Hall, Queensferry - Gilmerton Community Centre - St Bride’s Community Centre, Dalry - Urban Room, Waverley Court - Portobello / Fort Kinnaird <p><i>Venue locations relate mainly to areas of potential brownfield regeneration opportunities, plus outlying communities.</i></p>

* Venues, dates and timings to be confirmed in version of Development Plan Scheme published following committee approval

How Consultation will help us shape City Plan 2030

Your choices in the main issues consultation will be used to help decide what should be in the next stage – the Proposed Plan.

The Proposed Plan is due to be reported to Planning Committee in August 2020. It will be accompanied by a summary explaining how the main issues consultation responses have been taken into account.

The Proposed Plan will then be published for a 6 week period in which representations can be made. These can support the Proposed Plan, or seek changes to it. These will then be considered, first by the Council then by a Scottish Government reporter in an examination. The examination report can make recommendations for changes to the plan.

HOW TO STAY INFORMED

Follow us:

Twitter [@planningedin](https://twitter.com/planningedin)

Blog: planningedinburgh.com

view the project webpage at: www.edinburgh.gov.uk/cityplan2030

To find out more about engagement in the City Plan 2030 project or add yourself to the mailing list: cityplan2030@edinburgh.gov.uk

Questions about the content of the current local development plan:
localdevelopmentplan@edinburgh.gov.uk

Contact us by post

**City Plan team,
Waverley Court (G3),
4 East Market Street,
Edinburgh EH3 8BG**

You can request more copies of this leaflet by calling 0131 529 4692.

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Planning Committee

2.00pm, Wednesday, 7 August 2019

City Centre Retail Core Supplementary Guidance Review

Executive/routine	
Wards	All
Council Commitments	2 and 11

1. Recommendations

- 1.1 It is recommended that the Committee:
- 1.1.1 approves the revised City Centre Retail Core Supplementary Guidance for consultation.

Paul Lawrence

Executive Director of place

Contact: John Inman, Service Manager

E-mail: john.inman@edinburgh.gov.uk | Tel: 0131 469 3721

City Centre Retail Core Supplementary Guidance Review

2. Executive Summary

- 2.1 The purpose of this report is to seek approval of the revised City Centre Retail Core Supplementary Guidance for consultation. The current guidance was adopted in February 2017 and forms part of the statutory development plan. Since the guidance was adopted there have been various changes in circumstance necessitating a review of the guidance. Revised guidance has been prepared for consultation following a stakeholder workshop held on 29 May 2019.

3. Background

- 3.1 The Local Development Plan (LDP) was adopted in November 2016. Policy Ret 9 Alternative Use of Shop Units in Defined Centres requires Supplementary Guidance (SG) to be prepared for each town centre including the city centre retail core. The guidance for each centre is tailored to suit its individual circumstances in order to guide changes of use within the defined frontages.
- 3.2 SG is prepared under Section 22 of the Town and Country Planning (Scotland) Act 1997. The adopted guidance forms part of the statutory development plan when considering planning applications for change of use in defined centres.
- 3.3 When the current guidance was finalised, a commitment was undertaken to regularly review the guidance to take account of changes of use over time.
- 3.4 The [Planning Bill](#) was passed in June 2019. It will result in removed provision for statutory supplementary guidance to accompany local development plans. The Bill will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. Accordingly, this supplementary guidance is being reviewed under the existing legislation.

4. Main report

Review of guidance and consultation

- 4.1 The current SG was adopted in February 2017. The guidance sets out the policies that apply to the city centre retail core, the boundary of which is defined on the LDP proposals map. The guidance identifies core frontages, which are the blocks along Princes Street and a series of primary frontages which relate to various sections of streets throughout the whole of the city centre retail core. There are a number of streets which do not have specific frontages identified and for policy purposes these are simply identified as within the city centre retail core. Three separate policies cover the area identified, ERC 1 City Centre Core Frontage (CCCF) (Princes Street), ERC 2 City Centre Primary Frontage and ERC 3 Elsewhere in the City Centre Retail Core.
- 4.2 Since the SG was adopted there has been various changes in circumstances that are expected to have an impact on the city centre retail core. The key changes are:
- 4.2.1 Wider changes to the nature of retailing are affecting traditional shopping patterns which is having an impact on traditional city and town centres. Although Edinburgh is well placed to face the challenges it is not immune to them. There is a need to adapt to change to maintain retail viability and vitality, for example, through maintaining active frontages and an appropriate balance of uses.
- 4.2.2 The Council has commenced the City Centre Transformation (CCT) strategy. The proposed strategy sets out an ambitious programme to prioritise movement on foot, bike and public transport in central streets and to adapt public spaces to better support urban life, a thriving economy, conserve our unique heritage and provide improved access and opportunity for all.
- 4.2.3 The Retail and Leisure Commercial Needs Study has been prepared as a background document to inform the preparation of the City Plan 2030. This study identifies the expected retail demand and capacity for Edinburgh over a ten-year period (2018/28). The study factors in the growth in the population of Edinburgh, existing retail capacity, consumer preferences through survey data and other retail trends including on-line shopping. The findings from the study shows that demand for convenience retail floorspace will be met over the ten-year period and that demand for comparison retail floor space will be met for the first five years. However, post 2023, additional comparison floor space will be needed and the city centre is best placed to meet the city's needs. This indicates that the SG should aim for a balanced approach which does not significantly prejudice the potential of the city

centre to accommodate growth in comparison retail floorspace in the long term. This is aligned with the national 'town centre first' approach, and the role of the city centre as the location within the city and wider region with the best accessible by sustainable transport modes.

- 4.2.4 The new Edinburgh St. James centre is under construction with the retail and leisure element expected to be complete and open in 2020. This proposal will significantly increase the amount of retail floorspace and footfall within the east end of the city centre, with possible implications for footfall levels in other parts of the city centre (particularly the west end), if existing retailers choose to relocate into the new centre leaving vacant units elsewhere in the city centre. However, in the longer term the impact should be more positive as the new centre draws in additional customers to the city centre which will benefit the wider area.
- 4.2.5 The City Plan 2030 project has commenced. This provides scope for a more significant change in the approach to retail policy. However, the plan will not be adopted until 2021 at the earliest and the SG can be updated more rapidly to reflect changing circumstances.
- 4.2.6 There have been numerous changes of use in the centre since the guidance was adopted, the result of which is some streets already exceed the shop/non-shop ratios set out in the current guidance. Details of the current balance of uses are attached in Appendix 1. There is evidence that the balance of uses has changed with a reduction in the percentage of units used for retail and an increase in the percentage of units used for cafes/restaurants, which is in line with the aims of the original guidance.
- 4.3 On 29 May 2019, a stakeholder workshop was held to facilitate and enable interested stakeholders to raise concerns about the city centre, to discuss the changes in circumstance that have happened since the guidance was adopted and to discuss options for amending the guidance to address and support these changes. A full summary of the results of the workshop is attached in Appendix 2. However, the key points from the workshop that have contributed towards the revision of the SG are as follows:

General Comments

- The SG needs to be more flexible to react to market forces.
- The city centre needs to diversify and address mixed uses more.
- Need more 'experiences' not just retail and combination of leisure and retail is attractive, particularly on Princes Street.
- Need to allow for market failure.

- Entertainment uses, night time economy is important. Princes Street largely shuts down after 6pm.
- West end could focus on tourist offer.
- George Street is currently more attractive to food and drink operators than Princes Street.

Specific Comments

- The 500sq m size cap and outdoor seating requirement for Princes Street is too limiting.
- The 'four units in a row' policy restriction can be arbitrary and inflexible.
- Princes Street policy should not restrict change of use just to café/restaurants.
- Increase the thresholds for primary frontages.

4.4 This review has enabled consideration to be given to these key changes in circumstance and views raised at the workshop. It has allowed consideration to be given to how the guidance can be altered in a measured way to respond positively to these changes without compromising the underlying aims of the LDP and the purpose of Policy Ret 9.

Revised Guidance

4.5 The draft revised guidance is attached at Appendix 3. The guidance has been renamed City Centre Shopping and Leisure Supplementary Guidance to make it more accessible to all users. The guidance has been amended to allow significantly more flexibility when considering proposals for non-retail use within the city centre but without compromising the importance of retaining a strong retail function within the city centre retail core. This is important in terms of delivering the aims and objectives of the LDP but also in taking cognisance of the evidence from the recently published Retail and Leisure Commercial Needs Study which identifies demand for additional comparison retail floorspace post 2023.

4.6 The key changes to the guidance are as follows:

4.6.1 altering the existing policy covering Princes Street to provide significantly more flexibility, by allowing change of use to class 11 (assembly and leisure) as well as class 3 (food and drink), allowing a third of units in each frontage to be in non-shop use and providing clarification that, where shop units have multiple levels, the policy applies to the ground floor only, allowing the possibility of alternative or mixed uses on other levels where consistent with relevant LDP policy;

4.6.2 creating a new separate policy for Castle Street, Frederick Street and Hanover Street which allows 50 percent of units within a frontage to be

in non-shop use and no longer limiting the number of non-shop uses in a row to three;

4.6.3 altering the existing policy covering primary frontages in the city centre retail core, provide more flexibility by no longer limiting the number of non-shop uses in a row to three; and

4.6.4 altering the existing policy covering elsewhere in the city centre retail core to provide more flexibility by no longer limiting the number of non-shop uses in a row to three and instead allowing 50 percent of units within a named street section to be in non-shop use.

4.7 An issue sometimes related to food and drink uses is installation of freestanding outdoor awnings and fixtures, independent of existing frontages, which can constitute development and therefore require planning permission. There has in the past been a presumption against such development, due to its potential visual impact on streetscape and built heritage designations, and its effect on use of public space. However, there may be merit in introducing scope for considering the use of temporary planning permissions for well designed, high quality fixtures in suitable locations. This would allow trials without risking irreversible adverse change and in order to assess the effect of development on the area. A question seeking views on this will be included along with the questions on the consultation draft SG. The feedback can inform reviews of the relevant guidance document, potentially Guidance for Businesses.

5. Next Steps

- 5.1 Once the draft revised SG is approved the document will be subject to a six-week consultation exercise (9 August to 20 September 2019). The document will be published on the Council's website with associated awareness raising on social media and other appropriate formats/outlets. In addition, all stakeholders who attended the May 2019 workshop will be invited directly to comment on the revised guidance.
- 5.2 A further report will be brought forward to the Committee, post consultation, recommending that finalised revised guidance be approved for formal adoption.

6. Financial impact

- 6.1 There are no direct financial impacts arising from the approval of this report. The costs of preparing the SG and delivering the consultation exercise will be met from existing budgets.

7. Stakeholder/Community Impact

- 7.1 A stakeholder event was held on 29 May 2019 with invitations sent out to the retail industry, business representatives, developers, investors, community groups and councillors. The programme for the project involves a six week consultation exercise the results of which will inform the finalised guidance.
- 7.2 This project involves the revision of existing guidance and no impacts on equalities and human rights have been identified. As a result, it was not considered necessary to carry out a full Integrated Impact Assessment (IIA).
- 7.3 There are no direct sustainability impacts arising from this report. The SG is statutory guidance and when adopted forms part of the development plan. As such it augments the policy set out in the development plan which was subject to strategic environment appraisal (SEA) during its preparation. In addition, the changes in environmental terms are insignificant. As a result there is no requirement to subject the SG to a separate full SEA. A pre-screening notification report has been prepared and submitted to the SEA Gateway.

8. Background reading/external references

- 8.1 [Edinburgh Local Development Plan - November 2016.](#)
- 8.2 [Supplementary Guidance : City Centre Retail Core - February 2017,](#)
- 8.3 [Edinburgh Retail and Leisure Commercial Needs Study - April 2019](#)

9. Appendices

- 9.1 Appendix 1 – Current Balance of Uses within the City Centre Retail Core
- 9.2 Appendix 2 – Results of the Supplementary Guidance Workshop
- 9.3 Appendix 3 – Draft Revised City Centre Retail Core Supplementary Guidance

Appendix 1

Current Balance of Uses with City Centre Retail Core

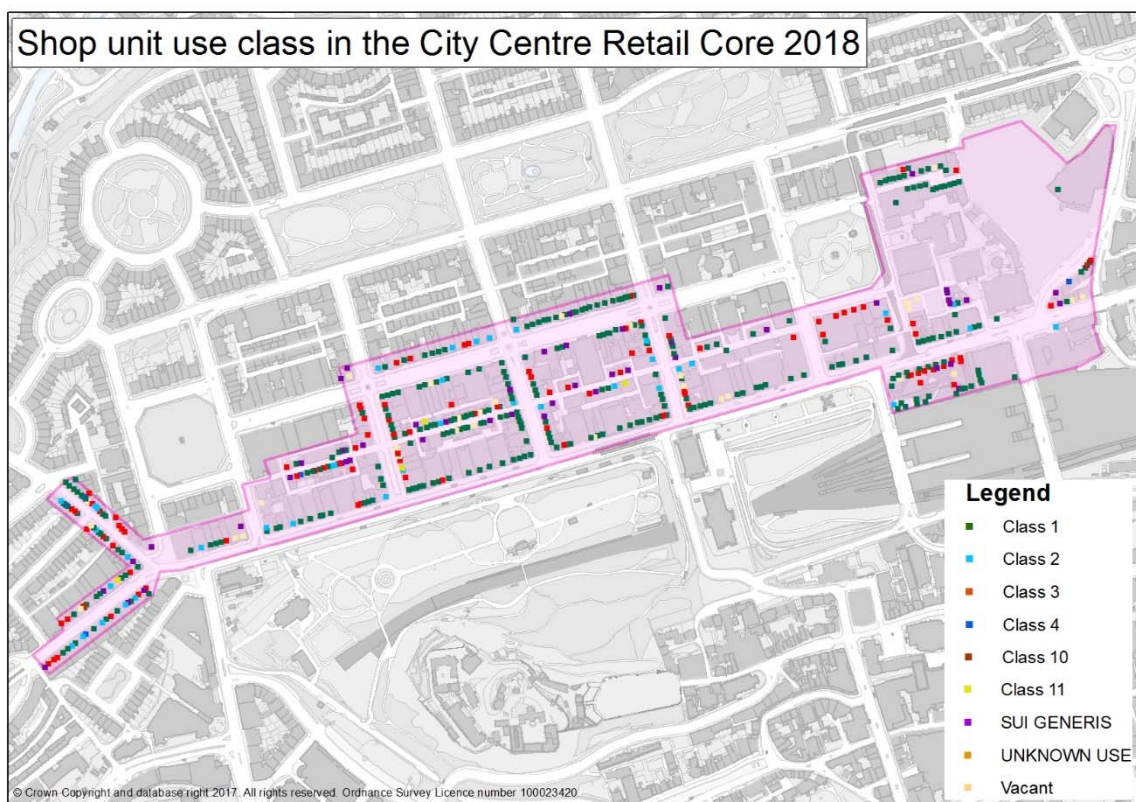
The purpose of this paper is to analyse the existing balance of uses and the changes of use in the city centre retail core since the Statutory Guidance (SG) was finalised in February 2014. The base year selected is 2013, as the annual City Centre survey is undertaken in September of each year, and therefore these are the uses that were in place when the guidance was finalised.

Existing mix of Uses

Based on 2018 audit data

Class 1 (Shops)	297 (57%)
Class 2 (Financial, Professional services)	38 (7%)
Class 3 (Food and Drink)	95 (18%)
Class 4 (Business)	5
Class 10 (Non-residential institutions)	1
Class 11 (Assembly and leisure)	3
Vacant	29 (6%)
Sui Generis	48 (9%)
Total	516

Over half the units within the city centre continue to be used for retail purposes. The next largest proportion of use is food and drink, with almost a fifth of all units. All the other uses represent less than 10% and the vacancy rate is currently 6%.

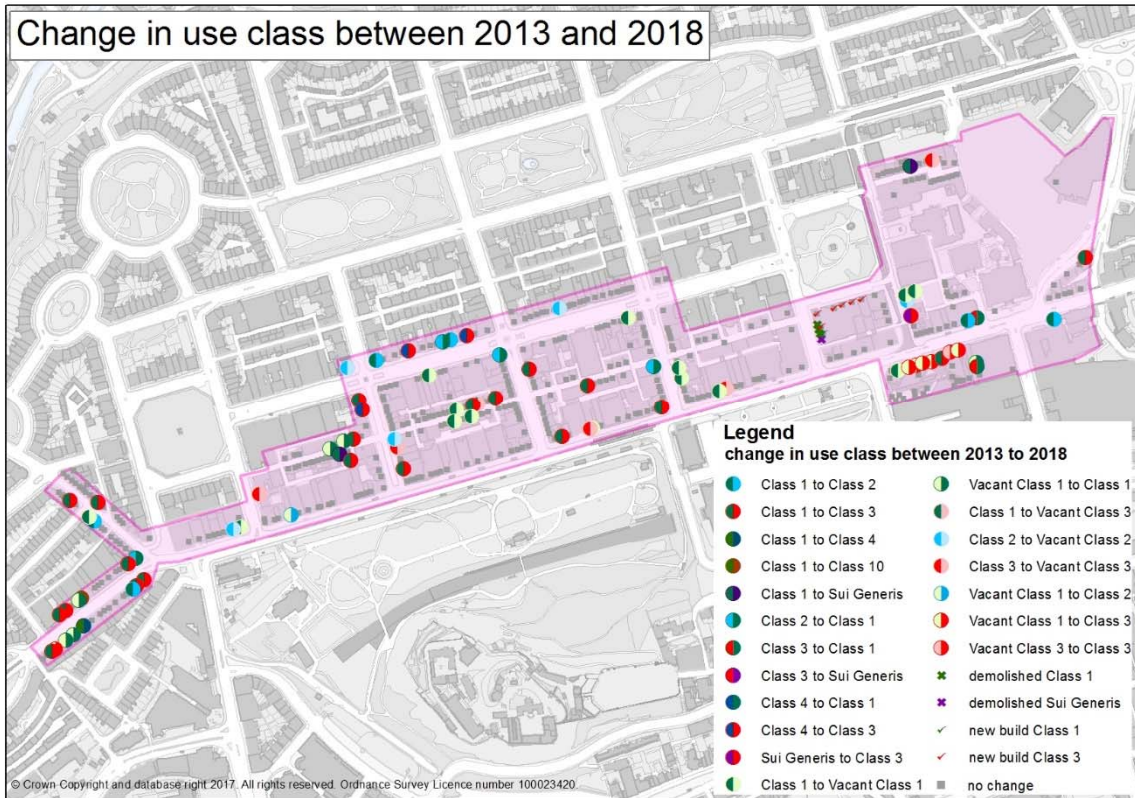


Overview of Change of Use (2013/18)

Data from the centre city retail survey was analysed over the period 2013/18 to establish what changes of use had taken place. The following results were found.

