

# Minutes

## Planning Committee

2.00pm, Wednesday, 31 January, 2024

### Present

Councillors Dalgleish (Convener), Beal, Booth, Cameron, Gardiner, Jones, Mattos-Coelho, McNeese-Mechan, Mowat, Osler and Staniforth.

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Planning Committee of 15 November 2023 as a correct record.
- 2) To approve the minute of the Planning Committee of 19 December 2023 as a correct record.

### 2. Rolling Actions Log

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The Planning Committee Rolling Actions Log for 31 January 2024 was presented.

#### Decision

- 1) To agree to close the following actions:
  - **Action 7.3** – Affordable Housing Commuted Sums
  - **Action 8.2** – Planning Customer Service Charter and Planning Enforcement Charter
- 2) To otherwise note the remaining actions.

(Reference – Rolling Actions Log, 31 January 2024, submitted.)

### 3. Work Programme

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The Planning Committee Work Programme was presented.

#### Decision

To note the work programme.

(Reference – Work Programme, 31 January 2024, submitted.)

### 4. Business Bulletin

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The Planning Committee Business Bulletin for 31 January 2024 was submitted.

#### Decision

- 1) To note the Business Bulletin.

- 2) To request members were updated when the draft Climate Ready Edinburgh Plan for consultation would be discussed at the Policy and Sustainability Committee.
- 3) To request a briefing note was circulated on the Climate Ready Edinburgh Plan consultations.

(Reference – Business Bulletin, 31 January 2024, submitted.)

## 5. Short-term Lets

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A response was provided following a request from Council setting out the implications of the Judicial Review in respect of short-term lets and planning.

### **Motion**

- 1) To note the information provided in the report by the Executive Director of Place.
- 2) To note that officers informed Councillors of appeal outcomes and asked that links to the cases were added to the regular reporting in the business bulletin.
- 3) To ask for an update on how Planning and Licensing officers were working together on Short Term Lets in the next business bulletin, recognising that this was an operational matter but considered that Committee needed to understand the process in order to exercise appropriate scrutiny.
- 4) To note that a letter was received from ASSC which was circulated to members and asked that officers provided a briefing on the matter raised and a report detailing this was brought to the next Planning Committee.
- 5) To request that matters arising out of the Short Term Lets working group were detailed in the business bulletin and noted that any matters requiring Committee decisions would be brought to the relevant Committee.
- 6) To approve the amended Guidance for Business (January 2024) which took into account the Court decision.
- 7) To refer the report to the Regulatory Committee for consideration.
- 8) To agree that training should be provided for Committee members on Short-Term Lets.

- moved by Councillor Dalgleish, seconded by Councillor Cameron

### **Amendment**

- 1) To note the report and to thank officers for their work in responding to the judicial review judgment of December 2023.

### **Guidance for Business**

- 2) To approve the amended Guidance for Business (January 2024) (appendix 1 of the report by the Executive Director of Place) which took account of the court decision.

### **Communication with licensing colleagues**

- 3) To agree that good communication between planning and licensing colleagues was essential for effective regulation of STLs, and therefore asked planning officers to ensure that licensing colleagues were notified:
  - a) on the submission of an application for planning consent (both full planning consent and certificate of lawful use applications) for an STL.
  - b) when an application for planning consent for an STL had been determined.
  - c) what the outcome of determination was.

### **Referral to Regulatory Committee**

- 4) Refers this report to Regulatory Committee for consideration, and recommends that the Executive Director of Place provide a covering report for Regulatory Committee addressing the interplay between planning and licensing of STLs insofar as it falls within the remit of Regulatory Committee, and that this covering report may include, but not be limited to, the following issues:
  - a) good communications between planning and licensing colleagues in respect of STL applications and decisions;
  - b) ensuring that licensing colleagues are notified on the submission and determination of STL planning consent applications (both full planning and certificate of lawful use applications);
  - c) whether the council would consider using discretionary powers of preliminary refusal for a breach of planning control under paragraph 2a of schedule 1 of the Civic Government (Scotland) Act 1982 as amended by the Civic Government (Scotland) Act 1982(Licensing of Short-term Lets) Order 2022 and, if so, what the implications of using those powers would be; and a suggested timetable for the use of those powers.”

