

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 19 December 2023**

**1 Minutes of Meetings submitted for Approval**

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None

**2 Minutes of Meetings submitted for Consideration**

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**Approved Minutes for Noting, Information and Consideration of any recommendations contained therein**

Minute of Police Fire and Rescue Board of 21 August 2023	3 - 7
Minute of Local Review Body of 25 September 2023	8 - 14
Minute of General Purposes Committee of 3 October 2023	15 - 17
Minute of Cabinet of 24 October 2023	19 - 26
Minute of Planning Committee of 31 October 2023	27 - 35

**3 Minutes of Meetings submitted for Information**

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**Approved Minutes of Outside Organisations to which Council appoints representatives**

None

# Minute of Meeting



## Police and Fire and Rescue Board

Date	Time	Venue
Thursday 21 August 2023	1.00 pm	Hybrid Meeting

### Present:

Councillor McKenzie (Chair)
Councillor Alexander
Councillor Curran
Councillor McEwan
Councillor Smail

### In Attendance:

<b>Midlothian Council</b>	Derek Oliver, Chief Officer Place
	Janet Ritchie, Democratic Services Officer
<b>Police Scotland</b>	Chief Superintendent Alwyn Bell
	James Robertson, Midlothian Local Area Commander
<b>Scottish Fire and Rescue Service</b>	David Morrison, Prevention, Enforcement and Community Engagement Lead
	Gary Douglas, Station Commander

## 1. Welcome, Introductions and Apologies

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The Chair, Councillor McKenzie welcomed everyone to the meeting of the Police and Fire and Rescue Board and reflected upon the live Police incident in Newtongrange.

## 2. Order of Business

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The order of business was as set out in the Agenda Pack previously circulated.

## 3. Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4. Minute of Previous Meeting

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The Minute of Meeting held on 15 June 2023 was submitted and approved as a correct record, moved by Councillor McKenzie and seconded by Councillor McEwan.

## 5. Public Reports

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Agenda No.	Report Title	Presented by:
5.1	<b>Police Scotland Midlothian Q1 Scrutiny Report 2023/24</b>	<b>Police Scotland (PS)</b>
<b>Outline of report and summary of discussion</b>		
<p>The Chair welcomed Chief Superintendent Alwyn Bell who was filling in for Catriona Paton and would be presenting the Police report today. Chief Superintendent advised on the live investigation regarding a shopkeeper in Newtongrange at the weekend and that the community engagement was ongoing but could provide no further details at this time.</p> <p>Chief Superintendent advised that it had been a busy summer period and provided an update on Scotland's new Chief Constable, Jo Farrell who took command of the national police service on 90 October 2023.</p> <p>Thereafter, Chief Inspector James Robertson, introduced the report and went on to provide an update on each separate category as detailed within the report, giving examples of the position in Midlothian -</p> <ul style="list-style-type: none"><li>• Missing Persons.</li><li>• Domestic Abuse.</li><li>• Hate Crime.</li><li>• Sexual Crimes.</li><li>• Drugs Supply, Production and Cultivation.</li><li>• Crimes of Violence.</li><li>• Reducing Anti-Social Behaviour.</li></ul>		

- Dishonesty.
- Housebreaking.
- Road Safety.
- Tackling Serious Organised Crime.
- Midlothian Community Action Team (MCAT).

The Board expressed their thanks for the report and commented positively on the work with community councils, the circulation of the MCAT reports and the partnership working with the local community officers. Also raised was reports on crime pertaining to assaults and theft in schools within school hours and it was noted that data would be brought back on this.

Further discussion took place with regards to supply of drugs and weapons and that there was no significant increase in Midlothian, also discussed was the MCAT patrols and the work with school liaison officers. The Board noted the bail curfew checks success rated and it was confirmed that not all offenders are tagged, this was dependent on the seriousness of the crime.

The Chair advised that he had been contacted by a resident with regards to a stolen vehicle which had been impounded and the bill relating this, Chief Inspector Robertson in responding advised he was aware of this issue and would discuss this offline.

#### Decision

The Board noted the content of the report

Agenda No.	Report Title	Presented by:
<b>5.2</b>	<b>Scottish Fire and Rescue Service Midlothian Q1 Report 2023/24</b>	<b>Scottish Fire and Rescue Service (SFRS)</b>
<b>Outline of report and summary of discussion</b>		
<p>Garry Douglas, Station Commander advised that he was deputising for Hilary Sangster and Mark Landels and introduced the Scottish Fire and Rescue Service Midlothian Q1 Report.</p> <p>The Station Commander outlined the Performance summary and the 6 performance indicators and that out of the 6 indicators rag ratings there were 4 green and 2 red. He further provided a brief update in particular with regards to the 2 red ratings, fire casualties fatal and non-fatal and Road Traffic Collisions.</p> <p>The Station Commander then responded to questions and comments with regards to torched vehicles and the responsibility of these being removed and disposed of. Mr Oliver confirmed that the Council has a reporting mechanism on the council website for reporting these vehicles and the Council will dispose of them.</p> <p>David Morrison, Prevention, Enforcement and Community Engagement Lead then provided a brief overview of Midlothian Prevention and Protection activities highlighting the Fire Safety Enforcement Audits, Home Fire Safety Visits, Home</p>		

**Fire Safety Referrals, Partnership Working/Youth Engagement and Reducing Unwanted Fire Alarm Signals.**

Thereafter responded to questions and comments raised by the Board with regards to fire safety referrals, combustible materials lying in gardens and the partnership working between fire service, police and the council in addressing this. Also the positive reduction in unwanted fire alarms call outs and the reasons for this.

