

Minute of Meeting

Planning Committee
Tuesday 30 August 2022
Item No: 4.1



Planning Committee

Date	Time	Venue
Tuesday 14 June 2022	2.00 pm	Via MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Curran
Councillor Drummond	Councillor McCall
Councillor McEwan	Councillor McKenzie
Councillor McManus	Councillor Milligan
Councillor Parry	Councillor Pottinger
Councillor Russell	Councillor Scott
Councillor Smail	Councillor Virgo
Councillor Winchester	

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Janet Ritchie	Democratic Services Officer

1. Apologies

Janet Ritchie, Democratic Services Officer welcomed everyone to the meeting advising as this was the first meeting of Planning of the new Council the first item of business was to appoint a Chair. Thereafter asked members of the Committee for nominations for a Chair.

Councillor Parry nominated Councillor Imrie, seconded by Councillor Smaill, there being no other nominations Councillor Imrie took the Chair.

2. Order of Business

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

3. Declarations of interest

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

4. Minutes of Previous Meetings

No previous Minutes were submitted

5. Reports

Agenda No	Report Title	Submitted by:
5.1	Membership and Terms of Reference	Democratic Services
Outline of report and summary of discussion		
There was a report submitted by the Executive Director Place setting out the Membership and Terms of Reference of the Planning Committee. At the Council meeting on the 24 May 2022 it was agreed that the Planning Committee would comprise of all eighteen Members of the Council. An extract of the terms of reference is appended to this report.		
Decision		
The Planning Committee: a) Considered the appointment of a Chair and Councillor Imrie was nominated by Councillor Parry and seconded by Councillor Smaill. b) Noted the Membership and Terms of Reference		

Agenda No	Report Title	Submitted by:
5.2	The Scottish Planning System – A Handbook	Chief Officer Place
Outline of report and summary of discussion		
There was a report submitted by the Chief Officer Place advising that 'The Scottish Planning System: A Handbook' was prepared to give guidance to elected members and that this document will also be published on the Council's website.		

The Chair highlighted that an email from Mayfield and Easthouses Community Council had been received and members asked to consider this.

The Planning, Sustainable Growth and Investment Manager in presenting this report highlighted the main sections contained within the report and The Scottish Planning System: A Handbook which was prepared by Officers. He advised that should any Members require clarification or advice on any planning matter the Planning team would assist.

He highlighted that the Handbook would be published on the Council's website as this may be of assistance to Community Councils and referenced the email received from the Community Council which would be considered and any modifications if required would be made to the document.

Decision

The Planning Committee noted the contents of the report.

Agenda No	Report Title	Submitted by:
5.3	The Council's Scheme of Delegation for the Determination of Planning Applications and Other Planning Decisions	Chief Officer Place
Outline of report and summary of discussion		
<p>This report sought the Committee's approval for a scheme of delegation for planning matters, under which specific types of planning applications are delegated to the appointed officer to determine. The proposed scheme was appended to the report as Appendix A.</p> <p>The Planning, Sustainable Growth and Investment Manager outlined the proposals within the Scheme of Delegation and advised that there had not been a lot of changes since the approval of the previous Scheme of Delegation which had been approved by Council in September 2013. He advised if approved this would be formally submitted to the Scottish Ministers for approval.</p>		
Decision		
<p>The Planning Committee:</p> <ul style="list-style-type: none">• Approved the 'Scheme of Delegation for the Determination of Planning Applications for Planning Permission and Other Planning Decisions' as set out at Appendix A of this report;• Agreed that the Scheme of Delegation is formally submitted to Scottish Ministers for approval.		
Action		
The Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.4	Development Plan Scheme for Midlothian – Number 14 (DPSM14)	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report was to inform the Committee of the Development Plan Scheme for Midlothian number 14.</p> <p>The Planning, Sustainable Growth and Investment Manager in presenting this report advised that each year planning authorities are required to prepare, publish and submit a Development Plan Scheme to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plan for their area over the coming 12 months.</p> <p>At its meeting of March 2022 the Committee approved the Development Plan Scheme but made a commitment to report the approved Plan back to the June 2022 meeting of the committee to ensure any newly elected members are informed of the status of the development plan. He further advised following approval in March this document was published online, circulated to registered consultees and Community Councils and distributed to Midlothian libraries. A Copy was also sent to the Scottish Government.</p> <p>In response to a question raised by Councillor Scott with regards to arable land and new developments the Planning, Sustainable Growth and Investment Manager advised that the policies were in place to protect prime agricultural land and this would also be taken into consideration when working on the next development plan.</p>		
Decision		
The Planning Committee noted the Development Plan Scheme for Midlothian Number 14		
Action		
The Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.5	Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan and Newtongrange Conservation Area Character Appraisal and Management Plan	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report was to seek the Committee's agreement to adopt the 'Conservation Area Character Appraisal and Management Plans' (CACAMP) for the Eskbank and Ironmills Conservation Area, attached to this report as Appendix A and the Newtongrange Conservation Area, attached to this report as Appendix B.</p> <p>The Planning, Sustainable Growth and Investment Manager outlined the main sections of report and advised that following the public consultation no responses were received but following a meeting of representatives of the Eskbank &</p>		

Newbattle Community Council and the Dalkeith & District Community Council to discuss the draft CACAMP and in response a minor amendment to paragraph 9 of the CACAMP was made to highlight the significance of the Justinlees Inn building.