Change of use	Number of changes
Class 1 to Class 2	6
Class 1 to Class 3	20
Class 1 to Sui Generis	2
Class 1 to Class 4	1
Class 1 to Class 10	1
Class 2 to Class 1	4
Class 2 to Class 3	0
Class 3 to Class 1	2
Class 3 to Sui Generis	0
Class 4 to Class 1	0
Class 4 to Class 3	3
Class 11 to Class 1	1
Sui Generis to Class 3	1
Total number Changes of Use	41
Class 1 to Vacant	12
Class 2 to Vacant	5
Class 3 to Vacant	7
New vacant units	24
Vacant to Class 1	6
Vacant to Class 2	1
Vacant to Class 3	8
Vacancies back into use	15

Out of a total of 41 changes of use, 20 or 49% have involved a change of use from retail to café/restaurant. This represents the largest proportion of changes of use and therefore the data shows there is a trend towards more cafés and restaurants. Overall there has been a net increase of 9 units in café/restaurant use. Only two or 5% of changes involved a change of use from café/restaurant to retail. Data regarding vacancies shows a slightly higher number of units becoming vacant compared to the number of vacant units coming back into use resulting in the vacancy rate increasing from 4% to 6%.



Other Changes

Class 1 (demolition)	3
Sui Generis (demolition)	1
Total loss of units	4
Class 3 (new unit)	6
Total number of new units	7
Virtual changes of use	4

The demolition of South St. David's Street (former Standard Life Building) resulting in another four virtual changes of use and created an additional six class 3 units and a class 1. There were no changes of use back to retail. It should be noted that five of the six class 3 units face onto St. Andrew Square the other onto South St. David's Street along with the one class 1 unit.

Appendix 2

Results of the Supplementary Guidance Workshop

The following suggestions were made at the City Centre Retail Core Supplementary Guidance Workshop held on 29 May 2019 which have helped to inform the revision of the Supplementary Guidance.

Theme 1: City Centre as a Place

- Quality of shops lets Princes St down.
- Suggest pop up markets in City Centre.
- Improve experience in visiting city centre. People will shop whilst visiting.
- Princes Street is not currently a pleasant place to linger. It largely shuts down after 18:00 and is dominated by buses.
- Princes Street can be too busy – some of the footfall could be dispersed elsewhere in the centre.
- The centre of gravity for retail is moving to the east end of Princes Street. The west end could be focused on the tourist offer.
- George Street is currently more attractive to food and drink operators than Princes Street.
- Designs should reflect Edinburgh's climate, not just the summer months. Other countries have much more sophisticated approaches to rain. Awnings, covered areas, windbreaks, etc., can help make outdoor areas more pleasant. The success of George Street at Christmas time should be used to inform the year-round strategy.
- Areas currently try and be "all things to all people" – more focus is needed.
- Lothian Road needs improvement. Large office blocks like those on Lothian Road can engage poorly with the street.
- Shandwick Place also needs improvement. The stretch between the gardens and Princes Street is unpleasant.
- Commercial activities relating to Princes Street Gardens could be located on the north side of Princes Street.
- What is Edinburgh now? Hotels for example.
- What is Princes St meant to be? Empty blank storefronts but George Street better.
- Interface between ground floor and uses e.g. festival Square poor as no street level activity or permeability.
- BHS good example with balcony.
- Rates affect ground floor Class 3. Rates don't encourage small business. Could support small independents.
- Do people want to be on ground floor?
- Multi-use stores small franchises.
- Princes Street needs its own identity and diverse offer. Not tied to lots and lots of retail.
- Planning struggles with a proposal for mixed use.
- St James continuous loop makes a limited route.

- Allow changes to mixed use.
- How do you ensure quality? New uses poor, e.g. fast food restaurants, tourist shops.
- Not enough space, too much pollution, could wider public realm be important?
- Princes Street, reduce traffic making it easier to cross, establish more crossing points.
- No space for tables outside upper bow level.
- Retail format of existing stores “rabbit warrens”.
- Need another hub at the west end.
- Independent retailers/food and drink use more local suppliers who provide smaller deliveries (less efficient and will be impacted proportionately more by the Low Emission Zone (LEZ) restrictions).
- Public realm improvements are key for safety and accessibility for all ages.
- City Centre Transformation (CCT) offers opportunities for areas such as Rutland Sq. corner to re-imagined public space. Wayfinding project needs to be delivered.
- Castle Street - public realm made for more outdoor uses, markets, events, pop-ups, but the management and regulations for this space are overly expensive. Market will respond to improved public realm, but the regulatory framework shouldn't stifle.
- Can't achieve cafe culture unless the cost of outdoor seating is lowered and listed building/planning restrictions on awnings, umbrellas, heaters are overcome.
- Potential for a public realm strategy (street by street holistic approach) to deal with outdoor seating needs? How do other historic cities with cafe culture control this?
- Appears to be an over provision of licensed properties across the city centre - no more licenses being granted by the Board, and high competition in the hospitality sector - see growth in St Andrews Sq./Registers Lane new food and drink outlets. How many more in Edinburgh St James - 32 units? Need to have a joined up policy with licensing and street trading licenses to coordinate outdoor activity, and not be contradictory.
- Difficult conditions of a historic centre.
- Slow speed of response, leisure has peaked.
- George Street, new office focus?

Theme 2: City centre in the context of the wider city region

- Quality of town centre shops is poor.
- Lack of choice in the city centre.
- Tension between tourist and residents
- City Centre important for those without a car.
- City Centre needs to be distinctive.
- May be lack of options in city centre for comparison floorspace increase.
- Opportunity to use large city centre premises for smaller multiple units.
- Out of centres expanding.

- City centre, use it as a retail and leisure centre (for both purposes), but if just shopping use out of town commercial centres.
- Edinburgh city centre should still be the core of the city region but it is about more than retail – it is a place where people can do many things (eat, drink, etc.). Out-of-town centres tend not to be pleasant places to linger.
- Removing barriers to accessing the city centre is key. Despite its small size Edinburgh can be difficult to navigate.
- Relaxed about the prospect of Edinburgh's share of the region's retail floorspace declining. Out-of-town centres have their own challenges.
- E-retailing is not thought to have peaked. It is not just trends in retail that are important but also trends in culture, leisure, etc.
- When forecasting supply, it is not just quantum that is important but location and quality.
- The city centre should perhaps cater more to high-spend visitors rather than trying to do it all.
- Retailers will compare Edinburgh with areas with similar demographics, not other core cities.
- Zero retail protection can result in areas becoming 100% food and drink, e.g. George IV Bridge.
- Flexibility is good but can drive up rents and result in assets being overvalued.
- Town centres are seen as being mainly for residents but this is changing, e.g. Leith/Leith Walk is a destination. Town centres are not uniform within – e.g. Leith Walk has different sections.
- Hotel growth is a major driver. Hotels should engage positively with the street.
- What has caused change – are rates too high rather than no demand in local areas?
- Secondary shopping centres e.g. Cameron Toll, Gyle failing, diversity e.g. more leisure, cinema. Neighbouring site development. Could help.
- Infrastructure e.g. trams to other commercial centres important.
- Gym in Cameron Toll helps footfall.
- Commercial Centre policy is short stay.
- City Centre is experiential (does not compete, should be a different offering) and longer stay.
- What were commercial centres intended for? Smaller units. St. James could impact on commercial centres. Fort has successful leisure mix.
- Construction access for Princes Street changes is attractive.
- Lease flexibility attracts independents.
- City Centre more important for tourists than as a regional centre.
- 'Click and collect' drives footfall.
- Bar leisure is saturated.
- Princes Street crowded no agent mix.
- Leakage to Glasgow, and Livingston.
- Potential for entertainment uses – music (theatre).
- Night time – entertainment could it be 'noisy' as no one lives there?
- Will continue to be good and attractive centre.

- Where pension funds/investors put money is changing.
- End of department stores.
- Strong office and residential market.
- Political environment, anti-development is an issue.
- Cultural issues.
- What changes of use have been granted?
- Should not be a binary choice between retail and leisure. Too narrow a focus on these two uses.

Theme 3: Options for amending the guidance

- Hard to specify a specific percentage or number, as numbers seem arbitrary.
- Market demand for more class 3.
- Scope to relax policy in specific areas – more class 3 in Rose Street.
- ERC1 need to be more relaxed regarding class 3.
- Need to relax 500sq m rule.
- Should change of use be based on effect on amenity rather than use?
- ERC 2 Possible to increase threshold.
- Will St. James have separate policy – relationship with rest of City Centre Retail Core (CCRC)?
- Need to keep a specific policy for Princes Street but have more general policy elsewhere.
- Increase leisure use of Princes Street.
- Amenity important in leisure use developments, noise etc.
- ERC1, reference to seating space is dependent on CCT, extra burden on applicant. Current situation should be relaxed.
- The existing policies can be more constraining on smaller streets.
- The “X units in a row” policy can be arbitrary and inflexible and can be circumvented by combining planning units.
- The St James Quarter development would struggle if food and drink was not allowed. The retail floorspace within the development has been slashed from 65,000 sq m to 52,000 sq m.
- Class 2 units are not good footfall generators.
- Comfortable with the idea of retail units changing to class 4 units. New office concepts such as WeWork are good additions to a high street. Class 4 units can also help make the street busy at different times.
- Comfortable with retail units changing to flats, although serviced apartments might be more appropriate than build-to-sell, in part because this would avoid ownership of the wider property becoming fragmented.
- Hotels should be “street interactive”.
- Crossing Princes Street is difficult – more “bridging points” are needed. These should connect with destination points on the south side of the road.
- A more flexible policy could be trialled by (for example) holding a design competition for block 3 (Next, Zara, Debenhams, etc).
- The use classes order is badly outdated and the Council should lobby for it to be updated.

- Use the Commercial Needs Study to inform the project to attract users.
- Market vs Consumer – what do we have? A short fall of types of users not classes?
- Are policies too black and white?
- Flexible policy to say what could be allowable.
- Council can't control the market, out dated notion trying to protect. Protect only if people use it – needs to be informed by consumer demand.
- Could be need for active frontage help with a more flexible policy for uses. Need to be able to see in to units.
- Needs to move beyond balance between market forces and some control.
- Need to engage with landlords.
- Princes Street as a brand – need to manage it as a street.
- Policy off putting to landlords.
- Jan Ghel study– is this informing the SG or CCT?
- Move from large units towards smaller units and independents – rates currently discourage this.
- Active frontage – can offices, hotels have this? Need more attention to better shopfronts
- Doorways to upper floor uses – how do you see them?
- Need engagement with landlords
- Footfall is not an issue, its lack of spending that is the issue.
- Listed building consent issues.
- Can see a lot of change, do we need a strategy for roofscape?
- Edinburgh views, what can we do about this? Need to make use of assets.
- More differentiation in uses in areas not just flat look at in a vertical way
- Need different hubs/zones not treated all as one
- Vistas and connections important e.g. Castle St.
- Rose St, resurfacing needed.
- Public spaces at west end required, improvement of public realm
- Landlord consultation, how do we engage?
- Before statutory consultation more engagement with owners/investors.
- Consider core units that are likely to come up for sale.
- Concern about vacancies and competition for retailers and incentives
Edinburgh St James will be applying to lure new tenants from elsewhere in Edinburgh City Centre.
- Do we know who is going into St James and how do we tie this up with Planning?
- Concern about the future disparity in public realm between east and west of the city centre once Edinburgh St. James is built. How will the public realm in the west of the city keep apace?
- Population/housing growth in East Lothian/Midlothian – these are being served by car based retail – Fort Kinnaird/Straiton.
- Servicing/deliveries/refuse collection issues.
- Business rates: limits the types of businesses that can afford to come in.
Empty properties, if under renovation or being marketed must only whitewash

the windows, any animation or commercialisation of the windows when empty are subject to paying rates.

- Listed Building – internal alteration restrictions limit business' expansion, and development aspirations.
- Thought the new BHS model interesting in getting all floors into use. Debenhams likely to go in medium term - can see ancillary retail in ground floors leading to other uses above, or hotel.
- Allow the market to have the flexibility to respond to demand, allow new business ideas to try and fail. Don't let planning regulations dictate. Think more than retail and Class 3 to other attractions and experiences. Bring upper floors into use, balconies, and longer trading hours.
- Have a vision - define success - what we want the city centre to achieve - then state how this will be measured.
- ERC 1, should not restrict change of use to café/restaurants
- ERC 2, Focus on design guidance not just use restriction.
- Flexibility is required for all units in all areas.
- Focus should be on public realm to support street vitality and potential new uses.
- Need to be supported by changes to traffic arrangements, Princes Street especially.

Appendix 3

City Centre Shopping and Leisure Supplementary Guidance: Consultation Draft

Introduction

This revised Supplementary Guidance (SG) sets out the policy approach to proposed changes of use of shop units within the City Centre Retail Core (CCRC). The City Centre Retail Core is defined and protected in the Edinburgh Local Development Plan (LDP). The city centre is the regional centre of the city region providing a broad range of functions including shopping, office, leisure, culture, tourism and government.

The LDP provides a framework for a tailored approach to assessing proposals for change of use applications within the CCRC and town centres. This revised supplementary Guidance has been prepared in accordance with **Policy Ret 9: Alternative Use of Shop Units in Defined Centres** and applies to all shop units within the city centre retail core.

The SG aims to deliver two LDP objectives set out in Section 6 (Shopping and Leisure) of the Plan:

- to sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage appropriate development of the highest quality; and
- to improve the appearance, quality and attractiveness of all centres.

This SG forms part of the statutory development plan. Applications for change of use must be determined in accordance with the development plan unless material considerations indicate otherwise. To assist in interpreting the LDP, the Council issues non-statutory guidance. Guidance for Businesses also provides guidance on change of use. This is a material consideration in the determination of applications and should be considered alongside this statutory Supplementary Guidance.

Side Box – **Changes to the Planning System**

A Planning Bill was passed by the Scottish Parliament in June 2019. It will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. Accordingly, this supplementary guidance is being reviewed under the existing legislation. Further information on changes to the planning system is available on the [Scottish Government webpage](#).

Vision for the City Centre

This SG aligns with the CCT programme, which outlines a programme for a vibrant and people-focused capital centre, which improves community, economic and cultural life.

Within the CCRC, the CCT programme seeks to improve the experience of George Street, Princes Street, Rose Street and the perpendicular streets of Castle Street, Frederick Street and Hanover Street as places to spend time and shop. The proposals include:

- Wider pavements, quality surfacing and public seating;
- Pedestrian priority at crossings;
- Inclusive design and disabled parking provision;
- New cycle infrastructure;
- Stronger links to Princes Street Gardens, St Andrew Square and Charlotte Square; and
- Improved public transport stops and journey times.

The retail core also forms part of a wider zone where people on foot, bike and public transport will have true priority over vehicles. Whilst access for residents and servicing will be maintained, reductions in on-street parking and carriageway space will see motor vehicles given access as 'guests'.



City Centre Retail Core

The City Centre Retail Core extends from Shandwick Place in the West to the new Edinburgh St James in the East, Princes Street in the South to George Street in the north. The City Centre lies within the New Town Conservation Area and the Edinburgh World Heritage Site.

A mix of uses currently exists within the CCRC with shop units with direct access to the street (including multi-level units) comprising the largest proportion of units at 57%, cafes/restaurants the second largest at 18%, sui generis (non-class) uses comprise 9% and financial/professional services comprise 7%. There is a need to ensure a healthy balance of uses within the city centre in line with development plan policy to ensure its vitality, viability and maintain footfall, with a sufficient proportion of retail units to ensure that shopping continues to be a predominant use. However, there are also benefits in allowing shops to change to other uses to achieve a

diverse, thriving and welcoming city, allowing complementary uses that support the main shopping function and encourage use into the evening.

Changing circumstances since the original guidance was adopted including the trend towards online retailing, the publication of a Retail and Leisure Commercial Needs Study commissioned by the Council and the CCT programme provided justification for revising the guidance to make it more flexible to support alternative uses of shop units particularly on Princes Street and the three perpendicular streets (Castle Street, Frederick Street, Hanover Street).

Change of Use Policies

The following policies apply to shop units only.

Definitions

What is a shop unit? As defined in the Edinburgh Local Development Plan (2016), a shop unit is a premise accessed directly onto the street and designed primarily for shop use. In some locations the shop unit can be above street level or at basement level but still have direct access and be visible from the street. In some cases, a shop unit may be multi-level, for example a department store.

Changing a shop unit to a non-shop use will always require planning permission

What is a shop use? A unit used for the sale of goods (not hot food) to visiting members of the public, for example, clothes shop, post office, sale of tickets, travel agency, cold food for consumption off the premises, hairdressing, funeral parlour, launderette or dry cleaners. This is further defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. Scottish Government Circular 1/1998 contains guidance on use classes.

What is a non-shop use? Any use falling outwith the definition of Class 1 shop use, for example:

- Service uses – lawyers, accountants, estate agents, health centres, tanning studios and pawn brokers.
- Food and drink – restaurant, café, snack bar.
- Commercial/business use – general office, light industry or research and development, which can be carried out without detriment to the amenity of any residential area.
- Community use – social and cultural activities.
- Leisure use – cinema and gymnasium.
- Other uses – betting shops, pay day loan shops, pubs and hot food takeaways.

Some other changes of use are permitted development, for example, a café (class 3) to a shop unit (class 1).

To maintain the shopping role of the city centre whilst providing flexibility, the guidance sets out four policies. These are described below.

Policy CC 1 relates specifically to Princes Street, and the revised policy now supports a wider range and greater number of non-shop uses in each street block or frontage as long as no more than a third of units are in non-shop use. Where shop units are multi-level the policy applies to the ground floor level only, allowing the possibility of alternative or mixed uses on other levels where they are in accord with relevant LDP policy.

Policy CC 2 is a new policy and relates to Castle Street, Frederick Street and Hanover Street. The policy supports a greater proportion of appropriate non-shop uses in each block or frontage as long as no more than half of the units are in non-shop use, and there is no longer a limit on the number of non-shop units in a row.

Policy CC 3 relates to primary frontages in the city centre retail core. The revised policy continues to support non-shop uses as long as no more than a third of units are in non-shop use, however, there is no longer a limit on the number of non-shop units in a row.

Policy CC 4 relates to elsewhere in the city centre retail core. The revised policy supports non-shop uses as long as no more than half of units are in non-shop use, but this applies to street sections rather than frontages, and there is no longer a limit of the number of non-shop units in a row.