Also noted were the fire safety audits carried out with regards to Ukrainian refugees and the positive work done by the community action team.

**Decision**

The Board noted the contents of the Report.

Agenda No.	Report Title	Presented by:
<b>5.3</b>	<b>Protective Services</b>	<b>Chief Officer Place</b>
<b>Outline of report and summary of discussion</b>		
<p>Chief Officer Place, Derek Oliver addressed the Board on those Protective Services functions Environmental Health and Trading Standards, Licensing and Emergency Planning, which overlapped activities carried out by the Police, and Fire and Rescue Services, highlighting the work which had been undertaken during the course of Quarter 1.</p> <p>The Board enquired as to the illegal purchases of vapes and the disposal of these and it was confirmed that the environmental team are engaging with the public on how these should be disposed of and any businesses selling these illegally are reported to the Procurator Fiscal.</p> <p>The Board discussed the reduction in speed limits and the timeline for implementing this, Mr Oliver advised that this will be a phased programme which may take up to 9 months and that they are working closely with MCAT focussing on priority areas first - where road safety concerns have been raised, areas with increase in accidents and safe routes to schools.</p> <p>In responding to a question raised by Councillor Curran regarding a trading standard issue with council premises let Mr Oliver advised that it would be in the lease agreement and if they were not a fit and proper person someone else could carry on the business.</p> <p>The Board discussed abandoned vehicles and Mr Oliver explained that there are procedures in place and various checks are done before a vehicle is uplifted and taken away.</p>		
<b>Decision</b>		
The Board noted the Report.		

## **6. Private Reports**

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No private items for discussion

## **7. Date of Next Meeting**

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The next meeting would be held on Wednesday 15 November 2023 at 11.00am

The meeting terminated at 12.42 pm.





# Minute of Meeting



## Local Review Body

Date	Time	Venue
Monday 25 September 2023	1.00pm	Council Chambers

### Present:

Councillor Imrie (Chair)	Councillor Smail
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor Milligan	
Councillor Virgo	

### In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Derek Oliver	Chief Officer Place
Saty Kaur	Chief Officer Corporate Solutions (Acting)
Hannah Forbes	Assistant Democratic Services Officer
Lucy Roddie	Democratic Services Officer

## 1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Alexander and Councillor McManus.

## 2 Order of Business

The order of business was as outlined in the agenda.

## 3 Declarations of interest

In relation to Item 5.2, Councillor Milligan declared that he had been approached by the applicant but had not expressed an interest.

In relation to Item 5.4, Councillor Milligan declared that he had been approached by the applicant but had not expressed an interest.

## 4 Minute of Previous Meeting

The Minute of the Meeting of 19 June 2023 was submitted and approved as correct record.

## 5 Reports

### Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	Land South West of 54 Dewartown, Gorebridge (23.00294.DPP) -	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>Planning application 23/00294/DPP for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge was granted planning permission subject to conditions on 10 July 2023. Condition 3 on planning permission 23/00294/DPP subject to review is as follows:</p> <p>3. The use of render on the dormer cheeks and face is not approved: these elevations shall be clad in slate or another material to be agreed in writing by the planning authority.</p>		

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence the dormer cheeks will be a render finish rather than slate.

The Planning, Sustainable Growth and Investment Manager noted that elected members had attended a site visit on the morning of 25 September 2023.

The Local Review Body in discussing the requested removal of Condition 3 gave careful consideration to the impact on the appearance of the surrounding area, noting that the dormer cheeks on the rear elevation faced away from the main road and therefore would not be visually intrusive.

Councillor Smaill, seconded by Councillor Virgo moved to uphold the review request and to remove Condition 3 on planning permission 23/00294/DPP. This was unanimously agreed by the committee.

#### Decision

The Local Review Body agreed to uphold the review request and to remove Condition 3 on planning permission 23/00294/DPP for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge, subject to the conditions as detailed in the report.

#### Action

Planning, Sustainable Growth and Investment Manager to draft and issue the decision of the Local Review Body.

Agenda No	Report Title	Presented by:
5.2	Land 115m east of Highwood House, Barley Dean, Rosewell (23.00003.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of five dwellinghouses, garages and associated works at land 115m east of Highwood House, Barley Dean, Rosewell.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>Planning application 23/00003/DPP for the erection of five dwellinghouses, garages and associated works at land 115m east of Highwood House, Barley Dean, Rosewell was refused planning permission on 6 July 2023.</p> <p>The Planning, Sustainable Growth and Investment Manager noted that elected members had attended a site visit on the morning of 25 September 2023.</p>		

The Planning, Sustainable Growth and Investment Manager noted that one additional objection had been received as part of the review process since the report had been published.

The Local Review Body in discussing the proposed development gave careful consideration to the impact on the appearance of the surrounding area, noting that the location of the development site was such that it would have limited visual impact. It was noted that the case officer's report referenced concern about the layout and design of the buildings, rather than the principle of development on the land.

