

# Minutes

## Planning Committee

2.00pm, Wednesday 19 April 2023

### Present

Councillors Dalgleish (Convener), Beal, Booth, Cameron, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat, O'Neill and Osler.

### 1. Minutes

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#### Decision

To approve the minute of the Planning Committee of 24 March 2023 as a correct record.

### 2. Business Bulletin

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The Planning Committee Business Bulletin for 19 April 2023 was submitted.

#### Decision

- 1) **Conservation and Adaptation – Short-Term Working Group** – to note the intention for the Short-Term Working Group to meet following the summer recess with a report back to Committee in Autumn 2023.
- 2) **City Plan Update** – to note there was no interim reporting as part of the examination process but that officers would inform Committee members in the event that further information requests were forthcoming from the Reporters.
- 3) To otherwise note the updates in the business bulletin.

(Reference – Business Bulletin 19 April 2023, submitted.)

### 3. Edinburgh Local Development Plan – Action Programme 2023 - Adoption

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Approval was sought to formally adopt, publish and submit the Edinburgh Local Development Plan Action Programme 2023 to Scottish Ministers.

Information was submitted on the general updates, improvement and significant changes that had been made to the Action Programme together with indicative delivery timescales for each action.

#### Decision

- 1) To agree that the Edinburgh Local Development Plan (LDP) Action Programme 2023 set out in appendix 1 of the report by the Executive Director of Place be formally adopted, published and submitted to Scottish Ministers.

- 2) To note the completed actions set out in section 8 of appendix 1 of the report and the actions removed from the Action Programme as set out in appendix 2 of the report.
- 3) To note that a further report on the financial implications of the 2023 Action Programme would be reported to the Finance and Resources Committee on 20 June 2023.

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

#### **4. Proposed Changes to Short Term Let Guidance in the Non-Statutory Guidance for Businesses**

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##### **a) Deputation – Living Rent**

The deputation outlined their support for regulation and reduction in short term lets throughout the city, and asked that the Planning Committee agree the guidance unchanged. Edinburgh was in the midst of a housing crisis, they said, with increasing rents and competition for rental places forcing tenants into bidding wars. In the city centre, it was reported that one-third of dwellings were short-term lets, which took away valuable stock from the rental sector. They also stated that short-term lets had long-term community impacts, including increased noise and a reduction in local amenities. In response to the report, Living Rent submitted a petition in response to the consultation and received 2066 signatures. In particular, Living Rent opposed the proposed addition of the word “permanent” in relation to short-term lets, the change of the words “wholly commercial” to “predominantly commercial”, and the weakening of the wording in regard to mixed-use areas from “generally will not be supported” to “regard will be had to the nature of the surrounding uses”. They said that the majority of those who engaged with the consultation were in favour of the guidance as it stood, without change. They encouraged the Council to approve the guidance unchanged, as it was consulted on.

##### **b) Report by the Executive Director of Place**

Details were provided of the responses received to the consultation on the proposed changes to existing non-statutory Guidance for Businesses to augment and further clarify the guidance with respect to Short Term Lets (STL) in relation to assessing proposals against Local Development Plan Policy Hou 7 – Inappropriate Uses in Residential Areas.

Analysis of the responses and data had indicated that the proposed further guidance was broadly supported by most respondents. However, there was opposition to the guidance primarily from operators/hosts and those organisations which had a level of reliance on or were directly involved in STL accommodation.

Findings from the consultation had informed amendments to the proposed guidance as set out in table 4.29 of the report by the Executive Director of Place.

## **Motion**

- 1) To note that the Council had now concluded the consultation on the proposed changes to the Short Term Let guidance in the non-statutory Guidance for Businesses.
  - 2) To note the level of response to and the key findings of the consultation as summarised in the report by the Executive Director of Place and set out in appendix 1.
  - 3) To acknowledge that analysis and consideration of feedback from the consultation had informed the amended proposed guidance.
  - 4) To agree the proposed amended guidance detailed in paragraph 4.29 and table 4.30 of the report.
- moved by Councillor Dalgleish, seconded by Councillor Cameron

