

Business Bulletin

Planning Committee

2.00pm, Wednesday 29 January 2020

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 Reform Update

Following the Post-Bill work programme from Scottish Government Planning which was discussed at the Committee meeting in October 2019, there has been initial consultation on several themes with individual planning authorities and through COSLA and Heads of Planning Scotland.

The Scottish Government's priorities are the National Planning Framework (NPF), the review of permitted development rights and the review of planning performance and fees. Four working groups have been set up by the Scottish Government, each consisting of around 25 stakeholder groups' representatives, to assist with the development of national policy and guidance on the themes of development planning, development management, community engagement, and leadership, resources and skills.

Discussions are ongoing on the stages of engagement in the preparation of NPF4 for planning authorities and regional groupings. Preparation of associated transitional guidance for development plans is in progress.

The Scottish Government opened a Call for Ideas, seeking planning authorities' priorities for NPF4. Any comments within the scope of the NPF are invited by 31 March 2020. A proposed response to that Call for Ideas will be reported to Planning Committee's meeting in February.

The review of permitted development rights (PDR) is being considered alongside other development management changes by a Scottish Government working group. A consultation paper has been issued which sets out the Government's proposed programme for reviewing and extending PDR in a phased approach (see Appendix 1). For each development type there will be public consultation on the proposed changes. These proposals will be tracked and the implications assessed for managing development in Edinburgh. Where a response to Government is required, a report will be prepared for Planning Committee to consider.

A range of stakeholders have attended early engagement workshops on planning performance and fees issues and a

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<https://www.transformingplanning.scot/media/1149/programme-for-engagement-final-for-web-jan-2020.pdf>

<https://consult.gov.scot/local-government-and-communities/reviewing-and-extending-pdr/>

consultation paper was published in December 2019. The Scottish Government proposals have implications for Council budget preparation. A proposed response to that consultation will be reported to Planning Committee's meeting in February.

Supplementary Guidance on Developer Contributions and Infrastructure Delivery

On 17 January 2020, Scottish Ministers have directed the Council not to adopt and issue the Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'. The guidance was submitted to Government in September 2018.

The reasons for this are:

- 1 the inclusion of details of healthcare actions, contributions and contribution zones within the Supplementary Guidance does not meet the requirements of regulation 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008. These matters are not expressly identified in a statement contained in the plan as matters which are to be dealt with in Supplementary Guidance;
- 2 it has not (on the evidence presented) been demonstrated that the contributions sought through the Supplementary Guidance, in particular levels of education and road transport contributions:
 - fairly and reasonably relate in scale and kind to the proposed development;
 - reflect the actual impacts of, and be proportionate to, the proposed development; and
- 3 as presented, the Supplementary Guidance does not provide sufficient certainty that contributions sought on the basis of it will be always be used for the purpose for which they were gathered.

The steps the Council is taking to address this direction will be reported to Planning Committee's meeting in February and the potential for preparing fresh supplementary guidance is being considered.

It is likely that non-statutory guidance will be prepared to set out the Council's requirements for healthcare contributions.

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While such guidance would not have the status of the development plan that supplementary guidance does, such guidance would be an important other material consideration when assessing planning applications and would allow the Council to secure healthcare contributions.

The Edinburgh City Plan policy Del 1 and the Action programme provide a firm basis to continue to secure developer contributions. In relation to education and transport contributions, reports on planning applications to the Development Management Sub-Committee will set out the requirements with the evidence for contributions on a case by case basis.

In relation to providing certainty that developer contributions will always be used for the purpose they were granted, the legal agreements for individual planning permissions will ensure this is the case.

Planning Appeals during Quarter 2 of 2019/20

In Quarter 2, there were 30 appeal decisions issued by the Department of Planning and Environmental Appeals (DPEA) on applications refused by the City of Edinburgh Council. Of these 21 were dismissed and 9 were allowed. There was one application which Committee refused contrary to officer recommendation. This appeal was allowed. Further details are provided in Appendix 2 to this Bulletin.

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Street Naming

At the meeting of the Planning Committee on 2 October 2019 officers were requested to investigate options in terms of making the street name bank more publicly accessible and would report back in the Business Bulletin.

In response to this request, the Planning Service has now made the Street Name Bank available to view by the general public on the [Street Naming webpage](#) with information on how the public can propose names for inclusion in the bank. Officers will update this information on a monthly basis to show names that have been used and any new suggestions that have been received

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Building Standards Performance

High performance levels have been sustained during Quarter 3 of 2019/20. 96% of applications received first reports within the target 20 working day timescale.

At the same time, there has been a slight improvement in the turn-around performance on the working day target for granting building warrants once satisfactory information has been received. 83% of these were granted within this timescale.

During this period, there remained a high number of building warrant applications being submitted, with 1,324 applications made compared with 1,293 for Quarter 2.

	Quarter of: 2018/2019				2019/2020		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3
No of applications received	1,209	1,054	1,000	1,082	1,178	1,293	1,324
No of first reports and warrants with no report	1,263	1,501	1,123	1,038	1,188	1,163	1,134
% on 20 day target	68%	72%	91%	98%	97%	94%	96%
No of warrants granted	1,098	1,202	1,349	1,125	1,101	1,074	1,109
% on 10 day target	60%	62%	60%	73%	79%	82%	83%

It is forecast that high performance levels will be sustained in quarter four 2019/20. Further improvement in the percentage meeting the 10-day target for granted warrants remains a key priority.

