

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 27 June 2023**

## **1 Minutes of Meetings submitted for Approval**

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## **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 Cabinet 28 February 2023	3 - 8
Minute of Local Review Body 17 April 2023	9 - 14
Minute of Planning 28 March 2023	15 - 22

## **3 Minutes of Meetings submitted for Information**

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

# Minute of Meeting



## Cabinet

Date	Time	Venue
Tuesday 28 February 2023	10.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Parry (Convener)	Councillor Bowen
Councillor Cassidy	Councillor McKenzie
Councillor Scott	

### Religious Representatives:

Ms Elizabeth Morton	
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### In attendance:

Dr Grace Vickers, Chief Executive
Kevin Anderson, Executive Director Place
Nick Clater, Head of Adult Services
Joan Tranent, CSWO & Chief Officer Children's Services, Partnerships and Communities
Derek Oliver, Chief Officer Place
Saty Kaur, Chief Officer Corporate Solutions (Acting)
Michelle Strong, Chief Operating Officer (Education)
Alan Turpie Legal Services Manager/Monitoring Officer
Andrew Henderson Democratic Services Officer

## 1 Welcome, Introductions and Apologies

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Councillor Parry welcomed those in attendance to the meeting of Cabinet. Apologies were then noted on behalf of Councillor Alexander and Ms Anne-Theresa Lawrie

## 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 29 November 2022 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 Council's Young People's Care Home	Chief Executive
<b>Outline of report and summary of discussion</b>		
Grace Vickers provided a brief overview of the report making reference to the improvements made referencing to the grades attained and took the opportunity to pass on her thanks as head of paid services. Members took the opportunity to echo the comments of the Chief Executive and agreed to note the report.		
<b>Decision</b>		
Cabinet noted the content of the report and progress made and agreed to forward the report to the Performance Review and Scrutiny Committee.		

Agenda No.	Report Title	Presented by:
5.2	Adult Health and Social Care Performance Report Quarter Three 2022/23	Head of Adult Services
<b>Outline of report and summary of discussion</b>		
Nick Clater provided a brief overview of the Adult Health and Social Care Performance Report Quarter Three 2022/23 making reference to seasonal Flu/Covid booster programs, unpaid work, substance misuse, staffing challenges, Mental health, Sport and Leisure and further outlined the challenges and risks. Nick Clater then took the opportunity to respond to members questions.		
With regard to the retention of social workers, Nick Clater confirmed that whilst		

retention levels are good, recruitment into mental health and old age is challenging and that work is being undertaken to look into this. Joan Tranent made further reference to national trends and work with social work Scotland.

A discussion ensued with regard to service provision within substance misuse. Nick Clater acknowledged that improvements are required with regard to access to treatment and with work being done with the third sector partners to look into possible capacity building. Nick Clater also acknowledged that there was a continued uptake in relation to alcohol issues and assessment was going with regard to possible staffing recourse to address this. Nick Clater further highlighted a lack of nursing staff and outlined that further work was being conducted to assess the possibility of transferring certain tasks to Social Workers and Community Care Assistants.

Nick Clater agreed to update members with regard to the possibility of existing users of Midlothian Sport and Leisure cards to access facilities at Hillend.

### Decision

- A) Nick Clater agreed to update members with regard to the possibility of existing users of Midlothian Sport and Leisure cards to access facilities at Hillend; and
- B) Cabinet noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.3	Children Service, Partnership and Communities Performance Report Quarter Three 2022/23	CSWO & Chief Officer Children's Services, Partnerships and Communities

### Outline of report and summary of discussion

Joan Tranent provided a brief overview of the Children Service, Partnership and Communities Performance Report Quarter Three 2022/23 making reference to recruitment, arrival of Ukrainian families, unaccompanied asylum seeking children and financial pressures. Joan Tranent then took the opportunity to respond to members questions.

A discussion ensued in relation to the risk of unaccompanied asylum seeking children going missing, Joan Tranent confirmed that records are maintained and safeguards are in place to minimise the risk of unaccompanied asylum seeking children going missing.

