

Planning Committee

10.00 am, Monday 11 December 2017

Present

Councillors Gardiner (Convener), Booth, Child, Dixon, Gordon (substituting for Councillor Ritchie), McLennan (substituting for Councillor Graczyk), Griffiths, Mitchell, Mowat, Osler and Staniforth.

1. Minute

Decision

To approve the minute of the Planning Committee of 12 October 2017 as a correct record.

2. SESplan Operating Budget 2018/19

The 2018/19 Operating Budget of SESPlan had been approved by the SESplan Joint Committee and member authorities were now asked to ratify of the decision.

Decision

1. To ratify the decision of the SESplan Joint Committee to approve the SESplan Operating Budget 2018/19 detailed at appendix 1 of the report by the Executive Director of Place; and
2. To note that the Council will be required to contribute £10,000 as its share of costs for 2018/19.

(References – Planning Committee 17 August 2017 (item 2) and report by the Executive Director of Place, submitted.)

3. Planning Enforcement Charter - Statutory Review

Approval was sought for the revised Planning Enforcement Charter.

The Charter set out how the City of Edinburgh Council will deliver the statutory planning enforcement service in the City. The Town and Country Planning (Scotland) Act 1997 requires local authorities to review planning enforcement charters every two years and was now time to update and revise it.

Decision

To note the resource issues affecting the ability to meet enforcement service standards; and

To approve the revised Planning Enforcement Charter.

To authorise the Executive Director of Place to make any minor editorial changes that may be required

To note that the Chief Planning officer would track the number of Enforcement enquiries by ward against planning applications submitted and circulate these to Committee members

(References – Planning Committee 8 December 2016 (item 5); report by the Executive Director of Place; submitted.)

4. Restalrig Conservation Area Designation

Approval was sought to designate Restalrig as a conservation area; and to request Scottish Ministers for Article 4 Directions to bring various classes of permitted development under planning control, including development by statutory undertakers.

Decision

- 1) To designate Restalrig as a conservation area; and
- 2) To seek the approval of Scottish Ministers for Article 4 Directions to restrict permitted development rights for development in Classes 7, 38, 39 and 40.

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

5. Old and New Towns of Edinburgh World Heritage Site Management Plan

The UNESCO Convention on World Heritage requires 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 covering the period 2011-2016 has been reviewed.

A finalised new plan for the next five years was presented for approval. It has been shaped by an extensive and innovative programme of public and stakeholder engagement and awareness-raising.

The Management Plan sets out what is significant about the Old and New Towns of Edinburgh World Heritage (EWH) Site, as a basis for understanding its important qualities, in order to determine the action necessary to protect and manage it. Its success is dependent upon the Management Partners and stakeholders across the Site making a commitment to the actions in the Plan.

Decision

- 1) To approve the Old and New Towns of Edinburgh World Heritage Site Management Plan 2017- 2022; and

- 2) To note that annual progress updates on actions would be included in the Committee's business bulletin.
- 3) To authorise the Executive Director of Place to make any minor editorial changes that may be required

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

Declaration of Interest

Councillor Child declared a non-financial interest in item 8.2 as one of the Councils appointees on Edinburgh World Heritage.

Councillor Gardiner declared a non-financial interest in item 8.2 as he had been nominated to be one of the Councils appointees on Edinburgh World Heritage

6. Sullivan report – Motion by Councillor Booth

The following motion by Councillor Booth was submitted in terms of Standing Order 16.

- 1) Notes the 2007 Sullivan report, “A low-carbon building standards strategy for Scotland”, commissioned by and reporting to the Scottish Government, which recommended that Scottish building standards be upgraded to deliver “net zero carbon buildings (i.e. space and water heating, lighting and ventilation) by 2016/17” and notes that, at the time, the Scottish Government accepted these recommendations;
- 2) Notes the subsequent 2013 Sullivan update report which recommended suspending the 2016/17 change, due to the 2007-8 economic downturn;
- 3) Further notes the reply to parliamentary question S5W-12770 on 27 November 2017 from Kevin Stewart MSP, Minister for Local Government and Housing, that “the Scottish Government have no plans to set a date for the delivery of net zero carbon new buildings.”;
- 4) Notes that the Edinburgh Standards for Sustainable Building were approved by Planning Committee on 5 October 2006, requiring carbon standards for new buildings above building regulations, but were subsequently revised at Planning Committee on 5 August 2010 when they were effectively rendered obsolete by the change to Scottish building regulations that came into force on 1 October 2010;
- 5) Notes that nearly half of UK carbon dioxide emissions are associated with buildings, and that the Local Development Plan (LDP) states that energy standards in building regulations are “expected to rise over the LDP period” (paragraph 157, policy Des 6, Sustainable Buildings), while the council's Sustainable Energy Action Plan also assumes improved energy standards in building regulations;
- 6) Notes that a failure to improve energy standards in building regulations could

undermine the ability of the council to achieve its carbon emissions reductions targets;

