

Minutes

Planning Committee

2.00pm, Wednesday 24 April 2024

Present

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

1. Deputations

a) In relation to Item 11.1 – Motion by Councillor Booth – Cycle Parking

Spokes welcomed the new cycle guidance which they thought was a huge improvement. The deputation stated they were discussing the guidance with Officers. The deputation highlighted the importance of safe cycling paths to encourage people to drive less. New developments were described as an important opportunity to build new cycle routes and store bikes safely. The deputation welcomed a move to class; 2-tier cycle racks and applications approved with lockers for folding bikes. The deputation required more information to be included in the guidance in relation to security.

b) In relation to Item 8.1 – Responsible Construction

A written deputation was submitted by Living Rent Edinburgh. The deputation expressed concerns about the multifaceted housing emergency in Edinburgh. The deputation welcomed the council actions to reduce the number of short-term lets and the holistic approach to the housing crisis. The deputation believed that figures provided by ASSC were incorrect as a number of planning permission applications for short-term lets was higher and this 'blanket approach' wouldn't help in reducing them. They suggested that the Council should investigate different, more sustainable ways for tourist accommodation like home letting or home sharing to avoid unintended consequences.

2. Minutes

Decision

To approve the minute of the Planning Committee of 31 January 2024 as a correct record.

3. Rolling Actions Log

The Planning Committee Rolling Actions Log for 24 April 2024 was presented.

Decision

1) To agree to close the following actions:

- **Action 1** - West Edinburgh Placemaking Framework and Masterplan: Draft for Consultation
- **Action 2.2** - Business Bulletin – Planning Performance
- **Action 3** - Business Bulletin
- **Action 4** - Planning Controls over Construction
- **Action 7** – Planning Customer Service Charter and Planning Enforcement Charter
- **Action 10** – Responsible Construction – Appointment of Working Group
- **Action 13** - Business Bulletin
- **Action 14** – Short-term Lets

2) To otherwise note the remaining actions.

(Reference – Rolling Actions Log, 24 April 2024, submitted.)

4. Work Programme

The Planning Committee Work Programme was presented.

Decision

To note the work programme.

(Reference – Work Programme, 24 April 2024, submitted.)

5. Business Bulletin

The Planning Committee Business Bulletin for 24 April 2024 was submitted.

Decision

- 1) To circulate the Minister of Housing letter to members of the Short Term Lets Working Group and members of Regulatory Committee.
- 2) To liaise with colleagues in enforcement on the number of additional building standards cases, and how these have been reported.
- 3) To otherwise note the Business Bulletin.

(Reference – Business Bulletin 24 April 2024, submitted.)

6. Annual Review of Guidance

The current status of planning guidance was presented to Committee and outlined the proposed programme of review, following the need to update planning guidance to reflect the new development plans.

Decision

- 1) To approve the planning guidance review programme for 2024, as set out in Appendix 1 by the Executive Director of Place.

- 2) To approve the required policy context updates following the adoption of City Plan 2030.

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

7. Scottish Government Consultations on Development Plan Regulations, Masterplan Consent Area Regulations and Resourcing Planning

Proposed responses to the Scottish Government’s consultations on Development Plan Regulations, Masterplan Consent Areas and Resources Planning were presented to Committee.

Decision

To respond to the Scottish Government’s consultations on Development Plan Regulations, Masterplan Consent Areas and Resourcing Planning in accordance with the proposed responses set out in Appendices 1, 2 and 3 of the report by the Executive Director of Place

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

8. ASSC Proposal on Short-term Lets

Following a request by Planning Committee on the 31 January 2024 on a report on the Association of Scottish Self-Caterers, risks and benefits of options were explored. It was proposed that points raised as part of a wider report to Committee on options in relation to guidance on the applicability of the National Planning Framework (NPF4) and City Plan were considered instead.

Motion

- 1) To note that the Association of Scottish Self Caterers (ASSC) had proposed, as a matter of policy, that any pre-short-term let control area property in existing use for short-term let purposes that was not subject to complaint or enforcement was not considered to be a material change of use and therefore did not require planning permission and a certificate of lawful use could be granted.
 - 2) To note that, for the reasons set out in the report by the Executive Director of Place, the proposals were not acceptable.
 - 3) To note that as part of a further report to Committee on the Short Term Let (STL) policy implications from National Planning Framework 4 (NPF4) and City Plan, consideration would be given to the concerns raised by the ASSC.
- moved by Councillor Dalgleish, seconded by Councillor Cameron.

