

# Minutes

## Planning Committee

2.00pm, Wednesday 23 February 2022

### Present

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Cameron (from item 6), Dixon, McVey (substituting for Councillor Gordon), Mitchell, Mowat, Osler, Rose and Staniforth.

### 1. Minutes

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#### Decision

To approve the minutes of the Planning Committee of 1 December 2021 as a correct record.

### 2. Business Bulletin

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The Committee's business bulletin for 23 February 2022 was presented.

#### Decision

To note the Business Bulletin.

(Reference – Business Bulletin 23 February 2022, submitted.)

### 3. Scottish Government Draft National Planning Framework 4 – City of Edinburgh Response

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Approval was sought for a supportive response to the Scottish Government's draft National Planning Framework 4 as an appropriate development strategy and national policy document, subject to the considerations and proposed amendments set out in Appendix 1 of the report.

#### Decision

To agree the proposed response to the draft National Planning Framework 4 as set out in Appendix 1 of the report and that it would be submitted to the Scottish Government by 31 March 2022.

(References – Planning Committee, 19 May 2021 (item 5); report by the Executive Director of Place, submitted)

### 4. Scottish Government Local Development Planning Regulations and Guidance consultation

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Approval was sought for a response to the Scottish Government's consultation on Local Development Planning Regulations and Guidance as set out in Appendix 1 of the report.

## **Decision**

To agree the proposed response to the consultation on Local Development Planning Regulations and Guidance as set out in Appendix 1 of the report and that it would be submitted to the Scottish Government by 31 March 2022.

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

## **5. Scottish Government Open Space Strategies and Play Sufficiency Regulations consultation – City of Edinburgh Response**

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The Scottish Government had published draft regulations setting out requirements on what information must be contained Open Space Strategies (OSSs) and Play Sufficiency Assessments (PSAs), the timescales for producing these and what steps Council's must undertake in preparing them. Committee considered a report that out the key parts of the draft regulations, the implications for the Council and the recommended response to the Scottish Government consultation.

### **Decision**

To agree the response to the Scottish Government's consultation on its draft regulations on Open Space Strategies and Play Sufficiency Assessments as set out in Appendix 1 of the report.

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

## **6. Short-term Let Area of Control Designation**

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Section 17 of the Planning (Scotland) Act 2019 introduced powers for local authorities to designate Short-term Let Control Areas.

Committee considered a report that set out responses to the consultation on a proposal to designate the entire Council area as a Short-term Let Area of Control. The area of control was a statutory designation the effect of which would require planning permission for the change of use of dwellings to short-term letting where the property was not a principal home.

### **Motion**

- 1) To note that the Council has now concluded the statutory consultation on the designation of a Short-term Let control area.
- 2) To note the level of response to, and the key findings of, the consultation as summarised in the report and set out in Appendix 1 of the report.
- 3) To acknowledge that analysis and consideration of feedback from consultation had informed a review of the proposed designation.
- 4) To approve the proposal to designate the entire Council area as a Short-term Let Control area.
- 5) To agree to submit the proposal to Scottish Ministers for approval.

- 6) To confirm that should Scottish Ministers approval be given, the designation would be publicised and would take effect 28 days from the date of publication of the notice.

- moved by Councillor Gardiner, seconded by Councillor Child

### **Amendment**

- 1) To note that the Council had now concluded the statutory consultation on the designation of a Short-term Let control area.
- 2) To note the level of response to, and the key findings of, the consultation as summarised in the report and set out in Appendix 1 of the report.
- 3) To acknowledge that analysis and consideration of feedback from consultation had informed a review of the proposed designation.
- 4) To approve the proposal to designate the entire Council area as a Short-term Let Control area.
- 5) To agree to submit the proposal to Scottish Ministers for approval.
- 6) To confirm that should Scottish Ministers approval be given, the designation would be publicised and would take effect 28 days from the date of publication of the notice.
- 7) To report to Committee any progress with the determination of matters by Scottish Ministers via the Business Bulletin (even if this was to report that there had been no decision) and in the meantime the Chief Planning Officer worked with the Convener, Vice Convener and Planning Spokespeople of each group to consider a communications plan to be implemented if permission for the Short-term Let Area of Control Designation was granted.

