

Minute of Meeting



Planning Committee

Date	Time	Venue
1 September 2020	11.00 am	Virtual Meeting, Microsoft Teams

Present:

Councillor Imrie	Chair
Councillor Alexander	
Councillor Cassidy	
Councillor Curran	
Councillor Hackett	
Councillor Johnstone	
Councillor Lay-Douglas	
Councillor McCall	
Councillor Milligan	
Councillor Parry	
Councillor Muirhead	
Councillor Russell	
Councillor Winchester	

1. Apologies for Absence and Appointment of Chair

Apologies for absence were intimated on behalf of Councillors Baird, Smaill, Hardie and Wallace.

2. Order of Business

The order of business was as outlined in the agenda.

3. Declarations of interest

Councillor Winchester declared an interest in Item 5.4 Application for Planning Permission for Change of Use from Public House to Mixed Use of Public House/Restaurant and Hot Food Takeaway and Associated External Alterations advising that she had met with members of Community Council but advised that she had not expressed a decision to them or been swayed in any way.

Councillor Muirhead declared an interest in Item 5.4 Application for Planning Permission for Change of Use from Public House to Mixed Use of Public House/Restaurant and Hot Food Takeaway and Associated External Alterations and that he would leave the meeting for this item as he was secretary/treasury of the Trust that leased the building to the Applicant.

Councillor McCall declared an interest in Item 5.1 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. Councillor McCall advised that she had been at Penicuik Community Council and also public meetings organised by the Community Council where this was discussed but at no stage made comments about her thoughts regarding the application.

Councillor Johnstone declared an interest in Item 5.4 Application for Planning Permission for Change of Use from Public House to Mixed Use of Public House/Restaurant and Hot Food Takeaway and Associated External Alterations at 119 Hunterfield Road, Gorebridge and advised that she would leave the meeting at that point and take no part in the discussion. At the request of Councillor Johnstone, Mr Turpie as Monitoring Officer provided the Committee with the reasons for this declaration of interest.

Councillor Cassidy declared an interest in item 5.4 Application for Planning Permission for Change of Use from Public House to Mixed Use of Public House/Restaurant and Hot Food Takeaway and Associated External Alterations and advised that the Applicant came to his place of work but Councillor Cassidy made no comments on the application he would withdraw from the meeting.

Councillor Cassidy asked for clarification on this matter from Mr Turpie. As Monitoring Officer, Mr Turpie advised that Councillors are there to listen to members of the public and it was acceptable for Applicants to speak to Councillors regarding planning issues as long as Councillors do not express an opinion either way.

4. Minutes of Previous Meetings

The Minute of Meeting of 9 June 2020 was approved as a correct record.

5. Reports

Agenda No	Report Title	Report by:
5.1	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 outlining the application for planning permission for the erection of 12 Flatted Dwellings at the land at Windsor Square, Penicuik. This application was presented to the Committee on the 9 June 2020 and it was agreed after discussion to continue consideration of the application to allow a site inspection visit to take place. A site visit took place on 31 August 2020.</p> <p>The recommendation was to grant planning permission subject to conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure.</p> <p>Councillor McCall expressed her thanks for the site visit taking place and highlighted her concerns with regards to this application. There followed a lengthy discussion in which the Planning Manager responded to the concerns highlighted by the members of the Committee.</p> <p>It was recognised that although development was required on the site some members did raise concerns on the detrimental impact it would have on the residents. It was also noted that if the development did not proceed and the care home was not demolished this would also have an impact on this site.</p> <p>Councillor McCall moved a Motion against the recommendation to grant planning permission as it would have a detrimental impact on the area. This was seconded by Councillor Parry.</p> <p>Councillor Imrie moved an Amendment to grant planning permission as detailed in the report. This was seconded by Councillor Muirhead.</p> <p>Councillor McCall asked for the minute to include a Roll Call of the decision. Mr Turpie advised that to have a Roll Call vote a third of the committee must agree to this, this was confirmed with a show of hands.</p> <p>The outcome of the Roll Call vote was 4 for the Motion not to grant Planning Permission and 9 for the Amendment to grant Planning Permission that then became the decision of the Committee. Details of the Roll call vote are attached to the minute as Appendix 1.</p>		

Decision

The Planning Committee approved the recommendations to grant planning permission for the following reasons:

The proposed development would be in keeping with the scale and character of the surrounding area; would provide adequate open space and parking provision; and would not have a significant detrimental impact on the residential amenity of the area. The proposal therefore complies with policies STRAT2, DEV2, DEV5, DEV6, DEV7, TRAN5, IT1, ENV9, ENV10, IMP1 and IMP2 of the Midlothian Local Development Plan 2017

Subject to the conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure as detailed in the report.

Action

Planning Manager

Agenda No	Report Title	Report by:
5.2	Application for Planning Permission in Principle for Residential Development with Associated Engineering Works, Open Space and Landscaping at Land North of Oak Place, Mayfield. (19/00981/PPP)	Chief Officer Place

Outline of report and summary of discussion

There was submitted report, dated 18 August 2020, by the Chief Officer Place outlining the application for planning permission in principle for residential development on land to the north east of Mayfield. There had been eight representations and consultation responses from the Coal Authority, Scottish Water, the Scottish Environment Protection Agency (SEPA), the Council's Archaeological Advisor, the Council's Flooding Officer, the Council's Policy and Road Safety Manager, the Council's Head of Education, the Council's Environmental Health Manager, the Council's Housing Planning and Performance Manager and Mayfield and Easthouses Community Council.

The recommendation was to grant planning permission in principle subject to conditions and securing developer contributions towards necessary infrastructure and affordable housing provision.