Councillor Milligan, seconded by Councillor Cassidy moved to uphold the review request and grant planning permission. This was unanimously agreed by the committee.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the erection of five dwellinghouses, garages and associated works at land 115m east of Highwood House, Barley Dean, Rosewell, subject to the conditions as detailed in the report.

#### Action

Planning, Sustainable Growth and Investment Manager to draft and issue the decision of the Local Review Body.

Agenda No	Report Title	Presented by:
5.3	50 Dundas Street, Bonnyrigg (23.00117.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the formation of access at 50 Dundas Street, Bonnyrigg.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>Planning application 23/00117/DPP for the formation of access at 50 Dundas Street, Bonnyrigg was refused planning permission on 6 June 2023.</p> <p>The Planning, Sustainable Growth and Investment Manager noted that elected members had attended a site visit on the morning of 25 September 2023.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the precedent set with a nearby property being granted the same permissions previously, and noted the requirement for consistent decision making. The Local Review Body noted the public advantage in approving the application to minimise congestion caused by street parking.</p>		

Councillor Smaill, seconded by Councillor Cassidy moved to uphold the review request and grant planning permission on the condition that the applicant ensures that vehicles do not overhang the pavement, the condition will transmit to any subsequent owner or tenant of the house, and neighbouring properties are informed.

#### Decision

The Local Review Body agreed to uphold the review request and grant planning permission for the formation of access at 50 Dundas Street, Bonnyrigg, subject to the conditions as set out in the report with an additional condition to be added regarding vehicle overhang and the requirement for neighbouring properties to be informed of the development.

#### Action

Planning, Sustainable Growth and Investment Manager to draft and issue the decision of the Local Review Body.

Agenda No	Report Title	Presented by:
5.4	Land north west of 4 Wadington Lane Lasswade (22.00811.DPP)	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>Planning application 22/00811/DPP for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade was refused planning permission on 3 March 2023.</p> <p>The Planning, Sustainable Growth and Investment Manager noted that elected members had attended a site visit on the morning of 25 September 2023.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the precedent set by approval for the erection of similar new build properties nearby, and noted that the design meets with local approval from immediate neighbours. The Local Review Body further noted that the development would enhance the setting and contribute to the visual amenity of the area, with existing run-down buildings on site to be removed as part of the development.</p> <p>Councillor Milligan, seconded by Councillor Virgo moved to uphold the review request and grant planning permission. This was unanimously agreed by the committee.</p>		

<b>Decision</b>
The Local Review Body agreed to uphold the review request and to grant planning permission for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade subject to the conditions as stated in the report.
<b>Action</b>
Planning, Sustainable Growth and Investment Manager to draft and issue the decision of the Local Review Body.

## **6. Private Reports**

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting is scheduled for Monday 13 November 2023 at 13:00.

The meeting terminated at 13:31.

# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
Tuesday 3 October 2023	10.00 am	Council Chambers/Hybrid

### Present:

Councillor Virgo (Chair)	Councillor Cassidy
Councillor Bowen	Councillor Drummond
Councillor Imrie	Councillor Parry
Councillor Milligan	Councillor Russell
Councillor Pottinger	Councillor Scott
Councillor Smaill	Councillor Winchester
Councillor McManus	Councillor McEwan

### In attendance:

Alan Turpie, Legal and Governance Manager / Monitoring Officer
Derek Oliver, Chief Officer Place
Edel Ryan, Senior Manager Protective
Marc Copland
Gary Leadbetter, Democratic Services Officer
Lucy Roddie, Democratic Services Officer
Hannah Forbes, Assistant Democratic Services Officer

## 1. Welcome and Apologies

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Councillor Virgo, the Chair, welcomed everyone to the meeting of the General Purposes Committee.

Apologies were intimated on behalf of Councillors Alexander, McKenzie, McCall and Curran.

## 2. Order of Business

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The order of business was as set out on the agenda bar Item 5.1 which was withdrawn prior to the meeting.

Legal and Governance Manager / Monitoring Officer, Alan Turpie, noted that there was a technical issue with the Council's website which meant that the agenda was not published within the correct timescales. Therefore, in terms of Sch. 7 of the Local Government (Scotland) Act 1973 the Chair is required to allow consideration of the Reports as a matter of urgent business. Alan confirmed that all parties had been provided with the Reports. Alan further confirmed that there was no inconvenience to members of the public or applicants.

The Chair confirmed that the reports could be considered as urgent business.

## 3. Declarations of interest

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Councillor Milligan declared an interest in Item 6.3 as they knew the applicant.

## 4. Minute of Previous Meeting

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The Minute of the Meeting of 7 February 2023 was submitted for approval. Councillor Pottinger moved the Minute as a correct record and Councillor McEwan seconded.

The Private Addendum to the Minute of the Meeting of 7 February 2023 was submitted and unanimously approved as a correct record.

Councillor Milligan clarified that Councillor Pottinger had not been in attendance at the previous meeting and so moved the Minute as a correct record. Councillor McEwan still seconding.

## 5. Public Reports

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Item 5.1 – Midlothian Council Short Term Lets (STL) Licensing Policy – Annual Review and Proposed Amendments was withdrawn prior to the meeting.