- 7) Therefore agrees to receive a report within 3 cycles setting out:
 - a) the feasibility of introducing an Edinburgh Standard for Zero-Carbon New Buildings, either through an adjustment to the wording of the current policy Des6 of the LDP and/or through some other means, which would require new buildings in Edinburgh to be net zero-carbon, as defined in the 2007 Sullivan report;
 - b) the role that 'allowable solutions', as defined in the 2013 Sullivan update report, could play in achieving this new standard; and
 - c) a proposed timetable for introducing this new standard, and including the feasibility of a mechanism to suspend the new standard if Scottish Building Regulations are eventually improved to require net zero-carbon new buildings, as recommended in the 2007 Sullivan report.

- Moved by Councillor Booth seconded by Councillor Staniforth

Amendment

Committee:

- 1) Notes the 2007 Sullivan report, "A low-carbon building standards strategy for Scotland", commissioned by and reporting to the Scottish Government, which recommended that Scottish building standards be upgraded to deliver "net zero carbon buildings (i.e. space and water heating, lighting and ventilation) by 2016/17" and notes that, at the time, the Scottish Government accepted these recommendations;
- 2) Notes the subsequent 2013 Sullivan update report which recommended suspending the 2016/17 change, due to the 2007-8 economic downturn;
- 3) Further notes the reply to parliamentary question S5W-12770 on 27 November 2017 from Kevin Stewart MSP, Minister for Local Government and Housing, that "At this point, the Scottish Government have no plans to set a date for the delivery of net zero carbon new buildings. The 2013 Update to the Low Carbon Building Standards Strategy acknowledged that delivery of net zero carbon new buildings may not be practical, as indicated by research carried out by the Zero Carbon Hub. This aligns with the 2007 Sullivan panel recommendation for 'Net zero carbon buildings by 2016-17, if practical'. As a consequence, the recommendation within the 2013 Update called for investigation of the potential for 'Allowable Solutions' to deliver a 'net zero carbon standard' for new development... by which remaining building emissions could be offset through measures unrelated to the building – will be considered in the forthcoming review of the energy standards in building regulations which will commence in early 2018."

“The Scottish Government will provide an update on the progress made on delivering the recommendations in the Low Carbon Building Standards Strategy for Scotland: 2013 Update. This will be provided after the conclusion of the forthcoming review of energy standards within the building regulations programmed to commence in early 2018.”

- 4) Notes that the Edinburgh Standards for Sustainable Building were approved by Planning Committee on 5 October 2006, requiring carbon standards for new buildings above building regulations, but were subsequently revised at Planning Committee on 5 August 2010 when they were effectively rendered obsolete by the change to Scottish building regulations that came into force on 1 October 2010;
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- 6) Notes that a failure to improve energy standards in building regulations could undermine the ability of the council to achieve its carbon emissions reductions targets;
- 7) Therefore agrees to receive a report within 3 cycles setting out:
 - a) the feasibility of introducing an Edinburgh Standard for Zero-Carbon New Buildings, either through an adjustment to the wording of the current policy Des6 of the LDP and/or through some other means, which would require new buildings in Edinburgh to be net zero-carbon, as defined in the 2007 Sullivan report; this would include consideration of practicality of implementation and resource implications for CEC and developers;
 - b) the role that ‘allowable solutions’, as defined in the 2013 Sullivan update report, could play in achieving this new standard;
 - c) identify and review mechanisms to achieve low carbon sustainable buildings and development through the LDP2; and
 - d) a proposed timetable for introducing this new standard, and including the feasibility of a mechanism to suspend the new standard if Scottish Building Regulations are eventually improved to require net zero-carbon new buildings, as recommended in the 2007 Sullivan report.

- Moved by Councillor Gardiner seconded by Councillor Child

Amendment 2

To take no action on the matter

- Moved by Councillor Mowat seconded by Councillor Osler

In accordance with Standing Order 20(7), Councillor Booth withdrew his motion in favour of the amendment by Councillor Gardiner which became the motion

Motion

Committee:

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- Moved by Councillor Gardiner seconded by Councillor Child

Amendment

To take no action on the matter

- Moved by Councillor Mowat seconded by Councillor Osler

Voting

For the motion 7 Votes (Councillors Booth, Child, Dixon, Gardiner, Griffiths, Gordon and Staniforth)

For the amendment 4 votes (Councillors McLellan, Mitchell, Mowat and Osler)

Decision

To approve the motion by Councillor Gardiner;