Amendment

- 1) To note that the Association of Scottish Self Caterers (ASSC) had proposed, as a matter of policy, that any pre-short-term let control area property in existing use for short-term let purposes that was not subject to complaint or enforcement was not considered to be a material change of use and therefore did not require planning permission and a certificate of lawful use could be granted.
 - 2) To agree that, for the reasons set out in the report, the proposals were not acceptable.
 - 3) To note and agree that as part of a further report to Committee on the short-term let (STL) policy implications from National Planning Framework 4 (NPF4) and City Plan, consideration would be given to the concerns raised by any relevant stakeholders, and that this report would be presented to committee within 3 cycles.
- moved by Councillor Booth, seconded by Councillor Staniforth.

In accordance with Standing Order 22.13, the amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Dalglish:

- 1) To note that the Association of Scottish Self Caterers (ASSC) had proposed, as a matter of policy, that any pre-short-term let control area property in existing use for short-term let purposes that was not subject to complaint or enforcement was not considered to be a material change of use and therefore did not require planning permission and a certificate of lawful use could be granted.
- 2) To note and agree that, for the reasons set out in this report, the proposals were not acceptable.
- 3) To note and agree that as part of a further report to Committee on the short-term let (STL) policy implications from National Planning Framework 4 (NPF4) and City Plan, consideration would be given to the concerns raised by any relevant stakeholders, and that this report would be presented to committee within 3 cycles.

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

9. Responsible Construction

Options were presented which were considered by the Responsible Construction Short Life Working Group which was set up as a result of the decision of Planning Committee on 15 November 2023.

Motion

- 1) To note the content of the report by the Executive Director of Place.

- 2) To note the proposed next steps.
 - 3) To agree that the report discharged the remit set by Planning Committee on 15 November 2023.
- moved by Councillor Dalglish, seconded by Councillor Cameron.

Amendment

- 1) To note the content of thereport.
 - 2) To note the proposed next steps.
 - 3) To agree that the report discharged the remit set by Planning Committee on 15 November 2023.4) To agree to receive an update on progress to committee within 12 months..
- moved by Councillor Booth, seconded by Councillor Staniforth.

In accordance with Standing Order 22.13, the amendment was accepted as an addendum to the motion.

Decision

To approve the following verbally adjusted motion by Councillor Dalglish:

Amendment

- 1) To note the content of the report.
- 2) To note the proposed next steps.
- 3) To agree that the report discharged the remit set by Planning Committee on 15 November 2023.4) To agree to receive an update on progress to committee within 12 months.

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

10. West Edinburgh Placemaking Framework and Strategic Masterplan

Authority was sought to prepare an updated version of the West Edinburgh Placemaking Framework and Strategic Masterplan (WEPFSM) which addressed matters which related to West Edinburgh raised in the Report to City of Edinburgh Council on the Edinburgh Local Development Plan – Proposed City Plan 2030 Examination (the Examination Report).

Decision

- 1) To agree that officers prepared an updated version of the West Edinburgh Placemaking Framework and Strategic Masterplan (WEPFSM) to address matters related to West Edinburgh which were raised in the Report to City of Edinburgh Council on the Edinburgh Local Development Plan – Proposed City Plan 2030 Examination (the Examination Report).

- 2) To agree that once completed, the document should be consulted on for a period of eight weeks.
- 3) To agree that a finalised version of the WEPFSM should be subsequently reported to Committee.
- 4) To note that the consultation would enable Edinburgh Airport Ltd to feedback on matters raised in its judicial review of the WEPFSM.
- 5) To note that changes were made to the WEPFSM by Planning Committee on 19 December 2023 and that the consultation would enable public comment on these.