- moved by Councillor Booth, seconded by Councillor Staniforth

In accordance with Standing Order 22(13), the motion was adjusted and accepted as an amendment to the amendment by Councillor Booth.

### **Voting**

For the Motion - 6 votes

For Amendment - 5 votes

(For the motion – Councillors Beal, Cameron, Dalglish, Jones, Mowat and Osler.)

For the amendment – Councillors Booth, Gardiner, Mattos-Coelho, McNeese-Mechan and Staniforth.)

## **Decision**

To approve the motion by Councillor Dalgleish.

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

## **6. Motion for Adjournment – Standing Order 21.1**

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At this point in the meeting, Councillor Booth moved adjournment in terms of Standing Order 21.1.

### **Motion**

For an adjournment.

- Moved by Councillor Booth, seconded by Councillor Osler

### **Amendment**

Against an adjournment.

- Moved by Councillor Mowat, seconded by Councillor Jones

### **Voting**

For the Motion - 6 votes

For Amendment - 5 votes

(For the motion – Councillors Beal, Booth, Gardiner, Mattos Coelho, Osler and Staniforth.

For the amendment – Councillors Cameron, Dalgleish, Jones, McNeese-Mechan and Mowat.)

## **Decision**

To adjourn the meeting.

## **7. Motion for Adjournment – Standing Order 21.1**

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The Convener reconvened the meeting.

## **8. Edinburgh Local Heat and Energy Efficiency Strategy and Delivery Plan – referral from the Policy and Sustainability Committee**

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The Policy and Sustainability Committee had referred a report on the Edinburgh Local Heat and Energy Efficiency Strategy (LHEES) and the associated Delivery Plan to the Planning Committee for information.

### **Motion**

To note that the Policy and Sustainability had referred the Edinburgh Local Heat and Energy Efficiency Strategy and the associated Delivery Plan to Planning Committee for information.

- moved by Councillor Dalgleish, seconded by Councillor Cameron.

## Amendment 1

- 1) To note the report referred from Policy and Sustainability Committee, and the terms of referral.
- 2) To note the importance of planning and building standards to delivery of the LHEES, with five of the key actions identified in appendix 2 of the report by the Executive Director of Place being the responsibility of planning, and further noted point G in the high-level principles that 'Additional levers will be required to catalyse change'.
- 3) To ask officers to consider whether a planning colleague could be temporarily seconded to the LHEES office in addition to any additional resource agreed as part of the budget process, either on a part-time or full-time basis, in order to increase the capacity of the office as it becomes established, and to report back to committee via the business bulletin on whether this has been achieved.
- 4) To note the existing work being undertaken following the motion of Cllr Osler on 'Conservation and Adaptation' in November 2022, noted the decision of this committee of November 2023 asking for a further report to return to committee within three cycles with a roadmap for action, and agrees that this work should align closely with, and if possible be incorporated into, the work of the LHEES.
- 5) To note that of the 5 actions in the current LHEES assigned to planning, only one (action 40, update the Edinburgh Design Guidance) had an agreed timetable.
- 6) To request an update in the Business Bulletin within three cycles setting out:
  - a) the expected timetable for the remaining four actions assigned to planning which did not currently have a timetable: actions 60, 61, 69 and 70.
  - b) whether the heat opportunities mapping guidance, last published in December 2018, was considered to be superseded by the LHEES, or whether it needed to be updated in light of the LHEES.
  - c) whether planning might have a role in contributing to the delivery of action 41 on co-ordinating excavation works for heat networks with other infrastructure works, for example through informatives attached to planning consent.
  - d) whether the LHEES office could be included on the list of internal council consultees for larger developments, especially those in the identified 'heat network zones'.
  - e) whether, on adoption of City Plan 2030, further amendment or creation of supplementary guidance is required to more closely align policy Inf 16

'sustainable energy and heat networks' with LHEES, especially in respect of 'heat network zones'.

