

# Minute of Meeting

Planning Committee  
Tuesday 2023  
Item No: 4.1



## Planning Committee

Date	Time	Venue
Tuesday 16 May 2023	1.00 pm	Council Chambers, Midlothian House

### Present:

Councillor McCall (Chair)	Councillor Bowen
Councillor Cassidy	Councillor Drummond
Councillor McManus	Councillor Milligan
Councillor Parry	Councillor Pottinger
Councillor Russell	Councillor Scott
Councillor Small	Councillor Virgo
Councillor Winchester	

### In Attendance:

Alan Turpie	Legal and Governance Manager
Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer
Hannah Forbes	Democratic Services Assistant

## 1. Apologies

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Apologies for absence were received from Councillor Alexander, Councillor Curran, Councillor Imrie, Councillor McEwan and Councillor McKenzie.

In the absence of the Chair, Councillor Parry, seconded by Councillor Scott nominated Councillor McCall to Chair this meeting.

## 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 March 2023 was submitted and approved as a correct record subject to the following amendment, Councillors McManus and Winchester had submitted apologies and were not in attendance.

## 5. Reports

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Agenda No	Report Title	Submitted by:
5.1	Discretionary Charging for the Planning Service	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of the report was to inform the Committee of The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, which came into effect on 1 April 2022, and to seek approval for new Planning Service discretionary fees to be applied for services and a surcharge to be applied to retrospective planning applications.</p> <p>The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, which came into effect on 1 April 2022, increased the fees which were required in connection with planning applications and introduced the opportunity to apply discretionary charging for services provided by the planning authority.</p> <p>At its meeting on 21 March 2023 the Council agreed to introduce discretionary charging for the Planning Service. The discretionary charging for the Planning and Building Services was estimated to generate £16,000 for 2023/24 (£10,000 of which will be from the Planning Service).</p> <p>The Planning, Sustainable Growth and Investment Manager in responding to a question raised regarding the surcharge for retrospective planning applications advised that the surcharge of 25% was set and they were unable to charge any more than this. Also raised was Developer Contributions and it was noted that this</p>		

was under review and will be discussed with Elected Members as part of the MLDP2 workshops.

**Decision**

The Planning Committee approved the Planning Fees Charter.

**Action**

The Planning, Sustainable Growth and Investment Service Manager

Agenda No	Report Title	Submitted by:
5.2	Elected Member Workshops on National Planning Framework No. 4 And Midlothian Local Development Plan 2 and an Update on the Engagement	Chief Officer Place

**Outline of report and summary of discussion**

The purpose of this report was to set out the date for the upcoming Elected Member workshops on National Planning Framework No.4 (NPF4) and the Midlothian Local Development Plan 2 (MLDP2). The report also provides an update on MLDP2 work streams and seeks approval of an Engagement Plan.

At its meeting of 28 February 2023 the Committee considered a report on the National Planning Framework No.4 (NPF4) and formally launched its review of its local development plan in accordance with the indicative timescale as detailed in the report.

Following the Committee's decision on the 28 February 2023 the formal commencement of MLDP2 has been undertaken in accordance with stage 1 of the timeline and invitations to community groups to prepare Local Place Plans in accordance with stage 2 of the timeline has been undertaken. The Planning Service is now undertaking widespread engagement to inform the production of MLDP2 in accordance with stage 3 of the timeline. The plan for this engagement is set out in an Engagement Plan attached to this report as Appendix A.

**Decision**

The Planning Committee:

- a) Noted the details of the Elected Member workshops arranged with regards to NPF4 AND MLDP2;
- b) Approved the MLDP2 Engagement Plan (Appendix A) and
- c) Authorised the Planning, Sustainable Growth and Investment Service Manager to update the MLDP2 Engagement Plan as and when necessary.

**Action**

The Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Submitted by:
5.3	Tree Preservation Order (1 of 2023) at land at the Kiln (Kiln Cottage), Quarrybank, Cousland and land at Northfield Farm, Cousland	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2023 issued on 25 January 2023 for twelve individual trees (T1 – T12) and four groups of trees (G1 to G4) at land at The Kiln (Kiln Cottage), Quarrybank, Cousland. The report also sought the Committee's approval to amend the TPO.</p> <p>At its meeting of 10 January 2023 the Committee determined to issue a TPO regarding twelve individual trees (T1 – T12) and four groups of trees (G1 to G4) at land at The Kiln (Kiln Cottage), Quarrybank, Cousland. The TPO came into effect on 25 January 2023 and continues in force for six months (until 25 July 2023) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).</p> <p>Following the service of the TPO the landowners were given the opportunity to make representation. Three representations were received as set out in Section 3. In response to the consultation process and the approved works to trees application reference it is proposed to amend the TPO as set out in Section 3.11.</p> <p>There followed a brief discussion regarding the use of drones to provide better pictures and videos and Mr Oliver agreed to bring back a report on the use of drones, the training required and also the additional resource required.</p>		
<b>Decision</b>		
<p>The Planning Committee:</p> <ul style="list-style-type: none"> <li>a) Confirmed the Tree Preservation Order (1 of 2023) as modified for eight individual trees (T1 – T8) and four groups of trees (G1 to G4) at land at The Kiln, Quarrybank Cousland and land at Northfield Farm, Cousland; and</li> <li>b) Instructed the Planning, Sustainable Growth and Investment Service Manager to carry out the necessary procedures, following confirmation and endorsement of a tree preservation order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.</li> </ul>		
<b>Action</b>		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Submitted by:
5.4	Pre-Application Report - Erection of Community Education Campus and Associated Works at Mayfield Nursery School (23/00245/PAC)	Chief Officer Place
<b>Outline of report and summary of discussion</b>		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for the demolition of existing buildings (Mayfield Nursey School, Saint Luke’s RC School and Mayfield Primary School) and erection of new community campus comprising denominational and non-denominational primary school, additional support needs (ASN), nursery with associated sports pitches, parking and roadways and refuse store at Mayfield Nursery School, Stone Avenue, Mayfield.</p> <p>The pre-application consultation was reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional, without prejudice, planning view regarding the principle of development.</p> <p>Elected Members welcomed this development but raised their concerns with regards to construction traffic and highway issues and drop off points that will arise once the development is completed. The Planning and Sustainable Growth and Investment Manager noted the comments made and would take back to the Developers.</p>		
<b>Decision</b>		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> <li>a) The provisional planning position set out in this report;</li> <li>b) That any comments made by Members will form part of the minute of the Committee meeting; and</li> <li>c) That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.</li> </ul>		
<b>Action</b>		
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 13 June 2023 at 1.00pm

The meeting terminated at 13.25 pm