

# Minutes

## Planning Committee

2.00pm, Wednesday 2 September 2020

### Present

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths, Mitchell, Mowat, Munn, Osler and Rose.

### 1. Minutes

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#### Decision

To approve the minutes of the Planning Committee of 12 August 2020 as a correct record.

### 2. Leith Walk/Halmyre Street Place Brief

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Approval was sought for a place brief to provide guidance for a co-ordinated approach to a housing led, mixed use development on the site at Leith Walk/Halmyre Street. It had been prepared by the Council's Planning Service in collaboration with other Council services and had involved extensive engagement with the local community and other stakeholders.

#### Motion

- 1) To approve the Place Brief for the site at Leith Walk/Halmyre Street as non-statutory planning guidance detailed in Appendix 1 to the report.
- 2) To agree that officers would produce a briefing note that provided an update on the bingo hall in terms of the extension of the conservation area and the advice received from built heritage colleagues.
- 3) To agree that the bullet point on the boundary assessment would be reinstated and would say that a building assessment 'may be' required for any future development of the building instead of 'would be'.
- 4) To agree that officers would widen the map to include current cycling links as well as the proposed cycle links, with an emphasis on the southern route.
- 5) To agree that there should be minimal car parking/usage in the new development and that whilst there would be reference to the Council's parking standards, they would be under review and there would be the opportunity to depart from these standards.

- moved by Councillor Gardiner, seconded by Councillor Child

### **Amendment**

- 1) To approve the Place Brief for the site at Leith Walk/Halmyre Street as non-statutory planning guidance detailed in Appendix 1 to the report, subject to the map on page 27 that showed potential cycle connections to be updated to reflect earlier text earlier in page 27, that 'Proposed development should safeguard the opportunity to deliver a pedestrian and cycle route or other public space above the railway arches...'.
- 2) To agree that officers would produce a briefing note that provided an update on the bingo hall in terms of the extension of the conservation area and the advice received from built heritage colleagues.
- 3) To agree that the bullet point on the boundary assessment would be reinstated and would say that a building assessment 'may be' required for any future development of the building instead of 'would be'.
- 4) To agree that officers would widen the map to include current cycling links as well as the proposed cycle links, with an emphasis on the southern route.
- 5) To agree that there should be minimal car parking/usage in the new development and that whilst there would be reference to the Council's parking standards, they would be under review and there would be the opportunity to depart from these standards.

- moved by Booth, seconded by Councillor Mary Campbell

In accordance with Standing Order 19(12), the Green Group Amendment was accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Gardiner:

- 1) To approve the Place Brief for the site at Leith Walk/Halmyre Street as non-statutory planning guidance detailed in Appendix 1 to the report, subject to the map on page 27 that showed potential cycle connections to be updated to reflect earlier text earlier in page 27, that 'Proposed development should safeguard the opportunity to deliver a pedestrian and cycle route or other public space above the railway arches...'.
- 2) To agree that officers would produce a briefing note that provided an update on the bingo hall in terms of the extension of the conservation area and the advice received from built heritage colleagues.

- 3) To agree that the bullet point on the boundary assessment would be reinstated and would say that a building assessment 'may be' required for any future development of the building instead of 'would be'.
- 4) To agree that officers would widen the map to include current cycling links as well as the proposed cycle links, with an emphasis on the southern route.
- 5) To agree that there should be minimal car parking/usage in the new development and that whilst there would be reference to the Council's parking standards, they would be under review and there would be the opportunity to depart from these standards.

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

### 3. Short Term Letting in Edinburgh

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At its meeting of 28 July 2020, Council agree a motion by Councillor Staniforth, as amended, to ask the Chief Planning Officer to prepare a response to issues contained in a report on commercial short term lets published by Andy Wightman MSP.

Committee considered a report that responded to the report by Andy Wightman MSP.

#### **Motion**

- 1) To note the findings of the survey.
- 2) To support the continued focus on Planning enforcement activity on cases where there was robust evidence of harm to residential amenity.
- 3) To reinforce the use of the Council's reporting facility to capture the information required for Planning enforcement investigations.
- 4) To welcome the fact that the Scottish Government was shortly bringing forward legislation on short term lets.
- 5) To recommend that Council took appropriate measures to implement a licensing regime as soon as the legislation permitted.
- 6) To agree that after the conclusion of the forthcoming Scottish Government Consultation on October 2020, a briefing note would be circulated to members setting out the expected timescales for delivery of the regulations for short term lets that included an outline of how this would be resourced and managed by the Council, based on full cost recovery.