Policies

CC 1 Princes Street frontages

Proposals for a change of use of shop units on defined frontages in Princes Street to non-shop uses will be permitted provided:

- a. the proposal is for a change of use to Class 3 (food and drink) or Class 11 (assembly and leisure); and
- b. as a result of permitting the change of use, no more than one third of the total number of units in the frontage of that block will be in non-shop use.

In the case of shop units that have multiple levels, the above criterion will apply to the ground floor level of the unit only.

CC 2 Castle Street, Frederick Street and Hanover Street frontages

Proposals for a change of use of shop units on defined frontages in Castle Street, Frederick Street and Hanover Street to a non-shop use will be permitted provided:

- a. as a result of permitting the change of use, no more than half the total number of units in the frontage of that block will be in non-shop use; and
- b. the proposal is for an appropriate commercial or community use which would complement the character of the City Centre Retail Core and would not be detrimental to its vitality or viability.

CC 3 City Centre Primary Frontages

Proposals for a change of use of shop units in the defined City Centre Primary frontages to a non-shop use will be permitted provided:

- a. as a result of permitting the change of use, no more than one third of the total number of in the frontage of that block will be in non-shop use; and
- b. the proposal is for an appropriate commercial or community use which would complement the character of the CCRC and would not be detrimental to its vitality or viability.

CC 4 Elsewhere in the City Centre Retail Core

Proposals for a change of use of shop units elsewhere in the CCRC to a non-shop use will be permitted provided;

- a. as a result of permitting the change of use no more than half of the total number of units on the same side of the named street as the proposal would be in non-shop use; and
- b. the proposal is for an appropriate commercial or community use which would complement the character of the City Centre Retail Core and would not be detrimental to its vitality or viability.

Defined Frontages

Princes Street Frontages

10-25 Princes Street, 30-46 Princes Street, 47-77 Princes Street, 78-98 Princes Street,

99-117 Princes Street, 188-134 Princes Street, 135-146 Princes Street

Castle Street, Frederick Street and Hanover Street frontages

4-20 Castle Street, 22-32a Castle Street, 5-19 Castle Street, 21-31 Castle Street

6a-18 Frederick Street, 20-36 Frederick Street, 3a-19 Frederick Street, 21-31 Frederick Street

2-24 Hanover Street, 28-56 Hanover Street, 3-31 Hanover Street, 35-51 Hanover Street

City Centre Primary Frontages

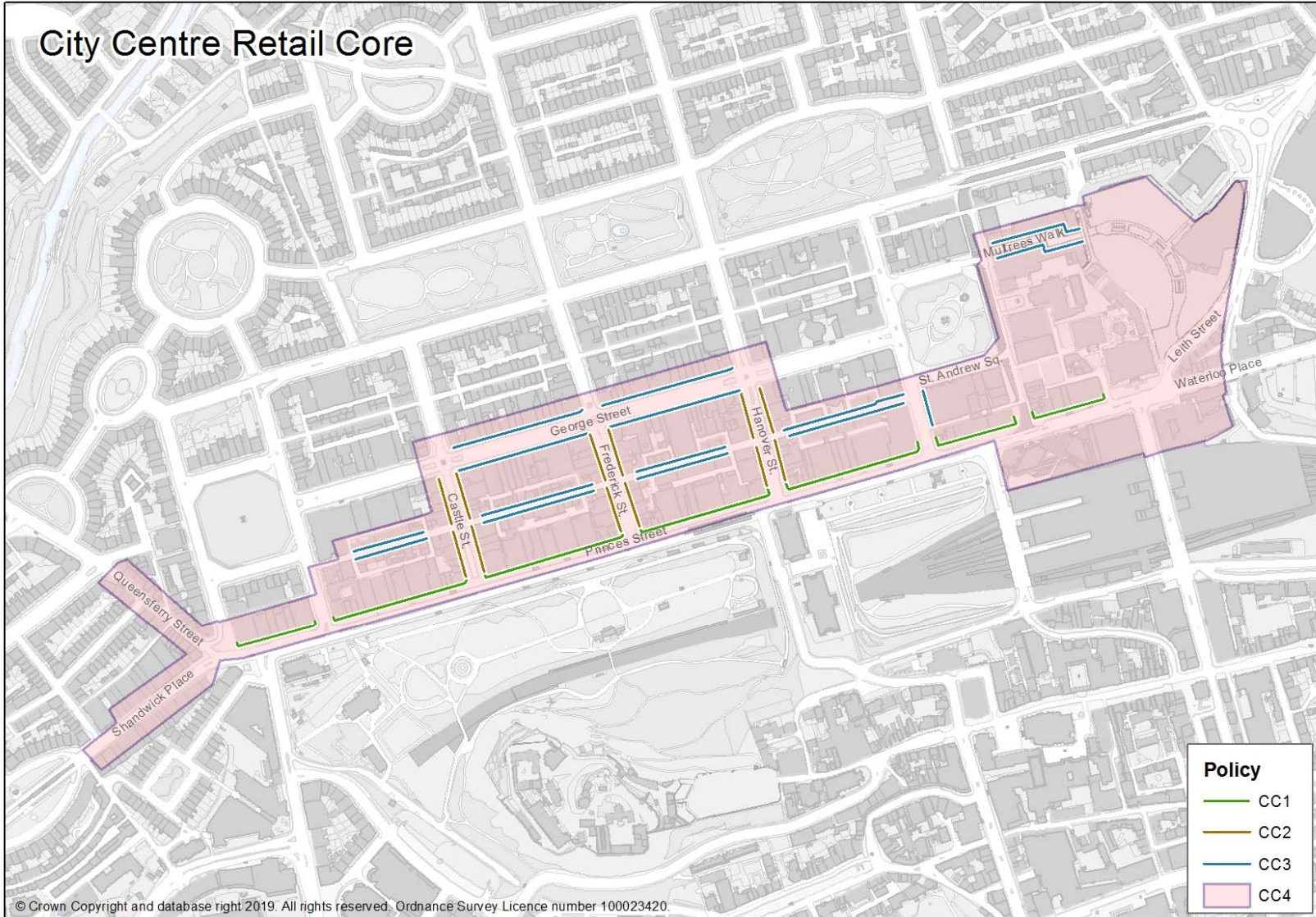
133a-167 Rose Street, 168-202 Rose Street, 77-131 Rose Street, 106a-160 Rose Street

37-73 Rose Street, 50-104 Rose Street, 2-40 Rose Street

6-19a South St. David's Street

1-15 Multrees Walk

16-27 Multrees Walk



Planning Committee

2.00pm, Wednesday, 7 August 2019

Review of Planning Guidance: Outdoor Advertising and Sponsorship

Executive/routine:

Wards

All

Council Commitments

C11, C15 and C27

1. Recommendations

1.1 It is recommended that the Committee:

1.1.1 approves the revised non-statutory guidance on Outdoor Advertising and Sponsorship; and

1.1.2 notes that further work will be required to update the Council's non-statutory Guidance for Businesses and to develop a protocol for city dressing.

Paul Lawrence

Executive Director of Place

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Review of Planning Guidance: Outdoor Advertising and Sponsorship

2. Executive Summary

- 2.1 This report presents revised non-statutory guidance on Outdoor Advertising and Sponsorship for approval.
- 2.2 It reflects changes in the delivery of and demand for digital outdoor advertising and the experience of applying the existing guidance for almost ten years. It has been informed by public and stakeholder consultation.
- 2.3 The main areas where change is proposed are digital advertising on street furniture and gables and advertising on scaffolding wraps.
- 2.4 City dressing has been removed and it is proposed that a separate protocol be developed to deal with this.
- 2.5 If approved, the guidance will replace the Council's current guidance on Advertising, Sponsorship and City Dressing which was approved in 2010 and revised in 2013.

3. Background

- 3.1 The Council's current non-statutory planning guidance on Advertisements, Sponsorship and City Dressing was approved in 2010 and revised with minor changes in 2013. It needs to be updated to address changes in digital advertising technology and the increased demand for new formats and locations of digital outdoor advertising. The impact of this phenomenon on amenity and public safety needs to be assessed and carefully managed.
- 3.2 The industry trend is towards the digitisation of existing, and the creation of new, outdoor advertising in a range of highly configurable formats. More than half the city's outdoor advertising is now delivered digitally. Its reducing cost, increased functionality and the ability to remotely control illumination levels, moving content and transitions between adverts is driving demand. This extends to digitising existing 'paper and paste' hoardings.
- 3.3 On [30 May 2018](#), the Planning Committee approved a report seeking to review the current planning guidance on Advertisements, Sponsorship and City Dressing following consultation. The Committee also agreed that a review of the existing

Guidance for Businesses will be required to capture the business-related advertising elements such as flagpoles and banners and the need for a separate city dressing protocol to be developed both held within the current planning guidance.

- 3.4 On 6 August 2019, the Policy and Sustainability Committee will be asked to approve a policy on advertising and sponsorship that relates to advertising on Council-owned assets and third party sponsorship of Council events or initiatives. The policy requires that any such advertising should comply with relevant planning guidance.

4. Main report

- 4.1 The revised guidance covers outdoor advertising and sponsorship proposals that require advertisement consent, a separate control regime from planning permission.
- 4.2 The current guidance includes guidance for city dressing and event publicity. Due to their temporary nature, these elements are not normally controlled through the planning process. It is proposed that these are excluded from the revised guidance and a separate protocol developed. The guidance on flagpoles and banners has also been removed and will be addressed through a review of Guidance for Businesses. The revised guidance therefore only addresses temporary advertising, advertising on scaffolding, sponsorship, street furniture as well as small and large format advertising.
- 4.3 The guidance has been revised in the context of the Edinburgh Local Development Plan (LDP) (2016). A core aim of the plan is the protection and enhancement of the built heritage of the city, having special regard to the impact of development on the World Heritage Site, conservation areas and the setting of important landscape features and listed buildings including scheduled monuments. Policies Des 7 'Layout Design' and Des 8 'Public Realm and Landscape Design' refer to the need to contribute to improved public realm and to ensure that all external spaces are designed as an integral part of the scheme as a whole.
- 4.4 In addition to the LDP, a number of policies, strategies and guidance which support the protection and enhancement of the public realm are relevant to this guidance. These include Edinburgh's Public Realm Strategy (2009); the Economy Strategy (2018); Public Spaces Protocol (2018); Locality Improvement Plans (2017); Old and New Towns of Edinburgh World Heritage Site Management Plan (2018); the Local Transport Strategy (2014); Edinburgh Design Guidance (2018) and the recently approved decision on 'A' Boards and other Temporary on-street Advertising Structures (2018).
- 4.5 Minimising street clutter by rationalising street furniture and signage is a key component in meeting the aims and objectives of these policies, strategies and guidance and the revised guidance on Outdoor Advertising and Sponsorship requires to be consistent with this.

- 4.6 Targeted consultation was carried out from July to September 2018 with a representative range of commercial and community groups. A public questionnaire also ran on the consultation hub. This explored the opportunities and concerns surrounding all types of outdoor advertising and sponsorship, with a focus on digital advertising.
- 4.7 The responses received are summarised in Appendix 1. Almost 400 responses were received. 69% of respondents supported less outdoor advertising. A range of suitable locations for outdoor adverts were supported in principle, including bus shelters in shopping areas (73%), bus shelters in residential areas (43%), private businesses (46%) and vacant sites or buildings (38%).
- 4.8 87% of respondents felt there were areas and types of building that were unsuitable for digital advertising. The World Heritage Site listed buildings and conservation areas were identified as being particularly sensitive to outdoor advertising.
- 4.9 The revised guidance is attached at Appendix 2. The revision has been comprehensive and it is therefore not practical to highlight the changes. The proposed guidance can however, be summarised as follows:
- 4.9.1 Policy context – updated to reflect current LDP policy and recently approved guidance and strategies.
 - 4.9.2 Digital Advertising – guidance expanded to reflect new large and small formats and enhanced functionality and controllability.
 - 4.9.3 Advertising in sensitive locations such as George Street and the Royal Mile - updated to provide a clear explanation of why these locations are not suitable for advertising. This position has been secured through the dismissal of appeals against the refusal of advert applications for bus shelter mounted and free-standing digital adverts at various locations along George Street.
 - 4.9.4 Scaffolding wraps - adverts on building wraps will continue to be restricted to no more than 15% of the area of the elevation in the World Heritage Site and 30% elsewhere, however the minimum threshold of 120 sq. m has been removed. This is because it resulted in a proliferation of disproportionately sized adverts within the city as the average façade size dictated that 120 sq. m was typically larger than the percentage restriction. This minimum threshold is no longer necessary owing to advances printing technologies enabling adverts to be printed to a range of different sizes. Removal of the minimum threshold size will help generate a more appropriate proportion of advert to 1:1 image within the city helping to reduce the impact on visual amenity.
 - 4.9.5 Scaffolding wraps on corner site – adverts on wraps around corner site reworked to increase the restriction to 10% in the World Heritage Site and 20% elsewhere but allow for the advert to be located on both elevations. This is because the previous guidance allowed for a number of adverts occupying almost complete elevations without any 1:1 image of the building. The new guidance will help produce a more appropriate proportion of advert to 1:1

image on what are prominent buildings within the city – helping to reduce the impact on visual amenity.

- 4.9.6 Street furniture – identified opportunities for adverts on defined types of street furniture outwith conservation areas and the World Heritage Site.
- 4.9.7 Flagpoles and Banners – removed from guidance; to be covered in next review of the Guidance for Businesses.
- 4.9.8 City dressing - removed from guidance; to be addressed in a separate protocol.

5. Next Steps

- 5.1 If approved, the revised guidance will be desk-top published and made available to applicants on the Council's website. It will inform the assessment of applications for advertisement consent.
- 5.2 The Guidance for Businesses will be amended at the next review and a protocol will be developed for city dressing.

6. Financial impact

- 6.1 The Council has a contract with JC Decaux to provide outdoor advertising on Council owned land which generates an income to the Council. The Council's budget for 2019/20 assumes an additional advertising income of £470,000. All future applications for advertisement consent would be assessed against this new guidance. It is not possible to quantify the impact that approving the guidance will have on the Council's ability to realise this increase in income.

7. Stakeholder/Community Impact

- 7.1 Consultation was carried out from July to September 2018 involving the public, stakeholders and industry. A public survey was hosted on the Consultation Hub and a series of stakeholder workshops were held. The consultation generated almost 400 responses which are summarised in Appendix 2.
- 7.2 There are no anticipated sustainability impacts arising from this report and its recommendations.

8. Background reading/external references

- 8.1 Edinburgh Planning Guidance: Advertisements, Sponsorship and City Dressing, Planning Committee on [5 December 2013](#).
- 8.2 Digital Advertising, Planning Committee on [27 February 2014](#).

- 8.3 'A' Boards and other Temporary on-street Advertising Structures, Transport Committee on [17 May 2018](#)
- 8.4 Review of Planning Guidance: Advertisements, Sponsorship and City dressing, Planning Committee on [30 May 2018](#)

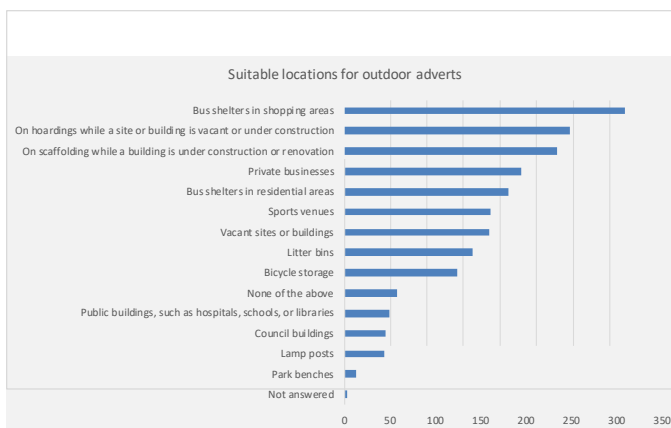
9. Appendices

- 9.1 Appendix 1 - Consultation on Planning Guidance on Outdoor Advertising - 5 July to 14 September 2018: Summary of Responses.
- 9.2 Appendix 2 - Revised Edinburgh Guidance on Outdoor Advertising and Sponsorship.

APPENDIX 1

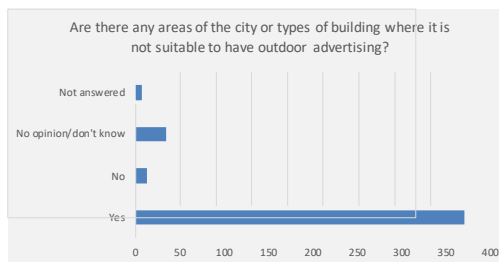
Consultation on Planning Guidance on Outdoor Advertising - 5 July to 14 September 2018: Summary of Responses

Suitable locations for outdoor adverts	
Not answered	3
Park benches	12
Lamp posts	44
Council buildings	45
Public buildings, such as hospitals, schools, or libraries	49
None of the above	58
Bicycle storage	124
Litter bins	141
Vacant sites or buildings	160
Sports venues	161
Bus shelters in residential areas	180
Private businesses	195
On scaffolding while a building is under construction or renovation	234
On hoardings while a site or building is vacant or under construction	248
Bus shelters in shopping areas	309



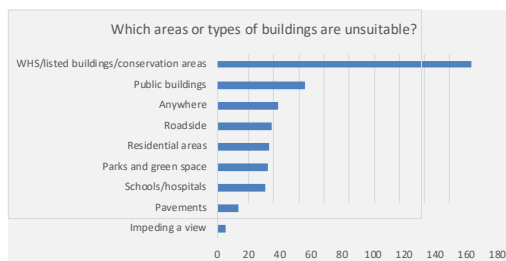
Are there any areas of the city or types of building where it is not suitable to have outdoor advertising?

Yes	370
No	12
No opinion/don't know	34
Not answered	7



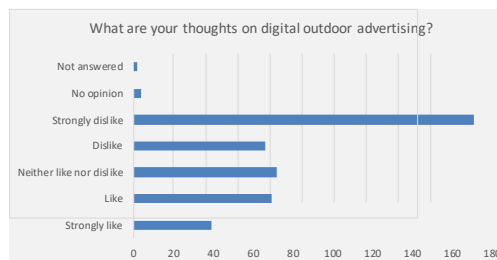
Which areas or types of buildings are unsuitable?

