

Minutes of New Town & Broughton Community Council's ordinary meeting, on Monday 9 December 2024 at 7pm

Actions and decisions are **RED ITALIC UNDERLINED SMALLCAPS**. **ND** ('no dissent') means that no-one spoke or voted against a decision.

URLs have been added by the minutes secretary.

Actions (to be omitted from online version)

Item	Actor	Action
2.a row 3	S Holledge	Chase up George St traffic modelling
2.a row 5	S Holledge	Chase for CEC feedback on walkabout report
2.a row 9	NTBCC	Pick up Calton Square issues in 2025
3	M Birch	Chase for police report
4.b	B Ryan	Ask for examples of good works by CCs
4.b	B Ryan/M Birch	Create guidance around candidacy for forthcoming CC elections
5.c	M Birch	Circulate report about bus-noise on East London St
6.b.i	Ward councillors	Follow up issues about fumes at 6 Picardy Place
7.a	NTBCC	Respond to Waverley Valley consultation in early 2025
7.c	NTBCC	Respond to the RBS consultation in due course
8.a	S Holledge/ NTBCC	Submit and publish responses to visitor levy, Ross bandstand and future libraries consultations

1 Welcome and apologies

Deidre Henderson has moved out of NTBCC's area, and so has resigned. She was formally thanked for her work for NTBCC.

1.a Attendance

Fiona Banatvala	NTBCC	Susan Macinnes	NTBCC	Cllr Finlay McFarlane	City Centre ward
Mike Birch	NTBCC	Stuart McAllister	NTBCC	Cllr Jo Mowat	City Centre ward
Annick Gaillard	NTBCC	Richard Price	NTBCC	Cllr Hall Osler	Inverleith ward
Stephen Hajducki	NTBCC	Nick Reid	NTBCC	~9 residents/visitors	
Simon Holledge	NTBCC	Peter Williamson	NTBCC		
Ken Lochrie	NTBCC	Cllr Jack Caldwell	Leith Walk ward		

1.b Apologies

David Renton	NTBCC	Alan Welsh	NTBCC	Cllr Margaret Graham	City Centre ward
--------------	-------	------------	-------	----------------------	------------------

2 Approval of minutes of November 2024 meeting and matters arising

Approved as-is (proposed F Banatvala, seconded M Birch, **ND**)

2.a Actions from November minutes

Item	Actor	Action	Status
1.c	NTBCC	Share Zoom meeting numbers and passcodes, not just URLs	In progress
3.a	NTBCC	To try to make late deputation on EWHT. Failing that, contact CEC planning convenor and/or other cllrs.	Complete
5.a	CEC	Supply traffic modelling	Not done: S HOLLEDGE TO CHASE FOR THIS
5.b	P Williamson	Check whether planning permission was obtained for metal grills on Royal London Building	Complete
5.b	CEC/Marie Davis	Provide feedback on report on walkabout	Not done: S HOLLEDGE TO CHASE FOR THIS
5.c	S Holledge	Convene ad-hoc groups on the mentioned consultations	Complete
6	R Price	Pick up 24/05018/FUL and 24/05030/FUL with NTBCC's planning committee.	Complete
7.c	LLCC rep	Forward guidance relevant to Albany St HMO situation	Complete
NA	NTBCC	Pick up Calton Square issues in 2025. (NTBCC informed LCCC that it would take no action just now.)	forthcoming

3 Police report

- No report supplied
 - ACTION: M BIRCH TO CHASE FOR REPORT**

4 Chair's report

All points made by P Williamson (PW) unless otherwise noted

4.a Edinburgh World Heritage Site management plan update

- Cllr Dagleish has chaired a couple of meetings, mostly about the nascent oversight group (OG). The plan then went to CEC committee, where two amendments which PW favoured were proposed: (1) to run a stakeholder workshop to set up the OG's duties; (2) an amendment proposed by Cllr Mowat. However, due to minutes of this meeting not yet

being available, it is not yet clear what has been accepted. Despite this, the management plan (including the proposals for the OG) was approved. There will be further discussion of how the OG will function.

- F Banatvala: there was a pre-meeting of the OG but it is completely unclear what is happening.
- Cllr Mowat: I had wanted a short-life working group to set SMART targets.
- M Birch: there should have been appropriate commitment by CEC, but the convenor's amendment recognises there are issues and so calls for clarity in the relevant report. The next action plan will be crucial. The (currently unpublished) report to UNESCO by Jenny Bruce should help with setting up the action plan.
- P Williamson: I have asked for a meeting between NTBCC and EWHT in 2025
- M Birch: the deadline for applications to the EWHT board has just passed.