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

11. Motion by Councillor Booth - Cycle Parking

The following motion by Councillor Booth was submitted in terms of Standing Order 17:

- “1) Notes the importance of secure, convenient cycle parking in achieving council targets on tackling the climate emergency; reducing the number of car kilometers driven and supporting active travel;
- 2) Notes the decision of committee in April 2023 to approve a motion by Cllr Osler on Edinburgh Design Guidance - Cycle Parking which agrees that the forthcoming review of the EDG addresses a number of issues in respect of cycle parking design and notes a briefing has been arranged for committee members on 19 April 2024 on this work;
- 3) Notes LDP policies Tra 3 Private Cycle Parking and Tra 4 Design of Off-Street Car and Cycle Parking, which state that cycle parking should be designed in accordance with the standards set out in Council guidance, further notes factsheet C7 which forms part of council guidance which states that, "two tier racks may discourage users", that "a maximum of 50% of cycle parking at a location should be two tier storage", and that "at least 20% of cycle parking spaces should be able to accommodate non-standard cycles";
- 4) Notes that on highly constrained sites, some flexibility on guidance may sometimes be necessary, but agrees this should wherever possible not compromise on the accessibility of the cycle parking, and therefore that, where compromise is unavoidable, that the total number of cycle parking spaces provided would be a preferable compromise rather than the proportion of non-standard spaces or the proportion of 2-tier racks;
- 5) Notes that guidance does not currently allow for any developer contribution to on-street cycle lockers or other off-site cycle storage where guidance cannot be met on a constrained site and asks officers to consider whether this could be considered;
- 6) Notes there is sometimes considered to be a conflict between adequate cycle storage provision and the provision of active frontages, but further notes that,

where the provision of cycle parking is considered at an early stage in the design process, both objectives can usually be met;

- 7) Notes that a number of recent applications have not complied with guidance; notes in particular that Sheffield racks on the bottom level of 2-tier racks are nonetheless 2-tier racks and should be regarded as such, and that including lockers for folding bikes as provision for 'non standard bikes' is contrary to the spirit of guidance, where non-standard bikes are defined as bikes for disabled people or that cannot otherwise be accommodated;
- 8) Agrees to receive a report to committee within two cycles setting out options for consulting on changes to guidance, including but not limited to, factsheet C7, which reflect the issues set out in paragraphs above;
- 9) Given the importance of secure and convenient cycle parking to promoting sustainable travel and tackling the climate emergency, requests that officers should treat the relevant sections of the development plan and relevant guidance extremely seriously, should impress upon applicants the importance of considering cycle parking at a very early stage in the design process in order to ensure the guidance is met, and that committee does not expect applications to be recommended for approval where the cycle parking does not comply with guidance, except in very exceptional circumstances;
- 10) Agrees that, where the cycle parking in an application does not comply with guidance and the application is being recommended for approval, the report should set out in detail:
 - a) the date on which the applicant first approached officers to discuss their cycle parking proposals;
 - b) the number and proportion of each type of cycle parking;
 - c) a detailed plan setting out where each type of cycle parking is located;
 - d) a detailed explanation for why it is considered that a deviation from guidance is considered acceptable.
- 11) Further agrees that, where an application is recommended for approval but the cycle parking does not comply with guidance, consideration will be given to requesting a developer contribution for the provision of on-street cycle hangers, in a similar way to the provision of car club spaces at present.”

Motion

To approve the motion by Councillor Booth.

- moved by Councillor Booth, seconded by Councillor Staniforth

Amendment 1

- 1) To note the importance of secure, convenient cycle parking in achieving council targets on tackling the climate emergency; reducing the number of car kilometers driven and supporting active travel.