Impeding a view	5
Pavements	13
Schools/hospitals	31
Parks and green space	32
Residential areas	33
Roadside	35
Anywhere	39
Public buildings	56
WHS/listed buildings/conservation areas	163



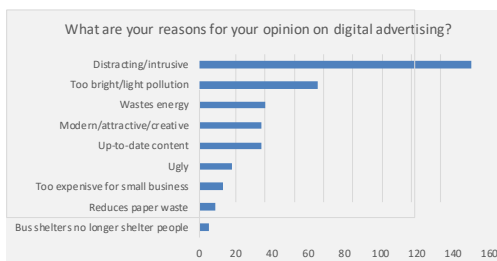
What are your thoughts on digital outdoor advertising?

Strongly like	39
Like	69
Neither like nor dislike	72
Dislike	66
Strongly dislike	171
No opinion	4
Not answered	2



What are your reasons for your opinion on digital advertising?

Bus shelters no longer shelter people	5
Reduces paper waste	9
Too expensive for small business	13
Ugly	18
Up-to-date content	34
Modern/attractive/creative	34
Wastes energy	36
Too bright/light pollution	65
Distracting/intrusive	150



APPENDIX 2 - EDINBURGH PLANNING GUIDANCE: OUTDOOR ADVERTISING AND SPONSORSHIP

1. OBJECTIVE

To provide guidance on proposals for outdoor advertisements and sponsorship.

2. POLICY CONTEXT

2.1 This guidance has been revised in the context of the Edinburgh Local Development Plan (2016). A core aim is the protection and enhancement of the built heritage of the city, having special regard to the impact of development on the World Heritage Site, conservation areas and the setting of important landscape features and listed buildings, including scheduled monuments. Policies Des 7 'Layout Design' and Des 8 'Public Realm and Landscape Design' refer to the need to contribute to improved public realm and to ensure that all external spaces are designed as an integral part of the scheme as a whole.

2.2 In addition to the Edinburgh Local Development Plan, a number of policies, strategies and guidance which support the protection and enhancement of the public realm are relevant to this guidance. Key citywide documents include Edinburgh's Public Realm Strategy (2009); Locality Improvement Plan (2017); the Economy Strategy (2018); public Spaces Protocol (2018); Old and New Towns of Edinburgh World Heritage Site Management Plan (2018); the Local Transport Strategy (2014); Edinburgh Design Guidance (2018); and the recently approved decision on 'A' Boards and other Temporary on-street Advertising Structures (2018).

2.3 These policies, strategies and guidance set out the Council's aspirations and vision for a consistent, high quality approach to the city's streetscape and public spaces. This includes minimising street clutter by rationalising street furniture and signage. This guidance is consistent with these objectives will inform the assessment of formal applications and proposals for public realm improvements.

3. SCOPE OF GUIDANCE

3.1 This guidance applies city-wide to proposals involving the display of outdoor advertisements with the exception of shopfront signage, flags and banners. Guidance on shop signage is included in the Guidance for Businesses. Flags and banners will be addressed through a review of the Guidance for Businesses.

3.2 The guidance also covers advertising upon the gable elevations of buildings and advertisements on wraps enclosing scaffolding.

3.3 For the avoidance of doubt, 'A' boards and other temporary on-street advertising structures are not covered by this guidance as these items are generally removed at night and enforcement under the planning system is not practical. Nevertheless, the Council recently agreed to a city-wide ban on temporary on-street advertising structures to be enforced under separate legislation.

4. STATUTORY REQUIREMENTS

- 4.1 An advertisement is defined in the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended by the Planning and Compensation Act 1991) as “any word, letter, model, sign, placard, board, notice, awning, blind, device, or representation whether illuminated or not, in the nature of, and employed wholly or partially for the purpose of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used or designed, or adapted for use and anything else used, or designed or adapted principally for use, for the display of advertisements”.
- 4.2 Under the 1984 Regulations, a wide variety of advertisements can be displayed with deemed consent which means that it is unnecessary to submit a formal application in respect of them. However, many advertisements will require express consent through the submission of an application for advertisement consent. Guidance on the need, or otherwise, for consent can be sought from the Planning Service. The display of any advertisement is subject to a number of standard conditions to ensure that it is displayed with the agreement of the owner of the land, maintained in a reasonable and safe condition and sited so as not to obscure road signs. Notwithstanding the foregoing, proposals that involve a listed building may also require a separate application for listed building consent.
- 4.3 The regulatory powers available under this legislation are only exercisable in two respects: amenity and public safety and these are the statutory tests. In terms of amenity, the Planning Authority to grant express advertisement consent is obliged to take account of the general characteristics of the area, particularly any feature of architectural, historic, cultural or civic interest. In terms of public safety, the local planning authority must have regard to the potential effect of the proposed advertisement on road traffic signs, railway signals or any aid to navigation by water or air.
- 4.4 This guidance constitutes a material factor in the assessment of applications for advertisement consent and will be used by the planning authority in applying the statutory tests. Other considerations may include appeal decisions, but each case will be judged on its own merits.

5. PRIOR TO APPLICATION SUBMISSION

- 5.1 Particular requirements apply to proposed advertising on new sites and where they would have an impact on statutorily protected locations such as conservations area, designed landscapes and listed buildings.
- 5.2 In identifying appropriate locations, applicants will be expected to undertake a comprehensive assessment of the impact of the advert on the public realm, urban design and existing and future uses of the place covering both visual impacts. Supporting information covering this assessment should where relevant include:

- the historical context of the wider area, in particular buildings and areas of architectural and historic interest (listed buildings, conservation areas, world heritage site);
- the visual impact on the amenity of nearby occupiers;
- the potential impact on local movement patterns;

- a local character appraisal of the immediate context (including for instance local topography, urban grain, scale and height, streetscape);
- consideration of competing lighting, and physical activities, e.g. local traffic, street lighting and nearby uses; and
- scope for removing competing/unnecessary visual clutter.

6. DIGITAL ADVERTISING

6.1 Digital media is a relatively new method of advertising using public digital screens. It usually takes the form of large-scale TV-style images, which can be either moving or static. They are already found in many shopping centres and transport hubs and are also increasingly being developed for outdoor use. In some cases the screen can be similar to a television screen carrying many and varied messages. These differ from static screens or other advertisements in that their content is made up of moving images which can draw the eye in the same way as a television in an indoor space. As such they can have a disproportionate impact on public spaces.

6.2 In addition to the Control of Advertisement regulations and the Council's guidance, the Outdoor Media Centre (OMC), the trade and marketing body for the outdoor advertising industry has in place a voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK and states that:

- there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;
- digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;
- the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003); and
- roadside digital displays will (in Scotland) conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

GUIDANCE

7. Guidance – All Outdoor Advertising Displays

Note: This applies to all applications for advertisement consent, but, should be read in conjunction with the specific guidance relating to different forms and locations for outdoor advertising in **sections 8 – 11** of this guidance.

In determining the acceptability of an advertising display, each application will be assessed in terms of its impact on:

- visual amenity (not only of its immediate backdrop, but, also of its local and wider urban or natural landscape setting); and
- public safety (particularly the safety of pedestrians, drivers and other road users).

7.1 Visual Amenity

To ensure that the visual amenity of an advertising site or the surroundings is not adversely affected:

- all advertising signs should be of high quality materials. The Council will welcome innovative design and will look for the improvement of existing authorised adverts where the opportunity arises;
- the Council will resist the accumulation of advertising clutter;
- all advertising should be designed to carefully integrate with its surroundings to respect the character and appearance of its backdrop, including localised and wider urban and natural landscape settings; and
- in areas where there are listed buildings, and within conservation areas and the World Heritage Site, a higher quality of design and materials will be expected to reflect those areas' special character and appearance.

7.2 Public Safety

To ensure that public safety is not adversely affected, the following will be taken into account:

- proximity to traffic signals; colours and level of luminance should not interfere or cause distraction to road and cycleway users in the vicinity of signals;
- proximity to other hazards on the road where the advertising sign may interfere with visibility or cause driver/cyclist distraction e.g. junctions, queuing traffic and pedestrian crossing points, the approach to traffic signal-controlled junctions;
- cumulative impact relative to existing signage, including road signs;
- proximity to a roundabout or complex priority junction; and
- obstruction of paths and cycleways, including headroom (2.5 metres minimum clearance).

Special care should be taken when a digital advert will be visible from a public highway. The applicant will be expected to undertake a safety audit, taking into account the following:

- Moving images, defined as something that changes more frequently than 5 seconds, should not be used.
- The display should not be:
 - positioned near to the view of anything drivers need to pay attention to, e.g. traffic signals; or
 - positioned to be visible from a point where drivers are expected to be making a manoeuvre, e.g. lane changing or where there is poor inter-visibility to other road users.

7.3 Illumination

In addition to the voluntary code for digital large format roadside advertising, the use of planning conditions to control the luminosity, brightness and operational hours for all formats of illuminated and digital outdoor advertising will be considered in circumstances where there are implications for visual amenity and/or public safety. The implications of illuminated advertising on the character and appearance, surrounding uses, and traffic conditions within the advert's setting should also be considered during times of reduced daylight hours, when the impact of the illumination on amenity and public safety will be more pronounced.

8. **Guidance: Large Format Outdoor Advertising Displays -**

This includes digital advertising as well as other illuminated and non-illuminated advertising.

8.1 Large format outdoor advertising displays (see definition) include sites known as advertising hoardings, which were usually erected on roadside locations or as temporary features on site hoardings surrounding development sites. Such displays are, in some locations, a long term feature in the streetscape. In such circumstances, proposals for replacement displays of a similar or smaller size including digital displays, where an advert hoarding currently exists, are generally considered to be acceptable in principle unless the circumstances of the site or areas have changed, or the display will have an increased adverse impact on residential properties nearby. However, such displays will need to comply with any conditions.

8.2 Large format outdoor advertising displays will generally be suitable where located:

- within predominantly commercial and industrial areas or transport corridors with an undeveloped setting;
- temporarily, around building sites; and
- to screen exposed, unsightly sites/buildings.

8.3 Large format outdoor advertising displays will not be supported where:

- the site lies within a conservation area, World Heritage Site or would adversely affect the setting of a natural landscape feature or listed building(s);
- they would be close to and/or directly overlooked by any existing or proposed residential property;
- they would be out of keeping with the scale or character of the buildings or land on which they are displayed;
- they would be likely to result in advertising clutter or adversely affect streetscape or building setting; and
- they are located in, or adjacent to, public realm areas.

8.4 Advertising displays must not give rise to an adverse impact on public safety. Digital advertising where images change frequently can raise particular concerns for traffic, cycle and pedestrian safety. The level of illumination of digital or internally illuminated signs can also have an effect on both traffic safety and amenity. For these reasons, the following additional standards apply to digital and internally illuminated display screens:

- they will only be permitted where they do not contain moving or flashing content, particularly where they are considered to have a potentially significant adverse impact on pedestrian and vehicular traffic safety;
- they must not use a slow dissolve between advertisements;
- they will only be permitted in areas which are already busy commercial areas; and
- the cumulative effect of such advertisements will be taken into consideration in assessing the impact on amenity and public safety.

9. **Guidance: Small Format Outdoor Advertising Displays / Advertising on Street Furniture**

9.1 There may be locations where small format outdoor advertisement displays, including adverts upon street furniture, are appropriate, such as in commercial areas. However, such displays will need to be in keeping with the design and layout of the public realm and ensure that impact on the character of the area and on pedestrian safety is not compromised.

9.2 Special care should be taken where proposing advertising in areas of historic interest where important views and vistas or the setting of designed landscapes or listed buildings are present. Particular care should be taken where proposing advertising in residential areas.

9.3 Small format outdoor advertising displays / advertising on street furniture will generally be suitable where located:

- in areas of commercial character;
- on temporary hoardings around vacant / construction sites to include creative / informative content;
- on the following items of street furniture:
 - bus and tram shelters;
 - bicycle lockers;
 - parking ticket machines; and
 - litter bins
- within areas that are the subject of comprehensive redevelopment proposals that comprise comprehensive public realm works as part of the holistic approach to the redevelopment.

9.4 There are locations where small format outdoor advertising displays or adverts upon street furniture are not appropriate. These include areas of exceptional architectural or historic importance, such as George Street and the Royal Mile.

9.5 In these areas, advertising displays would compete visually with the appreciation of the historic townscape character in which its historic buildings, monuments and open spaces of national importance have been carefully planned to provide outstanding vistas.

9.6 The following locations and proposals will not be supported:

- within certain parts of the World Heritage Site where the streets are of exceptional architectural and/or historic interest (e.g. The Royal Mile and George Street) or where advertising would adversely affect important views and vistas or the setting of designed landscapes or listed buildings;
- in predominantly residential areas, including on the returns of buildings into residential side streets, substantially devoid of advertisements, which would affect the character of the area;
- in conservation areas, the World Heritage Site or public realm areas where they would add additional structures in the public realm, thus adding to advertising or street furniture clutter, which could affect amenity, or where they would create an obstruction to pedestrians and cyclists;
- where the advertisement would have an adverse effect on the special character and appearance of a conservation area or the setting of natural landscape features or listed buildings;

- when they do not comply with other Council guidance on de-cluttering streets, design for buses and cycling or obstruct the view from any bus or tram stop; and
- involve a free-standing outdoor advertising display unless exceptional circumstances justify otherwise.

10. **Guidance: Sponsorship**

- 10.1 Sponsorship of certain publicly owned or maintained pieces of infrastructure, e.g. roundabouts can bring benefits to the Council and may be acceptable where it does not create an adverse impact on the amenity of an area.

Recognition of the sponsor should:

- be located on or adjacent to what is sponsored;
- be constructed of high quality materials;
- relate well to its surroundings; and
- Be discreet in size and location. The size should be the minimum necessary to identify the sponsor, bearing in mind the object that is being sponsored and whether it is located within the pedestrian or vehicle environment.

- 10.2 In normal circumstances, no more than one sign will be acceptable for any sponsored item. Recognition of a sponsor should be achieved, where possible, without the addition of new elements into the environment. Where possible it should be carried out in association with existing signage in order to minimise street signage and clutter.

Local sponsorship of single day events such as school sports days will not be subject to planning control.

11. **Guidance: Advertising on Scaffolding**

- 11.1 Adverts on scaffolding will be acceptable providing they form part of a net on the building including a 1:1 photographic image of the completed building under construction or under refurbishment. Alternatively, and under special circumstances, a creative solution may be considered acceptable for the building.

- 11.2 This is subject to the following criteria:

- The building should be located in the city centre, a designated town centre or business and industry area.
- The netting should enclose the entire facade and the advertising space should cover no more than 15% of the elevation within the World Heritage Site and 30% elsewhere and should not be fragmented.
- On corner sites, advertising will be acceptable on both elevations, only when both elevations are covered with a 1:1 photographic image of the building. In these cases the advert shall cover no more than 10% of each of the two elevations covered by the 1:1 photographic image of the building within the World Heritage Site and 20% elsewhere.
- The scaffolding must cover an entire elevation of the building, must be erected only for the purposes of active repair and construction work, and be removed as soon as the work is completed. Adverts proposed for scaffolding around empty or

vacant buildings are not generally considered acceptable. The advert should last no longer than the agreed building programme, or one year (after which it may be renewed), whichever is the shorter.

- The fabric used for the image should be of a consistently high quality to ensure a sharpness of image and the colours should closely reflect the building being covered. All shop, contractor and other signage must be appropriately incorporated onto the overall image, to avoid separate signage.
- The use of 1:1 netting images of the building, with no advertising, will be encouraged on scaffolding in all areas of the city, and in particular buildings of special architectural merit or forming part of a key vista.
- In order to ensure the netting advert is genuinely required it is also necessary to ensure that all relevant permissions are in place for the refurbishment works. For this reason, planning permission and /or listed building consent should have been secured for the works to the building prior to the granting of advertisement for the shroud advertisement.

Definitions:

Large Format Outdoor Advertising Displays- Advertisements, not including banners, which do not generally relate directly to the land or premises on which they are displayed. Traditionally, these are paper posters on hoardings, either free-standing or attached to buildings, although modern displays built in metal now include moving prismatic panels or internally illuminated panels.

Small Format Outdoor Advertising Displays - 4-sheet or 6-sheet size panels, either freestanding or attached to street-furniture or the walls of shops and other commercial premises.

A-Boards - These are non-illuminated portable boards/ stands most often placed on the pedestrian footway associated with the advertising of adjoining high street retail/business premises

Public Realm - The parts of the city (whether publicly or privately owned) that are available for everyone to see and use without charge 24 hours a day, including streets, squares and parks.

World Heritage Site - A cultural or natural site considered by UNESCO World Heritage Committee to be of 'outstanding universal value' and therefore one that needs to be preserved as part of the world heritage of humankind. The historic core of Edinburgh, essentially the Old and New Town, was inscribed in 1995. The Forth Bridge was inscribed in 2015.

Conservation Area - An area designated under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as being of special architectural or historic interest, the character and interest of which it is desirable to preserve or enhance.

Designed Landscapes – grounds consciously laid out for artistic effect and statutorily protected as part of Scotland's historic environment and landscape.

Listed Building - A building identified by Historic Environment Scotland as being of special architectural or historical interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Categorized A, B, C(s) to reflect their relative importance.

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Planning Committee

2.00pm, Wednesday, 7 August 2019

Affordable Housing Policy Delivery

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 It is recommended that Planning Committee:
 - 1.1.1 notes 3,828 onsite affordable homes have been secured through the Affordable Housing Policy (AHP) since January 2013, with nine out of ten planning applications of 20 or more homes resulting in onsite delivery of affordable homes; and
 - 1.1.2 notes the use of commuted sums, as set out in paragraphs 4.12 – 4.16, to support delivery of 283 affordable homes on five sites across the city.
 - 1.1.3 refers this report to the Housing, Homelessness and Fair Work Committee for information.

Paul Lawrence

Executive Director of Place

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Affordable Housing Policy Delivery

2. Executive Summary

- 2.1 Delivery of affordable housing requirements secured through the Affordable Housing Policy has seen onsite housing provided in nine out of ten planning applications of 20 or more homes.
- 2.2 The AHP provides an important source of land to support the delivery of the Council and Registered Social Landlords (RSLs) 20,000 homes target. The majority (71%) of the RSL house building programme is delivered on AHP land.
- 2.3 Commuted sums are accepted on sites of less than 20 units in line with Policy. They are also accepted when the Council and RSLs consider onsite delivery unviable. Commuted sums are used to support the delivery of affordable housing within the same or adjacent ward of the principal development. This report details the updated position on commuted sums.