Further discussion ensued in relation to the 7% increase in child referrals. Joan Tranent clarified that the majority of referrals are finance related and that a staff member had been recruited to screen applications. Joan Tranent also confirmed that data could be collected regarding referrals providing further insight.

### Decision

Cabinet agreed to note the contents of the report.

Agenda No.	Report Title	Presented by:
5.4	Corporate Solutions Performance Report Quarter Three 2022/23	Chief Officer Corporate Solutions (Acting)

#### Outline of report and summary of discussion

In speaking to the report, Saty Kaur made reference to work undertaken with regard to the budget and medium term financial strategy. Saty Kaur also made reference to the hybridisation of the council chamber, customer service platform, crisis grants and warm and well hubs. Saty Kaur then took the opportunity to respond to points of clarity.

In response to comments regarding contact centre complaints not being picked up by services, Saty Kaur confirmed that work was being conducted internally, including the implementation of a new complaints module within the customer service platform which will allow better tracking of complaints and responses allowing for pinpointing of challenges. Saty Kaur outlined that the customer service strategy is being refreshed to focus on supporting vulnerable customers and that work is being undertaken in hubs and libraries to create a first point of contact approach. Saty Kaur confirmed that the implementation period for the customer service platform was ongoing and that the 'contact us' complaints feature is scheduled for the beginning of April. Councillor Parry, seconded by Councillor McKenzie then took the opportunity to offer Cabinets thanks to the Council's twitter help team.

A discussion ensued in relation to welfare grants. Saty Kaur confirmed that those who are refused welfare grants are signposted to alternatives including food parcels, alternative funding and DWP grants. Saty Kaur also highlighted that refusals are signposted to trusted partners in addition to other initiatives including welfare rights and income maximisation.

In response to comments regarding the mixed footfalls at warm and well hubs, Saty Kaur confirmed that work is being done to communicate the location of warm and well hubs in addition to reducing the stigma of use and that additional consideration was being given to the opening of hubs in Danderhall and Lasswade.

Further comments were raised in relation to the possibility of separating payments into set streams. Saty Kaur confirmed that discussions regarding this are ongoing with regard to how this can be facilitated.

#### Decision

- a) Cabinet offered it's thanks to the twitter help team for it's work in responding to customer queries; and
- b) Noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.5	Education Performance Report Quarter Three 2022/23	Executive Director Children, Young People and Partnerships

#### Outline of report and summary of discussion

Michelle Strong provided a brief overview of the Education Performance Report Quarter Three 2022/23 making reference to service improvement priorities and outlined further work to be completed regarding response to complaints and attendance with the aim to see improvement in quarter four.

In response to comments regarding to attendance and the impact of strike action and the impact on student mental wellbeing, Michelle Strong confirmed that there is a 13.8% difference in attendance to pre pandemic levels but that there is a 21.3 variation in the secondary sector and that work is being undertaken to drill into the variations across different schools in addition to work being undertaken with officers, head teachers and support services to ascertain whether nonattendance was habitual or a result of barriers to engagement.

A discussion then ensued in relation to the mental wellbeing of learners and the impact on attendance and exclusions Michelle Strong acknowledged the continued presence of more distressed behaviours amongst learners compared to pre pandemic and highlighted that work is being undertaken to ascertain how learners can be best supported. Michelle Strong further outlined the importance of using local and national data to support improvement around attendance, exclusions, the reporting of incidents.

In response to comments regarding 'future classroom' Michelle Strong confirmed key priorities around the development of the curriculum to ensure that learners are provided with the best opportunities and that work is being linked to the equipped for learning program and highlighted that further information would be reflected in quarter four.

### Decision

Cabinet noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.6	Place Performance Report Quarter Three 2022/23	Chief Officer Place

### Outline of report and summary of discussion

In speaking to the Place Performance Report Quarter Three 2022/23 Derek Oliver made reference to building standards service, building maintenance services, property and facilities management, neighbourhood services, planning and economy, and protective services. Derek Oliver then took the opportunity to respond to points of clarity.