4.b Community council elections and governance update

- NTBCC has created a poster encouraging people to stand for election. There appear to be a couple of good candidates.
 - B Ryan: CEC has organised drop-in sessions. I will attend one at Napier's Sighthill campus on 10th February. *I WILL ASK FOR EXAMPLES OF GOOD WORKS BY CCs TO SHARE AT THAT EVENT.*
 - M Birch: NTBCC's website needs to publish guidance on (1) how people can stand as candidates for ordinary membership of NTBCC; (2) how local interest groups can (re-) nominate their representatives
 - *ACTION: B RYAN TO DRAFT THIS, M BIRCH TO CHECK THIS.*

5 Transport and environment matters

See [report on NTBCC website](#). All points made by M Birch unless otherwise noted.

5.a Report on EACC Meeting (28.11.24)

- F Banatvala: the guest speaker was Cllr Stephen Jenkinson, CEC transport convenor. He came over positively, stating he is a pragmatist: he wants to get things done, avoid 'glory' projects, and do what can be afforded. The latter will be one focus of his impending work. He will focus far more on pedestrians than on cyclists. An extra £12m is available for roads maintenance. Another priority is pedestrian travel/accessibility, which necessitates good public transport and leads to a focus on disability issues. A final priority is road safety, especially around schools. He recognised that it's not possible to fund all projects, and that scope-creep cannot be afforded.
- A Gaillard: Cllr Jenkinson represents the Pentlands. There are no city centre councillors on the transport ctte. I was surprised to hear that there are proposals to introduce a new e-bike scheme. I am concerned how this would be funded: I think it should not be a cost for CEC. Also the previous e-bike scheme failed due to vandalism, so why would the proposed new scheme work?
- M Birch: NTBCC intends to invite Cllr Jenkinson to come to one of its meetings.
- R Price: there are expression of interest to provide dockless e-bikes in the city centre.

5.b Transport and Environment Committee (12.12.24) agenda

5.b.i Cleansing performance report

- M Birch: I will try to find out which streets are included in the survey, and whether these include Rose St. NTBCC should follow up with CEC officers that its concerns are engaged with.
 - A resident: I organised the petition mentioned in the report. I am concerned about the sampling in the audit. The response times in the audit are a sham. I am concerned that there is lack of stratification to include areas that have been reported as filthy.

5.b.ii Trams to Newhaven update

- A report will go to the transport committee this week, but it has little substance and some significant issues are not being addressed. CCTT will make a deputation asking questions about what is not in the report. For example, there is nothing on progress to fix defects and work on safety concerns. The defect period, which was reduced to 1 year, is now over, so it is likely that CEC will pay for remediations.

5.b.iii City Mobility Plan capital investment plan

- Challenges include withdrawal of Sustrans funding and Transport Scotland not funding capital improvements. Hence the Charlotte Square and George St projects, among others, will be re-evaluated, and will come back to committee in May 2025, so presumably these projects will be delayed.

5.b.iv Tables and chairs permits

- There was an action for CEC officers to define 'busy' streets (which should have larger tolerances) but this has been postponed.
 - A Gaillard: The permit for the News Room on Leith St expired this autumn. It applied for an expanded T&Cs area, and the licensing convenor was due to contact the transport convenor about this. However, the permit has been renewed for a year, leading me to be very concerned about lack of diligence.

5.c East London Street (ELS) update

- Cllr Caldwell: the idea of buses using Green St to access the bus depot is a non-starter because it would involve too much work and disruption, and would be put the route next to a school.
- Cllr McFarlane: the recent workshop covered the whole bus issue. Resulting actions include working on light-phasing at the corner of Annandale St and Leith Walk so that this route might be used by more buses in early mornings. Use of the recently reopened left turn onto London St is being monitored. There is ongoing engagement with Lothian Buses about drivers' adherence to rules, and what happens when drivers do not follow rules.