3. Background

- 3.1 In 2000, Edinburgh was the first local authority to introduce an AHP in Scotland. The [AHP](#) is a planning policy which ensures that 25% of homes on all housing sites with 12 homes or more, are required to be affordable. The policy requires private housing developers to transfer a proportion of housing site/land to affordable housing providers for affordable housing use.
- 3.2 On [24 August 2017](#), Council approved its five-year business plan. The plan sets out an objective to build 20,000 new affordable homes in the city over the next ten years.
- 3.3 On [1 November 2018](#), Housing and Economy Committee approved the Strategic Housing Investment Plan (SHIP) 2019/24. This SHIP outlines a programme over the next five years which would deliver nearly 10,500 homes. This is the largest SHIP ever put forward, which identifies an acceleration from both the Council and RSL partners in delivery of affordable housing. The SHIP assumes the AHP will provide land for over half of the sites to be delivered through the Affordable Housing Supply Programme (AHSP).

- 3.4 The Council publishes Affordable Housing Guidance and Practice Note. Since its introduction, the AHP guidance has been reviewed in 2002, 2006 and 2013. On [27 February 2019](#), Planning Committee approved minor changes to the guidance to improve clarity for developers over the interpretation of AHP. This included the prioritisation of affordable housing tenures and removal of tenures that are no longer fit for purpose; the consolidation of RSL homes on smaller sites and a quantum of the number of low-cost home ownership delivered on each site. It also introduced an Affordable Housing Statement as part of the planning application which aims to ensure that engagement and consideration of affordable housing provision is undertaken by the developer at the earliest opportunity.

4. Main report

- 4.1 Work is well underway to accelerate the delivery of affordable housing in the city and deliver the Council's commitment of 20,000 affordable homes over 10 years. As referenced in 3.3 above, on [1 November 2018](#), Housing and Economy Committee approved the largest ever SHIP (2019/24); setting out a programme over the next five years which would deliver nearly 10,500 homes.
- 4.2 The first two years of the commitment saw a record 3,150 homes approved and 2,266 homes completed for social rent, mid-market rent and low-cost home ownership. Due to the strength of the pipeline programme, the Council has also secured an additional £21m in grant funding from Government over the last two years. Appendix 1 also highlights the number of homes currently under construction across the city.
- 4.3 The AHP is an important delivery mechanism to meet the 20,000 affordable homes target. It was introduced, in part, in response to the high demand of housing land in the city, where affordable housing developers, were often outbid by private housing developers and failed to acquire suitable land for affordable housing developments in the open market.
- 4.4 The Council's own house building programme uses land secured either from its own assets or by acquisition on the open market. For RSLs, the AHP is vital to ensuring land supply, with the 2018 SHIP identifying the majority (71%) of their programme being delivered on AHP land. RSLs also bring forward projects on land either in their own ownership or purchased on the open market. The Policy has been successful in delivering mixed tenure communities and providing affordable housing in diverse areas across the city.

Delivery to date

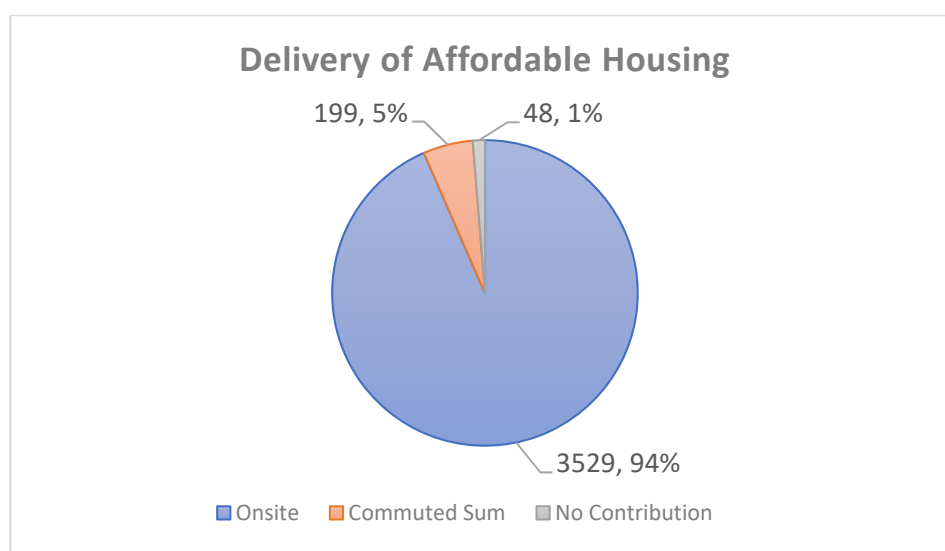
- 4.5 There are currently 2,296 affordable homes under construction on 38 sites across the city, as set out in Appendix 1. Over half of the sites (21) are being taken forward as a result of the AHP. Since 2013 there have been 1,997 completions on land secured through the AHP. This is around 60% of the total number of completions delivered through the AHSP.

Table 1: Affordable Housing Supply Programme Completions since 2013

Year	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Completions Secured on AHP Land	517	271	268	193	184	564	1,997
Total Grant Funded Completions	591	546	527	471	623	690	3,448

- 4.6 Onsite provision of affordable housing is the highest priority for the AHP and officers seek to secure this in all instances. In February 2019, revisions to the AHP Guidance were approved by Planning Committee. This includes the requirement for developers to provide an affordable housing statement to demonstrate the steps they have taken to achieve onsite provision of social rent, the highest priority housing need in the city. This reflects Edinburgh’s 20,000 homes target; the Scottish Government’s affordable housing tenure split of 70% social rent and responds to the housing needs of Edinburgh’s most vulnerable citizens.
- 4.7 Since January 2013, Planning consent has been granted on 159 sites, over 20 units in size (15,310 homes). Under the Policy, there is a requirement for 25% (3,828 homes) to be provided as affordable; 3,529 affordable homes (93%) have been secured onsite.

Figure 1: Onsite Delivery of AHP



- 4.8 This means that nine out of ten planning applications, of 20 or more homes, have seen onsite affordable housing as the agreed delivery mechanism. There are only 12 applications (199 homes) where a commuted sum has been agreed.

Viability challenges

- 4.9 The agreement of a commuted sum is only considered for sites with more than 20 homes where the possibility for onsite provision has been exhausted following detailed discussions with the Council's housing service. There are certain circumstances where it is more difficult to secure onsite provision, and these are explored in more detail below.
- 4.10 RSLs provide mid and social rent homes within tight financial margins and are dependent upon grant and relatively low rental income streams over long-term business planning periods. Therefore, when RSLs are presented with projects that places further burdens on their financial models, then delivery of onsite affordable homes becomes more problematic. In private led applications of 50 homes and below, the following factors have an impact on the viability of the development to support onsite RSL housing:
- 4.10.1 Listed building and conversions - construction costs associated with materials required for planning (i.e. conversions in conservation areas) are often higher than an RSL standard product.
 - 4.10.2 Consolidation of RSL housing within a single stair – RSLs seek ownership of an entire block of properties to enable them to meet their obligations for tenants with regards to arranging repairs and maintenance of common areas.
 - 4.10.3 Tenure blind – materials associated with creating tenure blind homes can increase costs.
- 4.11 RSLs build high quality homes and seek to incorporate a number of additional elements into the design of their buildings to meet the very high housing standards set by the sector. These standards include [Housing for Varying Needs](#) and [RSL own design Guides and specifications](#). Most grant funded affordable homes are developed to a silver sustainability standard with private housing for sale largely built to bronze standard. RSLs also provide specialist housing, to support people with a range of housing needs and house a high number of homeless applicants. Delivery of these objectives is challenging with selection of appropriate sites an important part of the process.

Commuted Sums

- 4.12 Commuted sums are used to support delivery of sites identified in the SHIP which is approved annually by the Council's Housing and Economy Committee. Commuted sums can be packaged with available private funding and Scottish Government grant funding to enable a project with higher than normal infrastructure and development costs to proceed. Commuted sums can also be used to support the acquisition of land for affordable housing or to deliver a larger proportion of a site for affordable housing than might not otherwise be possible.

- 4.13 The lengthy and complex process of house building; alongside the requirement that commuted sums are allocated to projects in the same or adjacent ward, means that it is necessary to programme expenditure on commuted sums. Planning legislation allows for a period of time for commuted sums to be spent by the Council on the delivery of affordable housing. Older commuted sums are required to be used within five years, this has now been increased to ten years and payment is secured through a legal agreement.
- 4.14 Since 2013, £4,375,358 has been received in commuted sums. To date £1,063,278 has been spent to support the delivery of 283 affordable homes on five sites across the city. Table 2 below specifically references the use of commuted sums spent in the city to date. Appendix 2 shows the locations of commuted sums secured and where they have been used.

Table 2: Commuted Sums Funding - Spent

Project	Homes	Ward	Amount	Source		RSL	Site Progress
				Project	Ward		
Small Sites Programme (Clermiston)	44	Drum Brae/Gyle	£202,182	Ellersly Rd	Corstorphine/Murrayfield	CEC	Under Construction
Fountain-bridge Blck L	19	City Centre	£156,250	7c Devon Place	City Centre	DCHA	Under Construction
Pennywell Phase 4	8	Forth	£56,007	Queensferry, Kirliston	Almond	CEC	Under Construction
St Nicolas Court	12	Leith	£40,000	1-11 Dalgety Road,	Craigentinny/Duddingston	POLHA	Under Construction
Salamander Place	200	Leith	£606,356	117 Bellevue Rd, 132 McDonald Rd,	Leith Leith Walk	Link HA	Under Construction

- 4.15 The remaining balance (£3,312,080) will be used to support the delivery of affordable housing in the same ward of the principal development and should there be no suitable projects in the same ward, sums will be used in an adjacent ward. There is a strong pipeline of projects in the SHIP to be supported with commuted sum funding.
- 4.16 A further £2,192,131 has been secured through s75 arrangements but has yet to be collected by the Council as the relevant trigger point in the development process has yet to be reached.

5. Next Steps

- 5.1 An update on the AHP contribution to the Council's 20,000 affordable homes target will be included in the SHIP 2020/25 that will be considered by Housing, Homelessness and Fair Work committee in October 2019.

- 5.2 The AHP is due to be reviewed and reported as part of the development of the Edinburgh Local Development Plan 2 (LDP2) project. This will include consideration of the percentage of homes that should be affordable within developments.

6. Financial impact

- 6.1 The high cost of land in Edinburgh means that RSLs are not able to compete with private developers to purchase sites. The AHP requires private housing developers to transfer a proportion of sites for development of affordable housing.
- 6.2 Commuted sums are used to support the delivery of affordable housing by the Council and RSLs.

7. Stakeholder/Community Impact

- 7.1 The Policy has been successful in delivering mixed tenure communities and providing affordable housing in diverse areas across the city.
- 7.2 The Council and RSL partners place community engagement at the centre of housing development projects and go far beyond statutory planning requirements. For example, the Council's house building team has used the Place Standard on recent projects; a tool which identifies 14 themes around which structured consultation can be developed. It is intended that the Place Standard will support communities and the public and private sectors to work together to deliver high quality, sustainable places.
- 7.3 Affordable homes delivered through AHP are built to high standards and as such contribute to the public sector equality duty and advances equality of opportunity. Homes secured through the AHP increase access to affordable housing and well-designed, safer and cleaner communities. It will contribute to improved health by increasing the supply of good quality homes, reducing fuel poverty and providing homes which are physically accessible.
- 7.4 The majority of new build properties delivered by the Council and its housing association partners are accessible for people of limited mobility, meaning particular needs housing requirements can often be met through allocation of a standard general needs property.

8. Background reading/external references

- 8.1 Strategic Housing Investment Plan 2019/24, Housing and Economy Committee, [November 2018](#).
- 8.2 Innovative approaches to increasing housing supply, Housing and Economy Committee [30 August 2018](#).
- 8.3 [Guidance](#) on the delivery of Affordable Housing, February 2019.

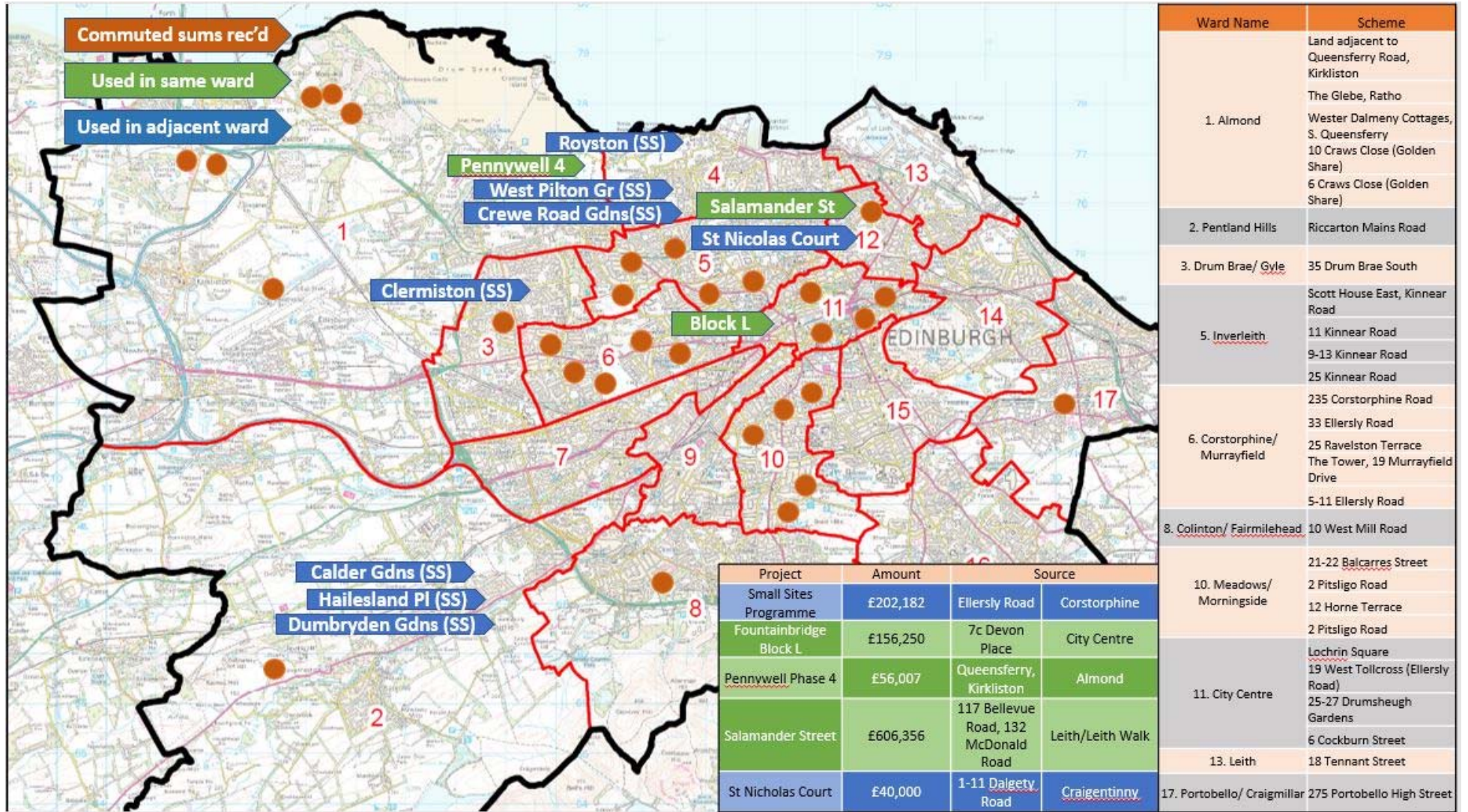
9. Appendices

- 9.1 Appendix 1 – Homes under construction: 2,296 homes currently under construction on 38 sites.
- 9.2 Appendix 2 - Commuted sums secured and use 2013 - 2019

Appendix 1 – Homes under construction: 2,296 homes currently under construction on 38 sites



Appendix 2 – Commuted sum secured and use 2013 - 2019



Planning Committee

2.00pm, Wednesday, 7 August 2019

Short Term Letting in Edinburgh Update – referral from the Corporate Policy and Strategy Committee

Item number
Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The Planning Committee is asked to review the Planning Guidance for Businesses, referred to in paragraph 4.16 of Appendix 1.

Laurence Rockey

Head of Strategy and Communications

Contact: Natalie Le Couteur, Committee Services

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Referral Report

Short Term Letting in Edinburgh Update – referral from the Corporate Policy and Strategy Committee

2. Terms of Referral

- 2.1 The Council had previously called for additional regulation of the short term lets sector, either through changes to planning classifications or the introductions of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to introduce legislation
- 2.2 Any legislative process could take months to deliver additional powers. Therefore, there remained an urgent imperative to ensure that existing powers available to the Council were being used to maximum effect.
- 2.3 Complaints regarding short term lets covered a number of broad types and included:
 - 2.3.1 the impact on available housing supply within the city.
 - 2.3.2 the erosion of sense of community in areas with dense concentrations of short term lets.
 - 2.3.3 short term letting was generally not suitable for tenement properties.
 - 2.3.4 properties which were used as short term lets might not reach the same safety standards as other types of visitor accommodation.
 - 2.3.5 the noise and antisocial behaviour created by guests using short term lets.
 - 2.3.6 short terms lets which operated on a commercial basis might not be paying rates or other council charges required.
- 2.4 Given the diverse nature of these broad types, the Council had been exploring data available to further evidence the extent of concerns. Different regulatory regimes defined short terms lets in different ways. Breaches of planning legislation and antisocial behaviour complaints were the most commonly recorded and provided the most reliable data.
- 2.5 The Corporate Policy and Strategy Committee agreed:
 - 2.5.1 To note the enforcement action taken by the Council and the decisions of the Scottish Government Reporter.

- 2.5.2 To note the ongoing work with the Scottish Government that requested the introduction of a licensing system and policy changes at a national level.
- 2.5.3 To refer the report to the Planning Committee to review the Planning Guidance for Businesses as referred to in paragraph 4.16 of the report.

3. Background Reading/ External References

- 3.1 Minute of the Corporate Policy and Strategy Committee of 14 May 2019.

4. Appendices

- 4.1 Appendix 1 – Report by the Executive Director of Place

Corporate Policy and Strategy Committee

10.00am, Tuesday, 14 May 2019

Short Term Letting in Edinburgh Update

Executive/routine

Wards

Citywide

Council Commitments

[12](#)

1. Recommendations

- 1.1 It is recommended that the committee:
- 1.1.1 notes the enforcement action taken by the Council and the decisions of the Scottish Government Reporter;
 - 1.1.2 notes the ongoing work with the Scottish Government requesting the introduction of a licensing system and policy changes at a national level; and
 - 1.1.3 to refer the report to the Planning Committee to review the Planning Guidance for Businesses as referred to in paragraph 4.16.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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Short Term Letting in Edinburgh Update

2. Executive Summary

- 2.1 This report provides an update on the current situation regarding short term lets and their impact on the city, following a previous report on [7 August 2018](#) and further research on the issue being conducted. It updates the Committee on the various actions taken by the Council through the powers currently available. Furthermore, the report informs Committee on the work carried out with the Scottish Government in response to the Council's concerns.