### **Exclusion of Members of the Public**

**In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**



## **6. Private Reports**

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- 6.1** Short-Terms Let Licensing – Determination of a Licence Application - Bilston
- 6.2** Short-Terms Let Licensing – Determination of a Licence Application - Dalkeith
- 6.3** Applications for Consideration Summary Report 03 October 2023

## **7. Date of Next Meeting**

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The date of the next meeting is Tuesday, 14 November 2023.



# Minute of Meeting

## Cabinet



Date	Time	Venue
Tuesday 24 October 2023	11.00 am	Council Chambers and Hybrid

### Present:

Councillor Parry (Chair)	Councillor Alexander
Councillor Cassidy	Councillor McManus
Councillor Scott	

### Religious Representatives:

Ms Elizabeth Morton	
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### In attendance:

Councillor Pottinger (virtual)
Councillor Virgo (virtual)
Councillor Winchester (virtual)
Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People & Partnerships
Nick Clater, Head of Adult Services
Derek Oliver, Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions
Michelle Strong, Education Chief Operating Officer
Gary Leadbetter, Democratic Services Officer
Hannah Forbes, Assistant Democratic Services Officer

## 1 Welcome, Introductions and Apologies

Councillor Parry welcomed those in attendance to the meeting of Cabinet.

Apologies were then noted on behalf Anne-Theresa Lawrie, Religious Representative.

## 2 Order of Business

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The Order of Business was as detailed within the agenda.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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- 4.1 The Minute of the Meeting of the Cabinet held on the 5 September 2023 was submitted and approved as a correct record.
- 4.2 The Action Log of Cabinet was submitted and noted.

## 5. Reports

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Agenda No.	Report Title	Presented by:
5.1	Inspection of Midlothian Community Access Team	Head of Adult Services
Outline of report and summary of discussion		
<p>Nick Clater, Head of Adult Services, presented the report. The report advises of 1. The outcome of the inspection of Midlothian Community Access Team and 2. The actions that are being progressed a result of the inspection.</p> <p>Cabinet is requested to note the outcome of the inspection of Midlothian Community Access Team by the Care Inspectorate.</p> <p>Councillor Parry, the Chair, thanked Mr Clater for the report and opened it up to questions from the Members.</p> <p>Cabinet commended the Midlothian Community Access Team. Councillor McManus noted a desire to visit and engage with them.</p>		
Decision		
<p>The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee.</p>		
Action		
<p>Democratic Services</p>		

Agenda No.	Report Title	Presented by:
5.2	Inspection of St Andrews RC Primary School and Nursery Class	Education Chief Operating Officer
Outline of report and summary of discussion		

Michelle Strong, Chief Operating Officer Education, presented the report. The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of 19 September 2023.

Cabinet is asked to:

- (i) Note the content of the inspection report.
- (ii) Pass this report to the Performance, Review and Scrutiny Committee for its consideration
- (iii) Congratulate the pupils, parents and staff connected with St Andrew's Primary School and Nursery class on the key strengths highlighted in the report.

Councillor Parry, the Chair, thanked Ms Strong for the report and opened it up to questions from the Members.

Cabinet commended St Andrews RC Primary School and Nursery Class.

#### Decision

The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee

#### Action

Democratic Services

Agenda No.	Report Title	Presented by:
5.3	Inspection of Saltersgate School	Education Chief Operating Officer
<b>Outline of report and summary of discussion</b>		
<p>Michelle Strong, Chief Operating Officer Education, presented the report. The report outlines the outcome of the above inspection as carried out by Education Scotland which was communicated in their report of 26 September 2023.</p> <p>Cabinet is asked to:</p> <ul style="list-style-type: none"> <li>(i) Note the content of the inspection report.</li> <li>(ii) Pass this report to the Performance, Review and Scrutiny Committee for its consideration</li> <li>(iii) Congratulate the pupils, parents and staff connected with St Andrew's Primary School and Nursery class on the key strengths highlighted in the report.</li> </ul> <p>Councillor Parry, the Chair, thanked Ms Strong for the report and opened it up to questions from the Members.</p> <p>Cabinet commended the report and gave their congratulations.</p>		
<b>Decision</b>		
The Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee.		

Action
Democratic Services

Agenda No.	Report Title	Presented by:
5.4	Midlothian Policy on Positive Approaches to Attendance	Education Chief Operating Officer

#### Outline of report and summary of discussion

Michelle Strong, Chief Operating Officer Education, presented the report. The report provides Cabinet with the context which informed the revised version of the attendance policy.

Midlothian's attendance strategy and policy aims to develop and strengthen a whole-system partnership approach that enables children to realise their right to an education and leads to increased and sustained attendance and engagement in education for all children and young people.

The refreshed policy maps out a staged approach to promoting and protecting attendance and a consistent approach to tracking and monitoring.

Cabinet is requested to note and approve the revised policy 'Positive Approaches to Attendance' that details the council strategic approach and the procedures that schools and settings must follow to protect and promote attendance.

Councillor Parry, the Chair, thanked Ms Strong for the report and opened it up to questions from the Members.

Councillor Scott commended the report. Councillor Scott noted the importance of closing the attendance gap which can help tackle poverty. Councillor Scott spoke to the cost-of-living crisis that is affecting families across Midlothian, particularly families with a low household income. Councillor Scott further highlighted the effects and lasting impact of Covid-19 on the education of young people.

