

## Committee Minutes

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# Planning Committee

Edinburgh, 19 May 2011

**Present:-** Councillors Lowrie (Convener), McIvor (Vice-Convener), Burgess, Dundas, Hinds, Milligan, Morris, Mowat, Munn, Paisley, Peacock, Rose and Thomas.

**Also Present:** Councillors Bridgman and Hawkins.

## 1 Minutes

### Decision

- 1) To approve the minute of the Planning Committee of 24 February 2011 as a correct record.
- 2) To approve the minutes of the Development Management Sub-Committee of 9 and 23 February, 9 and 23 March and 6 and 27 April 2011 as correct records.
- 3) To note the minutes of the City of Edinburgh Planning Local Review Body of 2, 16 and 30 March and 13 and 14 April 2011.

## 2 Development Management Decision-making Process; Review

### 2.1 Deputation – Portobello Community Council

The Committee heard a deputation from Portobello Community Council in regard to the proposed changes to the Development Management decision making process. The deputation stressed that the process needed to ensure a more balanced approach as they felt there was an imbalance in the current system in favour of developers.

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Their main concerns related to the time limits imposed on Councillors and Community Council members to address the Committee and those invited to attend site visits. They asked that the Committee consider amending

- Paragraph 3.11 - to allow 15 minutes per ward for ward Councillors to speak;
- Paragraph 3.13 – that Community Council representatives be allocated 15 minutes to speak;
- Paragraph 3.16 – that Ward Councillors and Community Council representatives be allowed to raise factual information through the Planning Officer during site visits

## **2.2 Report by the Director of City Development**

The Committee had continued consideration of proposals for changes in relation to procedure for hearings, presentation items, ward member contributions, site visits and information for the public in order to consult more widely on the proposals. Details of issues raised during the consultation with stakeholders on the proposed amendments were provided and a number of amendments to the proposals were recommended.

### **Decision**

- 1) To agree to the changes proposed for agenda format, report structure, the criteria and procedures for hearings and presentations, the procedures for site visits and the role of ward members and instructs that the procedures are effective from 1 August 2011 subject to:
  - (a) extending the time allowed for Community Councils to address hearings to 15 minutes, subject to the discretion of the Convener; and
  - (b) amending the guidance on site visits to state that a representative of the relevant Community Council and Ward Councillors could attend and make factual points via the Planning Officer.
- 2) To instruct the Director to prepare information sheets to assist stakeholders attending Sub-Committee meetings and site visits and participating in hearings.
- 3) To instruct the Director to undertake a survey of applicants, agents and members of the public attending Development Management

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Sub-Committee meetings to seek feedback on the proposed changes and report back to Committee after a period of 12 months.

- 4) To recommend that a new bullet point be added to paragraph 4.154 of the Scheme of Delegation to Officers, under the section 'Exclusions to paras (a) and (b) as follows -
  - An application which meets the criteria approved by the Planning Committee for a Hearing by the Development Management Sub Committee

(References – Planning Committee of 2 December 2010 (item no 2); report by the Director of City Development, submitted.)

### **3 Edinburgh City Local Plan Legal Challenge – Court Decision**

#### **3.1 Deputation – Residents' Associations of Gilberstoun and Newcraighall**

The Committee heard a joint deputation from Gilberstoun and Newcraighall Residents Associations in regard to the Court of Session decision on a legal challenge to the adoption of the Edinburgh City Local Plan. The deputation urged the Committee not to proceed with any further appeal against the decision as they felt that there would be major financial implications in following such a course of action. They asked that the Committee instead instruct officials to find alternative sites for the required 400 housing units

The Deputation also stated that the Structure Plan requirement for 400 housing units was set in an entirely different economic climate and that the Council should examine the implications of doing without that allocation. The loss of the green belt between Newcraighall and Musselburgh should be resisted.

The Committee also heard Councillors Bridgman and Hawkins as local ward members.

The Convener thanked the Deputation for their presentation

### **3.2 Planning and Legal Advice**

#### **Resolution to consider in private**

The Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during discussions on legal advice for the reason that it involved the disclosure of exempt information, as defined in Paragraph 12 of Part 1 of Schedule 7(A) of the Act.

Following discussion on planning and legal issues, and a brief adjournment, the public were readmitted.

### **3.3 Report by the Director of City Development**

The Court of Session had found in favour of an appeal against the Council's decision to adopt the Edinburgh City Local Plan. The effect of this was to quash two housing allocations at Newcraighall which meant that they now became Greenfield land in the urban area. Details were provided on a proposal that the Council had grounds for appeal against this decision and that such an appeal be marked before the deadline of 27 May 2011.

#### **Motion**

- 1) To note the decision of the Court of Session as detailed in Appendix 1 to the report by the Director of City Development, to quash the Edinburgh City Local Plan housing allocations at Newcraighall North and East.
  - 2) To note the effect of that decision on the provisions of the Edinburgh City Local Plan as detailed in Appendix 2 to the Director's report.
  - 3) To authorise the marking of an appeal to the Inner House of the Court of Session within the available time period.
- Moved by Councillor Lowrie, seconded by Councillor Thomas.