3. Background

- 3.1 The Council has previously called for additional regulation of the sector, either through changes to planning classifications or the introduction of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to introduce legislation.
- 3.2 Any legislative process may take many months to deliver additional powers. Therefore, there remains an urgent imperative to ensure that existing powers available to the Council are being used to maximum effect.
- 3.3 Complaints regarding short terms lets cover a number of broad types and include:
- 3.3.1 impact on available housing supply within the city;
 - 3.3.2 erosion of sense of community in areas with dense concentrations of short term lets;
 - 3.3.3 short term letting is generally not suitable for tenement properties;
 - 3.3.4 properties which are used as short term lets may not reach the same safety standards as other types of visitor accommodation;
 - 3.3.5 noise and antisocial behaviour created by guests using short term lets; and
 - 3.3.6 short term lets which operate on a commercial basis may not be paying rates or other council charges required.

- 3.4 Given the diverse nature of these broad types, the Council has been exploring data available to further evidence the extent of concerns. Different regulatory regimes define short term lets in different ways. Breaches of planning legislation and antisocial behaviour complaints are the most commonly recorded and provide the most reliable data.

4. Main report

Impact of short term lets on supply and housing costs

- 4.1 Recent analysis (using Airbnb data) published in April 2019 by the Scottish Parliament Information Centre (SPICe) has shown that there were over 12,000 registered Airbnb properties in Edinburgh in 2018. This figure is a significant increase from research available to the Council where the overall number was calculated at approximately 9,000 registered properties in 2017. The number of Airbnb properties has continued to grow each year from 2009 when there was a total of eight registered properties in the city. Airbnb reports that 21% of the 9,000 properties (1,890) registered in 2017, operated in excess of 90 days, which would indicate they are no longer being used on a residential basis
- 4.2 The research available indicates that short term lets are predominately located within the city centre and adjoining areas. An analysis from the Chartered Institute of Housing points out that there are two Airbnb lets for every 13 homes within City Centre Ward (11).
- 4.3 Analysis of the housing market impacts in Edinburgh carried out in 2018 showed that the rapid growth in short term lets over a short period was having an impact on both supply and rent levels. There are over 60,000 private rented sector (PRS) homes in Edinburgh, which represent a quarter of the city's housing. Presently there is an estimated loss of 10% of the PRS sector attributed to short term lets. The loss of traditional PRS properties is more prevalent in the city centre and in the north of the city, with the loss of stock running at up to 30% in some northern parts of Edinburgh.
- 4.4 Across the city, PRS stock levels fell c.5-6% between 2014-2017 which may be attributable to a number of factors including changes in taxation and regulation of PRS. However, it should be noted that over the same period the city saw 2,700 more properties per year listed as available on Airbnb, while PRS stock fell 560 per annum. Research continues to take place to better quantify the loss of PRS properties to short term lets.
- 4.5 The speed and size of rent increases within the city continues to be a substantial issue. Research indicates rising rents occurring in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents have increased around 20-27% over the period 2014-17.

Existing powers available to the Council

- 4.6 A Short Term Lets Virtual Team has been created to co-ordinate action using existing powers across several services. The Regulatory Services Manager leads this team, with a team leader from Planning acting as a day to day manager. The following teams contribute to this work:
- 4.6.1 Trading Standards;
 - 4.6.2 Environmental Health;
 - 4.6.3 Private Rented Services;
 - 4.6.4 Planning; and
 - 4.6.5 Community Safety.
- 4.7 The virtual team review all complaints received about short term lets and, where possible, identify and implement a response to address poor practice through any powers available to the Council. The team also encourage good practice and assist in collecting intelligence on how the short term lets industry responds to this approach.
- 4.8 The team prioritises enforcement activity in relation to those short term lets believed to be operating on a commercial basis.
- 4.9 Most of the cases investigated by the team have involved consideration of planning enforcement action. Since July 2018, 126 new cases have been opened and while 71 are ongoing, 22 have been subject to enforcement action. When investigating the cases, it must be established whether the use of a residential premises for short term holiday lets is a material change of use. The question of materiality is one of fact and degree having regard to a number of factors such as the character of the property, the frequency of arrivals and departures, the number of people occupying the property, disturbance to neighbouring residential amenity. Evidence gathering can be a very difficult process. Case officers must consider each of the above factors. This can involve a number of visits to check levels of occupation and to collect corroborative evidence to support any claims of noise and nuisance.
- 4.10 Since 2018, 22 enforcement notices have been served, eight have been appealed and all eight have been upheld by Scottish Government reporters. There has been legal challenges in respect of the reporters' decisions at Chancelot Terrace and Baxter's Place. Chancelot Terrace was withdrawn and Baxter's Place is due to be heard in the Court of Session. During this period there has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay let uses. These decisions have typically allowed short term let uses in main door properties.

- 4.11 The reporters' decisions have informed an understanding of when a change of use may be material but, also through the planning appeal decisions, when a short stay let use may be acceptable. This makes it easier to know when to take action moving forward and should lead to action being taken more quickly. This is reflected in the fact that 11 notices have already been served in the first three months of this year, the same number for the whole of 2018. In addition in-house training is being put in place to ensure that the officers take a more consistent and robust approach to investigations moving forward.
- 4.12 The virtual team is looking at new ways of working in response to the growth of short stay lets. It is trialling the use of impact warning letters to tackle a large concentration of short stay lets at Western Harbour. Working with residents and the property factor, over 40 letters have been sent out to the owners of the flats in question to highlight the permissions and other various legal requirements they may be breaching and requiring that the use cease. The owners were given until 30 April 2019 to reply but early indications are that the trial may be worth continuing.
- 4.13 A checklist of Best Practice has also been produced to inform owners of their legal obligations in terms of permissions, safety at the property and managing visitors. This guidance is aimed at educating owners and prospective operators to their obligations to not only their tenants but also the wider community. This form of self-regulation can have an important role to play in limiting the growth of inappropriate forms of short term let uses. Following review by the Short Term Let Member Officer Group this will be slightly amended.
- 4.14 The planning service has also piloted taking enforcement action against key safes on listed buildings. This resulted in the enforcement notice for the removal of 11 key safes attached to a listed building at 1 Upper Bow being upheld on appeal. The success of this pilot highlights that in certain circumstances it can be appropriate to take action against multiple key safes on a single property.
- 4.15 Ahead of the summer period, the virtual team have been making arrangements to deal with an anticipated increase in the number of complaints. It is hoped this proactive approach will help to identify and tackle the most troublesome cases and provide residents with a satisfactory service.
- 4.16 Planning guidance for businesses was revised in February 2016 to include specific reference to changing the use of a residential property to a business use, including 'short stay commercial visitor accommodation'. Some activities within a residential property can be undertaken without requiring planning permission, but the guidance sets out issues which will be considered in deciding whether an application for a change of use is required (see Appendix 1). It is proposed that the Planning Committee is remitted the task of reviewing, and updating if necessary, the above mentioned guidance to identify ways in which it can be strengthened. Additionally, at present where cases come forward for planning permission they are not being dealt with under delegated powers but are instead being referred to the Development Management Sub-Committee for decision. The short term let working group recommends that this approach continues.

Proposals for further regulatory powers

- 4.17 Taking into account the issues and proposed actions outlined above, it remains clear that the Council lacks specific regulatory powers which would allow it to effectively respond to all the issues currently faced by the city. Previous research has been reported to a number of committees offering comparison with how other major cities and tourist destinations have dealt with similar issues.
- 4.18 It is clear that as pressures from the operation of short term lets mount on a city or region, the vast majority of major destinations have resorted to new or additional statutory powers. These powers typically impose a cap on the total number of properties used as short term lets, and/or a cap on the number of days that an individual property can be used as a short term let. The motivating factors are very similar to the issues faced by this council, namely a desire to protect the supply of residential homes and to minimise the disruption to local communities.
- 4.19 The Council has therefore requested that the Scottish Government introduces a discretionary licensing system for operators of short term lets. The Council would expect that each individual local authority could consider the relevance of the licensing system and choose whether to adopt the scheme in its area. At a minimum the licensing system must be capable of the following:
- 4.18.1 a licence will be for both the individual property and the owner or operator of that property;
 - 4.18.2 any owner or operator shall be fit and proper;
 - 4.18.3 the local authority shall have the discretion within the licensing system to control or otherwise cap the number of properties licensed either across the local authority area or in specific areas of the local authority;
 - 4.18.4 a licensed property must meet certain safety standards, e.g. gas appliances must be safety checked;
 - 4.18.5 the location, character and suitability of properties will be relevant; and
 - 4.18.6 a licence will be required for anyone either operating a property on a commercial basis or in excess of 45 days.
- 4.19 The exact scope of any licensing system would ultimately be the decision of the local authority, and after consultation it is anticipated that a policy would be adopted to set out a local position. It is recommended that the preferred method of introducing a licensing system is by means of regulations introduced by Scottish Government under Section 44 of the Civic Government (Scotland) Act 1982. Amending the licensing system for house in multiple occupancy (HMOs) under the Housing (Scotland) Act 2006 is the least preferred option, as this could have wider implications for unrelated housing matters, and the licensing scheme under the Act applies Scotland-wide. Failing this the Council would ask for fresh legislation as an alternative.

Scottish Government Consultation

- 4.20 Following a speech by the First Minister to the SNP Conference in April, the Scottish Government has published a consultation paper on the regulation of short term lets which will be open until 19 July 2019. Through officer dialogue with government officials, it is understood that the Scottish Government is considering the introduction of measures to regulate short term lets and is seeking evidence on the need for such measures. This takes forward the commitment in the 2018-19 Programme for Government “to ensure that local authorities have the appropriate regulatory powers [in relation to short term lets]”.
- 4.21 Council Officers will work with the Member/Officer Working Group and will draw on a range of services in order to shape a response to the consultation. Officers are also aware that the government may hold evidence sessions with key stakeholders. Additionally, the Council’s Communications Team will be widely publicising the consultation in order that the general public, community councils and other bodies can contribute. It is anticipated that the Scottish Government may announce detailed proposals in September as part of the Programme for Government.

5. Measures of success

- 5.1 The volume of concerns about short term letting in the city decreases.
- 5.2 Using the above measures and through further engagement, the Council is able to strengthen its request to the Scottish Government for additional powers.
- 5.3 Positive aspects of short term letting such as hosts sharing their home are protected.

6. Financial impact

- 6.1 None directly as the costs will be contained within existing budgets with priority given to this work.

7. Risk, policy, compliance and governance impact

- 7.1 The measures set out in this report will be reported to the relevant committee of the Council for formal oversight and approval.

8. Equalities impact

- 8.1 None.

9. Sustainability impact

9.1 None.

10. Consultation and engagement

10.1 There have been a series of meetings held with Airbnb and the UK Short Term Accommodation Association (STAA) including a meeting on 21 January 2018 with this working group.

10.2 Council officers have also met with Scottish Government civil servants as recently as 3 April 2019 in order to discuss possible licensing solutions to dealing with short term lets.

11. Background reading/external references

11.1 [Scottish Expert Advisory Panel on the Collaborative Economy Report 2017](#)

11.2 [Scottish Government response to report of the Scottish Expert Advisory Panel on the Collaborative Economy](#)

11.3 [Item 7.2 - Short Term Letting in Edinburgh - 7 August 2018](#)

11.4 [Scottish Government Planning & Environmental Appeals Division - 1 Upper Bow](#)

11.5 [Rettie and Co – Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018](#)

12. Appendices

12.1 Extract from Planning Guidance for Businesses

Appendix 1: Extract from Planning Guidance for Businesses (February 2016)

Changing a Residential Property to a Commercial Use (pages 6-7 of guidance) What does this chapter cover?

Changes of use to:

- guest houses
- short term commercial visitor accommodation
- house in multiple occupation (HMOs)
- private day nurseries
- running a business from home

Short Term Commercial Visitor Accommodation

The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had to:

- The character of the new use and of the wider area
- The size of the property
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand, and
- The nature and character of any services provided.

What to consider if planning permission is required

Policy Hou 5 of the Edinburgh Local Development Plan

Sets out the exceptional circumstances when a use can be changed from housing.

Policy Hou 7 of the Edinburgh Local Development Plan

Sets out when uses will not be permitted in predominately residential or mixed use areas i.e. uses which would have a materially detrimental effect on the living conditions of nearby residents

Planning Committee

2.00pm, Wednesday, 7 August 2019

Edinburgh Planning Concordat

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 approves the revised Edinburgh Planning Concordat.

Paul Lawrence

Executive Director of Place

Contact: David Leslie, Chief Planning Officer

E-mail: david.leslie@edinburgh.gov.uk | Tel: 0131 529 3948

Edinburgh Planning Concordat

2. Executive Summary

- 2.1 The purpose of this report to seek the Committee's approval of a revised Edinburgh Planning Concordat.

3. Background

- 3.1 The Edinburgh Planning Concordat was introduced in 2010 to set out a collaborative way of working between the planning authority, developers and community councils when major developments are proposed. It was updated in 2016 in association with Edinburgh Chamber of Commerce and the Edinburgh Association of Community Councils.
- 3.2 At its meeting on [15 May 2019](#) the Planning Committee considered proposed changes to the Concordat in the context of changes to the pre-application advice service. Committee asked officers to consult with the Edinburgh Development Forum and the Edinburgh Civic Forum and report back to Committee prior to agreeing any changes.

4. Main report

- 4.1 The proposed changes to the Concordat create a simplified working document that sets out how developers, community councils and the planning authority can work together early at the pre-application stage to achieve principles of good place-making when a major or complex local development is proposed. The Concordat replaces the 2016 version with greater emphasis on the benefits of early engagement and provides a step-by-step process to engaging in a major or a complex local development. The revised Concordat is set out in Appendix 1.
- 4.2 The proposed changes to the Concordat were discussed at the meetings of the Edinburgh Civic Forum on 4 June and Edinburgh Development Forum on 11 June. The report considered by Planning Committee on [15 May 2019](#) was circulated with the agenda papers for both meetings. Both discussions welcomed the changes to simplify and to focus the document on key principles and to extend the process of

engagement to cover the more complex local development proposals. Both meetings endorsed the principles of the revised Concordat.

5. Next Steps

- 5.1 Once approved, the signing of the revised concordat will be arranged with the Planning Convenor and representatives from each of the Edinburgh Chamber of Commerce and the Edinburgh Association of Community Councils.

6. Financial impact

- 6.1 There are no direct financial impacts arising for the Council from the revision of the Concordat.

7. Stakeholder/Community Impact

- 7.1 Discussions were held with the Edinburgh Civic Forum on 4 June and Edinburgh Development Forum on 11 June 2019.

8. Background reading/external references

- 8.1 ["The Edinburgh Planning Concordat 2016" – report to the Planning Committee, 11 August 2016](#)

9. Appendices

- 9.1 Appendix 1 – revised Edinburgh Planning Concordat 2019

Appendix 1 – revised Edinburgh Planning Concordat 2019

1. Introduction

This Concordat is a working document which sets out how developers, community councils and the planning authority can work together early at the pre-application stage to achieve good place-making when a Major or complex Local development is proposed. This Concordat is a streamlined version of earlier concordats and relates to the Council's reformed pre-application advice service.

2. Why

Edinburgh is a city of growth and faces challenges to provide homes and jobs for the communities of the future. Protecting Edinburgh's heritage asset and economic profile is a key priority for years to come. In doing so, the plan-led system in Scotland is used to make decisions about the future developments of our areas and is used to balance different interests to make sure that land is used and developed in a manner that creates high quality and sustainable places to live, play and work.

It is recognised that not everyone wants change/developments in their own area and tensions can rise. However, before an application is submitted, experience has shown that when developers, communities and the planning authority work constructively together, better places can be created. Getting the balance right is difficult but important.

3. Concordat Benefits

For Developers

- To signal that planning is open for business
- To establish the benefits of early engagement
- To ensure expectations are managed and met

For Community Councils

- To ensure early participation in the planning process
- To reduce information and process uncertainty
- To ensure that meaningful pre-application consultation (PAC) is delivered

For Council

- To promote a culture of continuous improvement
- To demonstrate added value
- To better understand expectations

4. Concordat Roles

Developers are encouraged to promote the value of early and meaningful engagement with community councils in shaping development proposals.

Community Councils (CCs) are encouraged to promote the vital role in representing the views of the wider community when new developments are proposed and to work collaboratively with developers.

Council will promote the ways that developers and CCs can engage with each other.

*The concordat does not expect community councils to liaise with developers if the local community are fundamentally opposed to the development but expects community councils to make sure those are the views of a diverse range of local people. **

5. Flow Chart of the Major or complex Local Development Process

<p>Pre-Application Discussion</p>	<ul style="list-style-type: none"> • Developer complete pre-application advice form with charges payable to request an early meeting with Planning to discuss Major* or potentially complex Local proposals. Developers should provide sufficient information for initial assessment. Formal EIA screening request. • Developer requests an early meeting with Community Council (CC) to discuss Major* or potentially complex Local proposals • Developer and Council discuss <i>processing agreement</i>
<p>Pre-Application Notice (PAN) Process*</p>	<ul style="list-style-type: none"> • Developer and CC discuss details of community consultation exercises and key dates • Developer submits Proposal of Application Notice (PAN) • Council and CC agree community consultation • CC to consider seeking help from the developer to engage with wider community • CC makes comments directly to developer and copies in Council • Developer to share draft Pre Application Consultation (PAC) report with CC for comment and amendments if agreed in advance
<p>Application Submission</p>	<ul style="list-style-type: none"> • Developer submits planning application in line with processing agreement • PAC report submitted with application * • Developer and planning authority offer to meet CC to explain proposals
<p>Application Processing</p>	<ul style="list-style-type: none"> • Council automatically consults CC on a major application • CC to request to be a statutory consultee on a local application within 7 working days of the weekly list being issued • CC's comments to include review of PAC report • Council makes recommendation/ decision is taken (determined via Development Management Sub Committee or under the Scheme of Delegation)
<p>Post Decision</p>	<ul style="list-style-type: none"> • Legal agreement concluded • CC informed of decision • All parties to complete survey on the process

Possible Methods of Engagement

- Distribution of information to post code areas e.g. postcards, leaflets, brochures and mail shots.
- Use public notice boards e.g. shop windows, GP surgeries, places of worship such as churches, community and sport facilities.
- Websites and social media e.g. Facebook/ Twitter
- Newspaper adverts/ articles/ radio
- Public stalls/ street stalls
- Public meetings, exhibitions, roadshows, workshops and focus groups.

