

Planning Committee

2.00pm, Wednesday, 3 February 2021

Annual Review of Guidance

Executive/routine	
Wards	All
Council Commitments	1,4,10,11,12 and 15

1. Recommendations

- 1.1 It is recommended that Committee:
- 1.1.1 notes progress in consolidating and updating guidance for users of the planning service (Appendix 1);
 - 1.1.2 approves the attached updates to certain guidelines (Appendix 2); and
 - 1.1.3 approves the programme for work in 2021 as set out in Section 4 of this report.

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Report

Annual Review of Guidance

2. Executive Summary

- 2.1 This report advises the Planning Committee of changes to planning guidance in 2020 and seeks approval for the programme for the coming year. It also seeks approval of minor updates to certain guidelines.

3. Background

- 3.1 The Council issues non-statutory guidance to help its customers interpret the statutory development plan.
- 3.2 There are five main guidelines, focused on the main customer groups plus a small number of specialist topic guidelines.
- 3.3 The suite of guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 3.4 In [March 2018](#) the Planning Committee agreed a streamlined process for the preparation and review of non-statutory guidance, following a successful trial period in 2017.
- 3.5 Current non-statutory guidance can be viewed [online](#) on the Planning and Building Standards webpages. Statutory Supplementary Guidance (SG) can also be viewed [online](#) along with the Local Development Plan (LDP).

4. Main report

Drivers for Change

- 4.1 The main factors which can indicate a need to consider changes to guidance are as follows:
- 4.1.1 changes in national or development plan policy and guidance (including Scottish Planning Policy and the emerging National Planning Framework 4, and the preparation of City Plan 2030);
- 4.1.2 change in the city (including economic, social, environmental and physical changes or changes in corporate or community planning policy);

- 4.1.3 findings from monitoring the use of existing guidance and policy, including appeal decisions;
 - 4.1.4 the opportunities presented by organisational change; and
 - 4.1.5 the service's improvement plan and charter.
- 4.2 Appendix 1 shows the current status of the Development Plan, statutory and non-statutory guidance. It also sets out scheduled reviews and updates which are to be undertaken during 2021.

Summary of Proposed Minor Updates to Guidance for Approval

- 4.3 Regular monitoring of the use of guidance has indicated the need for some minor updates to the following guidelines:
- 4.3.1 guidance for businesses, to add clarity on shopfront changes;
 - 4.3.2 guidance for householders, to clarify issues of dormers on tenements;
 - 4.3.3 listed buildings and conservation areas, to clarify the legislation framework and add clarity about roof terraces and historic windows;
 - 4.3.4 development in the countryside and green belt, to clarify site types; and
 - 4.3.5 student housing to add cross reference to Edinburgh Design Guidance on amenity.
- 4.4 Further details of all the above updates are set out in Appendix 2 for Committee's approval.
- 4.5 All of the above updates are considered sufficiently minor to not require further consultation.

Summary of Progress on Changes to Guidance since February 2020 and Programme for 2021

- 4.6 The effects of the ongoing Covid-19 emergency have had an impact on the timing of a number of guidance updates proposed to take place in 2020. These include preparation of further guidance on Developer Contributions and Infrastructure Delivery and a full review of the non-statutory Guidance for Householders. It is proposed that these updates will now commence in 2021.
- 4.7 The Proposed City Plan 2030 timetable has also been impacted and it is expected to be published for representations in 2021. Further review of non-statutory guidance may be required following publication of the proposed plan.
- 4.8 Non-statutory guidance will also continue to be monitored throughout the year as a result of changes at national level resulting from implementation of the Planning (Scotland) Act 2019. Significantly, this includes the new National Planning Framework 4 which will eventually become part of the statutory development plan and incorporate Scottish Planning Policy.
- 4.9 Appeal decisions and customer feedback will also continue to be used to inform future updates.

5. Next Steps

- 5.1 The appended changes will be made to the relevant existing non-statutory guidance documents following Committee approval. Electronic copies of these documents will be available on the Council's website.

6. Financial impact

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

7. Stakeholder/Community Impact

- 7.1 Consultation responses are taken into account when full reviews of guidelines are undertaken. A summary of consultation responses are included when finalised guidelines are reported allowing the Planning Committee to see how consultation views have influenced the guidance. In 2020, the Choices for City Plan represented a significant consultation event. Engagement with customers and other stakeholders was affected by Covid-19 restrictions but is underway once more as part of the service's improvement programme.
- 7.2 The minor updates to guidance subject to this report (see Appendix 2), do not require additional consultation and are primarily reported for work scheduling purposes.
- 7.3 There is no requirement to undertake an Integrated Impact Assessment at this time. Assessments will be undertaken for individual guideline reviews as appropriate at the relevant time.
- 7.4 There are no perceived sustainability impacts arising from this report. Individual guideline reviews will consider sustainability impacts as appropriate at the relevant time.