The Chair spoke to conversations that happen in school and in the background, over and above letters being sent to parents, that happening in school when attendance does drop.

Councillor Scott moved the report. Councillor Cassidy seconded.

#### Decision

The Cabinet noted the content of the report and approved the revised policy.

#### Action

Education Chief Operating Officer

Agenda No.	Report Title	Presented by:
5.5	Religious Observance Policy	Executive Director Children, Young People and Partnerships
Outline of report and summary of discussion		

Executive Director Children, Young People and Partnerships, Fiona Robertson, presented the report. Following a review of the council's Religious Observance Policy and the available guidance, it is proposed to replace it with two new policies:

- Religious Observance in Schools (Part I)
- Religious and Moral Education in Non-Denominational Schools and Religious Education in Roman Catholic Schools (Part II)

This report seeks Cabinet approval to introduce two separate policies: Religious Observance in Schools; Religious and Moral Education in Non-Denominational Schools and Religious Education in Roman Catholic Schools, replacing the policy on Religious Observance in Schools.

Councillor Parry, the Chair, thanked Ms Robertson for the report and opened it up to questions from the Members.

#### Decision

The Cabinet noted the content of the report and approved the recommendation.

#### Action

Executive Director Children, Young People and Partnerships

Agenda No.	Report Title	Presented by:
5.6	Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2022/23	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>Chief Officer Place, Derek Oliver, presented the report. The purpose of this report is to inform Cabinet of the Council's statement of compliance with its statutory climate change reporting duties for 2022/23, a copy of which is available in the CMIS Member's Library, and to recommend its submission to Scottish Government by the due date of 30 November 2023.</p> <p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"> <li>(a) approves the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2022/23; and</li> <li>(b) agrees to the submission of the report to Scottish Ministers by 30th November 2023.</li> </ul> <p>Councillor Parry, the Chair, thanked Mr Oliver for the report and opened it up to questions from the Members.</p> <p>Councillor Cassidy commended the report. They then spoke to using local businesses in Midlothian to reduce the carbon footprint, highlighting that a building currently being built within Dalkeith does not seem to have used local businesses for supplies. Councillor Cassidy stated that local businesses should be prioritised, whilst recognising fair tendering processes. Mr Oliver noted that this is in being worked on in terms of advancing community wealth building and a local procurement strategy, explaining reports will be brought on this. Mr Oliver explained that, in terms of large construction projects, they do go through tendering</p>		

processes for best value and sub-contractors, etc. may be appointed by the contractor. Mr Oliver further explained a percentage score is allocated to climate change in respect of the tendering process.

Councillor Alexander noted that there is quite a long way to go in achieving net-zero targets. Councillor Alexander highlighted that the Council is doing well in the way in which it builds houses, noting the addition of cycle sheds with a need to further explore how these methods of transportation are improved. Councillor Alexander also noted that there is a need in relation to Planning to explore how citizens are allowed to retrofit their homes, and ensure we are more energy efficient and more energy conscious when allowing people to put new windows into their home, and in respect of allowing solar panels. This will ensure we go forward in climate emergency strategy.

Councillor Cassidy moved the report. Councillor Alexander seconded.

The Chair asked that the Scottish Government is written to, to highlight what Midlothian Council is doing in relation to climate change.

Councillor McKenzie queried what the role of the new officers will be. Mr Oliver noted that the fixed-term climate change officer's primary function is to research and bring forward papers & recommendations for elected members, which will coincide with the development of the Climate Action Plan that is being brought forward.

Councillor Cassidy stated that we need to insist that companies keep money in the local economy, highlighting previous instances where money has not been kept local.

#### Decision

The Cabinet noted the content of the report and approved the recommendations. Council to write to Scottish Government to highlight what Midlothian Council is doing in relation to climate change.

#### Action

Chief Officer Place

Agenda No.	Report Title	Presented by:
5.7	Croft Street, Penicuik Introduction of All Day Waiting Restrictions	Chief Officer Place
Outline of report and summary of discussion		
<p>Chief Officer Place, Derek Oliver, presented the report. This report describes the significant pressure from local residents to introduce measures to improve vehicular access for larger vehicles through Croft Street, Penicuik.</p> <p>The report lays out a Council draft order proposing the prohibition and restriction on waiting, loading and unloading by way of introduction of double yellow lines on certain designations part of the carriageway at Croft Street, Penicuik.</p> <p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"><li>Note the significant pressure from local residents to introduce measures to</li></ol>		



improve access through Croft Street, Penicuik;

- ii. Note that some objections were received regarding the location of double yellow lines outside certain properties which may impact on some parking spaces;
- iii. Approves on balance the introduction of the relevant traffic and legal orders to bring into effect the prescribed double yellow line scheme in Croft Street, Penicuik shown on the amended drawing at paragraph 3.10 in the report.

Councillor Parry, the Chair, thanked Mr Oliver for the report and opened it up to questions from the Members.

Councillor McManus noted that this issue has been ongoing for quite some time and it is right that action is taken.

Councillor McManus moved the report. Councillor Alexander seconded.

#### Decision

The Cabinet noted the content of the report and approved the recommendations.