(* statutory requirements for major developments)

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Planning Committee

2.00pm, Wednesday, 7 August 2019

Training and Awareness Raising Programme

Executive/routine	
Wards	All
Council Commitments	10-15

1. Recommendations

- 1.1 It is recommended that the Committee agrees the priorities for training and awareness raising over the next 12 months and the indicative themes for workshops.

Paul Lawrence

Executive Director of Place

Contact: David Leslie, Chief Planning Officer

E-mail: david.leslie@einburgh.gov.uk | Tel: 0131 529 3948

Training and Awareness Raising Programme

2. Executive Summary

- 2.1 The reports sets out the proposed themes and dates for the training and awareness programme for Planning Committee members, and where relevant, members from other Council committees.

3. Background

- 3.1 A member training and awareness raising programme has been in place for the Planning Committee over the last four administrative terms of the Council. The programme continues to support a wider group of elected members who have an interest in, or requirement to be briefed on, relevant Planning issues.
- 3.2 The programme provides a helpful way to build awareness and understanding of planning issues for Edinburgh and the wider city region. Similarly, the programme has facilitated improved awareness and mutual understanding with partner organisations and key stakeholders, including government agencies, local partners and the development sector.

4. Main report

- 4.1 The programme will be based around two-hour interactive workshops, with a lead speaker(s). Representatives from partner organisations and the development sector will be invited to contribute to the sessions. Five dates have been added to the Council diary for Wednesday afternoons as follows:

- 4 September 2019;
- 30 October 2019;
- 27 November 2019;
- 29 January 2020;
- 11 March 2020; and
- 10 June 2020 (full day Committee Tour).

4.2 Proposed themes for the 2019/20 programme will include:

Development planning and policy

- Regional planning and City Deal
- Edinburgh Old and New Towns World Heritage Site management plan

Service improvements and performance monitoring

- Outcomes of the service improvements

Sustainable development

- Strategic and local level
- Delivering a zero-carbon city
- Sustainability as part of the design process

Ongoing reform of the Scottish Planning system

- Outcomes from the Planning Bill
- Secondary legislation and implementation of changes

Design Guidance

- Development and density
- Mixed uses
- Materials
- Street design and public realm

4.3 With Planning Committee extending its remit to include development frameworks including public realm for place making and strategic infrastructure, training will be delivered on these topics. The workshops will also provide the opportunity to deliver cross-Committee training on the above themes and members from the Housing, Homelessness and Fair Work and Transport and Environment Committees will be invited to participate

5. Next Steps

5.1 The proposed training and awareness themes will be delivered over the course of the coming year.

6. Financial impact

6.1 There are no new financial implications arising from the recommendations of this report. Provision for elected member training is contained in the service revenue budget.

7. Stakeholder/Community Impact

- 7.1 The training and awareness raising programme provides elected members with a better understanding of planning issues in the city and supports the Planning Committee in their assessment of planning proposals and strategies as they come forward.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.

Planning Committee

2.00pm, Wednesday, 7 August 2019

Trinity Conservation Area Character Appraisal Review

Executive/routine	12 - Leith
Wards	Walk
Council Commitments	15

1. Recommendations

1.1 It is recommended that:

1.1.1 the Committee approves the revised Trinity Conservation Area Character Appraisal (CACA).

Paul Lawrence

Executive Director of Place

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Trinity Conservation Area Character Appraisal Review

2. Executive Summary

- 2.1 On [22 August 2018](#), the Committee approved an updated programme of review of the existing conservation area character appraisals. This report presents the revised Trinity CACA. The revised appraisal has been the subject of community consultation.

3. Background

- 3.1 It is a statutory requirement in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for local authorities to periodically review conservation area boundaries and consider whether new conservation area designations are appropriate.
- 3.2 On [22 August 2018](#), the Committee approved an updated programme of review of the existing conservation area character appraisals. This was based on the age of the character appraisal, with the earliest being given priority, and development pressure, based on the number of applications submitted for planning permission and the extent of recent housing development.
- 3.3 The resulting priority conservation areas were: South Side, Marchmont and Meadows, Colinton, Merchiston and Greenhill, West End, Coltbridge and Wester Coates, Craigmillar Park and Morningside. Trinity Conservation Area was added to the priority list due to local community requests for a review of the boundary of the area. The Committee approved the revised South Side Conservation Area Character Appraisal and boundary amendment at its meeting on [27 February 2019](#).

4. Main report

- 4.1 This report presents the revised Trinity CACA which was approved as a priority by the Committee on [22 August 2018](#). The appraisal has been the subject of community consultation.
- 4.2 The statutory definition of a conservation area is an 'area of special architectural or historic interest the character or appearance of which it is desirable to preserve or

enhance'. The Historic Environment Scotland Policy Statement on the criteria for the designation of conservation areas specifies that it is the character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.

- 4.3 The principles of selection for designation as a conservation area include:
 - 4.3.1 areas of significant architectural or historic interest in terms of specific listed buildings; and
 - 4.3.2 areas of significant architectural or historic interest in terms of building groupings.
- 4.4 The Trinity Conservation Area was originally designated in October 1976 and the character appraisal for the area was approved in 2001.
- 4.5 Conservation area character appraisals are intended to help manage change. They provide an agreed basis of understanding of what makes an area special. This understanding informs and provides the context in which decisions can be made on proposals which may affect that character.
- 4.6 The revised character appraisal (Appendix 1) updates and refines the text of the original appraisal for its final publication as a digital document which will include images, photographs and interactive maps. The main change to the format of the appraisal is the separation of structure, the overall organisation and macro-scale features of the area, from key elements, the smaller-scale features of the area. The review involved a comprehensive re-drafting of the original appraisal and it is not practical to highlight changes. No changes to the conservation area boundary are proposed.

Consultation

- 4.7 The draft revised Trinity CACA was the subject of a consultation from 22 March to 20 May 2019. An on-line questionnaire was set up on the consultation hub to capture views on the draft appraisal.
- 4.8 The consultation generated 30 responses via the online survey. The Trinity Community Council suggested including details of the consultation in the local newsletter. Appendix 2 lists the comments received. The majority of respondents agreed with the contents of the draft revised appraisal.
- 4.9 There were a number of suggestions for extensions to the boundary of the Conservation Area (Appendix 3). The areas suggested have a different overall character from that of Trinity in terms of date, built form and architectural style. It is, therefore, not considered appropriate to extend the boundary to include these areas. However, they will be the subject of a further appraisal in order to assess their merits for potential separate conservation area status. Priority consideration will be given to Lower Granton Road, Wardie Square, Granton Square and the Wardie Estate.

5. Next Steps

- 5.1 Publication of the finalised appraisal.

6. Financial impact.

- 6.1 There are no immediate financial implications for the Council arising from this report.
- 6.2 The new format for the character appraisals is intended to be viewed online. The Council would not stock a traditional, printed version. However, individual copies could be photocopied on request for customers with difficulties accessing the web version. Demand for this service is expected to be low and the minimal additional costs could be absorbed in existing budgets.

7. Stakeholder/Community Impact

- 7.1 The draft revised Trinity CACA was the subject of a consultation. An on-line questionnaire was set up to capture views on the appraisal and to encourage comments about how well it defines the special characteristics of the Conservation Area.
- 7.2 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.
 - 7.2.1 The proposals in this report will reduce carbon emissions by encouraging the conservation of resources and energy embodied in existing buildings, rather than demolition and reconstruction, major generators of carbon emissions.
 - 7.2.2 The need to build resilience to climate change impacts is not relevant to the proposals in this report because conservation of the built environment is not considered to be significantly affected, positively or negatively, in this regard.
 - 7.2.3 The proposals in this report will help achieve a sustainable Edinburgh because the conservation and management of the historic environment contributes directly to sustainability in a number of ways. These include the energy and material invested in a building, the scope for adaptation and reuse, and the unique quality of historic environments which provide a sense of identity and continuity.
- 7.3 There are no significant risks associated with approval of the document as recommended. Completion of the review of the appraisal ensures the Council's compliance with its statutory duty to review its conservation areas, as established in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 7.4 If not approved, the appraisal review would be delayed with a consequent impact on the quality of decision making and outcomes on the ground in the conservation. There may be also be a degree of reputational damage: the Council's relationship with community groups could be affected due to delay or the failure to complete the review process on time.
- 7.5 The aim of conservation area status is to enhance the quality of the area. This has the potential to improve quality of life and supports sustainable communities.
- 7.6 No infringements of rights have been identified. No negative impacts on equality have been identified.

8. Background reading/external references

- 8.1 [Report to Planning Committee of 22 August 2018, Review of Conservation Area Character Appraisals.](#)
- 8.2 The current [Trinity Conservation Area Character Appraisal.](#)

9. Appendices

- 9.1 Appendix 1 - Trinity Conservation Area Character Appraisal – revised August 2019.
- 9.2 Appendix 2 - Consultation responses.
- 9.3 Appendix 3 - Map of Trinity Conservation Area.

Appendix 1

TRINITY CONSERVATION AREA CHARACTER APPRAISAL

Revised August 2019

Location and Boundaries

The Trinity Conservation Area is situated approximately two miles north of Edinburgh City Centre with outlooks over the Firth of Forth.

The northern boundary of the Conservation Area is formed by the Firth of Forth; to the south, the boundary follows East Trinity Road cutting in at enclaves of residential development; to the east, a clear line is drawn following Laverockbank Road and to the west, Netherby Road and Boswall Road form the main boundary.

Dates of Designation/Amendments

The Trinity Conservation Area was originally designated in 1975. The original boundary included villa developments on Russell Place, York Road, and Laverockbank Road, including Starbank Park. The boundary was substantially extended west of Trinity Road in 1986 to include the Lomond Park development and Boswall Road.

A boundary change was implemented in 1998 to include villa areas between Boswall Road and Lower Granton Road and at East Trinity Road and Netherby Road; these shared the character of the existing Conservation Area and contributed to the enhancement of the setting of the area. Tenements on Lower Granton Road at the north edge of the Conservation Area were also included to create a more rational boundary.

A boundary change was implemented in 2001 to include 127-137 and 143 East Trinity Road, the west side of Clark Road to the junction with Denham Green Avenue, Denham Green Place and 54-82 South Trinity Road within the Conservation Area.

Statement of Significance

The Trinity Conservation Area is characterised by a wealth of high quality stone built detached and semi-detached residential villas of restricted height, mainly in traditional building materials, set in substantial gardens with mature trees and generous spacing to their neighbours.

CONSERVATION AREA CHARACTER APPRAISALS

Purpose of Character Appraisals

Conservation Area Character Appraisals are intended to help manage change. They provide an agreed basis of understanding of what makes an area special. This understanding informs and provides the context in which decisions can be made on proposals which may affect that character. An enhanced level of understanding, combined with appropriate management tools, ensures that change and development sustains and respects the qualities and special characteristics of the area.

“When effectively managed, Conservation Areas can anchor thriving communities, sustain cultural heritage, generate wealth and prosperity and add to quality of life. To realise this potential many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities. This means accommodating physical, social and economic change for the better.

Physical change in Conservation Areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in Conservation Areas should always be founded on a detailed understanding of the historic and urban design context.”

From PAN 71, Conservation Area Management.

www.scotland.gov.uk/Publications/2004/12/20450/49052

How to Use This Document

The analysis of the Trinity Conservation Area’s character and appearance focuses on the features which make the area special and distinctive. These are considered in terms of:

- Historical Origins and Development;
- Structure, which describes and draws conclusions regarding the overall organisation and macro-scale features of the area;
- Key Elements, which examines the smaller-scale features and details which fit within the structure; and
- Management: The Management section outlines the policy and legislation relevant to decision-making in the area. Issues specific to the area are discussed in more detail and recommendations or opportunities identified.

This document is not intended to give prescriptive instructions on what designs or styles will be acceptable in the area. Instead, it can be used to ensure that the design of an alteration or addition is based on an informed interpretation of context. This context should be considered in conjunction with the relevant Local Development Plan(LDP) policies and planning guidance.

HISTORICAL ORIGINS AND DEVELOPMENT

The Trinity Conservation Area occupies the former Wardie Muir, an area of wasteland between Inverleith and the sea. It was the location of Wardie Castle, a large and ancient house, which was in a ruinous condition by the mid-seventeenth century and from which stones were used to build Cromwell's Citadel in Leith. It was later rebuilt as a mansion house and was the property of Sir Alexander Boswall in 1780. A relic of the original Castle survives at the end of the cul-de-sac formed by Wardie House Lane.

Trinity was part of the lands granted by David I to his new Abbey of Holyrood in about 1128. In 1505, James IV purchased 143 acres from Holyrood, in order to establish a naval base or New Haven; and it was the western part of this Crown land that was acquired in 1713 by Trinity Hospital and developed as Trinity Mains farm. Part of the old farmhouse at Trinity Mains was used to form Hay Lodge on East Trinity Road, which was subsequently demolished. The origin of the place name is, therefore, based on the dedication of Leith's charitable institutions to the Holy Trinity.

Trinity had 'all the makings of a fine healthful holiday resort', and the development of Trinity reflected changes in the settlement pattern and the suburban expansion which occurred in Edinburgh in the mid-nineteenth century. A large part of Trinity was developed around 1830 for the benefit of the growing number of merchants and professionals who were seeking a more secluded environment. Trinity had the advantage of physical separation from the overcrowded medieval city core and offered individual dwellings in a predominantly suburban setting, in contrast to the terraces of the Georgian New Town. The convenience of its situation to the neighbouring port of Leith also presented advantages for the wealthy ship-owners and merchants as an attractive place of residence – Christian Salvesen, of the Leith based Salvesen & Co. whaling company, lived at Mayfield House in East Trinity Road.

The area was developed with villas from the late eighteenth century. Building plots on a large site to the north of Ferry Road were advertised in the Edinburgh Evening Courant to a plan 'constructed in a new and beautiful manner as an assemblage of villas, bounded upon the outer line by a plantation of forest trees and the internal boundaries of each lot by a continuation of flowering shrubs; and each Villa situated in such a manner as not to overlook another.'

This scheme of large villas in substantial garden grounds was not completed and following the initial start to the development, most of the land was subdivided into smaller plots on which an extraordinary variety of mid- to late-Victorian villas were built, the density increasing with time. Trinity Lodge on Stirling Road is the only surviving building from the original feuing plan. The house was built in 1774 by Robert Johnston, an Edinburgh Merchant, but is now divided and a modern house has been built within its much-reduced grounds.

Detached and semi-detached houses with their own private gardens bounded by high stone walls provided an attractive contrast to the communal living of the central area, and the fashions and desires of the property owners are reflected in the profusion of architectural styles and idiosyncratic features. About 1835, Trinity House began feuing the ground at Laverockbank Road, but the short line of villas and gardens at the south east end was not completed.

Trinity Station, on the Edinburgh, Leith & Granton Railway, opened in 1846 as part of a mixed rail and ferry service from Edinburgh to Dundee and further north. The introduction of a rail link to Trinity was an added incentive to the development of the area. The railway was still in position in 1969, but the tracks were lifted soon afterwards. Much of the route is now a footpath and cycleway and the Station building, at the end of Trinity Crescent, has been converted into a pair of dwellings.

The Chain Pier situated opposite the Georgian porticos of Trinity Crescent, feued about 1824, was opened on 14 August 1821. The Chain Pier was used by small steam driven boats that plied up and down the river Forth but, as it did not accommodate larger vessels, was soon abandoned for Granton Harbour. This was also a period when sea bathing was becoming popular at Trinity and the Chain Pier was the site of 'Great Swimming Competitions'. The Chain Pier was destroyed in a severe storm on 17 October 1898. The Chain Pier Bar now occupies the building that was once the booking office for the pier.

The spatial layout of Trinity was well established by the end of the late nineteenth century, affording little opportunity for new development. Change during the twentieth century has mainly been associated with conversion of the villas into flats and some development within garden grounds. However, the overall character and appearance of Trinity has not been substantially changed since the nineteenth century.

STRUCTURE

Topography

Trinity is located on the coast to the northern side of the city between Newhaven and Granton. The Conservation Area has natural boundaries on three sides, the coast line to the north, Wardie Playing Field to the west, a former railway cutting to the south and the eastern boundary of Starbank Park to the east. Much of Trinity is physically separated from surrounding development and from major traffic routes, and it forms a fairly secluded residential enclave.

The combination of the area's location in proximity to the port, the topography giving views out to sea of incoming vessels, and the suburban environment,

made Trinity an attractive area for residential development, initially by wealthy merchants.

Spatial Structure

Much of the residential development is in the form of villas. Larger villas, from the earliest development of the area, are located at the higher levels at a point where the ground breaks into two spurs facing out to sea. The former Trinity Station is located between these spurs. The Station served residents and visitors to the pier. It is now converted to residential use and the former branch line leading to it is a footpath and cycleway.

These larger villas are set in substantial plots, though earlier plans show them to have originally been in considerably larger grounds. The later subdivision of the feu into plots retains the formality set by the original boundaries and access routes. The boundaries are still marked by high stone walls. With generous spacing to their neighbours, they are positioned to take advantage of sea views, and south facing gardens. Their gardens contain mature landscaping and are large enough for woodland trees.

Laverockbank Road and York Road run parallel and to the east of the former branch line, with Russell Place to the west of it. To reduce costly bridge building, these roads are joined east-west only by Lennox Row. The north-south orientation of this part of the area is further emphasised by the length of frontage and by the height and continuity of the boundary walls. The layout retains a linear form, which is emphasised by subsequent development.

Open views to the Forth made the coastline route attractive for residential development. Development is necessarily one-sided due to the location of roads close to the edge of the water. Development is again linear in character but given interest by terraced villas set round a crescent with later tenements round a three-sided square.

Subsequent development up to 1914 continued to the west and south on the 'plateau' above the shore road, with the density gradually intensifying. At the same time, property types change from detached, to semi-detached, to terraces. This results in a change in the relationship between the houses and the street and between houses themselves. The space between houses reduces, the boundary walls become more of a token feature; with houses now addressing the street.

Lennox Row, Primrose Bank and Boswall Road run east to west between the shore and East Trinity Road, whilst other roads maintain a north-south emphasis at right angles to the shoreline. The area changes from a formal Georgian origin to a more informal Victorian expansion, with the arrangement of roads and the buildings setting up a more irregular 'grid iron' pattern.

