

# Minute of Meeting

Planning Committee  
Tuesday 1 September 2020  
Item No 4.1



## Planning Committee

Date	Time	Venue
9 June 2020	10.00 am	As a consequence of the current public health restrictions this was a virtual meeting held using Microsoft Teams

### Present:

Councillor Alexander	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Muirhead
Councillor Parry	Councillor Russell
Councillor Smail	Councillor Wallace
Councillor Winchester	

## 1. Apologies for Absence and Appointment of Chair

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Apologies for absence were intimated on behalf of Councillors Imrie (Chair) and Munro.

In the absence of the Chair, it was agreed, in terms of Standing Order 7.3, that Councillor Milligan be appointed to Chair the Meeting.

## 2. Order of Business

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The order of business was as outlined in the agenda.

## 3. Declarations of interest

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Councillor Smaill declared a non-pecuniary interest in agenda item 5.1 - Proposed Residential Development with Associated Infrastructure at Land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (20/00231/PAC) – on the grounds that he knew the current occupant of Wellington Farm, who was a former Conservative Party candidate.

Councillors McCall and Hardie both declared non-pecuniary interests in agenda item 5.5 - Application for Planning Permission for the Erection of 12 Flatted Dwellings; Formation of Access Roads and Car Parking and Associated Works at Land at Windsor Square, Penicuik (19/00510/DPP). – on the grounds that, they had attended Penicuik Community Council meetings when the matter had been discussed; and had spoken with the applicants, however at no time had either offer an opinion on the current applications before Members.

Councillor Hardie left the meeting shortly thereafter at approximately 10.09 am and did not return.

## 4. Minutes of Previous Meetings

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The Minute of Meeting of the Committee which took place on 25 February 2020 was submitted and unanimously approved, with the Chair being authorised to sign it as a true record of the meeting.

## 5. Reports

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### Sederunt

With reference to item 3 above, Councillor Smaill, having declared a non-pecuniary interest in the following item of business, left the meeting at approximately 10.14 am, taking no part in the consideration thereof.

Agenda No	Report Title	Report by:
5.1	Proposed Residential Development with Associated Infrastructure at Land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (20/00231/PAC)	Chief Officer Place

Outline of Report
<p>There was submitted report, dated 25 May 2020, by the Chief Officer Place advising that a pre application consultation had been submitted regarding a proposed residential development with associated infrastructure at land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill.</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>
Summary of Discussion
<p>The Committee in discussing the proposals, acknowledged that the existing Midlothian Local Development Plan identified the land as a safeguarded site, with the potential of being allocated for housing development in future development plans. Notwithstanding the premature nature as a currently unallocated site concerns were expressed regard the pressure such a development might have on existing infrastructure in the area particularly education.</p>
Decision
<p>After further discussion and having heard from the Planning Manager who responded to Members' question and comments, the Committee noted:</p> <ul style="list-style-type: none"> <li>(a) The provisional planning position set out in the report;</li> <li>(b) The comments made by Members; and</li> <li>(c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul>
Action
<p>Planning Manager</p>

Sederunt
<p>Councillor Smaill rejoined the meeting at the conclusion of the foregoing item of business, at approximately 10.19am.</p>

Agenda No	Report Title	Report by:
5.2	Proposed Residential Development with Associated Landscaping and Infrastructure at Land at Stobs Farm, Lady Brae, Gorebridge (20/00128/PAC).	Chief Officer Place
Outline of report and summary of discussion		
<p>There was submitted report, dated 25 May 2020, by the Chief Officer Place advising that a pre application consultation had been submitted regarding a proposed residential development with associated landscaping and infrastructure at land at Stobs Farm, Lady Brae, Gorebridge (20/00128/PAC).</p>		

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

#### Summary of Discussion

The Committee in discussing the proposals, acknowledged that the existing Midlothian Local Development Plan identified the land as countryside (policy RD1) and in part as prime agricultural land (policy ENV4) with a presumption against development unless it could be demonstrated that there was a shortfall in the supply of housing land. Notwithstanding the premature nature as a currently unallocated site concerns were expressed regard the pressure such a development might have on existing infrastructure in the area particularly education and the transport network. On a more practical note it was pointed out that part of the site may lie in the Moorfoot Community Council area so they should be included in any future consultations.

#### Decision

After further discussion and having heard from the Planning Manager who responded to Members' question and comments, the Committee noted:

- (a) The provisional planning position set out in the report;
- (b) The comments made by Members; and
- (c) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

#### Action

Planning Manager

#### Sederunt

Councillor Alexander joined the meeting towards the conclusion of the foregoing item of business at approximately 10.27am.

