

Minute of Meeting



Planning Committee

Date	Time	Venue
30 August 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Bennett
Councillor Constable	Councillor Coventry
Councillor de Vink	Councillor Imrie
Councillor Johnstone	Councillor Milligan
Councillor Parry	Councillor Rosie
Councillor Russell	Councillor Wallace
Councillor Young	

1 Apologies

Apologies received from Councillors Baxter, Beattie, Montgomery, Muirhead and Pottinger

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been circulated.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 31 May 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 23 August 2016 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2016; and
- (b) To note the updates for each of the applications.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.2	Appeal and Local Review Body Decisions	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 23 August 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in June 2016, and advising of the outcome of an appeal determined by Scottish Ministers.

The report advised that the appeal by Avant Homes was against refusal of planning permission in principle 15/00546/PPP (dated 26 June, refused by notice dated 30 November 2015) for residential development and associated infrastructure on land west of the Cottage, Hardengreen, Dalkeith. The Scottish Ministers had dismissed the appeal on the grounds that the proposed development would be inappropriate in the green belt/countryside and would lead towards coalescence between settlements. A copy of the appeal decision accompanied the report.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed the comments made by the Reporter regarding there being a deficit in the 5 year effective housing land supply. Members were concerned, not only by the potential implications arising from such a view, but that this was the second occasion recently that a Reporter had drawn such a conclusion. The feeling was that whilst the Council could ensure through the Local Plan that there was a sufficient housing land supply, they could not influence the speed at which development took place, which appeared on the face of it to be the real issue of concern.

Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 7 June 2016; and
- (b) To note the outcome of the appeal determined by Scottish Ministers

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Planning Law Clarification	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 23 August 2016, by the Head of Communities and Economy, providing advice to the Committee with regards to a number of points of Planning Law which directly impacted on the determination of planning applications and the consideration of 'Notices of Review' submitted to the Local Review Body (LRB).

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed the advice, acknowledging the particular circumstance it which it would apply.

Decision

- (a) To note the report; and
- (b) To refer the report onto the Local Review Body for its interest.

Action

Head of Communities and Economy/Democratic Services

Agenda No	Report Title	Presented by:
5.3	Application for Planning Permission for the Erection of 131 Dwellinghouses and Formation of Access and Associated Works (Approval of Matters specified in Conditions 2, 3, 6, 8, 10, 11 & 12 of Planning Permission 09/00056/OUT) at Cockpen Farm, Bonnyrigg (15/00968/MS).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 1 of the Appendix to the Minutes of 12 May 2009, there was submitted report, dated 23 August 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

The Committee, having heard from the Planning Manager, acknowledged that this site had originally been allocated in the 2003 Local Plan and as such the principle of residential development had already therefore been established. The current application related to the discharging of the conditions associated with outline planning permission 09/00056/OUT for residential development which had been granted in 2012 and the concerns raised in relation to it. These were discussed at length by Members who accepted that whilst the steps taken to address the concerns raised perhaps did not go as far as some might wish they did offer a reasonable solution to many of the issues.

Decision

That planning permission be granted to discharge conditions 2, 3, 6, 8, 10, 11 and 12 of Outline Planning Permission 09/00056/OUT for the following reason:

The principle of the development of the site has been established by the previous grant of planning permission and site's allocation in the Midlothian Local Plan 2008.

The proposed detailed scheme of development is of good design in terms of its layout, form and landscaping and meets the requirements of conditions 2, 3, 6, 8, 10, 11 and 12 of Outline Planning Permission 09/00056/OUT. The detailed scheme complies with the adopted Midlothian Local Plan and the presumption for the development is not outweighed by any other material considerations.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Application to Discharge a Planning Obligation Associated with Planning Permission (656/89) to Convert a Stable Building into Ancillary Residential Accommodation at Firthwell, Old Woodhouselee Road, Firth Field, Roslin (16/00268/LA).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 23 August 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

The Planning Manager advised the Committee that essentially since planning permission was originally granted Scottish Government guidance had changed and as a consequence it was no longer considered necessary to have both a planning obligation and a planning condition to regulate the occupation of ancillary residential units. General practice was to now regulate such occupation by way of condition, in the event that regulation was required.

Decision

That the Planning Obligation be discharged for the following reason:

The Planning Obligation does not meet the tests of necessity and reasonableness as required by Circular 03/2012 and its discharge accords with Policies DP1 and RP1 of the Midlothian Local Plan 2008.

Action

Head of Communities and Economy

The meeting terminated at 3.09pm.