The Planning Manager responded to comments from the Committee with regards to their concerns on the condition which set out the maximum number of units being 170. He advised that it is normal to put a cap on the number of units and that the site would not support 170 units but this figure was put in to safeguard the developer's contributions. Also raised was the Education capacity and the Education Resource Manager updated the committee on the capacity within the schools in this area.

Councillor Hackett moved that the application for planning permission be accepted, this was seconded by Councillor Muirhead and as there was no objections this then became the decision of the Committee.

Decision

The Planning Committee approved the recommendations to grant planning permission for the following reasons:

The majority of the site was allocated for housing and forms part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 where there was a presumption in favour of residential development. The remainder of the site was located within the built-up area of Mayfield where there was a presumption in favour of appropriate development, including contributing to the provision of housing. This presumption in favour of development was not outweighed by any other material considerations.

Subject to conditions and securing developer contributions towards necessary infrastructure and affordable housing provision as detailed in the Report.

Action

Planning Manager

Agenda No	Report Title	Report by:
5.3	Application for Planning Permission in Principle for a Mixed Use Development Comprising: Class 4 (Business Use); Class 5 (General Industry); Class 6 (Storage And Distribution); and Sui Generis Uses (Home Improvement Showrooms/Warehousing, Builders Merchant and Car Showroom) (Amendment of Acceptable Uses of the Site from Use Classes 4 and 5 Approved by the Grant of Planning Permission 02/00660/OUT) at Whitehills, Whitehill Road, Millerhill, Dalkeith (19/00748/PPP	Chief Officer Place
Outline of report and summary of discussion		
<p>There was submitted a report dated 18 August 2020, by the Chief Officer Place outlining the application for planning permission in principle for a mixed use development at Whitehills, Whitehill Road, Millerhill, There have been no representations and consultation responses.</p> <p>The recommendation is to grant planning permission subject to conditions and the applicant entering in to a Planning Obligation.</p> <p>In responding to a question raised the Planning Manager confirmed that there have been no objections from Edinburgh and that the Planning Committee work closely with neighbouring councils when considering these applications. The Chair commented positively on this application for generating new jobs in Midlothian.</p>		

Decision
<p>The Planning Committee approved the recommendations to grant planning permission for the following reasons:</p> <p style="text-align: center;"><i>The proposed mixed use development site was identified as being part of the Council's established economic land supply within the Midlothian Local Development Plan 2017 and as such there was a presumption in favour of the proposed development. This presumption in favour of development, along with a flexible approach to accommodating a range of employment generating uses during difficult economic conditions was not outweighed by any other material considerations.</i></p> <p>Subject to the conditions and the applicant entering into a planning obligation as detailed in the Report.</p>
Action
<p>Planning Manager</p>

With reference to item 3 above Councillor Muirhead, Councillor Cassidy and Councillor Johnston having declared an interest in the following item of business left the meeting at approximately 14.25 pm taking no part in the consideration of this item.

Agenda No	Report Title	Report by:
5.4	<p>Application for Planning Permission for Change of Use from Public House to Mixed Use of Public House/Restaurant and Hot Food Takeaway and Associated External Alterations including Infilling of Window Openings and Formation of New Window and Door Openings (Retrospective) at 119 Hunterfield Road, Gorebridge (20/00209/DPP).</p>	<p>Chief Officer Place</p>
Outline of report and summary of discussion		
<p>There was submitted a report dated 18 August 2020, by the Chief Officer Place outlining the application for planning permission for the change of use from public house to a mixed use of public house/restaurant and hot food takeaway at 119 Hunterfield road, Gorebridge. There have been 53 representations and consultation responses from the Council's Policy and Road Safety Manager and the Council's Environmental Health Manager.</p> <p>The recommendation is to grant planning permission subject to conditions, including a condition restricting the hot food takeaway component of the application.</p> <p>After discussion regarding supporting local businesses and the proximity to the schools with regards to the hot food takeaway it was acknowledged that the hours of opening for the hot food takeaway was Monday – Sunday 4 pm – 11 pm which was out with school times therefore it was agreed that condition 1 be removed from the planning permission and that planning permission was granted.</p>		

Decision

The Committee agreed to grant planning permission with condition 1 removed for the reasons below:

The development will not have an adverse impact on the character of the area or on the amenity of neighbouring land and buildings and therefore complies with policies DEV2 and ENV18 of the Midlothian Local Development Plan 2017 and the adopted Supplementary Guidance for Food and Drink and Other Non-Retail Uses in Town Centres.

Subject to conditions 2 – 5 as detailed in the report.

Action

Planning Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting will be held on Tuesday 13 October 2020.

The meeting terminated at 14.36 pm

PLANNING COMMITTEE

DATE: 1 September 2020

Agenda Item No: 5.1

SUBJECT: 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).

ROLL CALL VOTE

Name	Motion – Against Planning Permission	Amendment – Grant Planning Permission	Abstain
By	Debbie McCall	Russell Imrie	
2nd	Kelly Parry	Jim Muirhead	
Cllr Alexander		X	
Cllr Baird	-	-	-
Cllr Cassidy		X	
Cllr Curran	X		
Cllr Hackett		X	
Cllr Hardie	-	-	-
Cllr Imrie		X	
Cllr Johnstone		X	
Cllr Lay-Douglas		X	
Cllr McCall	X		
Cllr Milligan		X	
Cllr Muirhead		X	
Cllr Munro	-	-	-
Cllr Parry	X		
Cllr Russell		X	
Cllr Smail	-	-	-
Cllr Wallace	-	-	-
Cllr Winchester	X		
TOTAL	4	9	

Decision: On a Roll Call Vote of those Members present having been taken, 4 voted for the Motion not to grant Planning Permission and 9 voted for the Amendment to Grant Planning Permission, which accordingly became the decision of the Committee.