There was a brief discussion regarding not using pre-payment meters. Derek Oliver confirmed that pre-payment meters are not being considered whilst acknowledging some issues with energy companies impacting the turnaround time for voids and that work was ongoing to streamline this. With regard to properties that had a pre-payment meter installed, Derek Oliver confirmed that these could not be removed and continued to provide a brief overview of the process that is undertaken when transferring between tenants.

Further discussion ensued in relation to the improvements made to void turnarounds. Derek Oliver confirmed that the bulk of the work is undertaken in house and confirmed that staff retention within building maintenance services is good.

### Decision

Cabinet noted the contents of the report.

Agenda No.	Report Title	Presented by:
5.7	Midlothian Council Report Quarter Three 2022/23	Chief Executive
<b>Outline of report and summary of discussion</b>		
Grace Vickers provided a brief overview of the Midlothian Council Report Quarter Three 2022/23 making reference to progress against strategic outcomes, achievements, challenges and risks. Grace Vickers then offered to respond to members' questions.		
<b>Decision</b>		
Cabinet noted the contents of the report.		

## 6 Private Reports

In view of the nature of the business to be transacted, the Cabinet 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 paragraph 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title	Presented by:
6.1	Irrecoverable Debt Write-Off	Chief Officer Corporate Solutions (Acting)
<b>Decision</b>		
Cabinet authorised write-off to a total value of £328,744.84 for the irrecoverable debts <ul style="list-style-type: none"> <li>Appendix B (Housing Rent Former Tenants) amounting to a total of £124,940.52</li> <li>Appendix 2 (Non Domestic Rates) amounting to a total of £105,267.90</li> <li>Appendix 3 (Sundry Debt) amounting to a total of £98,536.42</li> </ul>		

## 7 Date of the Next Meeting

The date of the next meeting was noted as Tuesday 18 April 2023 at 11 am.

The meeting terminated at 11:35am



# Minute of Meeting

Local Review Body  
Monday 22 May 2023  
Item No 4.1



## Local Review Body

Date	Time	Venue
Monday 17 April 2023	1.00pm	Council Chambers

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	Councillor Smail

### In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

## 1 Welcome, Introductions and Apologies

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Apologies for absence were received from Councillor Milligan and Councillor Virgo.

## 2 Order of Business

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The order of business was as outlined in the agenda previously circulated.

## 3 Declarations of interest

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No declaration of interests were received

## 4 Minute of Previous Meeting

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The Minute of the Meeting of 6 March 2023 was submitted and approved as correct record.

## 5 Reports

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

Agenda No	Report Title	Presented by:
5.1	1 Saint Mary's Court, Dalkeith (22/00692/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 installation of solar panels at 1 St Mary's Court, Dalkeith.</p> <p>Planning application 22/00692/DPP for the installation of solar panels at 1 St Mary's Court, Dalkeith was refused planning permission on 2 December 2022; a copy of the decision is attached to this report.</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>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the size of the roof, the solar panels and that this was within a conservation area. It was noted that each application within a conservation area must be considered on its own merits.</p> <p>The Committee unanimously agreed to uphold the Appeal and grant planning permission but to take into account the comments that each building within a conservation must be considered on its own merit.</p>		