#### **Amendment**

- 1) To note the decision of the Court of Session as detailed in Appendix 1 to the report by the Director of City Development, to quash the Edinburgh City Local Plan housing allocations at Newcraighall North and East.
- 2) To note the effect of that decision on the provisions of the Edinburgh City Local Plan as detailed in Appendix 2 to the Director's report.

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- 3) To not authorise the making of an appeal to the Inner House of the Court of Session within the available time period.

- moved by Councillor Milligan, seconded by Councillor Hinds

### **Voting**

The requisite number of members having so required in terms of Standing Order 31(1), the vote was taken by calling the roll.

For the motion by Councillor Lowrie:

Councillors Lowrie, Burgess, Dundas, Morris, Peacock and Thomas – 6.

For the amendment by Councillor Milligan:

Councillors Hinds, McIvor, Milligan, Mowat, Munn, Paisley and Rose – 7.

### **Decision**

To approve the amendment by Councillor Milligan.

(References – Act of Council No 11 of 28 January 2010; report by the Director of City Development, submitted.)

### **Declaration of Interests**

Councillor Hinds declared a non-financial interest in the above item as a Director of EDI and as a close relative of someone living in the Gilberstoun/Newcraighall area.

Councillor Rose declared a non-financial interest in the item as a Director of CEC Holdings.

## **4 Local High Streets – Motion by Councillor Johnstone – Remitted from the Council of 10 March 2011 in terms of Standing Order 28(3)**

The following motion by Councillor Johnstone was submitted in terms of Standing Order 28(3):

“That this Council:-

Acknowledges the benefits of thriving local high streets to residents, the economy and the environment.

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Recognises the competition faced by small independent shops from large chain stores.

Notes that planning permission has been granted for a retail unit from 358-364 Morningside Road.

Notes that this permission was granted by delegated decision on 23 December 2010, two days before Christmas and while Council was in recess.

Notes that, almost three months later, no information is available regarding the occupant of this unit.

Considers that such lack of detail prevents an open and transparent planning process.

Calls for a report investigating whether existing planning policies offer sufficient protection to small independent shops.”

Details were provided on the power of the Council as planning authority to shape local retailing as defined by legislation. There was limited control over who could own or occupy a shop unit.

### **Decision**

- 1) To approve the motion by Councillor Johnstone subject to the deletion of the penultimate paragraph.
- 2) To note the report by the Director of City Development.

(Reference – report by the Director of City Development, submitted)

## **5 Carbon Emissions – Motion by Councillor Johnstone – Remitted from the Council of 28 April 2011 in terms of Standing Order 28(3)**

The following motion by Councillor Johnstone was submitted in terms of Standing Order 28(3):

“That this Council:

Notes that the average carbon emissions for weekly tumble dryer use is around 390kg per year;

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Notes that in a recent survey by 'COMAS' (a community development organisation working to promote recovery and resilience amongst individuals and communities) of modern housing developments, 10,000 households in Edinburgh were identified as having no opportunity to dry clothes out of doors;

Notes that despite increasing fuel poverty many people need to use heating just to dry washing;

Therefore calls for a report on out of door drying including, how to ensure that developers could be required to provide outdoor drying space for residents and on what action would be required to reform title conditions that prevent drying washing outside."

**Decision**

To approve the motion by Councillor Johnstone.

(Reference – Act of Council No 15 of 28 April 2011)

**6 Play Space Provision, Niddrie Mains Road – Motion by Councillor Child – Submitted in terms of Standing Order 28**

The following motion by Councillor Child was submitted in terms of Standing Order 28(3):

“In the light of the new Open Space Strategy, Committee calls for a report on how sustainable, well-designed play space provision may be delivered to the north of Niddrie Mains Road, as and when new development is realised”.

**Decision**

To approve the motion by Councillor Child.

**7 Developer Contribution and Affordable Housing Guidance**

The Committee had agreed a new, consolidated structure for the Council's planning guidance. Approval was sought for a consolidated guideline which advised on the Council's developer contributions requirements and affordable housing policy.

Approval of the guideline would revoke previous guidelines on related issues as detailed in the report.

**Decision**

- 1) To approve the guideline for use as non-statutory guidance which helped interpret the adopted local plans.
- 2) To agree that the previous related guidelines on related issues be revoked.

(Reference – Planning Committee of 24 February 2011 (item no 7); report by the Director of City Development, submitted.)

**8 Summerhall Development Brief: (The Royal (Dick) School of Veterinary Studies)**

Details were provided of a development brief which had been prepared to guide the reuse, restoration and redevelopment of the Royal (Dick) School of Veterinary Studies, Summerhall.

**Decision**

To endorse the development principles contained in the Summerhall Development Brief to guide the reuse, restoration and redevelopment of the Royal (Dick) School of Veterinary Studies, Summerhall.

(Reference – report by the Director of City Development, submitted.)

