

Minute of Meeting

Planning Committee
Tuesday 14 May 2019
Item No 4.1



Planning Committee

Date	Time	Venue
2 April 2019	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Lay-Douglas
Councillor McCall	Councillor Muirhead
Councillor Munro	Councillor Russell
Councillor Smail	Councillor Wallace

In Attendance:

Mary Smith, Director, Education, Communities and Economy	Peter Arnsdorf, Planning Manager
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Mike Broadway, Democratic Services Officer	

1. Apologies

Apologies for absence were intimated on behalf of Councillors Johnstone, Milligan, Parry and Winchester.

2. Order of Business

The order of business was confirmed as outlined in the agenda.

3. Declarations of interest

No declarations of interest were received

4. Minutes of Previous Meetings

The Minute of Meeting of the Committee which took place on 19 February 2019 was submitted for approval. The Committee unanimously approved the Minute and the Chair was authorised to sign it as a true record of the meeting.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Development Plan Scheme for Midlothian Number 11	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy seeking approval for the Development Plan Scheme for Midlothian No. 11 (DPSM11) which was required to be published annually to satisfy legislative requirements. Each year local planning authorities were required to prepare and submit a Development Plan Scheme (DPS) to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for its area over the coming twelve months.		
Decision		
The Committee, having heard from the Planning Manager: (a) Approved the Development Plan Scheme for Midlothian No.11 (DPSM11); a copy of which was appended to the report; and (b) Agreed to the publication of the DPSM11, copies to be placed in all public libraries and to formally submit a copy to Scottish Ministers.		
Action		
Director, Education, Communities and Economy/Planning Manager		

Agenda No	Report Title	Presented by:
5.2	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Outline of report and summary of discussion
<p>There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in Appendices A and B attached to this report.</p>
Decision
The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2019 and the updates for each of the applications.
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 22 March 2019 by the Director, Education, Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in March 2019 and two appeal decisions received from Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> Dated 12 March 2019, upholding an appeal by Midlothian Developments against refusal of planning permission for the erection of one dwellinghouses at Land adjoining Airybank House, Quarrybank/Kilns Road, Cousland (18/00592/DPP) and granting planning permission, subject to conditions; and Dated 12 March 2018, upholding an appeal by Midlothian Developments against refusal of planning permission for the erection of three dwellinghouses at Land adjoining Airybank House, Quarrybank/Kilns Road, Cousland (18/00593/DPP) and granting planning permission, subject to conditions, and a legal agreement. 		
Decision		
<p>The Committee:</p> <p>(a) the decisions made by the Local Review Body at its meetings on 5 March 2019; and</p> <p>(b) the outcome of the appeals determined by Scottish Ministers</p>		
Action		
Planning Manager		

Sederunt
Councillor Hackett joined the meeting during consideration of the foregoing item of business, at 1.03 pm.

Agenda No	Report Title	Presented by:
5.4	Supplementary Guidance: Resource Extraction	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.2 of the Minutes of 22 January 2019, there was submitted report, dated 22 March 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Resource Extraction Supplementary Guidance.</p> <p>The report explained in particular that –</p> <ul style="list-style-type: none"> the required public notification/advertisement advising that the Resource Extraction Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 31 January 2019; and Scottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 19 February 2019 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance 		
Decision		
The Committee, having heard from the Planning Manager, noted the update on adoption of the Special Landscape Areas Supplementary Guidance.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.5	Supplementary Guidance: Food and Drink and Other Non-Retail Uses in Town Centres	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.1 of the Minutes of 20 November 2018, there was submitted report, dated 22 March 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance.</p> <p>The report explained in particular that –</p> <ul style="list-style-type: none"> the required public notification/advertisement advising that the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 28 February 2019; and 		