#### Action

Chief Officer Place

Agenda No.	Report Title	Presented by:
5.8	Lothian Street, Bonnyrigg Introduction of All Day Waiting Restrictions	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>Chief Officer Place, Derek Oliver, presented the report. This report describes the challenges for movement of buses and other large vehicles along Lothian Street Bonnyrigg and the safety of pedestrians crossing the road due to restricted vision caused by parked cars at various pinch points along the route.</p> <p>The report notes an informal public consultation took place in November 2022 with local residents of Lothian Street, Bonnyrigg. It also reports on the output from the formal public consultation of a proposal informed by the earlier local consultation and discussions with local elected members. The proposal laid out a Council draft order (appendix B2) for further prohibition and restriction on waiting, loading and unloading by way of extension of double yellow lines on certain designated parts of the carriageway at Lothian Street, Bonnyrigg.</p> <p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"><li>i. Note the challenges for movement of buses and other large vehicles along Lothian Street, Bonnyrigg and the safety of pedestrians crossing the road due to parked cars;</li><li>ii. Note that significant objections were received to the formal public consultation proposing to extend double yellow lines on Lothian Street, Bonnyrigg;</li></ul>		

- iii. Approves on the grounds of pedestrian road safety and traffic flow improvement the introduction of the relevant traffic and legal orders to bring into effect the proposed double yellow line scheme in Lothian Street, Bonnyrigg shown on the drawing at paragraph 3.9 and the draft order at appendix B2.

Councillor Parry, the Chair, thanked Mr Oliver for the report and opened it up to questions from the Members.

Councillor Alexander spoke to the difficulties on this road and the importance of ensuring buses are able to use this road with ease. Councillor Alexander also spoke to the safety issues on the road.

Councillor Alexander moved the report. Councillor McManus seconded.

Councillor McKenzie queried whether the measures are to be reviewed after a set period of time, or whether other hard engineering is being considered. Mr Oliver noted that there was a speed survey being undertaken and further highlighted that this is an iterative process.

#### Decision

The Cabinet noted the content of the report and approved the recommendations.

#### Action

Chief Officer Place

## 6 Private Reports

No Items for discussion

## 7 Date of the Next Meeting

The date of the next meeting was noted as Tuesday, 28 November 2023 at 11 am.

The meeting terminated at 11:45am.

# Minute of Meeting



## Planning Committee

Date	Time	Venue
Tuesday, 31 October 2023	13:00	Council Chambers, Midlothian House/Hybrid

### Present:

Councillor Imrie (Chair)	Councillor McEwan
Councillor McCall (Attended virtually)	Councillor McManus
Councillor Parry (Attended virtually)	Councillor Winchester (Attended virtually)
Councillor Smaill	Councillor Virgo
Councillor Alexander	Councillor McKenzie (Attended virtually)
Councillor Pottinger	Councillor Russell
Councillor Cassidy	Councillor Curran
Councillor Scott	Councillor Bowen

### In Attendance:

Kevin Anderson	Executive Director Place
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Alan Turpie	Legal Services Manager
Morag Barrow	Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB (Attended virtually)
Lucy Roddie	Democratic Services Officer
Janet Ritchie	Democratic Services Officer

## 1. Apologies

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Apologies for absence were received on behalf of Councillor Drummond and Councillor Milligan.

## 2. Order of Business

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The order of business was as set out in the Agenda.

## 3. Declarations of interest

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Councillor McManus declared an interest in Item 5.6 and would leave the meeting during the discussion.

Councillor Parry made a declaration of transparency for Item 5.6 and noted that during the pre-planning process she had met with the applicant but had not expressed a view. Councillor Parry had also been contacted by objectors but no view had been expressed that would prejudice her involvement in discussions. Councillor Winchester made a declaration of transparency for Item 5.6 and noted that she had been approached by both applicant and objectors.

## 4. Minutes of Previous Meetings

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The minute of the meeting of 12 September 2023 was submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Submitted by:
5.1	MLDP Engagement/Elected Member Workshops and MLDP2 Timetable	Chief Officer, Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to set out the dates for the upcoming elected member workshops on the Midlothian Local Development Plan 2 (MLDP2) and to provide an updated MLDP2 timetable.</p> <p>Since the Committee considered a report on NPF4 and a review of its local plan at its meeting in February 2023, Officers have undertaken widespread engagement with interested parties including formally inviting local communities to prepare local place plans, meeting key agencies and developers, holding drop-in sessions for local residents and holding workshops with elected members. The November set of workshops are being held at 2.00pm on 14 November 2023 for Midlothian West, Midlothian South and Penicuik Ward elected members and 2.00pm on 22 November 2023 for Dalkeith, Midlothian East and Bonnyrigg Ward elected members. Elected</p>		

members can also expect further workshops in 2024 and 2025 as MLDP2 progresses to the plan preparation stage.

It is recommended that the Committee note the details of the November elected member workshops and the updated indicative timescale for the production of MLDP2.

Councillor Imrie, the Chair, thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Smaill asked if Councillors were permitted to have open conversations with all parties about the progress of the development plan. Mr Arnsdorf confirmed that Elected Members were encouraged to have open discussions within their local communities about the development plan at this stage.

Councillor Smaill raised a concern that the Council was in discussions with developers about securing additional sites, yet construction of many of the houses predicted 5 years ago remains outstanding. Mr Arnsdorf responded that although conversations with potential stakeholders were ongoing, no commitments had been made and reassured the committee that decisions will be for Elected Members to take. The Chair referred to Items 6, 7 and 8 of the timetable within the report and noted that Elected Members would have full opportunity to make their views known.

