

DEVELOPMENT MANAGEMENT DECISION MAKING PROCESSES

29 October 2015

Guidance Note 1 – General Procedures

The following procedures were adopted by the Council on 23 August 2012 in order to comply with the Standards Commission Code of Conduct and allow all parties equal opportunity to speak at the Committee.

Introduction

The Council is committed to public involvement in the planning process. This guidance note explains how the business of the Sub-Committee is generally handled. All meetings of the Development Management Sub-Committee are open to the public. However, members of the public, applicants and/or their agents cannot speak at these meetings, except where a formal hearing is being held. Please see Guidance Note 2 on the arrangements for hearings.

General Issues

The agenda papers, which are made publicly available three working days before the meeting, will make it clear what items are to be considered and in what order.

Whilst the order of business generally follows this set pattern, the Convenor does have the authority to alter the order of business should circumstances require this.

All meetings of the Development Management Sub-Committee are held in public, normally in the Dean of Guild Room in the main City Chambers in the High Street. Reception staff will provide directions if you are not familiar with the location of this room. Meetings, which are held fortnightly, normally start at 10:00am on a Wednesday (except during periods of public holiday or other special circumstances). The room has a sound system and a screen in the public gallery so that those attending the meeting can follow what is being discussed at all times.

What Happens at Committee

The Committee clerk will first deal with any procedural issues such as declarations of interest and the minutes of previous meetings. The Committee will then go on to decide applications. The first group of applications do not raise significant planning issues, but cannot be dealt with under delegated powers by planning officers. These reports will be agreed without debate unless a presentation has been requested by a member of committee or a ward member has requested a hearing, and they have given due notice of this.

Where a ward member has requested a hearing, the Committee will debate the reasons for the hearing being requested and come to a decision as to whether a hearing on the application should be held. If the Committee agrees to hold a hearing, this will be held at the next meeting, usually 2 weeks later. If the Committee decides not to have a hearing, the application will be determined as normal and a decision taken.

The next group of applications comprises those which are returning, having been considered on a previous occasion.

The third group comprises those applications which raise significant issues and which are to be considered by way of a hearing. A separate guidance note, No 2, sets out the procedures which will be followed in considering such an application.

The fourth group of applications are those which will be the subject of a detailed presentation by the planning officer in attendance and thereafter debated by the committee.

The fifth group of applications are those returning to committee after a site visit and which will be considered and debated in the normal way.

The sixth group of items relate to pre-application reports where members will indicate what issues they think that the applicant will need to consider in their eventual application(s). Current planning procedures require applicants to give advance notice of major applications which they intend to submit.

Procedure at the Committee Meeting

The Committee chair (a Councillor known as the Convener) will introduce the item and ask a planning official to provide Members with an explanation of the proposal. Following the explanation, the planning official will answer questions from Sub-Committee Members.

Ward Councillors can only address the Committee at hearings. This allows all parties to have the opportunity to address the Committee.

After any response by the planning official, members of the Sub-Committee will then discuss the proposal before making their decision.

The application decision will generally be to approve or refuse. If the application is continued for a site visit or further information, the application will be reconsidered at a future meeting.

After the Meeting

After your item has been considered, you may leave the Committee room unless you want to attend the rest of the meeting.

When the application has been finally decided, the Council's Head of Planning and Building Standards will write to the applicant or their agent and everyone who has made comments to let them know the outcome.

Further Information

You can view planning applications at [Planning and Building Standards Online Services](#).

You can also view planning applications at Planning & Building Standards Reception at **Waverley Court, 4 East Market Street, EDINBURGH, EH8 8BG**

Agendas and reports for the Development Management Sub-Committee are available online at the Council's webpage on [Committee papers](#).

For more information about the process of deciding planning or related applications you should obtain a copy of the [Planning Service Charter](#). This is available on the Council's website.

The Council's schemes of delegation in respect of planning matters are also available on the website. There is the statutory scheme under the Planning etc (Scotland) Act 2006 and a further scheme in terms of the Local Government (Scotland) Act 1973.

Appendix 1

Material Considerations: typical examples

Valid considerations are those which relate to the development and use of land

Policies	Local Development Plans, Strategic Plans emerging Development Plans Council's supplementary guidance Scottish/UK/European Government Policies
Site Issues	contamination, flooding
Appearance	height, scale, massing, density, materials daylighting, privacy, overshadowing
Impact	environmental, historical
Nuisance	noise, smell, hazards, disruption
Compatible	with existing uses, eg shops/cafés
Local needs	schools, commerce, social/leisure affordable housing economic benefits, eg employment, skills training
Infrastructure	drainage and water supply capacity, education, access and transport, parking, safety
Precedent	where consent might create a precedent or compromise future decisions
History	previous decisions, appeals, court cases

Non-valid considerations are those which relate to private interests and other non-planning issues

Property	loss of a private view, loss of property value, legal restraints in title deeds, ownership, rights of access
Commercial	creating competition to existing businesses, the cost of the building project
Ideology	political objections to private hospitals or schools
Moral	a dislike for non-planning reasons, eg because it involves Sunday trading, gambling, alcohol
No need	a perception that the proposal is not required (unless backed by sound planning reasons)
Ownership	applicant doesn't own site, or has a dubious reputation or track record
Construction	noise, traffic, disruption etc during demolition or construction
Unrealistic	uncertainty whether the developer can't / won't proceed
Permitted	where permission is not required, eg the proposals are not development, or are permitted development under the GDO
Other regimes	items covered by health and safety, licensing, building regulations etc where there is no overlap in legislation

If members are unsure whether a particular reason or objection constitutes acceptable planning grounds for a hearing request, the case officer or team principal will be willing to advise.