- Moved by Councillor Gardiner, seconded by Councillor Child

### **Amendment**

- 1) To note the findings of the survey.
- 2) To support the continued focus on Planning enforcement activity on cases where there was robust evidence of harm to residential amenity.
- 3) To reinforce the use of the Council's reporting facility to capture the information required for Planning enforcement investigations and agreed to conduct a public awareness campaign of the Council's reporting facility to encourage members of the public to report Short Term Lets that were apparently operating in breach of planning controls and were harming residential amenity.
- 4) To note that paragraph 6 of the current report did not include an estimate of the cost of commencing enforcement action against any of those 380 properties identified in Andy Wightman's report.
- 5) To therefore agree to receive a further report, within one cycle, setting out the likely cost of commencing enforcement action on those properties.

- Moved by Councillor Booth, seconded by Councillor Mary Campbell

In accordance with Standing Order 19(12), the Green Group Amendment was accepted as an addendum to the motion.

To approve the following adjusted motion by Councillor Gardiner:

- 1) To note the findings of the survey.
- 2) To support the continued focus on Planning enforcement activity on cases where there was robust evidence of harm to residential amenity.
- 3) To reinforce the use of the Council's reporting facility to capture the information required for Planning enforcement investigations agreed to conduct a public awareness campaign of the Council's reporting facility to encourage members of the public to report Short Term Lets that were apparently operating in breach of planning controls and were harming residential amenity.
- 4) To welcome the fact that the Scottish Government was shortly bringing forward legislation on short term lets.

- 5) To recommend that Council took appropriate measures to implement a licensing regime as soon as the legislation permitted.
- 6) To agree that after the conclusion of the forthcoming Scottish Government Consultation on October 2020, a briefing note would be circulated to members setting out the expected timescales for delivery of the regulations for short term lets that included an outline of how this would be resourced and managed by the Council, based on full cost recovery.
- 7) To note that paragraph 6 of the current report did not include an estimate of the cost of commencing enforcement action against any of those 380 properties identified in Andy Wightman's report.
- 8) To therefore agree to receive a further report, within one cycle, setting out the likely cost of commencing enforcement action on those properties.

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

#### **4. The Scottish Planning Policy and Housing – Technical Consultation on Proposed Policy Changes**

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Approval was sought for a supportive response to the Scottish Government's consultation on proposed interim amendments to Scottish Planning Policy 2014 (SPP) in relation to planning for housing. The consultation proposed removing the existing presumption in favour of 'development that contributed to sustainable development', and by prescribing how the effective five year housing land supply should be calculated. The changes would apply in the interim period ahead of approval of National Planning Framework 4 (NPP4) expected in 2022.

##### **Decision**

- 1) To note the Scottish Government's consultation on proposals for amendment of Scottish Planning Policy in respect of removing the presumption in favour of development that contributed to sustainable development and to set out a consistent method for calculating an effective five year housing land supply to give greater clarity to the decision making process.
- 2) To note that these were interim measures to be replaced on the approval of the National Planning Framework 4 (NPP4) by the Scottish Parliament, and any relevant policies in that document, currently scheduled to be before parliament in draft form in September 2021, with approval to be considered in September 2022.
- 3) To approve the proposed response to the consultation detailed in Appendix 1 of the report that set out the Council's support for the proposed changes as

positive measures which reflected the existing approach taken by the Council and which would simplify these areas of the planning system, which were the subject of significant and unproductive activity.

- 4) To agree that the proposed response was submitted to the Scottish Government by 9 October 2020.

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

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

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A report was presented to Committee in May 2019 that was approved to enter into three-year service level agreements with Edinburgh and World Heritage (EWH) and Edinburgh and Lothians Greenspace Trust (ELGT) for the financial year 2019/20. It was also agreed that, subject to funds being available, similar levels of funding would be put forward for future years.

Approval was sought for funding for the financial year 2020/21.

### **Decision**

- 1) To approve the sums of £46,000 for Edinburgh World Heritage (EWH) and £25,833 for Edinburgh and Lothians Greenspace Trust (ELGT) for the financial year 2020/21. Services and activities were detailed in Appendices 1 and 2 to the report.
- 2) To agree that an update would be provided in the Business Bulletin on the outcomes of the Service Level Agreements (SLAs) and the outcomes of the smaller organisations, and to agree that officers would include this information in future reports.

(References – Planning Committee, 15 May 2019 (Item 6); report by the Executive Director of Place, submitted.)