- moved by Councillor Booth, seconded by Councillor Staniforth.

In accordance with Standing Order 22(12), the Amendment was accepted as an Addendum to the motion by Councillor Dalglish.

At this point in the meeting, the following Amendment 2 was proposed.

### **Amendment 2**

To approve the Motion as originally moved by Councillor Dalglish.

- moved by Councillor Mowat, seconded by Councillor Jones.

### **Voting**

For the Motion - 9 votes

For Amendment - 2 votes

(For the Motion – Councillors Beal, Booth, Cameron, Dalglish, Gardiner, Mattos-Coelho, McNeese-Mechan, Osler, and Staniforth.

For the Amendment – Councillors Jones and Mowat.)

### **Decision**

To approve the following adjusted motion by Councillor Dalglish:

- 1) To note the report referred from Policy and Sustainability Committee, and the terms of referral.
- 2) To note the importance of planning and building standards to delivery of the LHEES, with five of the key actions identified in appendix 2 of the report by the Executive Director of Place being the responsibility of planning, and further noted point G in the high-level principles that 'Additional levers will be required to catalyse change'.
- 3) To ask officers to consider whether a planning colleague could be temporarily seconded to the LHEES office in addition to any additional resource agreed as part of the budget process, either on a part-time or full-time basis, in order to increase the capacity of the office as it becomes established, and to report back to committee via the business bulletin on whether this has been achieved.
- 4) To note the existing work being undertaken following the motion of Cllr Osler on 'Conservation and Adaptation' in November 2022, noted the decision of this committee of November 2023 asking for a further report to return to committee within three cycles with a roadmap for action, and agrees that this work should align closely with, and if possible be incorporated into, the work of the LHEES.
- 5) To note that of the 5 actions in the current LHEES assigned to planning, only one (action 40, update the Edinburgh Design Guidance) had an agreed timetable.
- 6) To request an update in the Business Bulletin within three cycles setting out:

- a) the expected timetable for the remaining four actions assigned to planning which did not currently have a timetable: actions 60, 61, 69 and 70.
- b) whether the heat opportunities mapping guidance, last published in December 2018, was considered to be superseded by the LHEES, or whether it needed to be updated in light of the LHEES.
- c) whether planning might have a role in contributing to the delivery of action 41 on co-ordinating excavation works for heat networks with other infrastructure works, for example through informatives attached to planning consent.
- d) whether the LHEES office could be included on the list of internal council consultees for larger developments, especially those in the identified 'heat network zones'.
- e) whether, on adoption of City Plan 2030, further amendment or creation of supplementary guidance is required to more closely align policy Inf 16 'sustainable energy and heat networks' with LHEES, especially in respect of 'heat network zones'.

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

## **10. Edinburgh Urban Design Panel - Annual Review**

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A summary was provided of the findings from the annual review of the Edinburgh Urban Design Panel's work.

### **Decision**

- 1) To note the findings of the Edinburgh Urban Design Panel's annual review.
- 2) To record its appreciation for the voluntary contributions made by the Panel members to the design review process.

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

## **11. Funding Edinburgh World Heritage**

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Approval was sought for funding for financial years 2024/25, 2025/26 and 2026/27 for Edinburgh World Heritage under a Service Legal Agreement.

### **Decision**

To approve the sum of £51,000 for Edinburgh World Heritage for financial years 2024/25, 2025/26 and 2026/27.

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

## **12. Old and New Towns of Edinburgh World Heritage Site Management Plan: draft for consultation**

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The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention of World Heritage required every World Heritage Site (WHS) to have a management system. The current five-year management plan for the Old and New Towns of Edinburgh WHS had been reviewed. A new plan for the next 10 years, with an accompanying two-year action plan was presented in draft for approval.

### **Decision**

- 1) To approve for consultation the draft Old and New Towns of Edinburgh World Heritage Site Management Plan 2024 - 2035 and associated Action Plan 2024 – 2026.
- 2) To note that, if approved, an eight-week consultation on the draft plan would be held with the aim of bringing the final plan back to the Planning Committee for approval in summer 2024.

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