- 2) To note the decision of committee in April 2023 to approve a motion by Cllr Osler on Edinburgh Design Guidance - Cycle Parking which agreed that the forthcoming review of the EDG addressed a number of issues in respect of cycle parking design and noted a briefing had been arranged for committee members on 19 April 2024 on this work.
- 3) To note LDP policies Tra 3 Private Cycle Parking and Tra 4 Design of Off-Street Car and Cycle Parking, which stated that cycle parking should be designed in accordance with the standards set out in Council guidance, and further noted factsheet C7 which formed part of council guidance which states that, "two tier racks may discourage users", that "a maximum of 50% of cycle parking at a location should be two tier storage", and that "at least 20% of cycle parking spaces should be able to accommodate non-standard cycles".
- 4) To note that on highly constrained sites, some flexibility on guidance may sometimes be necessary, but agreed this should wherever possible not compromise on the accessibility of the cycle parking, and therefore that, where compromise was unavoidable, that the total number of cycle parking spaces provided would be a preferable compromise rather than the proportion of non-standard spaces or the proportion of 2-tier racks.
- 5) To note that guidance did not currently allow for any developer contribution to on-street cycle lockers or other off-site cycle storage where guidance could not be met on a constrained site and asked officers to consider whether this could be considered.
- 6) To note there was sometimes considered to be a conflict between adequate cycle storage provision and the provision of active frontages, but further noted that, where the provision of cycle parking is considered at an early stage in the design process, both objectives could usually be met.
- 7) To note that a number of recent applications had not complied with guidance; noted in particular that Sheffield racks on the bottom level of 2-tier racks are nonetheless 2-tier racks and should be regarded as such, and that including lockers for folding bikes as provision for 'non standard bikes' was contrary to the spirit of guidance, where non-standard bikes are defined as bikes for disabled people or that cannot otherwise be accommodated and further noted that vertical or semi-vertical racks were sometimes used, which have similar accessibility problems to two-tier racks.
- 8) To note following on from the informative meeting held on 19th April, Committee agreed to a written briefing and further discussion between Planning Committee members and relevant officers within one cycle setting out options for consulting on changes to guidance, including but not limited to, factsheet C7, and the scope to obtain developer contributions towards on-street cycle parking provision which reflected the issues set out in paragraphs above as part of continued officer engagement with members on the content of the revised Edinburgh Design Guidance.

- 9) To note given the importance of secure and convenient cycle parking to promoting sustainable travel and tackling the climate emergency, to request that officers considered the relevant sections of the development plan and relevant guidance as part of their assessment, and discussed with applicants the importance of considering cycle parking at a very early stage in the design process to ensure the guidance was met.
- 10) To agree that, where the cycle parking in an application did not comply with guidance and the application was being recommended for approval, the report should include a detailed explanation summarising why the deviation from guidance was deemed acceptable.
- 11) To agree that, where an application was recommended for approval but the cycle parking did not comply with guidance, consideration would be given to requesting a developer contribution for the provision of on-street cycle hangers, in a similar way to the provision of car club spaces at present.

- moved by Councillor Dalgleish, seconded by Councillor Cameron

Amendment 2

To note the motion by Cllr Booth on cycle parking, and that there was a review of cycle parking being carried out as part of the Edinburgh Design Guidance which would be reported to committee and consulted on later this year; and rather than calling for further reports at this stage which would unnecessarily burden planning officers, the motion by Cllr Booth was treated as a consultation response to the review of cycle parking guidance as part of the Edinburgh Design Guidance and considered in this way when the EDG is brought forward.

- moved by Councillor Mowat, seconded by Councillor Jones

In accordance with Standing Order 22(13), amendment 1 was accepted as an addendum to the motion.

Voting

The voting was as follows:

For the Motion (as adjusted) - 9 votes

For Amendment 2 - 2 votes

(For the Motion (as adjusted): Councillors Beal, Booth, Cameron, Dalgleish, Gardiner, Mattos-Coelho, Mowat, Osler and Staniforth.

For Amendment 2: Councillors Jones and Mowat.)

Decision

To approve the following adjusted motion by Councillor Booth:

- 1) To note the importance of secure, convenient cycle parking in achieving council targets on tackling the climate emergency; reducing the number of car kilometers driven and supporting active travel.