Decision
<p>The Local Review Body agreed to uphold the review request and to grant planning permission for the installation of Solar panels at 1 Saint Mary's Court, Dalkeith, EH22 1AD for the following reason:</p> <p style="padding-left: 40px;">The installation of the solar PV panels would not have an impact upon the character and appearance of the conservation area and that the Council supports the principle of renewable energy developments.</p>
Action
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	20 Beechwood Park, Newtongrange (22/00861/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 change of use from dwelling house to short-term let (retrospective) at 20 Beechwood Park, Newtongrange.</p> <p>The Planning application 22/00861/DPP for the change of use from dwelling house to short-term let (retrospective) at 20 Beechwood Park, Newtongrange was refused planning permission on 16 February 2023; a copy of the decision is attached to this report.</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>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the change of use to short term lets within a residential area and the detrimental impact on the people in the area.</p> <p>Councillor Imrie, seconded by Councillor Cassidy moved to dismiss the Appeal and refuse planning permission.</p>		
Decision		
<p>The Local Review Body agreed to dismiss the review request and to uphold the Planning decision to refuse planning permission for the change of use from dwelling house to short-term let (retrospective) at 20 Beechwood Park, Newtongrange for the reasons as stated in the Case Officer's report.</p>		
Action		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Presented by:
5.3	6 Gorton Loan, Rosewell (22/00734/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 a single and two storey extension to dwelling house; and formation of dormer windows at 6 Gorton Loan, Rosewell.</p> <p>The Planning application 22/00734/DPP for the erection of a single and two storey extension to dwelling house; and formation of dormer windows at 6 Gorton Loan, Rosewell was refused planning permission on 21 November 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided. He also advised the Committee that there was an error in the report the reference to 6 Gorton Loan was incorrect and it should be number 9 Gorton Loan.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the impact on the neighbouring gardens and also the design of the extension and the materials used.</p> <p>Councillor McEwan, seconded by Councillor McManus moved to uphold the Appeal and to grant planning permission.</p>		
<b>Decision</b>		
<p>The Local Review Body agreed to uphold the review request and grant planning permission for single and two storey extension to dwelling house; and formation of dormer windows at 9 Gorton Loan, Rosewell, EH24 9AB the following reasons:</p> <p style="padding-left: 40px;">The proposed extension will not have an impact on the traditional character of the original building and that the dormer windows would not have an overbearing detrimental impact on the privacy of the neighbouring gardens.</p> <p>Subject to the conditions as set out in the report.</p>		
<b>Action</b>		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Presented by:
5.4	Land rear of Hunter Court, Loanhead (22/00324/PPP)	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for the erection of dwelling house on land rear of 4 Hunter Court, Loanhead.</p>		

The Planning application 22/00324/PPP for planning permission in principle for the erection of dwelling house on land rear of 4 Hunter Court, Loanhead was refused planning permission on 18 January 2023; a copy of the decision is attached to this report.

The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.

The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the position and size of the proposed development and the impact on the neighbouring residents.

Following further discussion the Members agreed that a single storey property, restricting the height would be acceptable and that the development is positioned as far as possible from the neighbouring property.

Councillor Smaill, seconded by Councillor McEwan moved to uphold the Appeal and grant planning permission with the condition that there is a restriction on the height and it is a single storey property. It was also noted that the position with regards to neighbouring properties would be discussed.

#### Decision

The Local Review Body agreed to uphold the review request and grant planning permission in principle for erection of a dwelling house at Land to Rear of 4 Hunter Court, Loanheadt with an additional condition that this it is a single storey building, restricting the height for the following reason:

This development would not have a significant adverse impact on the amenity of neighbouring residents.

Subject to the conditions as set out in the report and the additional condition as detailed above.

#### Action

Planning, Sustainable Growth and Investment Manager

## 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 22 May 2023 at 1 pm

The meeting terminated at 13.23 pm



# Minute of Meeting

Planning Committee  
Tuesday 16 May 2023  
Item No: 4.1



## Planning Committee

Date	Time	Venue
Tuesday 28 March 2023	1.00 pm	Council Chambers, Midlothian House

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor McEwan	Councillor McKenzie
Councillor Milligan	Councillor Parry
Councillor Pottinger	Councillor Russell
Councillor Scott	Councillor Smail
Councillor Virgo	

### In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Alan Turpie	Legal and Governance Manager
Andrew Henderson	Democratic Services Officer

## 1. Apologies

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Apologies for absence were received from Councillor Curran, Councillor McCall, Councillor McManus and Councillor Winchester.

## 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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None

## 4. Minutes of Previous Meetings

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The minute of the meeting of 28 February 2023 was submitted and approved as a correct record.

Councillor Pottinger made reference to the decision to reinstate the footpath at Easthouses Primary School. Peter Arnsdorf confirmed that this had been included as part of the plan to reinstate the school.