Councillor Smaill noted that there may be a conflict with the Standards Commission's view that Councillors are permitted to discuss any planning issues at any time. The Chair agreed with this comment.

The Chair noted that Elected Members are now able to comment on applications coming to the Planning Committee in advance of the committee.

#### Decision

The Planning Committee agreed to note the details of the November elected member workshops and the updated indicative timescale for the production of MLDP2.

#### Action

All

Agenda No	Report Title	Submitted by:
5.2	2023 Housing Land Audit – 908 units built in 2022/23	Chief Officer, Place
Outline of Report and Summary of Discussion		
Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The purpose of the report is to present the 2023 Housing Land Audit (HLA) and to update the Committee on the state of the housing land supply in Midlothian.		

Mr Arnsdorf summarised the report. It is recommended that the Committee note the 2023 Housing Land Audit for Midlothian and agree to its publication.

The Chair thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Scott noted that figures for Mayfield and Newtongrange were combined and asked if they could be separated as they are two separate wards. Mr Arnsdorf agreed to review this for the next local plan.

Councillor Pottinger commented on the importance of working in partnership with service providers to accommodate development and subsequent population growth and asked if there were any consultation regulations in place. Mr Arnsdorf commented that the audit was intended to make relevant bodies aware of build programmes and promote forward planning. Key agency meetings are held regularly to facilitate engagement and consultation.

Councillor Curran commented on the importance of ensuring appropriate infrastructure and services are in place to support development and subsequent population growth. Mr Arnsdorf commented that the Council was focused on proactive engagement with relevant bodies. The Chair reported that the planning directorate within Scottish Government are developing infrastructure first guidance. Councillor Alexander queried whether houses being built at the moment will be fit for purpose in the future, and suggested that there should be measures in place to prevent the need to retrofit. In response, the Chair commented that new housing stock will be required to meet certain standards. Retrofitting older housing stock is the challenge.

Councillor Virgo sought clarity on the figures cited in the report which suggest the target number of houses is lower than demand. In response, Mr Arnsdorf acknowledged that a range of variables made predictions challenging.

Councillor McEwan asked if any legal clauses are included within contracts to safeguard against late delivery of developments. Mr Arnsdorf reported that since the introduction of MPF4, the Council is required to allocate sufficient land to deliver housing. The Council is not penalised if the target is not met as long as sufficient land has been allocated. Councillor McEwan asked if the Council is compensated for late delivery of developments. Alan Turpie, Legal Services Manager, confirmed that no contractual obligations exist between the Council as a planning authority and private sector developers.

#### Decision

The Planning Committee noted the 2023 Housing Land Audit for Midlothian and agree to its publication.

#### Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.3	Siting of unauthorised advertisement on land adjacent A68 and A720 City Bypass	Chief Officer, Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report relates to the display of an unauthorised hoarding advertisement on land adjoining the A68/A720 (on) slip road.</p> <p>At its meeting of 12 September 2023 the Committee determined to instruct the Planning, Sustainable Growth and Investment Manager to refer the case to the COPFS for consideration of prosecutorial action pursuant to Section 186 of the Town and Country Planning (Scotland) Act 1997 as amended. Following the Committee meeting the unauthorised advertisement was removed and as a consequence the breach of planning control has been resolved, yet the Committee instruction remains and as such it is appropriate to seek the Committee's authority to no longer take prosecutorial action unless the advertisement returns to the site.</p> <p>It is recommended that the Committee determine to instruct the Planning, Sustainable Growth and Investment Manager to no longer refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action as originally instructed by Committee at its meeting of 12 September 2023.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>Councillor Virgo moved to instruct the Planning, Sustainable Growth and Investment Manager to no longer refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action as original instructed by Committee at its meeting of 12 September 2023. Seconded by Councillor Smail.</p>		
<b>Decision</b>		
The Planning Committee agreed to instruct the Planning, Sustainable Growth and Investment Manager to no longer refer the case to the Crown Office and Procurator Fiscal Service for consideration of prosecutorial action as originally instructed by Committee at its meeting of 12 September 2023.		
<b>Action</b>		
The Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.4	23/00465/S42 – Amendment to conditions associated with the access arrangements at land at Calderstones, Biggar Road, Hillend	Chief Officer, Place
<b>Outline of Report and Summary of Discussion</b>		

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report is a Section 42 application to amend planning conditions 9, 10 and 12 imposed on a grant of planning permission approved by the Committee at its meeting of 9 June 2020. The planning permission in principle is for the demolition of existing dwellinghouses, erection of hotel, erection of replacement house plot, formation of three house plots, formation of access roads, car parking and associated works at land at Calderstones, Biggar road, Hillend. Mr Arnsdorf reported that a Section 42 application is in itself a planning application which will supersede the original if implemented. Mr Arnsdorf noted that no representations had been received.

It is recommended that the Committee grant planning permission subject to the conditions as set out in the report.

The Chair thanked Mr Arnsdorf for the report and opened it up to questions.

Councillor Cassidy moved to grant planning permission subject to the conditions as set out in the report, seconded by Councillor Virgo.

#### Decision

The Planning Committee approved the planning permission subject to the conditions as set out in the report.

#### Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.5	23/00521/S42 – Amendment to condition related to the temporary storage of soils at Site F, Shawfair	Chief Officer, Place
Outline of Report and Summary of Discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report. The report is a Section 42 application to amend condition 1 imposed on a grant of planning permission for the storage of soil at Shawfair site F, Monktonhall Colliery road, Dalkeith, approved by the Committee at its meeting of 9 October 2018. The current application seeks to amend condition 1, which restricts the use to a temporary period of 5 years, in order to allow the storage use to continue for a further 5 years. Mr Arnsdorf noted that no representations had been received.</p> <p>It is recommended that the Committee grant planning permission subject to the conditions as set out in the report.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p>		



Councillor Scott asked if the Council has a mechanism for ensuring the soil is cared for and stored appropriately. In response, Mr Arnsdorf reported that developers are seeking to retain the soil on site in order to manage it appropriately and enable its re-use within the site.

Councillor Smaill moved to grant planning permission subject to the conditions as set out in the report, seconded by Councillor Virgo.

#### Decision

The Planning Committee approved the planning permission subject to the conditions as set out in the report.

#### Action

The Planning, Sustainable Growth and Investment Manager

### Councillor McManus and Kevin Anderson left the Chamber at 13.43.

Agenda No	Report Title	Submitted by:
5.6	23/00289/DPP – Erection of care home and retail unit at land at Greenlaw Mains, Mauricewood Road, Penicuik	Chief Officer, Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Given his declaration of interest, Councillor McManus left the Planning Committee meeting for this Item.</p> <p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, introduced the report as an application for planning permission (23/00289/DPP) for the erection of a care home with ancillary accommodation and erection of retail unit; formation of car parking, landscaping; and associated works at land at Greenlaw Mains, Mauricewood road, Penicuik. Mr Arnsdorf noted that 71 representations had been received.</p> <p>It is recommended that the Committee grants planning permission subject to the conditions as set out in the report.</p> <p>The Chair thanked Mr Arnsdorf for the report and opened it up to questions.</p> <p>In relation to a representation within the report commenting that the submissions were inaccurate and misleading, Peter Arnsdorf confirmed no inaccuracies had been identified. Mr Arnsdorf explained that modifications were made throughout the planning process and so it was possible that misunderstandings may arise. The Chair noted that he had called-in this application for Committee decision due to the significant number of objections received. The Chair commented that it was his view that there were no grounds to object to this application, in planning terms. In response, Mr Arnsdorf confirmed that the application had been suitably assessed and deemed acceptable.</p>		

Mr Arnsdorf reported that the construction of a care home is compatible with the requirement for a local centre to provide local facilities, and the development is in accordance with development plan policies. The care home will have a café, hair salon, cinema and function room as well as an adjacent single retail unit, which will be available for the general public to use. It was noted that the care home would potentially provide accommodation for members of the community who no longer can live independently in their own home.

Mr Arnsdorf noted that the proposed building is three storeys high and therefore larger in scale than some of the surrounding buildings. This had prompted concern raised by representors but Mr Arnsdorf noted that the height variation would provide an urban design point of focus. Representors had raised concerns around the 24 hour nature of the operation, but it was noted that the development was relatively small scale and thus deemed to be low impact. The Committee acknowledged that the proposed development would place further demand on healthcare services.

The Chair raised a concern that developers do not always deliver the indicative plan and this can damage relationships with local residents.

Councillor Bowen asked if there was demand for places in care homes. Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB, reported that there is a shortage of care home beds within Midlothian. Ms Barrow commented that she was supportive of the provision of additional care home beds, but the risk to health services being able to operate sustainably needs to be carefully considered. Ms Barrow further noted the significant pressure on health services within this particular area.

Councillor Bowen commented that it would be important to ensure that the care home allows local residents to use its facilities. Mr Arnsdorf reported that this was part of the applicant's business model. If deemed necessary by Elected Members, a condition could be included to safeguard access.

Councillors Bowen and Pottinger raised a concern around parking and queried whether the allocation was adequate. In response, Mr Arnsdorf reported that the allocation had been assessed and deemed appropriate, and noted that additional visitor parking was available if required. Mr Arnsdorf further noted that public transport options and active travel connections were available and as such the site is considered to be in a sustainable location. Councillor McKenzie noted that deliveries and waste uplift would be required for the retail units and queried whether there was suitable ingress and egress for heavy goods vehicles. Mr Arnsdorf reported that access had been assessed and deemed suitable.

Councillor McKenzie asked if there had been any previous applications from retailers, as the representations suggest residents were expecting a collection of retail units. Mr Arnsdorf commented that the developer had struggled to secure a collection of interested retailers.

Councillor Cassidy moved to grant planning permission subject to the conditions as set out in the report and subject to the addition of a condition to safeguard local resident access to the amenities within the care home. Seconded by Councillor Virgo.

#### **Decision**

The Planning Committee approved the planning permission subject to the conditions as set out in the report and subject to the addition of a condition to safeguard access to care home amenities for local residents.

#### **Action**

The Planning, Sustainable Growth and Investment Manager

## **6. Private Reports**

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No items for discussion

## **7. Date of Next Meeting**

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The next meeting will be held on Tuesday 28 November at 1:00pm.

The meeting terminated at 14:16.