In response to questions raised by Members the Planning, Sustainable Growth and Investment Manager provided clarity on conservation areas and planning permission and how these are considered, he advised that particular focus was given to the design and materials but also highlighted that this did not exclude modern techniques or materials but consideration was given on a site by site basis. He also provided clarity that minor changes to documents relate to formatting and typing errors and are not material changes to the document.

Decision

The Committee:

- Adopted the Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan;
- Adopted the Newtongrange Conservation Area Character Appraisal and Management Plan;
- Authorised the Planning, Sustainable Growth and Investment Manager to make any necessary minor editing and design changes of the Conservation Area Character Appraisal and Management Plans prior to publication.

Agenda No	Report Title	Submitted by:
5.6	Supplementary Guidance: Low Density Rural Housing	Chief Officer Place

Outline of report and summary of discussion

Explain relationship between supplementary

The purpose of this report was to seek agreement to the adoption of the Low Density Rural Housing Supplementary Guidance, a copy of which is appended to this report.

The Planning, Sustainable Growth and Investment Manager advised that at its meeting In November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP), which included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas, one of these topic areas that needs further clarification is with regards to low density rural housing.

At its meeting in November 2021, the committee approved the draft Low Density Rural Housing Supplementary Guidance for consultation and agreed to consider a further report on the Supplementary Guidance following the proposed consultation. Following the consultation 1 response was received and Appendix A outlines the comments received with the Officers responses and a track change copy of the draft Low Density Rural Housing Supplementary Guidance document showing proposed deletions and additions to the document arising from the consultation is attached to this report as Appendix B.

The Planning, Sustainable Growth and Investment Manager provided clarity on the relationship between the Supplementary Guidance and the Local Development Plan advising that the Supplementary Guidance is an additional document and once adopted will form part of the Development Plan. He also advised that the next local plan will be produced under new regulations which will change the process and what we now call the Supplementary Guidance will be incorporated as part of the Development Plan.

In response to a question raised by Councillor Smail with regards to not having to use natural materials the Planning, Sustainable Growth and Investment Manager highlighted that this was to enable some additional housing, low in number in rural locations and the trade-off for a small number of units there would be investment in biodiversity and environmental enhancement.

Decision

The Committee:

- Agreed to the adoption of the Low Density Rural Housing Supplementary Guidance (as amended following the consultation process);
- Determined that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so does not trigger the need for a formal Strategic Environmental Assessment;
- Instructed the Planning, Sustainable Growth and Investment Manager to undertake the required notification/advertisement advising that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so will not be carrying out Strategic Environmental Assessment;
- Instructed the Planning, Sustainable Growth and Investment Manager to notify the Scottish Ministers of the Council's intention to adopt the Low Density Rural Housing Supplementary Guidance;
- To be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.7	Application for Planning Permission 21/00982/PPP for Detailed Planning Permission for the Erection of Business (Class 4) Units and Drive-Through Coffee Shop (Sui Generis), with Associated Car Parking, Access, Infrastructure, and Landscaping; and Planning Permission In Principle for Business (Class 4) Use at Land at Sheriffhall South, Melville Gate Road, Dalkeith	Chief Officer Place

Outline of report and summary of discussion

The Chair advised the committee to note that an email had been circulated to all members regarding this application which included the The Planning, Sustainable Growth and Investment Manager's responses.

The application was a hybrid application which comprised of a detailed application for the erection of 24 business (Class 4) units, spread across 5 blocks with a total floor space of 4257 sqm; a drive through coffee shop; with associated car parking, access roads and drainage infrastructure; and an application for planning permission in principle for a further three Class 4 plots all situated on land to the south of Sheriffhall roundabout.

There had been 15 representations objecting to the application and one neutral representation and consultation responses from the Coal Authority, Network Rail, Scottish Water, SP Energy Networks, Transport Scotland, the Council's Archaeology Advisor, the Council's Biodiversity Advisor, the Council's Land and Countryside Manager, the Council's Policy and Road Safety Manager, the Council's Senior Manager Protective Services, the Bonnyrigg and Lasswade Community Council and the Eskbank and Newbattle Community Council.

The Planning, Sustainable Growth and Investment Manager provided a summary of the application and the recommended decision.