8. Background reading/external references

- 8.1 Annual Review of Guidance, [Report to Planning Committee](#), 14 March 2018.
- 8.2 Annual Review of Guidance, [Report to Planning Committee](#), 26 February 2020.
- 8.3 [Planning Guidelines](#).
- 8.4 [Supplementary Guidance](#).

9. Appendices

- 9.1 Appendix 1 – Status of Development Plan and Guidance.

9.2 Appendix 2 – Annual Review of Guidance Minor Updates to Non-Statutory Guidance.

Status of Development Plan and Guidance

Title	Status and Date	Comment
Current Development Plan		
Strategic Development Plan (Includes Housing Land Supplementary Guidance,2014)	Approved June 2013	Proposed Strategic Development Plan 2 rejected May 2019. SDP 1 is now over five years old.
Edinburgh Local Development Plan	Adopted November 2016	
Supplementary Guidance (adopted)		
City Centre Retail Core	Revised guidance adopted 2020	
Tollcross Town Centre	Adopted 2017	
Corstorphine Town Centre		
Gorgie / Dalry Town Centre		
Leith / Leith Walk Town Centre		
Bruntsfield / Morningside Town Centre		
Nicolson St/Clerk St Town Centre		
Portobello Town Centre		
Stockbridge Town Centre		
Heat Opportunities Mapping	Adopted December 2018	
Other Development Plan		
City Plan 2030	Choices' Main Issues Report consultation took place in 2020 Proposed City Plan 2030 to be published in 2021	See www.edinburgh.gov.uk/cityplan2030 for information on timetable
Developer Contributions & Infrastructure Delivery	Finalised August 2018	Ministers directed not to adopt January 2020. To be reviewed in 2021.
Edinburgh BioQuarter & South East Wedge Parkland	Draft December 2013	
Non-statutory Guidance		
Main Guidelines		
Edinburgh Design Guidance	Updated January 2020	Ongoing monitoring may indicate need for reviews/updates
Guidance for Householders	Updated February 2019	<i>Minor updates reported February 2021†</i> . Full review scheduled to commence in 2021.
Guidance for Businesses	Updated February 2019	<i>Minor updates reported February 2021†</i> .
Listed Buildings & Conservation Areas	Updated February 2019	<i>Minor updates reported February 2021†</i> .
Development in the Countryside & Green Belt	Updated February 2019	<i>Minor updates reported February 2021†</i> .
Student Housing*	Updated February 2016	<i>Minor updates reported February 2021†</i> .
Affordable Housing*	Reissued October 2017 Updates February 2019	<i>Minor updates reported February 2021†</i> .
Other non-statutory guidance		
Outdoor Advertising and Sponsorship	Updated February 2019	
Art in Public Places	Updated February 2019	Consultation on review started May 2018. Interim minor update reported February 2019.
Open Space Strategy	Approved 2016	Due for 5 yearly review in 2021

Excludes non-statutory area guidance: development briefs, masterplans and Place Briefs.

Italics – reported to same Committee meeting.

* Wider review to take place in parallel with City Plan 2030 project.

† In combination with updates rolled over from February 2020.

Minor Updates to Non-Statutory Guidance

Guidance document	Reason for update	Proposed Edits (new text in blue and bold)	Section/ Page
Guidance for Businesses	For clarification based on enforcement cases.	Add: External roller shutters require planning permission.	17
	For consistency with Outdoor Advertising and Sponsorship guidance and for clarification based on enforcement cases.	Add new section: Other works affecting or relating to a shopfront or other business which may require planning and/or listed building consent: <ul style="list-style-type: none"> • Installation of garlands, particularly if they are supported by a structure • Free standing advertisement fixtures, awnings, flagpoles and banners Where permission is required these will generally not be acceptable.	18
Guidance for Householders	For clarification and to ensure high design quality.	Add: Dormers on tenemental and other traditional flatted properties will be acceptable where they are an existing characteristic of the building or, where they are not detrimental to the character and appearance of the building or the roofscape.	17
Guidance on Listed Buildings and Conservation Areas	For consistency.	Add links to HES Managing Change publications.	5
	For clarification based on appeal decisions and case work relating to listed buildings.	Add: In most instances, roof terraces will not be supported due to the loss of historic fabric and detrimental impacts on the character of the building and setting.	7
	For clarification	Amend: “The complete replacement of original or historic windows will only be approved where they have clearly deteriorated beyond practicable repair...”	13
Development in the Countryside and Green Belt	For clarification	Delete text: “These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings. ”	
Student Housing	For clarification	Add cross reference to amenity considerations in Edinburgh Design Guidance	3

Please note further changes will be combined with those reported in February 2020.