- 2) To note the decision of committee in April 2023 to approve a motion by Cllr Osler on Edinburgh Design Guidance - Cycle Parking which agreed that the forthcoming review of the EDG addressed a number of issues in respect of cycle parking design and noted a briefing had been arranged for committee members on 19 April 2024 on this work.
- 3) To note LDP policies Tra 3 Private Cycle Parking and Tra 4 Design of Off-Street Car and Cycle Parking, which stated that cycle parking should be designed in accordance with the standards set out in Council guidance, and further noted factsheet C7 which formed part of council guidance which states that, "two tier racks may discourage users", that "a maximum of 50% of cycle parking at a location should be two tier storage", and that "at least 20% of cycle parking spaces should be able to accommodate non-standard cycles".
- 4) To note that on highly constrained sites, some flexibility on guidance may sometimes be necessary, but agreed this should wherever possible not compromise on the accessibility of the cycle parking, and therefore that, where compromise was unavoidable, that the total number of cycle parking spaces provided would be a preferable compromise rather than the proportion of non-standard spaces or the proportion of 2-tier racks.
- 5) To note that guidance did not currently allow for any developer contribution to on-street cycle lockers or other off-site cycle storage where guidance could not be met on a constrained site and asked officers to consider whether this could be considered.
- 6) To note there was sometimes considered to be a conflict between adequate cycle storage provision and the provision of active frontages, but further noted that, where the provision of cycle parking is considered at an early stage in the design process, both objectives could usually be met.
- 7) To note that a number of recent applications had not complied with guidance; noted in particular that Sheffield racks on the bottom level of 2-tier racks are nonetheless 2-tier racks and should be regarded as such, and that including lockers for folding bikes as provision for 'non standard bikes' was contrary to the spirit of guidance, where non-standard bikes are defined as bikes for disabled people or that cannot otherwise be accommodated and further noted that vertical or semi-vertical racks were sometimes used, which have similar accessibility problems to two-tier racks.
- 8) To note following on from the informative meeting held on 19th April, Committee agreed to a written briefing and further discussion between Planning Committee members and relevant officers within one cycle setting out options for consulting on changes to guidance, including but not limited to, factsheet C7, and the scope to obtain developer contributions towards on-street cycle parking provision which reflected the issues set out in paragraphs above as part of continued officer engagement with members on the content of the revised Edinburgh Design Guidance.

- 9) To note given the importance of secure and convenient cycle parking to promoting sustainable travel and tackling the climate emergency, to request that officers considered the relevant sections of the development plan and relevant guidance as part of their assessment, and discussed with applicants the importance of considering cycle parking at a very early stage in the design process to ensure the guidance was met.
- 10) To agree that, where the cycle parking in an application did not comply with guidance and the application was being recommended for approval, the report should include a detailed explanation summarising why the deviation from guidance was deemed acceptable.
- 11) To agree that, where an application was recommended for approval but the cycle parking did not comply with guidance, consideration would be given to requesting a developer contribution for the provision of on-street cycle hangers, in a similar way to the provision of car club spaces at present.

Declaration of Interests

To note that Councillors Beal and Mattos-Coelho made transparency statements to this item as members of Spokes.

12. Motion by Councillor Beal - Embodied Carbon

The following motion by Councillor Beal was submitted in terms of Standing Order 17:

- “1) To note that the Climate Emergency declared by Council is a result of carbon emissions.
- 2) To note carbon was emitted in the production of building building materials – embedded carbon; during its use -operational carbon; and in the end-of-life disposal of materials
- 3) To note carbon emitted at any stage was equally damaging to the environment.
- 4) To note NPF4 was now implemented and City Plan 2030 is close to being implemented.
- 5) To note both include embodied carbon as a factor in determining planning applications.
- 6) To note both lacked a consistent and systematic means of assessing embodied carbon in Council and national guidance.
- 7) To note UK mechanisms now exist for systematically dealing with embodied carbon, such as CIBSE TM65 and the LETI schemes’ ‘Embodied Carbon Primer’ in London.

Therefore Committee:

Requests a report in two cycles detailing:-

- A review of what mechanisms exist for incorporating embodied carbon and for accounting for carbon over a lifecycle of a building
- How such mechanisms could be incorporated into Planning Guidance”

Motion

To approve the motion by Councillor Beal.

- moved by Councillor Beal, seconded by Councillor Osler

Amendment

- 1) To note that NPF4 had been implemented and was now part of the plan hierarchy, and the Report of Examination on City Plan 2030 had been received and would be considered over this year. Both contained instructions to consider the role of embodied carbon and its impact on climate change as new considerations for Committee.
- 2) To request that a briefing session or business bulletin update, as appropriate, was provided to support Councillors in understanding how this would be assessed by officers when writing their reports and to consider whether to incorporate this into the councillors’ training programme going forward.

- moved by Councillor Mowat, seconded by Councillor Jones

Voting

The voting was as follows:

For the Motion (as adjusted) - 9 votes

For Amendment 2 - 2 votes

(For the Motion (as adjusted): Councillors Beal, Booth, Cameron, Dalgleish, Gardiner, Mattos-Coelho, Mowat, Osler and Staniforth.

For Amendment 2: Councillors Jones and Mowat.)

Decision

To approve the motion by Councillor Beal.