Thereafter The Planning, Sustainable Growth and Investment Manager responded to questions and comments raised by the committee with regards to the number of trees lost and provided details on the ancient woodland which would be retained and that some trees would be removed but felt it was a good balance on the number lost against the economic development. Also raised was the requirement of a Coffee shop in this area and the Planning, Sustainable Growth and Investment Manager advised that there had been a lengthy discussion regarding this and he advised that it was agreed that the first 24 units were locked into being delivered at the same time as the Coffee Shop and that the Coffee Shop was an integral part of this development. A lengthy discussion took place regarding this and further concerns were raised with regards to litter, the woodland, flooding issues, walkways, cycle routes and safe travel and the Planning, Sustainable Growth and Investment Manager addressed all the issues raised providing reassurances and also confirmed that he would look at this personally to ensure there was an appropriate landscape scene for this site.

The Planning, Sustainable Growth and Investment Manager also confirmed that he would also bring back to a future committee meeting a paper regarding the tree policy confirming that policies are already in place and the MPF4 increases the balance given to tree planting and biodiversity.

Following discussion Councillor McKenzie, seconded by Councillor Pottinger moved to refuse Planning Permission.

As an Amendment, Councillor Winchester, seconded by Councillor Smail moved to grant Planning Permission subject to the careful consideration of the conditions relating to the loss of trees and the litter collection plan.

On a vote being taken, 3 Members voted for the Motion and 12 Members for the Amendment, which accordingly became the decision of the Committee.

Decision

That Committee agreed that planning permission be granted for the following reason:

The majority of the site is an allocated economic land supply site and the main proposed use complies with the allocated use. The Class 4 development complies with policies STRAT1 and ECON1 of the Midlothian Local Development Plan 2017. The drive-through coffee shop will help finance the development infrastructure that will aid the delivery of a stalled allocated site and this is a significant enough material consideration to support development that is contrary to policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan. The planning history of the site is a material consideration that supports the development of drainage infrastructure within the Green Belt that is contrary to policy ENV1 of the Midlothian Local Development Plan.

Subject to developer contributions towards the A7 Urbanisation scheme and the Borders Rail Line.

Subject to the conditions as detailed within the Report and in particular careful consideration is given to the conditions relating to the Trees and also to the Litter Collection Plan

Action

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.8	Application for Planning Permission 21/00338/DPP for Erection of Food store (Class 1); Formation of Access Roads and Car Parking and Associated Works at Land at the Junction of the A701 and Pentland Road, Old Pentland, Loanhead.	Chief Officer Place
Outline of report and summary of discussion		
<p>The application was for the erection of a retail food store (Class 1), formation of access roads, car parking, and associated works on land at the junction of the A701 and Pentland Road, Old Pentland, Loanhead.</p> <p>There have been five representations objecting to the application and one neutral representation and consultation responses from Transport Scotland, Scottish Water, the Council's Biodiversity Advisor, the Council's Policy and Road Safety Manager, the Council's Flood Officer, the Council's Senior Manager Protective Services, the Roslin and Bilston Community Council, the Damhead Community Council and the Loanhead and District Community Council.</p> <p>The Planning, Sustainable Growth and Investment Manager provided a summary of the application and the recommended decision.</p>		

The Chair advised that this report was called into Committee by Councillor Winchester and invited Councillor Winchester to give her reasons for calling in this application. Councillor Winchester highlighted her reasons for this call-in advising that she had a number of emails supporting this application and felt it would benefit having a wider discussion.

Councillor Smail referenced a previous debate under the plan approved in 2017 and highlighted that the retail world had moved on that this be approved subject to improvement to the landscape.

Councillor Parry questioned why the recommendation was to refuse when Councillors were receiving so many emails supporting this. In response The Planning, Sustainable Growth and Investment Manager confirmed that Elected Members seemed to have been contacted by more local residents than the planning department who had only received 6 representations. He further provided a detailed explanation on the reasons detailed within the report which supported the refusal of this planning permission advising that within the 2017 Plan this land was allocated as countryside and the hierarchy of retail development.

A lengthy discussion regarding the location of this application, objections received and the benefit to the community if this was approved. Concerns were also raised with regards to A701, the traffic management and the impact this will have on the area. The Planning, Sustainable Growth and Investment Manager advised that a traffic assessment had been considered and this could be accommodated within the traffic flow and a green travel flow would be a condition. Further discussion took place with regards to the side of the road this development was to be located and it was highlighted that there are existing facilities already on this side of the road.

Councillor Parry, seconded by Councillor Alexander moved a Motion to approve this Planning Application.

Decision

The Planning Committee approved this application subject to Developers Contributions for the A701 and delegate the conditions to be set by the Planning, Sustainable Growth and Investment Manager

Action

The Planning, Sustainable Growth and Investment Manager

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday 30 August at 1.00pm

The meeting terminated at 15:37