## 5. Reports

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Agenda No	Report Title	Submitted by:
5.1	Tree Preservation Order, Bilston	Chief Officer Place
Outline of report and summary of discussion		
<p>This report seeks the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2022 issued on 1 December 2022 for eight individual trees (T1 - T8) and two groups of trees (G1 and G2) at Pentland Lea and The Firs, Seafield Road, Bilston.</p> <p>A brief discussion ensued in relation to Tree Preservation Orders in which the Planning, Sustainable Growth and Investment Manager clarified matters in relation to procedural issues and confirmed it is the land owners responsibility to maintain trees on their land and to also comply with a Tree Preservation Order.</p>		
Decision		
The Committee agreed the recommendations as detailed in the Report.		
Action		
Planning, Sustainable Growth and Investment Service Manager		



Agenda No	Report Title	Submitted by:
5.2	Prosecution for non-compliance with Enforcement Notice, 1 Laurel Bank Road, Mayfeild	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
This report relates to the non-compliance with the requirements of an enforcement notice served by the Council pursuant to Section S127 of the Town and Country Planning (Scotland) Act 1997, as amended, with regard the erection of a building comprising a garage and sun room at 1 Laurel Bank Road, Mayfield.		
<b>Decision</b>		
a) Planning Committee noted the contents of the report; and  b) Instructed Council Officers to take Direct Action to refer the case to the Crown Office and Procurator Fiscal Service for consideration to be given to prosecutorial action in relation to the parties who have breached the enforcement notice, pursuant to Section 136 of the Town and Country Planning (Scotland) Act 1997. The maximum penalty on successful prosecution is a fine of up to £50,000 per offence.		
<b>Action</b>		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.3	Prosecution for non-compliance with Enforcement Notice, Edgehead Farmhouse, Pathhead	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
This report relates to the non-compliance with the requirements of an enforcement notice served by the Council pursuant to Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, with regard the use of clear glazing rather than opaque glazing in windows forming part of an approved extension at Edgehead Farmhouse, Edgehead Road, Edgehead, Pathhead.		
<b>Decision</b>		
After careful consideration Planning Committee agreed;  a) To note the contents of the report; and  b) Instructed Council Officers to take Direct Action to refer the case to the Crown Office and Procurator Fiscal Service for consideration to be given to prosecutorial action in relation to the parties who have breached the enforcement notice, pursuant to Section 136 of the Town and Country		

Planning (Scotland) Act 1997. The maximum penalty on successful prosecution is a fine of up to £50,000 per offence.
<b>Action</b>
Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.4	Listed Building Enforcement Notice, 130 High Street, Dalkeith	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
The purpose of this report is to advise the Committee of a listed building enforcement notice appeal decision with regard the removal of sixteen singled glazed, timber framed, sash and case windows, and the installation of sixteen double glazed, uPVC framed, tilt and turn windows in the front, rear and side facades at 130 High Street.		
<b>Decision</b>		
Planning Committee noted the enforcement notice appeal decision with regard to the removal of sixteen singled glazed, timber framed, sash and case windows, and the installation of sixteen double glazed, uPVC framed, tilt and turn windows in the front, rear and side facades at 130 High Street, Dalkeith.		
<b>Action</b>		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.5	NPF4 Impact on Outstanding Planning Applications.	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
The purpose of this report is to seek the Committee's agreement that planning applications, considered prior to the adoption of National Planning Framework No. 4 (NPF4), that have a 'minded to grant' decision and are subject to the completion of a planning obligation are progressed to conclusion without referral back to the Committee or Local Review Body (LRB).		
A brief discussion ensued in relation to the report, Peter Arnsdorf clarified that all new applications would be subject to NPF4 and confirmed that should developers wish to remix a development it the application would be assessed under NPF4.		
<b>Decision</b>		
Planning Committee agreed that those planning applications, considered prior to the adoption of NPF4, that have a 'minded to grant' decision as set out in tables 1		

and 2 of the report are progressed to conclusion without being referred back to the Committee or the Local Review Body.

#### Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.6	Land between Deanburn and Mauricewood Road, Penicuik (22.00253.DPP)	Chief Officer Place

#### Outline of report and summary of discussion

The planning application is for the erection of 35 dwellinghouses on land between Deanburn and Mauricewood Road Penicuik. The application proposes an amendment to the house types previously granted planning permission (17/00068/DPP) for part of the wider North West Penicuik development site.