- Moved by Councillor Mowat, seconded by Councillor Rose

In accordance with Standing Order 22(12), the amendment was accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Gardiner:

- 1) To note that the Council has now concluded the statutory consultation on the designation of a Short-term Let control area.
- 2) To note the level of response to, and the key findings of, the consultation as summarised in the report and set out in Appendix 1 of the report.
- 3) To acknowledge that analysis and consideration of feedback from consultation has informed a review of the proposed designation.
- 4) To approve the proposal to designate the entire Council area as a Short-term Let Control area.
- 5) To agree to submit the proposal to Scottish Ministers for approval.

- 6) To confirm that should Scottish Ministers approval be given, the designation would be publicised and would take effect 28 days from the date of publication of the notice.
- 7) To report to Committee any progress with the determination of matters by Scottish Ministers via the Business Bulletin (even if this was to report that there had been no decision) and in the meantime the Chief Planning Officer works with the Convener, Vice Convener and Planning Spokespeople of each group to consider a communications plan to be implemented if permission for the Short-term Let Area of Control Designation was granted.

(References – Planning Committee, 2 September 2020 (item 3); report by the Executive Director of Place, submitted)

## 7. Annual Review of Guidance

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Committee considered a report that advised of changes to planning guidance in 2021 and sought approval for the programme in the coming year.

### Decision

- 1) To note the progress in consolidating and updating guidance for users of the planning service (Appendix 1 of the report).
- 2) To approve the programme for work in 2022 as set out in Section 4 of the report.

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

## 8. Edinburgh Urban Design Panel - Annual Review

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Details were provided of the findings from the annual review of the Edinburgh Urban Design Panel's work. A series of recommendations and actions were proposed for approval.

### Decision

- 1) To note the findings of the Edinburgh Urban Design Panel's annual review.
- 2) To record Committee's appreciation of the voluntary contributions made by the Panel members to the design review process particularly in the context of the COVID-19 pandemic.
- 3) To agree the revised Remit, Function, Roles and Procedures of the Panel as set out in Appendix 3 of the report.
- 4) To agree that it was relayed to the Urban Design Panel that issues of inclusivity and to women's safety was embedded in the work of the panel.
- 5) To agree that an update to the Urban Design Panel's remit and membership would be brought forward to Planning Committee.

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

## **9. Non-Statutory Guideline on Developer Contributions and Infrastructure Delivery – approval for preparation and consultation of draft guideline**

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A new guideline was being prepared to address the need for guidance on how to interpret and implement Edinburgh Local Development Plan (LDP) policy Del 1: Developer Contributions and Infrastructure Delivery.

Committee were asked to agree that this was prepared, consulted on and reported back for final approval as set out in paragraphs 4.5 to 4.9 of the report.

### **Decision**

To agree that new non-statutory guideline on developer contributions and infrastructure delivery be prepared, consulted on and reported for final approval as set out in paragraphs 4.5 to 4.9 of the report.

(References – Planning Committee, 1 December 2021 (item 3); report by the Executive Director of Place, submitted)

## **10. Scoping report considering opportunities to review current planning policies and guidance to assist in meeting the climate change emergency and net-zero carbon targets**

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In response to a motion by Councillor Rose, the Committee had agreed a scoping report be brought to February 2022 Planning Committee examining built environment and building fabric related issues to identify whether changes in the current policies and guidance was appropriate in order to address the climate change emergency and zero carbon commitment.

Details were provided on the work undertaken to date by the Planning Service around sustainability and climate change, and explored future opportunities to review, amend and add to planning policies and guidance to work towards the City of Edinburgh Council's aspiration of being net-zero carbon by 2030.