## **Amendment**

- 1) To note that the Council had now concluded the consultation on the proposed changes to the Short Term Let guidance in the non-statutory Guidance for Businesses.
- 2) To note the level of response to and the key findings of the consultation as summarised in the report by the Executive Director of Place and set out in appendix 1.
- 3) To acknowledge that analysis and consideration of feedback from the consultation had informed the amended proposed guidance.
- 4) In recommendations, at the end of point 1.1.4, add the following text:  
", subject to the following amendments:
  - a) in paragraph 4.29, row 1, paragraph 1, line 3, delete "close proximity", insert "nearby";
  - b) in paragraph 4.29, row 1, paragraph 1, line 5, delete "permanent";
  - c) in paragraph 4.29, row 1, insert at the end of paragraph 2, "Where there is likely to be a further deterioration of residential amenity in such mixed areas, it is unlikely that short term let proposals will be supported."
  - d) in paragraph 4.29, row 1, paragraph 3, line 2, delete "permanent";
  - e) in paragraph 4.29, row 3, paragraph 1, line 6, delete "permanent";
  - f) in paragraph 4.29, row 3, insert after paragraph 3, "It should be noted that licensing of STLs is separate from the planning system."
- 5) Insert new paragraph at end of recommendations as follows:  
"1.1.5 Notes that this consultation was issued prior to the coming into force of National Planning Framework 4 (NPF4) in February 2023; notes that City Plan 2030 is currently at examination stage, and is

expected to return to committee in late 2023 or early 2024; further notes that the Scottish Government may be issuing guidance shortly on the application of NPF4 in respect of short term lets; agrees that further guidance on the applicability of NPF4 and City Plan to STLs is likely to be required, and agrees to receive a report setting out options for consulting on further changes to guidance once City Plan 2030 has been adopted.”

- moved by Councillor Booth, seconded by Councillor O’Neill

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

### **Decision**

To approve the following adjusted motion by Councillor Dalgleish:

- 1) To note that the Council had now concluded the consultation on the proposed changes to the Short Term Let guidance in the non-statutory Guidance for Businesses.
- 2) To note the level of response to and the key findings of the consultation as summarised in the report by the Executive Director of Place and set out in appendix 1.
- 3) To acknowledge that analysis and consideration of feedback from the consultation had informed the amended proposed guidance.
- 4) To agree the proposed amended guidance detailed in 4.29 and table 4.30 subject to the following amendments:
  - a) in paragraph 4.29, row 1, paragraph 1, line 3, delete "close proximity", insert "nearby";
  - b) in paragraph 4.29, row 1, paragraph 1, line 5, delete "permanent";
  - c) in paragraph 4.29, row 1, insert at the end of paragraph 2, "Where there is likely to be a further deterioration of residential amenity in such mixed areas, it is unlikely that short term let proposals will be supported."
  - d) in paragraph 4.29, row 1, paragraph 3, line 2, delete "permanent";
  - e) in paragraph 4.29, row 3, paragraph 1, line 6, delete "permanent";
  - f) in paragraph 4.29, row 3, insert after paragraph 3, "It should be noted that licensing of STLs is separate from the planning system."
- 5) To note that this consultation was issued prior to the coming into force of National Planning Framework 4 (NPF4) in February 2023.
- 6) To note that City Plan 2030 was currently at examination stage, and was expected to return to Committee in late 2023 or early 2024.
- 7) To further note that the Scottish Government may be issuing guidance shortly on the application of NPF4 in respect of short term lets.

- 8) To agree that further guidance on the applicability of NPF4 and City Plan to STLs was likely to be required.
- 9) To agree to receive a report setting out options for consulting on further changes to guidance once City Plan 2030 had been adopted.

(References – Planning Committee 23 February 2022 (item 6); report by the Executive Director of Place, submitted)

### **Declaration of Interests**

Councillor Booth made a transparency statement as he had had a number of communications from Living Rent and soft caterers but that his amendment submitted on this item to Committee was based on the consultation responses.

Councillor O'Neill made a transparency statement as a member of Living Rent.

## **5. Motion by Councillor Osler – Edinburgh Design Guidance – Cycle Parking**

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### **a) Deputation – Spokes**

A written deputation was submitted on behalf of Spokes. The deputation supported the motion and urged committee to approve it.

They stated that Edinburgh had a history of poor provision of cycle parking in new developments. Many developments were built without provision for non-standard cycles, such as cargo bikes and adapted tricycles. Better storage for non-standard cycles was needed. They explained that two-tier racks, which were often used to fit the desired number of parking spaces into a smaller area, were hard to use, particularly for people with low upper body strength or heavier cycles such as e-cycles. They argued that the majority of cycle parking in developments should thus be Sheffield stands and that short-term parking at locations such as supermarkets should always be single-tier. They also suggested that a wider review of cycle parking policy could also consider the use of Section 75 contributions to fund a public cycle hire scheme. A further problem was poor provision of both access and parking at legacy sites, where permission was given long ago. Whilst the Council may not have powers to compel action here, it could work with the Chamber of Commerce, Cycling Scotland and others to encourage and incentivise businesses to recognise their responsibilities in the context of the climate crisis. They stated that action on measures such as cycle hire and cycling-unaware legacy developments was of growing urgency given the council's welcome commitment to 2030 net zero. Spokes urged members to support the motion.