### **Declarations of Interest**

Councillors Child and Gardiner declared non-financial interests in the above item as Non-Executive Directors of Edinburgh World Heritage and the Edinburgh and Lothians Greenspace Trust, respectively.

## 6. Changes to Publication Arrangements for Applications during the Coronavirus Emergency

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As a result of the Coronavirus emergency it was necessary to make changes to how planning and related applications were publicised and progressed. The Coronavirus (Scotland) Act 2020 allowed the Councils to take decisions not to physically publish or publicise documents or make documents available for physical inspection where they considered that doing so might give rise to a significant risk of transmission of coronavirus.

### Decision

- 1) To note the decision of the Chief Planning Officer, which was made in consultation with the Planning Committee Convener and Vice-Convener, under extended delegated authority during the Coronavirus Emergency Measures period to:
  - cease, for the duration of the coronavirus emergency, the publication of applications via the weekly list at Council libraries and offices and cease the ability to for members of the public to view these applications at libraries and offices whilst these buildings were closed to the public.
  - amend neighbour notification letters and advertisements to reflect the changes described above.
  - Suspend the physical posting of site notices for the duration of the coronavirus emergency.
  - Amend working practices to conform with any subsequent regulations or guidance issued by the Scottish Government with respect to the carrying out of Development Management functions for the duration of the coronavirus emergency.
- 2) To agree that given the ongoing restrictions on access to buildings, the arrangements in relation to not publicising weekly lists and not facilitating computer access at libraries and offices remained in place until 31 December 2020. If the Chief Planning Officer considered that these measures needed to continue beyond that date, he would take a decision to do so following consultation with the Convener and Vice Convener of the Planning Committee and would report to Committee on that decision thereafter.
- 3) To agree that, given the lower risk of contracting coronavirus during external activities, the posting of site notices was resumed from 6 October 2020, subject to the Chief Planning Officer being provided with the authority not to post these, if he considered that there was an increased risk to officers or to the objectives of community health protection.

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

## 7. Legal Review of Council Planning Processes

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An independent review of certain Council Planning decisions had been undertaken by Fraser Mitchell, a specialist Planning Partner at legal firm Shoosmiths LLP. The purpose of the review was to understand the Council's approach to these planning matters and to make any appropriate recommendations which would facilitate general improvements.

A full confidential report had been prepared by Shoosmiths under legal privilege, in order to protect the Council's legal position in relation to matters under review. The report was made available to elected members for inspection.

### **Motion**

To note the findings and recommendations of the independent legal report into planning processes undertaken by Shoosmiths LLP.

- Moved by Councillor Gardiner, seconded by Councillor Child

### **Amendment**

- 1) To note the findings and recommendations into planning processes undertaken by Shoosmiths LLP.
- 2) To call for a further report on how the recommendations of the Shoosmiths report were to be addressed and implemented or rejected in two cycles; the report should set out resources implications of implementation and cross reference to any actions that had already been taken under the Planning Improvement Plan and changes to the management of Development Management Sub-Committee should be discussed with Councillors at a workshop.

- moved by Councillor Mowat, seconded by Councillor Mitchell

In accordance with Standing Order 19(12), the Conservative Group Amendment was accepted as an addendum to the motion.

### **Decision**

To approve the following adjusted motion by Councillor Gardiner:

- 1) To note the findings and recommendations into planning processes undertaken by Shoosmiths LLP.
- 2) To call for a further report on how the recommendations of the Shoosmiths report were to be addressed and implemented or rejected in two cycles; the report should set out resources implications of implementation and cross reference to any actions that had already been taken under the Planning Improvement Plan and changes to the management of Development Management Sub-Committee should be discussed with Councillors at a workshop.



(Reference – report by the Chief Executive, submitted.)

## **8. Planning Improvement Plan – Progress Update**

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An update was provided on the progress made on the Council's Planning Improvement Plan (PIP) 2018/21 and on the recommendations of an internal audit in developer contributions. The report also identified how the service's programme of change and improvement had been accommodating and learning from the Covid-19 period.

### **Decision**

To note the progress which had been made on the implementation of the Planning service's Improvement Plan and progress against the internal audit actions on developer contributions.

(References – Planning Committee, 29 January 2020 (Item 8); report by the Executive Director of Place, submitted.)

## **9. Colinton Conservation Area Character Appraisal Review**

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Committee considered a report that presented the revised Colinton Conservation Area Character Appraisal (CACA). The revised appraisal had been the subject of consultation.

### **Decision**

To approve the revised Colinton Conservation Area Character Appraisal.

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