

Minutes

Planning Committee

2.00pm, Wednesday 14 October 2020

Present

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Dixon (substituting for Councillor Gordon, items 1 to 4), Doran (substituting for Councillor Griffiths), Gordon, Mitchell, Mowat, Osler, Rose and Councillor Frank Ross (substituting for Councillor Munn).

1. Minutes

Decision

To approve the minutes of the Planning Committee of 30 September 2020 as a correct record.

2. Business Bulletin

The Committees Business Bulletin for 14 October 2020 was presented.

Decision

To note the business bulletin

(Reference – Business Bulletin, submitted.)

Declaration of Interests

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

3. Scottish Government Call for Ideas for National Planning Framework 4 - Interim Regional Spatial Strategy

In January 2020 the Scottish Government published a Call for Ideas for National Planning Framework 4 as part of its engagement with Local Authorities and other stakeholders to inform a draft NPF 4. Under the Planning (Scotland) Act 2019 the NPF would become a statutory part of the development plan, would include housing targets and would incorporate a revised Scottish Planning Policy.

The Council as Planning Authority and as part of the South East Scotland Strategic Planning Authority (SESplan) Joint Committee and Edinburgh and South East Scotland City Region Deal (ESESCRD) had provided appropriate strategic planning and policy input to this process to ensure its interests were appropriately represented.

Decision

- 1) To ratify the proposed interim Regional Spatial Strategy as approved by the South East Scotland Strategic Development Plan Authority (SESDPA) Joint Committee at its meeting of 21 September 2020.
- 2) To note that this would be the region's further response to the Scottish Government's Call for Ideas for National Planning Framework (NPF) 4 as a contribution to the Position Statement to be issued by the Scottish Government in Autumn 2020 and that a draft NPF was now scheduled to be published to the Scottish Parliament in September 2021.
- 3) To agree that officers continued to work with the Scottish Government on the above process, with any amendments to the interim Regional Spatial Strategy proposed through that joint work to be brought back to the SESDPA Joint Committee and Planning Committee for consideration.

(References – Planning Committee, 18 March 2020 (item 2); report by the Executive Director of Place, submitted.)

Declaration of Interests

Councillor Doran declared a non-financial interest in the above item as a member of SEStran

4. Princes Street and Waverley Valley Strategy - project scope

A report was provided scoping a new Strategy for Princes Street and the Waverley Valley to inform future development and management of the valley landscape, the role and use of buildings on Princes Street and its environs, and the quality and offer of its public realm.

Motion

- 1) To agree the scope for the preparation of the Princes Street and Waverley Valley Strategy and the outline programme set out in Appendix 1 of the report.
- 2) To agree to delete paragraph 4.7 in the report and replace with the following wording: Forthcoming considerations to include: the Princes Street and Waverley Valley Strategy would provide context and guidance, including civic considerations, within which forthcoming planning applications would be considered, such as the Waverley Station masterplan by Network Rail; and the Ross Development Trust's proposals to replace the Ross Theatre with a new event pavilion, associated facilities, landscaping and access improvements and other projects which may have a significant impact. As ECCT also progresses, central streets would be increasingly oriented towards walking, wheeling, cycling and public transport and new areas of public realm established, such as at Waverley Bridge.
- 3) To request that the first stage of work included a review of current

documentation and policies be presented to Planning Committee with all background papers available as appendices.

- moved by Councillor Gardiner, seconded by Councillor Child

Amendment

- 1) To note the report and its attempt to bring together a complex policy landscape which cuts across Council areas; was concerned that no decision had been taken to move Council policy into cross cutting place based policy statements and until such time as the Council moved to such a delivery framework considered this to be premature and regrets that the report did not fully consider the relationship between Princes Street and the bus network.
- 2) To therefore call for a review of current documentation and policies to be conducted and presented to Committee with all background papers available as appendices before instructing further work so that Committee could consider whether there were any gaps in policy that needed further development or whether a review and consolidation of existing policy was sufficient at this time given the constrained Council resources.

- moved by Councillor Mowat, seconded by Councillor Mitchell

Voting

The voting was as follows:

For the motion	-	7 votes
For the amendment	-	4 votes

(For the motion: Councillors Gardiner (Convener), Mary Campbell, Child, Booth, Dixon, Doran and Frank Ross.