- Cllr Mowat: the issues that prevent use of Green St are present on ELS. The key issue is the road surface, so Cllr McFarlane and I are trying to get political support for CEC to act on this. This issue results from ELS having been a diversion route during tram construction. (ELS would still be a diversion route if there are issues with the tram route now.)
- Cllr McFarlane: residents need to decide whether they wish the road to remain setted or have a tarmac surface, which might reduce noise from buses. However, this would clash with CEC's policy on setted streets, but we would then engage with heritage bodies about ELS's specific, unique concerns.
- Cllr Mowat: it will not help if there is just a survey, then nothing happens as a result.
- Cllr McFarlane: all setted streets are in a different programme, which undertakes one large project per year. ELS is 4th on this list, but I would want it to be next. However, the Lawnmarket project will take up this resource for 12 to 18 months, so work on ELS would not start until after that. In the meantime, the work on signals might make a difference. A site-visit during the early morning [when the problem is worst] might help change minds. It is not possible for CEC to direct Lothian Buses, which states that there will always be buses on ELS during these hours, leading to little change.
- A resident: are drivers that do not follow rules being disciplined?
- Another resident: the crucial times are between 11pm and 7am.
- Cllr McFarlane: buses are not tracked when they are travelling to and from their routes, so Lothian Buses does not have relevant data. I realise that it only takes one noisy bus to disturb all residents.
- M Birch: this issue has gone on for a long time, but Lothian Buses is not the only cause. Other commercial traffic makes noise too, despite last year's traffic survey stating that there is no such traffic. The noise survey also had faulty conclusions. NTBCC recognises that progress on this issue has not been good.
- A resident: while the new transport convenor might like Lothian Buses, but there have been at least two petitions about this issue. I have supplied a very recent report by an acoustic consultant which states that individual buses traveling to and from the depot are causing noise that exceeds WHO guidance, so buses should be rerouted away from ELS during the critical night-time period.
 - **ACTION: M BIRCH TO CIRCULATE THIS REPORT.**
- A resident: the ELS setts were dreadful 40 years ago, and new buses are causing further damage. The new, larger buses are damaging newly-laid streets elsewhere. Has this been taken into account?
- M Birch: some roads are designated as bus routes, so have more maintenance funding. ELS now has this designation.

6 Licensing matters

All points made by A Gaillard (AG) unless otherwise noted.

6.a Licencing Sub-Committee (29/11/24) – HMO Properties

6.a.i HMO 540522 at 39-47 Albany Street (Withdrawn 19/11)

- This unlicensed HMO resulted from use of special powers to house people during COVID, but such use should have ceased ~2 years ago. The case was brought to CEC's housing committee in the autumn. Scottish Government guidance states that hostels and hotels can be HMOs if they meet safety requirements, including 1 kitchen per 5 occupants. Since 1 December, CEC has not been able to house homeless people in unlicensed HMOs. Some landlords have resisted the need to apply for HMO licensing [and hence meet requirements], but this application received a quick consideration at the relevant CEC level. However, it withdrew its application with 1 day's notice. Meanwhile, significant antisocial behaviour by residents has been observed. The landlord also owns a property at 27 York Place, and applied for an HMO license for it – but then withdrew this application. This property had 19 rooms, yet 42 occupants. On 29 November, a special CEC meeting approved 12 licenses, including this one, despite AG submitting an objection based on the property being all bedrooms [i.e. no kitchens], so I am very concerned that this application was approved.
 - Cllr Mowat: the applications were permitted under urgency/'danger of life' powers (i.e. that making these properties' residents homeless in winter would endanger their lives), following CEC's solicitor advising in September that the covid powers could no longer be used. As CEC's licensing convenor, I required that the relevant meetings were public, and that there would be neighbour notifications. Small differences from requirements (e.g. room sizes) were approved JM. If there were concerns about maintenance, inspections were mandated.
 - Cllr Caldwell: each of the 12 were approved subject to multiple conditions, such as removing some bedrooms. Each property had been inspected prior to this process.
 - Cllr Mowat: now the properties are licensed, there is a clear, enforceable route for complaints. There is no such route for unlicensed HMOs. CEC is working to get people into settled accommodation, and this work will continue. It was possible either to use the Emergency Housing Act to suspend notifications [of not being licensed] for 21 days, or accept the landlords' statements that such use of their property would soon cease. The latter of these was used for the Albany St property, so it will cease to be an HMO by 28 February. The onus is on CEC to house people who would be made homeless, but it will not buy rooms in this unlicensed property after 28 February.
 - Cllr Mowat: new licenses can be granted for 6 months to 12 months; due to concerns about maintenance, 6th month licenses were granted. I am aware that there are issues with transparency on such matters.
 - S Hajducki: The Housing Act states that CEC must ensure that landlords are 'fit and proper' before granting licenses, but at least one of the landlords in this batch clearly is not. Despite this, CEC is paying them much public money. Why has this been allowed to continue? Where is the due diligence?
 - Cllr Mowat: each property was inspected by officers who are not part of the application process, and were found to be satisfactory. The test for 'fit and proper' is whether there is a criminal conviction, not simply that properties are not good. The properties will now be inspected more frequently.