**9 Edinburgh Canal Strategy: Draft for Consultation**

The Council and British Waterways (Scotland) had prepared a draft Edinburgh Canal Strategy for consultation purposes. Details of the Strategy were provided and it was proposed that further consultation be undertaken on the consultative draft over the summer.

**Decision**

- 1) To approve the draft Edinburgh Canal Strategy for consultation purposes.
- 2) To authorise officials to make any non-substantive amendments to the document prior to consultation.
- 3) To refer the report to the Economic Development Committee for information.

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- 4) To ask the Head of Planning to examine the potential for competitive rowing use of the canal.

(Reference – report by the Director of City Development, submitted.)

## **10 SESplan Operating Budget for Financial Year 2011-12**

Details were provided of SESplan's operating budget for 2011/12.

### **Decision**

- 1) To ratify the proposed SESplan 2011/12 operating budget.
- 2) To approve the payment of the Council's contribution of £40,000 for financial year 2011/12.

(Reference – report by the Director of City Development, submitted.)

## **11 Development Activity Bulletin 2010**

The Council's third annual Development Activity Bulletin was presented. It summarised the amount of development recently delivered or promoted through the planning process in Edinburgh, expressed in terms of its market value

### **Decision**

- 1) To note the publication of the Development Activity Bulletin 2010 and the scale of development which was currently being progressed through the Council's planning service.
- 2) To refer the report to the Economic Development Committee for its interest.

(Reference – report by the Director of City Development, submitted.)

## **12 Planning Committee Training and Awareness Raising Programme**

Details were provided of proposals for the next series of training and awareness raising sessions for members of the Committee.

**Decision**

- 1) To approve the Training and Awareness Raising Programme that would run from late July 2011 to February 2012, as set out in the report by the Director of City Development.
- 2) To invite members to suggest to the Head of Planning additional topics that could be included in the Programme.

(Reference – report by the Director of City Development, submitted.)

**13 Homes for Scotland Secondment**

Details were provided of the recent secondment of a Planning Officer to Homes for Scotland and on proposed future ways of working in partnership with the housebuilders.

**Decision**

- 1) To note the report by the Director of City Development.
- 2) To congratulate G Bellhouse for the work undertaken by her which led to the Council winning a Homes for Scotland Special Award.

(Reference – report by the Director of City Development, submitted.)

**14 Modernising Planning: Annual Report on Service Improvement Plan 2010-2011**

Details were provided of the Annual Report on the Business Plan and Service Improvement Plan 2010-2011.

**Decision**

- 1) To approve the Annual Report on the Service Improvement Plan for 2010-2011 and agree its submission to the Scottish Government.
- 2) That the Director report on a 6 monthly basis on performance in relation to the Service Improvement Plan.

(Reference – report by the Director of City Development, submitted.)

**15 Old and New Towns of Edinburgh World Heritage Site Management Plan 2011-2016 – Finalised Version**

The Committee had approved the draft Edinburgh World Heritage Site Management Site Plan for consultation purposes.

Details were provided of the results of the consultation. The finalised version of the Management Plan was submitted for approval.

**Decision**

To approve the Old and New Towns of Edinburgh World Heritage Site Management Plan 2011-2016.

(References – Planning Committee of 5 August 2010 (item no 11); report by the Director of City Development, submitted.)

**16 Former Barnton Hotel, 562 Queensferry Road: Emergency Works Notice**

Approval was sought to serve an Emergency Works Notice on the former Barnton Hotel, 562 Queensferry Road.

**Decision**

To approve the service of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of the former Barnton Hotel, 562 Queensferry Road.

(Reference – report by the Director of City Development, submitted.)

**17 Scottish Government Consultation: Non-Domestic Permitted Development Rights**

Details were provided on the Council's proposed response to the Scottish Government's consultation on Non-Domestic Elements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

**Decision**

To approve the submission of the report and Appendix 1 of the report by the Director of City Development to the Scottish Government as its response to the consultation paper.

(Reference – report by the Director of City Development, submitted.)

**18 City Centre and Princes Street Public Realm**

The Policy and Strategy Committee had referred a report on the long term vision for the city centre public realm in Princes Street, George Street and Rose Street for consideration.

**Decision**

To note the report by the Policy and Strategy Committee.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

**19 Decentralised Energy in Edinburgh**

The Policy and Strategy Committee had referred a report on the delivery of decentralised energy within Edinburgh for consideration.

**Decision**

To note the report by the Policy and Strategy Committee.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

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# Planning Committee

Edinburgh, 8 June 2011

**Present:-** Councillors Lowrie, Burgess, Child, Dundas, Keir, McIvor, Morris, Mowat, Munn, Peacock, Rose and Thomas

**Also in Attendance** – Councillor Hinds.

### **1 Appointment of Convener and Vice-Convener of the Planning Committee**

#### **Decision**

To appoint Councillor Lowrie as Convener and Councillor McIvor as Vice-Convener of the Planning Committee.

### **2 Appointment of Convener of the Development Management Sub-Committee**

#### **Decision**

To appoint Councillor Lowrie as Convener of the Development Management Sub-Committee.