In this later development, there is also a transfer of open space from private gardens to the public realm where they act acting as a focus, either as a central square or as a termination to a street. The original fine ornate

Victorian gates and stone pillars to Wardie Playing Field terminate the view at the end of Lennox Row, though they are now the frontage to a modern chalet style house which closes access off to the Park.

The short stretch of former railway line forms an attractive cycle and walk way. It also contributes to the mature landscaping and wooded character of the area, and the natural heritage and bio-diversity. The line is set in a cutting, which allows roads to pass over without changing level minimising visual intrusion of bridges and retaining privacy.

Trinity is characterised by changing spatial structures with low-density villa development in a variety of forms and settings. The reducing plot size, changing relationship to the street and intensification of development radiate out from those original grander villas, and change the emphasis of the spatial structure from a linear to a grid pattern. Despite this, spatial pattern the areas do not dominate each other; the change is softened by the irregularity of the grid, by frequent changes in building forms, the maturity of the landscaping and a townscape unity.

The coastal location, seclusion from surrounding areas and the separation from major traffic routes provide a high quality residential environment with a sense of space and a setting in which to appreciate the townscape.

Townscape

The roads accessing Trinity act as gateways to the Conservation Area, which is characteristically quieter and more suburban than the surrounding areas. This is a result of the predominant residential nature of the area and the almost complete absence of commercial or institutional uses. The impression of seclusion is accentuated by the enclosure created by high stone boundary walls down the whole length of older streets.

The Conservation Area has a wealth of detached properties, ranging from small lodges to grand Baronial villas, taking inspiration from Greek, Roman, Venetian, and Gothic architecture.

The effect of a reduction in plot size is most clearly demonstrated by the difference in the number of houses along almost equal length sides of the block between Stirling Road and Netherby Road. On Stirling Road there are 12 semi-detached houses, whilst on Netherby Road there are 26 terraced houses. The visual impression of the lengths of the two streets is in stark contrast to the fact that they are in fact almost equal.

The variation in villa types and sizes is also marked in terms of building lines. The denser the form, the closer buildings come to the pavement edge with the front boundary walls diminishing gradually to ever smaller dwarf walls and railings. The area of house footprint, and the space between footprints, also reduces with the size of the plot.

The predominance of villas, the generally uniform height and the restricted palette of materials - natural stone, slate and cast iron details - creates an overall unity of appearance within the Conservation Area. Detail such as pilastered wall head parapets, decorative cast iron roof finials, carved barge boards and colourful stained glass contribute to individuality.

Roads running north – south provide contrasting views, to Arthurs Seat and the Old Town skyline to the south and out over the coast to Fife to the north. The large villas are particularly prominent in views into the Conservation Area from the seashore.

KEY ELEMENTS

Architectural Character

The style and mix of Georgian and Victorian villas in Trinity is unique in Edinburgh. Some are embellished with Gothic details, and ornamental ironwork; others have towers and attractive stone porches. Although the area is overwhelmingly domestic in scale and suburban in nature, it includes more variety than other stone built Edinburgh suburbs. Despite the variety of architectural styles, a significant degree of unity of appearance is achieved by the restricted height and the predominant use of traditional building materials: local grey sandstone for buildings and Scots slate for roofs. Stone boundary walls define the visual and physical seclusion of the villas.

The over-riding architectural form is substantial stone built villas set in extensive garden grounds. A variety of architectural styles are adopted, which contribute to and enliven the character of the area. The diversity of styles ranges from terraced villas on the east side of Laverockbank Road, Gothic in Russell Place and at 24 York Road, Elizabethan at Mayville Gardens. An abundance of eclectic Victorian picturesque styles and features prevail in Lennox Row and York Road.

Villa development also afforded the opportunity for architectural enrichment. This includes cast iron railings, evident throughout the Conservation Area, with particularly well detailed ironwork at Boswall Road, and hand carved decoration in polished ashlar. Finials, trellis, towers, gazebos and campaniles are evident throughout the area and all contribute to the overall character.

In areas such as York Road and Laverockbank Road, most houses are concealed by trees and walls. The walls provide definition to the street layout and create a clear distinction between public and private spaces.

Trinity is predominantly a residential area with few public buildings, and it is essentially the quality and architectural significance of the individual buildings that establish the character of the area. The following are a few examples:

Wardie Parish Church, Primrose Bank Road (Category B Listed) is prominently located at the corner of Primrose Bank Road and Netherby Road.

It is a rectangular-plan gothic church with octagonal-plan towers in a snecked grey sandstone, and dates from 1892. It is the only church in ecclesiastical use within the area. It has associations with St. Serf's Church in Clark Road.

The former Christ Church Episcopal Church, 118 Trinity Road (Category B Listed). A simple gothic church dating from 1854 with south-facing entrance porch and small spired tower to the Southwest. The church is no longer in use for ecclesiastical purposes following its conversion in 1980 to a private dwelling.

Silverton, 90 Trinity Road (Category B Listed). A large two-storey house with seventeenth century Scottish references. Its gables, bay windows and tall open topped gazebo tower typify the solidity and substance of Victorian Edinburgh. It has been converted into three flats, with a further fifteen flats in the garden.

Gothic House, 24 York Road (Category A Listed). A two-storey, three-bay Tudor Gothic House dating from 1820 with a pinnacled porch, projecting windows and Tudor arched windows with timber mullions to the principal elevation.

Gothic Cottage, 24 Russell Place (Category A Listed). An elegantly detailed early example of a Gothic cottage ornee.

North and South Gothic cottage (Category C & B Listed). The cottages form part of the early nineteenth century projected development on the lands of Trinity Mains by the lawyer Alexander Scott.

St Columba's Hospice (the former Challenger Lodge), Boswall Road (Category B Listed). An austere Greek Revival three-bay villa with Greek Doric portico dating from 1825. Its former occupation by naturalist and oceanographer Sir John Murray gives it historic significance. It was converted into a home for disabled children before being extended in 1978, to become St Columba's Hospice. There have also been more recent additions to the Hospice facilities.

The three symmetrically composed villas including Boswall House at the centre create a linked 'palatial' frontage, all offer distinctive elements and interest to the townscape.

Natural Heritage

The buildings in Trinity are complemented by the profusion of mature trees, spacious private garden settings, stone boundary walls and green open spaces. The abundance of mature trees in garden grounds unifies the Conservation Area and makes an essential contribution to the overall character. Large trees are of particular importance as they provide a setting and screening for houses, a habitat for wildlife, and other environmental and aesthetic benefits.

The cycleway/walkway that runs through the eastern side of the Conservation Area follows the old railway line. It includes areas of woodland and a rich diversity of grass and herbs which provide a variety of habitats and a valuable corridor for wildlife and recreation.

The shoreline between Granton Harbour and Star Bank is a site of Special Scientific Interest (SSSI), which provides statutory protection for its ecological importance.

There are five Tree Preservation Orders (TPOs): two on Boswall Road, two on York Road and one adjacent to the corner of Spencer Place and Trinity Road. Mature street edge trees make an important contribution to the character of the Conservation Area.

Two principal areas of public open space also contribute to the character of the area:

- Lomond Park is a private recreation ground with tennis courts, a bowling green, and lawn area with tall trees (rowan, elm, lime and horse chestnut). It was formed towards the end of the eighteenth century as a cricket ground and is situated towards the western boundary of the Conservation Area. Lomond Park provides the only large expanse of open space within Trinity. Although access to the Park is limited to subscribers, it still contributes to the overall amenity of the area. The use of wrought iron railings makes it a defensible and definable space, and it improves the perception of permeability in the area.
- Starbank Park is situated on the eastern boundary of the Conservation Area, adjacent to Laverockbank Road. The park was laid out on the shoreward slope of the garden of Starbank House in the late nineteenth century. The space is characterised by large star shaped flowerbeds and is enclosed on one side by high sandstone walls. Since 2013, the Friends of Starbank Park help to maintain the Park and have developed it into a community hub with events held several times a year. An active group of volunteers work on improving the facilities and offering opportunities.

Activities & Uses

Trinity is primarily a residential area with few shops, public houses and other community buildings. The general atmosphere of the area is of calmness and high amenity. This is reinforced by open spaces at Lomond Park and Starbank Park. St Columba's Hospice, in the former Challenger Lodge, provides a health care facility of regional importance.

In contrast to the central villa area, the coastal road and the north-south routes are characteristically places of activity in terms of traffic movement.

There is also greater pedestrian movement, resulting in more activity than in the central part of Trinity.

MANAGEMENT

Legislation, policies and guidance

Conservation Areas

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas are 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty to identify and designate such areas.

Special attention must be paid to the character and appearance of the Conservation Area when planning controls are being exercised. Conservation Area status brings a number of special controls:

- The demolition of unlisted buildings requires Conservation Area Consent;
- Some permitted development rights, which allow improvements or alterations to the external appearance of dwelling houses and flatted dwellings, are removed; and
- Works to trees are controlled (see Trees for more detail).

The removal of buildings which make a positive contribution to an area is only permitted in exceptional circumstances, and where the proposals meet certain criteria relating to condition, conservation deficit, adequacy of efforts to retain the building and the relative public benefit of replacement proposals. Conservation Area Character Appraisals are a material consideration when assessing applications for development within Conservation Areas.

Alterations to windows are also controlled in Conservation Areas in terms of the Council's guidelines.

Listed buildings

A significant number of buildings within the Conservation Area are listed for their special architectural or historic interest and are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listed building consent is required for the demolition of a listed building, or its alteration or extension in any manner which would affect its special character.

Planning guidance

More detailed, subject-specific guidance is set out in Planning Guidance documents. Those particularly relevant to the Trinity Conservation Area are:

- Guidance for Householders
- Guidance for Businesses
- Listed Buildings and Conservation Areas
- Developer contributions and affordable housing
- Edinburgh Design guidance
- Communications Infrastructure
- Street Design Guidance

In addition, a number of statutory tools are available to assist development management within the Conservation Area.

Article 4 Direction Orders

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, amended 2012, (abbreviated to GPDO), restricts the types of development which can be carried out in a Conservation Area without the need for planning permission. These include most alterations to the external appearance of dwelling houses and flats. Development is not precluded, but such alterations will require planning permission and special attention will be paid to the potential effect of proposals.

Under Article 4 of the GPDO the planning authority can seek the approval of the Scottish Ministers for Directions that restrict development rights further. The Directions effectively control the proliferation of relatively minor developments in Conservation Areas which can cumulatively lead to the erosion of character and appearance. The Trinity Conservation Area has Article 4 Directions covering the following classes of development:

- 7 The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure;
- 38 water undertakings;
- 39 development by gas suppliers; and
- 40 development by electricity undertakers.

Trees

Public and private mature trees contribute to the character of the Conservation Area. Larger trees are also complementary to the scale of Trinity's wide streets and large villa grounds.

Trees within Conservation Areas are covered by the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Act 2006. This Act applies to the uprooting, felling or lopping of a tree having a diameter exceeding 75mm at a point 1.5m above ground level. The planning authority must be given six weeks' notice of the intention to uproot, fell or lop trees. Failure to give notice will render the person liable to the same penalties as for contravention of a Tree Preservation Order (TPO).

Tree Preservation Orders are made under planning legislation to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest. When assessing amenity, the importance of trees as wildlife habitats will be taken into consideration. There is a strong presumption against any form of development or change of use of land which is likely to damage or prejudice the future long term existence of trees covered by a Tree Preservation Order. The removal of trees for arboriculture reasons will not imply that the space created by their removal can be used for development.

Trees in the City contains a set of policies with an action plan used to guide the management of the Council's trees and woodlands.

Assessing Development within the Trinity Conservation Area

The richness of Trinity's built heritage is considerable. It is this complexity and diversity which make it attractive yet make these qualities hard to define. It also has a fragility and human scale which often does not sit easily with the demands of present day development requirements. These are qualities and conflicts that must be resolved if the character of Trinity is to be sensitively interpreted and enhanced.

General Criteria

General issues to be taken into account in assessing development proposals in the Conservation Area include the appropriateness of the overall massing of development, its scale (the expression of size indicated by the windows, doors, floor heights, and other identifiable units), its proportions and its relationship with its context i.e. whether it sits comfortably. Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. The use of materials generally matching those which are historically dominant in the area is important, as is the need for the development not to have a visually disruptive impact on the existing townscape. It should also, as far as possible, fit into the "grain" of the Conservation Area, for example, by respecting historic layout, street patterns or existing land form. It is also important where new uses are proposed that these respect the unique character and general ambience of the Conservation Area, for example certain developments may adversely affect the character of a Conservation Area

through noise, nuisance and general disturbance. Proposals outside the boundaries of the Conservation Area should not erode the character and appearance of Trinity.

New Buildings

New development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area. New development should also reflect the proportion and scale of the traditional window pattern. The quality of alterations to shop fronts, extensions, dormers and other minor alterations should also be of an appropriately high standard.

The development of new buildings in the Conservation Area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Therefore, while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area; in other cases modern designs sympathetic and complimentary to the existing character of the area may be acceptable.

Alterations and Extensions

Proposals for the alteration or extension of properties in the Conservation Area will normally be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the particular area and do not prejudice the amenities of adjacent properties. Extensions should be subservient to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Very careful consideration will be required for alterations and extensions affecting the roof of a property, as these may be particularly detrimental to the character and appearance of the Conservation Area.

Definition of 'Character' and 'Appearance'

Conservation Areas are places of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.

The character of an area is the combination of features and qualities which contribute to the intrinsic worth of an area and make it distinctive. Special character does not derive only from the quality of buildings. Elements such as the historic layout of roads, paths and boundaries, paving materials, urban grain and more intangible features, such as smells and noises which are unique to the area, may all contribute to the local scene. Conservation Area designation is the means of recognising the importance of all these factors and of ensuring that planning decisions address these qualities.

Appearance is more limited and relates to the way individual features within the Conservation Area look.

Care and attention should be paid in distinguishing between the impact of proposed developments on both the character and appearance of the Conservation Area.

OPPORTUNITIES FOR DEVELOPMENT

Development opportunities for infill or replacement may arise within the area and will be considered in terms of the relevant guidance. The Edinburgh Design Guidance, Guidance for Householders and Listed Buildings and Conservation Areas explain the Council's approach to design in historic contexts.

There has been pressure to erect new dwellings within the extensive garden grounds of the larger villas. The unsympathetic subdivision of garden grounds can erode the quality of a building's form and proportion, and the historic relationship between buildings.

OPPORTUNITIES FOR ENHANCEMENT

The character appraisal emphasises the more positive aspects of character in order that the future can build on what is best within the Conservation Area. The quality of urban and architectural design needs to be continuously improved if the character of the Conservation Area is to be enhanced. The retention of good quality buildings (as well as listed buildings) and the sensitive interpretation of traditional spaces in development are of particular importance.

Streetscape

Careful consideration needs to be given to floorscape which is an essential part of the overall appreciation of Trinity's rich townscape heritage. Repair and renewal work to street surfaces should be carefully detailed and carried out to the highest standards using quality natural materials.

High Buildings

Trinity has generally consistent heights and is particularly susceptible to buildings that break the prevailing roof and eaves height and impinge on the many important views. It is also important to protect the character of the Conservation Area from the potentially damaging impact of high buildings outside the Conservation Area.

Repair, Maintenance and Alterations

The character of the Conservation Area is maintained through regular maintenance of the built fabric in appropriate quality materials. Alterations must maintain the character and appearance.

Appendix 2

Trinity Conservation Area Character Appraisal: Analysis of Survey Results

The community consultation ran from 22 March 2019 to 20 May 2019. Thirty respondents completed the evaluation of the draft appraisal.

Do you agree with the contents of the Character Appraisal?

22 respondents Agreed or Strongly Agreed with the contents of the Character Appraisal.

3 Neither Agreed or Disagreed with the contents of the Character Appraisal.

5 Disagreed or Strongly Disagreed with the contents of the Character Appraisal.

The following comments were submitted (responses are in brackets after the comments):

Boundaries

The description of the boundaries should be altered as the east boundary clearly lies to the east of Starbank Park.

(The appraisal has been amended to take this comment into account).

Consideration should be given to extending the Trinity Conservation Area boundary on Lower Granton Road beyond Wardie Square and Steps towards Granton Square in order to protect the terraced cottages and gardens on Granton Road.

Consideration should be given to whether the boundary should be extended to protect the risk of unsympathetic development either side of Trinity.

Consideration should be given to an extension of the boundary to the east side of Granton Road to include Wardie Playing Fields.

Perhaps there is a case to extend the boundary to include the block south of Denham Green Avenue to protect both the existing open spaces and character of the shops on the South Trinity Road/Ferry Road junction from unfavourable development.

(A number of suggestions have been made for the inclusion of areas around the existing Trinity Conservation Area. This will be the subject of an additional report and may result in proposals for new conservation areas).

Trees

The protection for trees should be increased.

(Trees within Conservation Areas are covered by the Town and Country Planning Act. This Act applies to the uprooting, felling or lopping of a tree having a diameter exceeding 75mm at a point 1.5m above ground level. The planning authority must be given six weeks' notice of the intention to uproot, fell or lop trees. Failure to give notice will render the person liable to the same penalties as for contravention of a Tree Preservation Order).

The importance of street-edge mature trees could be emphasised.

(The appraisal has been amended to take this comment into account).

Traffic

Heavy traffic on Lower Granton Road should be banned or subject to a toll.

(This is beyond the scope of the Character Appraisal).

Starbank

There are mixed references to Starbank Gardens and Starbank Park.

(The appraisal has been amended to take this comment into account).

Details of the work of the Friends of Starbank Park were forwarded as part of the consultation.

(These have been summarised in the appraisal).

Development

Stricter criteria for new builds and extension/enhancements to existing properties to ensure additions to the area are more in keeping with the style and ethos of the conservation area are required.

Care needs to be exercised to ensure that any future development is sympathetic to the area and on a scale (building mass etc.) appropriate to the area's topography and character.

(These are beyond the scope of the Character Appraisal which takes an overview of the character).

Miscellaneous

There are references to Newhaven Road which actually forms part of the Victoria Park Conservation Area.

(The appraisal has been amended to take this comment into account).

The reference to Wardie Parish Church being the only current ecclesiastical use in the area is questionable - it may be true within the strict Trinity boundary, but does not acknowledge St. Serf's Church in Clark Road as being linked and in active use by the community.

(The appraisal has been amended to take this comment into account).

An important group of villas that has been dropped from the draft is Boswall House and the adjoining villas.

(The appraisal has been amended to take this comment into account).

Appendix 3 Trinity Conservation Area Plan