6.a.ii HMO 541034 at 27 York Place
See above

6.b Civic licensing – other applications

6.b.i LHC 540091 at 6 Picardy Place

- This used to be a Bank of Scotland branch. An application for it to be used as a fast food (Taco Bell) outlet was rejected was rejected on the grounds of cooking smells but was later granted on appeal. There was also an application for a late-hours catering license. NTBCC was contacted by the owner of a flat above the premises, which has been filled with fumes from works on the premises; the owner is concerned for the workers' safety. He has tried to speak with the works manager, to no avail. There is no provision in the plans to handle fumes, but this does not breach planning regulations. It might be possible to use environmental health legislation to oppose the late-hours catering application.
 - *ACTION: WARD COUNCILLORS TO FOLLOW THIS UP.*

6.b.ii STL 538256 at 10a Blenheim Place

- While the former owners had been good neighbours, they have moved elsewhere but had been granted planning permission to use the property as a STL. This would apply in perpetuity to the property, yet there has been noise and antisocial behaviour from occupants. This horrified the owners, who then sold the property, but the new owners have now applied for an STL license. The planning application has been granted, despite some physical work being needed to contain the noise. (The whole property had been split into two residences, and the neighbours had been badly affected by previous STL tenants.)

6.b.iii STL 523318 at 11 Marshall's Court

- This property was built as a residential, but new owners wished to use it as an STL. They went through the proper processes, applying for a 1-year STL license, but did not obtain planning permission. Hence they now wish to demolish and rebuild to create a serviced apartment. I am concerned that the license would still apply to the new building, despite planning permitting only the demolition/rebuild.

7 Planning

All points made by R Price unless otherwise noted.

7.a **Princes Street/Waverley Valley Strategy consultation (closes 21.02.25)**

- This covers Princes St, Rose St, Princes St gardens and Waverley station.
 - S Holledge: this consultation lacks coherence and apparent purpose: it's a mishmash of themes and park benches.
 - Cllr McFarlane: this consultation went to every CEC committee because it touches an all their remits. I suggest that NTBCC responds via the different lenses (i.e. CEC committee remits).
 - Cllrs Osler and McFarlane: it also impacts the world heritage area. Network Rail is also involved because Waverley station is in the middle of the valley.
 - R Price: it should be possible to reply separately to each section of the consultation.
 - *ACTION: NTBCC TO RESPOND TO THIS CONSULTATION IN EARLY 2025*

7.b **Current applications to note**

There have been 95 objections to an application by Black Sheep Coffee to build out a Princes St basement.

7.c **RBS site**

- The developers wish to make major changes to class-uses, from offices and build-to-rent to student accommodation. The second consultation was last week: it showed that some points have been picked up by developers, but a large amount of student accommodation is still planned.
 - A resident: the nearby residents association is concerned, especially about the proposed larger Fettes Row block. There may also be a clash of architectural styles. The justifications seem to false, based on misconstruing previous architecture.
 - R Price: the Cockburn Association is due to object to this application. (It had supported the previous application.) NTBCC should consider whether/how to respond to the developers directly. It should bear in mind that new PBSA guidance will be consulted on in 2025.
 - K Lochrie: is the city centre suitably resilient for the increased use of water and electricity due to extra residents and increased use of water? There are also concerns about potential flooding at the bottom of the Dundas St hill.
 - Cllr Osler: there will be conversations with utility companies. Scottish Water and SEPA are statutory planning consultees, but may not trawl through each application. CEC has limited powers to refuse planning applications.
 - *ACTION: NTBCC TO RESPOND TO THE CONSULTATION IN DUE COURSE.*

8 Culture and communities matters

See also [report on NTBCC website](#). All points made by S Holledge (SH).

8.a **Consultations**

- **Visitor Levy**
 - NTBCC is content with the idea of the levy but is concerned how the revenue will be managed.
 - *ACTION: SH TO FIX TYPOS IN DRAFT RESPONSE, THEN SUBMIT IT – AND ARRANGE FOR IT TO BE PUT ON NTBCC'S WEBSITE.*
- **Ross Band Stand**
 - Response is being drafted.
- **Edinburgh Future libraries**
 - A response has been drafted, and will be *SUBMITTED AND PUBLISHED WHEN IT'S COMPLETE.*

9 Treasurer's report

- N Reid: NTBCC has received its 2024-25 grant – the same amount as 2023-24 (£925-08). The main expenses are the minutes secretary, meeting venues, Zoom and data protection fees. NTBCC has cut its spending on advertising. It is basically breaking even, but would be at risk if charges increased. The bank balance of £1600 provides a cushion.
 - R Price: CEC is offering £1300 per CC for hybrid meeting costs. CEC should also cover some accommodation costs.

10 Any other business

- M Birch: NTBCC will not have a public meeting in January but may hold a business meeting. It will need to book St Mary's, presumably for February, April, June (AGM), August, October and December.
 - R Price: because of the forthcoming elections, it may help to have more in person meetings.

DRAFT