Awards

The Planning Service has been awarded the Royal Town Planning Institute Learning Partner Award 2019.

The award recognises the benefits of our programme over the last two years to join up training and development activity for our staff, elected members and community groups.

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The Planning Service holds Royal Town Planning Institute (RTPI) Learning Partner status because it underlines the importance of supporting continuous development to deliver improved performance and consistent service.

APPENDIX 1

Scottish Government's Proposed Programme for Reviewing and Extending Permitted Development Rights (PDR)

Table 1: Development types and groupings for staged changes to PDR

Development Type/Grouping	Rationale
Phase 1 – from Autumn 2019	
Digital communications infrastructure	Will help deliver network improvements which underpin Scotland's digital economy as outlined in our recently published 5G Strategy – <i>Forging our Digital Future with 5G: A Strategy for Scotland</i>
Agricultural developments – including measures which could further support the delivery of affordable homes in rural areas (for example, the conversion of agricultural buildings to residential uses)	Will help support Scotland's rural and farming economy and potentially helps contribute to rural repopulation priority to be addressed in NPF4.
Micro-renewables (including a range of domestic and non-domestic renewable energy developments, such as solar panels, biomass, free-standing wind turbines and air source heat pumps)	Helps address the global climate emergency. (N.B. This grouping comprises a number of sub-categories and early consideration will be given to which should be prioritised within this strand of work. Consideration of all sub-categories may extend significantly beyond phase 1).
Peatland restoration	Helps address the global climate emergency.
Hill tracks (private ways)	Subject of significant public concern and meets a commitment made during the Planning (Scotland) Bill process.
Phase 2 – from Spring 2020	
Electric vehicle charging infrastructure	Helps address the global climate emergency.
Developments relating to active travel	Help address the global climate emergency and positive human health impacts.

Phase 3 – from Autumn 2020	
Town centre changes of use	Mixed findings in the Sustainability Appraisal report. Potential to support our work on town centre regeneration but further work required to develop the detailed specification for what development types could be given PDR, and to consider how Masterplan Consent Areas could be used as an alternative means for providing consent in particular town centres.
Householder developments	Mixed findings in the Sustainability Appraisal report but has scope for significant positive effects in relation to efficient operation of planning system.
Phase 4 – from Spring 2021	
District heating and supporting infrastructure	Helps address the global climate emergency but specification and detail dependent on outcome of wider legislation on such systems.
Energy storage (non-domestic & domestic)	Detailed specification is dependent on emerging technologies.
Defibrillator cabinets	Positive human health effects but many already considered <i>de minimis</i> by some local authorities.
Phase 5 – from Autumn 2021	
Habitat pond creation	Potential positive biodiversity effects but detailed specification linked to future agricultural support programme.
Allotments and community growing schemes	Potential significant long term positive effects in terms of social, population and human health.
Phase 6 – no specific timescale proposed	
Snow Sports	Low priority as no significant positive or negative effects identified.

APPENDIX 2

Scottish Government Appeal Decisions (1 July 2019 – 30 September 2019)

In Quarter 2, there were 30 appeal decisions issued by the DPEA on applications refused by the City of Council. Of these 21 were dismissed and 9 were allowed. There was one application which Committee refused contrary to officer recommendation. This appeal was allowed.