### **b) Motion by Councillor Osler**

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

“Committee:

1. Notes that City Plan 2030 has been submitted for examination and one of the key aims is that by 2030, we want Edinburgh to be *A City where you don't need to own a car to move around*.
2. Notes Edinburgh Design Guidance, 2.4 Design, Integration and Quality of Parking – Parking Spaces for Bicycles states
  - i) *High quality cycle parking, including secure storage is essential in making cycling as attractive as possible.*
3. Notes that the Edinburgh Street Design Guidance C7 – Cycle Parking - Cycle Parking in New Developments states the following
  - i. *At least 20% of cycle parking, particularly in new developments, should be able to accommodate non-standard bikes, such as adapted bikes, tandems, cargo bikes and bike trailers*
  - ii. *Due to the future maintenance requirement of two-tier racks relative to Sheffield stands, for new developments providing <50 storage spaces, these should all be provided as single-storey Sheffield stands. Where >50 bikes on Sheffield stands are required, at least 50% of the capacity should be met by single storey racks*
  - iii. *Two tier racks should only be used in combination with other cycle parking types. No more than a maximum of 50% of cycle parking at a location should be two tier storage.*
4. Notes that the Edinburgh Design Guidance was approved in January 2020 and is due for review late 2023 or early 2024.
5. Requests that the review of the Edinburgh Design Guidance should take account of how cycle parking is being used in recent development and:
  - i) consider the extent of cycle parking required for different types of development.
  - ii) provide clear guidance to ensure that cycle parking provided is accessible, secure and safe to use.
  - iii) ensure that cycle parking provides for the range of different types of bikes available.

The forthcoming report to Planning Committee on the Edinburgh Design Guidance should explain what measures have been taken in relation to these points.”

- moved by Councillor Osler, seconded by Councillor Beal

### **Amendment**

To agree the motion by Councillor Osler and add that engagement take place with Spokes and other relevant organisations on this issue.

- moved by Councillor Booth, seconded by Councillor O'Neill

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 Osler:

“Committee:

1. To note that City Plan 2030 had been submitted for examination and one of the key aims was that by 2030, we want Edinburgh to be *A City where you don't need to own a car to move around.*
2. To note that the Edinburgh Design Guidance, 2.4 Design, Integration and Quality of Parking – Parking Spaces for Bicycles states
  - i) *High quality cycle parking, including secure storage is essential in making cycling as attractive as possible.*
3. To note that the Edinburgh Street Design Guidance C7 – Cycle Parking - Cycle Parking in New Developments states the following
  - i. *At least 20% of cycle parking, particularly in new developments, should be able to accommodate non-standard bikes, such as adapted bikes, tandems, cargo bikes and bike trailers*
  - ii. *Due to the future maintenance requirement of two tier racks relative to Sheffield stands, for new developments providing <50 storage spaces, these should all be provided as single-storey Sheffield stands. Where >50 bikes on Sheffield stands are required, at least 50% of the capacity should be met by single storey racks*
  - iii. *Two tier racks should only be used in combination with other cycle parking types. No more than a maximum of 50% of cycle parking at a location should be two tier storage.*
4. To note that the Edinburgh Design Guidance was approved in January 2020 and was due for review late 2023 or early 2024.
5. To request that the review of the Edinburgh Design Guidance should take account of how cycle parking was being used in recent development and:
  - i) consider the extent of cycle parking required for different types of development.
  - ii) provide clear guidance to ensure that cycle parking provided was accessible, secure and safe to use.
  - iii) ensure that cycle parking provided for the range of different types of bikes available.
6. To agree that the forthcoming report to Planning Committee on the Edinburgh Design Guidance should explain what measures have been taken in relation to these points and that engagement should take place with Spokes and other relevant organisations on this issue.

(Reference – written deputation statement from Spokes, submitted.)

### **Declaration of Interests**

Councillor Beal made a transparency statement as a member of Spokes.

Councillor Hyslop made a transparency statement as the owner of a business who had been donated a cargo bike from Spokes.