For the amendment: Councillors Mitchell, Mowat, Osler and Rose.)

Decision

To approve the motion by Councillor Gardiner

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

5. Legal Review of Council Planning Processes - Implementation and Resource Impacts

In response to a motion by Councillor Mowat agreed at Council on 24 October 2019, details were provided setting out how the recommendations of the Shoosmiths Legal Review of Council Planning Processes were being implemented and addressed and the resource impacts of doing so.

Motion

- 1) To agree the proposed implementation of the recommendations of the Legal Planning Committee – 14 October 2020

Review as set out in Appendix 1 of the report.

2) To note the resource impacts identified in Appendix 1 of the report.

- moved by Councillor Gardiner, seconded by Councillor Child

Amendment

1) To agree the proposed implementation of the recommendations of the Legal Review as set out in Appendix 1 of the report with further clarification on:

Para 4.15(i) Best practice was that Councillors should submit additional information they received prior to the Committee to officers as soon as possible and advise officers if they planned to ask questions on this at Committee; officers should advise if they could respond to those requests and Committee would then decide whether a pause was required.

Para 4.19 (i) It should be clear to Convener and Committee that legal advice was available should this be required, where this was not requested prior to Committee and requested at Committee it should be Committee's decision whether to pause the item.

Para 4.20 (iv) The Convener and Vice Convener with Planning Officers should determine at their agenda planning meeting which Committees required the presence of a Council solicitor and revert to process at 4.19 (i) where there was no solicitor present and another member of the Committee raised issues that the required a legal opinion; as agreed at the elected members planning workshop items 4.19(i) and 4.20(iv) would be reviewed by officers and committee members at a Workshop in February 2021.

Para 4.21 (iv) To note that elected members may take part in determination of Planning Applications which had been the subject of a site visit without attending the site visit. To note that officers were carrying out a review of how information was communicated to Committee via reports, presentations and site visits. Where information relevant to a particular application could not be communicated by other means, officers would seek to provide information to enable members to undertake a site visit at an appropriate time so those members unable to undertake and organise site visits (due to accessibility or other commitments) to ensure that elected members had appropriate visual contextual information to take part in the determination of a planning application where a site visit was considered necessary.

- moved by Councillor Mowat, seconded by Councillor Rose

In accordance with Standing Order 22(12), paragraphs 2 and 3 of the amendment were accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Gardiner:

- 1) To agree the proposed implementation of the recommendations of the Legal Review as set out in Appendix 1, with further clarification on:

Para 4.19 (i) It should be clear to Convener and Committee that legal advice was available should this be required, where this was not requested prior to Committee and requested at Committee it should be Committee's decision whether to pause the item.

Para 4.20 (iv) The Convener and Vice Convener with Planning Officers should determine at their agenda planning meeting which Committees required the presence of a Council solicitor and revert to process at 4.19 (i) where there was no solicitor present and another member of the Committee raised issues that the required a legal opinion; as agreed at the elected members planning workshop items 4.19(i) and 4.20(iv) would be reviewed by officers and committee members at a Workshop in February 2021.

- 2) To note the resource impacts identified in Appendix 1 of the report.

(References – City of Edinburgh Council, 24 October 2019 (item 18); report by the Executive Director of Place, submitted.)

6. Scottish Government Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning - proposed response

Approval was sought for the Council's response to the Scottish Government's consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning.

Decision

- 1) To approve the content of the consultation response attached at Appendix 1 of the report.
- 2) To agree that this would be sent to Scottish Government as the City of Edinburgh Council's formal response to the Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning.

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

7. Training and Awareness Raising Programme

Details were provided of the proposed themes and dates for the training and awareness programme for Planning Committee members, and where relevant, members from other Council committees.

Decision

To agree the priorities for training and awareness raising over the next 12 months and the indicative themes for workshops.

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

8. Proposed Extension to New Town Conservation Area

On 17 August 2017, the Planning Committee approved the Finalised New Town Conservation Area Character Appraisal (CACA). A proposed boundary extension to the New Town Conservation Area was presented.

Decision

To approve the boundary extension to the New Town Conservation Area.

(References – Planning Committee, 22 August 2018 (item 12); report by the Executive Director of Place, submitted.)