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
PPA-230-2253	Planning Permission Appeal	Granton Harbour, West Harbour	Appeal Dismissed	31/07/19	Delegated N/A	N/A
PPA-230-2207	Planning Permission Appeal	19 Turnhouse Road [site 100m NE of]	Appeal Allowed	11/07/19	Committee No	Yes Partial award
LBA-230-2170	Listed Building Consent Appeal	30 Danube Street	Appeal Dismissed	11/07/19	Delegated N/A	N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
PPA-230-2264	Planning Permission Appeal	7 Broughton Road	Appeal Dismissed	05/08/19	Committee No	N/A
PPA-230-2265	Planning Permission Appeal	Granton Harbour (Plots 7B & 7C)	Appeal Allowed	24/09/19	Committee Yes	No N/A
PPA-230-2267	Planning Permission Appeal	18-20 King's Stables Road	Appeal Allowed	18/09/19	Delegated N/A	No N/A
ENA-230-2152	Enforcement Notice Appeal	5/6 Castle Wynd South	Appeal Dismissed	30/08/19	Delegated N/A	N/A
LBE-230-2044	Listed Building Enforcement Notice Appeal	40-42 George Street	Appeal Allowed	04/09/19	Delegated N/A	No N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
PPA-230-2270	Planning Permission Appeal	11 Learmonth Terrace	Appeal Dismissed	10/07/19	Committee No	N/A
LBA-230-2175	Listed Building Consent Appeal	11 Learmonth Terrace	Appeal Dismissed	10/07/19	Committee No	N/A
PPA-230-2273	Planning Permission Appeal	24-26 Calton Road	Appeal Dismissed	05/09/19	Committee No	N/A
CAC-230-2003	Conservation Area Consent Appeal	24-26 Calton Road	Appeal Dismissed	05/09/19	Committee No	N/A
LBA-230-2176	Listed Building Consent Appeal	GF 13 Clarendon Crescent	Appeal Allowed	06/08/19	Delegated N/A	No N/A
TWCA-230-2029	Tree Works Consent Appeal	7 Carnbee End	Appeal Dismissed	19/07/19	Delegated N/A	N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
ENA-230-2155	Enforcement Notice Appeal	30 Corbiehill Place	Appeal Allowed	25/07/19	Delegated N/A	No N/A
ENA-230-2157	Enforcement Notice Appeal	3F2 22 Haymarket Terrace	Appeal Dismissed	13/08/19	Delegated N/A	N/A
ENA-230-2156	Enforcement Notice Appeal	3F2 22 Haymarket Terrace	Appeal Dismissed	13/08/19	Delegated N/A	N/A
LBA-230-2177	Listed Building Consent Appeal	8 Whitehill Street	Appeal Dismissed	16/07/19	Delegated N/A	N/A
LBA-230-2178	Listed Building Consent Appeal	76 Clermiston Road	Appeal Allowed	08/08/19	Delegated N/A	No N/A
PPA-230-2275	Planning Permission Appeal	Granton Harbour West	Appeal Allowed	24/09/19	Committee No	No N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
ADE-230-2016	Advertisement Enforcement Notice Appeal	1 Manor Place	Appeal Dismissed	19/07/19	Delegated N/A	N/A
CLUD-230-2009	Certificate of Lawful Use & Development Appeal	8 Baxter's Place	Appeal Dismissed	06/08/19	Delegated N/A	N/A
ENA-230-2158	Enforcement Notice Appeal	Student residence at Fountainbridge, between Tollcross Primary School and former Bingo Hall	Appeal Dismissed	10/09/19	Delegated N/A	N/A
LBA-230-2180	Listed Building Consent Appeal	3F3 52 Broughton Street	Appeal Allowed in Part	02/09/19	Delegated N/A	No N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
LBA-230-2181	Listed Building Consent Appeal	45 Portland Street	Appeal Dismissed	26/08/19	Delegated N/A	N/A
PPA-230-2276	Planning Permission Appeal	9-11 Corstorphine Road	Appeal Dismissed	10/09/19	Committee No	N/A
ENA-230-2159	Enforcement Notice Appeal	30 Grange Terrace	Appeal Dismissed	09/09/19	Delegated N/A	N/A
LBE-230-2045	Listed Building Enforcement Notice Appeal	1a Randolph Cliff	Appeal Dismissed	04/09/19	Delegated N/A	N/A
CLUD-230-2010	Certificate of Lawful Use & Development Appeal	GF 33 Nothumberland Street	Appeal Dismissed	26/09/19	Delegated N/A	N/A
LBA-230-2183	Listed Building Consent Appeal	97-98 Princes Street	Appeal Dismissed	25/09/19	Delegated	N/A

Case Reference	Case Type	Site Address	Decision Type	Date Decision Issued	Committee or Delegated decision? Contrary to officer recommendation (Yes/No/Not applicable)	Costs sought by appellant? Costs awarded?
					N/A	

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

Case	Proposal	Key Points from Reporters' Decision Notice
Listed Building Consent Appeal at Broughton Street	Internal alterations and double glazing	Considered many examples of the formation of doorways and arched between front and rear rooms in the New Town. New windows and shutters can be granted subject to conditions of details being submitted.
Listed Building Consent Appeal at Clermiston Road	Garage and swimming pool extensions.	Proposed building would be subservient. Existing extension in pastiche style.
Enforcement Notice Appeal at Corbiehill Place	Erection of timber fencing.	Extend period for compliance to allow screening hedge to grow.
Listed Building Consent Appeal at Clarendon Crescent	Internal alterations and external extension.	Prime statutory requirement is for the preservation of significant features of architectural or historic interest considered these unaffected proposal. Extension minor in scale and materials appropriate to listed building.

Listed Building Enforcement Notice Appeal at George Street	Installation of timber framed windows.	Appeal decision quashed. Reporter's error, incorrect enforcement notice considered. New enforcement notice to be served.
Planning Permission Appeal at King's Stables Road	Erection of 12 residential flats.	Failure to determine. Note: Multiple consents applied for same site concurrently for different uses.
Planning Permission Appeal at Granton Harbour	Erection of buildings; formation of road access, parking and open space.	Complies with all relevant policies with only minor infringements of non-statutory guidance. Satisfied proposals would not be visible from majority of the northern parts of the city.
Planning Permission Appeal at Granton Harbour West	Erection of buildings; formation of road access, parking and open space.	Active frontage; disabled access; impact on skyline; daylighting. Balance achieved between amenity and lack of pedestrian, cycle or disability access.
Planning Permission Appeal at Turnhouse Road	Residential and ancillary commercial development.	Use of greenbelt can be controlled through planning obligation; further masterplanning can be dealt with by condition.