Agenda No	Report Title	Report by:
5.3	Section 42 Application to Amend Condition 2 (Landscaping) of Planning Permission 15/00884/DPP for the Formation of a Train Cleaning and Stabling Depot and Associated Works at Millerhill Traincare Depot, Whitehill Road, Newcraighall (19/01001/S42).	Chief Officer Place
Outline of report and summary of discussion		
There was submitted a report dated 25 May 2020, by the Chief Officer Place advising that at its meeting on 1 March 2016 (paragraph 5.6 refers), the Committee granted planning permission for the formation of a train cleaning and stabling depot		

on railway operational land, erection of gabion walls and alterations to ground levels, formation of new railway lines, erection of boundary fencing, and formation of SUDS features, car parking and access at the Former Millerhill Marshalling Yards, Whitehill Road, Dalkeith.

The current Section 42 Application sought to amend the wording of the Condition 2 to reposition the proposed boundary hedge due to the topography of the site and the operational requirement to keep a distance of 3 metres between new planting and the rail lines.

#### Decision

The Committee, having heard from the Planning Manager, who responded to Members' questions and comment, agreed that planning permission be granted for the following reason:

*The development will support the furtherance of an established use within the Council's economic land supply; and the landscaping proposals will ensure that an effective landscape buffer will be provided along the eastern boundary. The proposal therefore complies with policies STRAT1, DEV2, DEV7 and ENV11 of the Midlothian Local Development Plan 2017.*

subject to the detailed conditions contained within the report.

#### Action

Planning Manager

Agenda No	Report Title	Report by:
5.4	Section 42 Application to Amend Conditions 3, 4, 5, 6 and 10 imposed on a Grant of Planning Permission 15/00113/PPP for the Demolition of the Existing Dwellinghouse, Erection of Hotel and Residential Development, Formation of Access Roads, Car Parking and Associated Works at Land at Calderstones, Biggar Road, Hillend, Damhead (18/00528/S42).	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>There was submitted a report dated 25 May 2020, by the Chief Officer Place advising that at its meeting on 25 August 2015 (paragraph 2 of the Appendix refers), the Committee granted planning permission for the demolition of the existing dwellinghouse, erection of hotel and residential development, formation of access roads, car parking and associated works at land at Calderstones, Biggar Road, Hillend.</p> <p>The current section 42 application sought to amend the wording of five of the conditions, relating to the phasing of development, hard and soft landscaping, the siting, design and materials of all buildings/structures on the site, site access roads and footpaths (including haul routes), approval of the junction to the A702 and the timing of its provision and the condition requiring the closure of the access to the Midlothian Snowsports Centre. The application was accompanied by an environmental impact assessment report.</p>		

Decision
<p>The Committee, having heard from the Planning Manager who responded to Members' questions and comment, agreed to grant planning permission for the following reasons</p> <p><i>The proposed development for a hotel/tourist accommodation accords with policy VIS2 of the Midlothian Local Development Plan 2017; as such there is a presumption in favour of the proposed development. This presumption in favour of the development is not outweighed by other policies in the development plan or other material considerations. The proposed amendments to conditions are considered not to undermine this policy position or have a detrimental impact.</i></p> <p>subject to the detailed conditions contained within the report.</p>
Action
Planning Manager

Agenda No	Report Title	Report by:
5.5	Application for Planning Permission for the Erection of 12 Flatted Dwellings; Formation of Access Roads and Car Parking and Associated Works at Land at Windsor Square, Penicuik (19/00510/DPP).	Chief Officer Place
Outline of report and summary of discussion		
<p>There was submitted a report dated 25 May 2020, by the Chief Officer Place concerning the above application.</p> <p>The Committee acknowledged the issues raised by Councillor McCall, who had called the application in, and gave consideration to her further suggestion that there would be merit in visiting the site prior to determining the application. In discussing how this might be accommodated given the current public health restrictions, the possibility of a virtual site visit using a drone, as employed by some other Councils, or something similar was debated, along with the practicalities of conducting site visits employing social distancing measure when it was appropriate to do so. Consideration was also given to any potential implications arising from continuing consideration of the application to allow time for a possible site inspection visit to take place.</p>		
Decision		
<p>After further discussion and having heard from the Planning Manager, the Committee agreed to:-</p> <ul style="list-style-type: none"> <li>(a) continue consideration of the application to allow a site inspection visit to take place; and</li> <li>(b) instruct Officers to investigate and report on the most appropriate way of undertaking site visits given the current public health restrictions.</li> </ul>		
Action		
Planning Manager/Democratic Services		

## **6. Private Reports**

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No private business was discussed.

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

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The next meeting will be held on Tuesday 1 September 2020.

The meeting terminated at 10.45 pm