#### Decision

After careful consideration Planning Committee agreed;

- a) That the Planning, Sustainable Growth and Investment Manager confirm that the sustainable drainage system would not impact local flooding; and
- b) That planning permission be granted for the following reason:

*The proposed development site will contribute to the sustainable delivery of housing in compliance with the policies of National Planning Framework 4 and is allocated for housing in the Midlothian Local Development Plan 2017 (MLDP) where there is a presumption in favour of an appropriate form of development. Furthermore, the principle of residential development on the site has been established by the grant of planning permission 17/00068/DPP. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies. The presumption for development is not outweighed by any other material considerations.*

Subject to:

- a. The prior amendment/modification of the planning obligation associated with planning permission 17/00068/DPP (and any other amendment planning applications) to ensure it covers the development approved under this application (22/00253/DPP). and
- b. the conditions as set out in the report.

#### Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.7	Land East, North East of Auchendinny (22.00848.DPP)	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>The application is for the erection of 395 dwellings, formation of access road, car parking, landscaping and associated works on land east/north east of Auchendinny, The Brae, Auchendinny, Penicuik.</p> <p>A discussion ensued amongst members with regard to road access. The Planning, Sustainable Growth and Investment Manager confirmed that the northern access was for 345 units whilst the remaining 50 properties would be accessed from Firth Road. Members then took the opportunity to express concern in relation to paragraphs 8.8.3, 8.8.4 and 8.8.5 of the report. Peter Arnsdorf clarified that the local plan identified the site as local housing with a primary school and that when council approved the legal agreement it gave the council a year to take up the land for the school and that the council had not taken up this option, the second paragraph outlining that the land is vacant should the council wish to pursue this further. The Planning, Sustainable Growth and Investment Manager further clarified that with regard to active travel, developer contributions are being used to tie in with road infrastructure improvements in addition to discussions with bus companies to assess options.</p> <p>In response to comments regarding the possible use of modular housing for affordable developments, The Planning, Sustainable Growth and Investment Manager confirmed that this would be a possibility.</p> <p>After further discussions, Councillor Parry, seconded by Councillor Cassidy moved to reject the application due to the fact that under paragraph 8.8.3 the report referenced that the plan was part of the MLDP as site HS20 and that under section 8.8.5 reference was made to the use of the possible school site for landscaping, highlighting that no decision was taken by council to reject the building of a school on the site. After further discussion, Councillor Imrie, seconded by Councillor Smail moved to accept the recommendations subject to the removal of paragraphs 8.8.4 and 8.8.5. Thereafter, Councillor Parry and Councillor Cassidy agreed to the amended the initial motion to reflect the removal of paragraphs 8.8.4 and 8.8.5 from the report with the caveat that sustainable public transport systems be taken into account.</p>		
<b>Decision</b>		
<p>After careful consideration Planning Committee agreed;</p> <p>a) Not to consider paragraphs 8.8.4 and 8.8.5 in assessing the planning application;</p> <p>That planning permission be granted for the following reason:  <i>The proposed development site will contribute to the sustainable delivery of housing in compliance with the policies of National Planning Framework 4 and the vast majority of the site is allocated for housing in the Midlothian Local</i></p>		

*Development Plan 2017 (MLDP) forming part of the Council's committed housing land supply and where there is a presumption in favour of an appropriate form of development. The remainder of the site is located within the Countryside where the complimentary recreational development proposed (multi user cycle path) is of a scale and nature appropriate to the character of this area. This presumption in favour of development is not outweighed by any other material conditions.*

Subject to:

- a. The prior signing of a planning obligation to secure:
  - A financial contribution towards primary education capacity;
  - A financial contribution towards secondary education capacity;
  - A financial contribution towards the A701 realignment and A702 link road project/public transport;
  - A financial contribution towards off site children's play and open space improvements;
  - Long term maintenance arrangements for communal open space within the site; and
  - The provision of affordable housing (25%). The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- b. The conditions as set out in the report.

Action

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 16 May 2023 at 1.00pm

The meeting terminated at 2.00 pm