### **Decision**

- 1) To note the contents of the report.
- 2) To agree that the report discharged the remit set by Planning Committee on 11 August 2021.
- 3) To agree that when guidance was revised consideration would be given to cycle parking, front garden parking and uPVC and secondary glazing.
- 4) To agree that consideration would be given in the Householder Guidance to the mitigation householders could use against flooding particularly around Conservation Areas and Listed Buildings.
- 5) To agree that clarification would be provided to the Planning Committee via a briefing note on the position from the Scottish government concerning

permitted development and creation of parking in front gardens.

(References – Planning Committee, 11 August 2021 (item 8); report by the Executive Director of Place, submitted.)

## **11. Funding Third Sector Delivery Partners: Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust**

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Agreement was sought to enter into a three-year service level agreement (SLA) with Edinburgh World Heritage (EWH) and Edinburgh and Lothians Greenspace Trust (ELGT) for the period 2022 to 2025. Approval was also sought for funding for financial year 2022/23. Details were provided of the activities proposed to be delivered under these SLAs for 2022/23.

### **Decision**

- 1) To agree to enter into service level agreement (SLA) for the period 2022 – 2025 with Edinburgh World Heritage (EWH) and the Edinburgh and Lothians Greenspace Trust (ELGT).
- 2) To approve the sums of £46,000 for Edinburgh World Heritage and £25,833 for Edinburgh and Lothians Greenspace Trust for financial year 2022/23.

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

### **Declarations of Interest**

Councillors Gardiner and Child declared non-financial interests in the above item as Council appointed Directors of the Edinburgh World Heritage Trust.

## **12. Proposed Approach to Planning Enforcement for Temporary Structures for Hospitality**

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In light of recent coronavirus restrictions on businesses and the Scottish Government's Chief Planner's letter advocating a continued relaxation of planning control, it was recommended Committee approved a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses in order to facilitate additional space for social distancing. It was intended that the approach would remain in place until 7 October 2022.

### **Motion**

- 1) To approve a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses in order to facilitate additional space for physical distancing.
- 2) To agree that the topic of how temporary structures could be regulated would be the theme of a future Planning workshop.

- moved by Councillor Gardiner, seconded by Councillor Child

### **Amendment**

- 1) To approve a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses.
- 2) To ask officers to work with Transport officers to identify any structures which were creating unresolvable obstacles and leading to unsafe driver behaviour and should any such structures be identified take appropriate action under S59 and / or Planning to enforce the removal of the structures.
- 3) To agree that the topic of how temporary structures could be regulated would be the theme of a future Planning workshop.
  - Moved by Councillor Mowat, seconded by Councillor Rose

In accordance with Standing Order 22(12), the amendment was adjusted and accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Gardiner:

- 1) To approve a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses.
- 2) To ask officers to work with Transport officers to identify any structures which were creating unresolvable obstacles and leading to unsafe driver behaviour and should any such structures be identified take appropriate action under S59 and / or Planning to enforce the removal of the structures.
- 3) To agree that the topic of how temporary structures could be regulated would be the theme of a future Planning workshop.

(References – Planning Committee, 19 May 2021 (item 9); report by the Executive Director of Place, submitted)

## **13. Merchiston and Greenhill Conservation Area Character Appraisal Review**

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On 22 August 2018, the Planning Committee approved an updated programme of review of the existing conservation area character appraisals. A revised Merchiston and Greenhill Conservation Area Character Appraisal was presented. The revised appraisal had been the subject of consultation.

### **Decision**

To approve the revised Merchiston and Greenhill Conservation Area Character Appraisal.

(References – Planning Committee, 22 August 2018 (item 12); report by the Executive Director of Place, submitted)

## **14. Proposed extension to the Leith Conservation Area**

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On 14 May 2015, the Planning Committee approved the revised Leith Conservation

Area Character Appraisal. A proposed boundary extension to the Leith Conservation Area was presented.

**Decision**

To approve the boundary extension to the Leith Conservation Area and the updating of the current Leith Conservation Area Character Appraisal to reflect the boundary extension.

(References – Planning Committee, 22 August 2018 (item 12); report by the Executive Director of Place, submitted)