<ul style="list-style-type: none"> Scottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 4 March 2019 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance
Decision
The Committee, having heard from the Planning Manager, noted the update on adoption of the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance.
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.6	Tree Preservation Order for Trees at the Former Wellington School Site and on Land to the South and East of Ard Craig, Penicuik	Peter Arnsdorf
Outline of report and summary of discussion		
<p>With reference to paragraph 6.1 of the addendum of the Minutes of 28 August 2018, there was submitted report, dated 22 March 2019 by the Director, Education, Communities and Economy, concerning the Tree Preservation Order made to protect the trees and groups of trees on land at the former Wellington School and on land to the south and east of Ard Craig. Penicuik (residential property off the A701) between the A701 and the Lead Burn.</p> <p>The report explained that the TPO which had come into effect on 5 December 2018 would remain in effect for six months, unless the Local Planning Authority 'confirmed' the TPO. To 'confirm' the Order the Local Planning Authority must register the TPO in the Land Register of Scotland, place a copy on its own TPO register and notify the Forestry Commission, interested persons and any person who has made a representation</p> <p>The Committee, having heard from the Planning Manager, acknowledged that protecting trees with a preservation order did not prevent the owners from carrying out necessary work to the trees or to improve the land, it simply ensured that such works were carried out in accordance with an appropriate management plan which has to be agreed with the Council in advance.</p>		
Decision		
The Committee agreed to confirm the TPO to protect the trees and groups of trees on land at the former Wellington School and on land to the south and east of Ard Craig. Penicuik (residential property off the A701) between the A701 and the Lead Burn.		
Action		
Planning Manager/Legal Services Manager		

Sederunt

With reference to item 3 above, Councillor Hackett declared a non-pecuniary interest in the following item of business, on the grounds that not long after being elected as a Councillor he had naively offered a view making reference to this particular application. He withdrew from the meeting at 1.08 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.7	Proposed erection of 64 Dwellinghouses; Car Parking and Associated Works at Land South East of Tynewater Primary School, Crichton Road, Pathhead (19/00076/PAC)	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 22 March 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding the proposed erection of 64 dwellinghouses; car parking and associated works at land south east of Tynewater Primary School, Crichton Road, Pathhead (19/00076/PAC).</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, having heard from the Planning Manager, discussed the potential for the developers to enter into dialogue with the A68 Group, who themselves were in discussion with Transport Scotland, as trunk roads authority, regarding road safety in Pathhead. Concerns having been raised about the fact that the development site was on the opposite side of the A68 to many facilities.</p>		
Decision		
<p>The Committee noted:</p> <ul style="list-style-type: none">(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		
Director, Education, Communities and Economy; Planning Manager		

Sederunt
Councillor Hackett rejoined the meeting at the conclusion of the foregoing item of business at 1.12 pm.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the Erection of a Community Facility incorporating Primary School; Early Years Provision; Library and Leisure Facilities at Land at Danderhall Primary School and Danderhall Recreation Ground, Edmonstone Road, Danderhall (18/00735/DPP).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>The Committee, having heard from the Planning Manager, acknowledged the importance to the local community of delivering on the proposals to mitigate the loss of the informal open space through access to facilities being made available out of hours.</p>		
Decision		
<p>The Committee agreed to grant the planning permission for the following reasons</p> <p><i>The site is located within the settlement boundary of Danderhall and on a site with an established educational and community use and as such there is presumption in favour of an appropriate educational and community use development. 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.</i></p> <p>subject to the detailed conditions set out in the report.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission in Principle for Residential Development and Associated Works at Site HS19 Land to the Northwest of Moat View, Roslin (18/00535/PPP).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.</p>		

Having heard from the Planning Manager, the Committee considered the potential use of developer contributions towards Roslin Country Park, the provision for affordable housing; and the likely impact of the proposal to link the spine road within the proposed development site to the spine road within the neighbouring Chapel Lawns development to the west on Core Path 29, which was the subject of a 450 signature online and paper petition.

Decision

The Committee, after further discussion, agreed to grant the planning permission for the following reason:

The proposed development site is identified as being part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed residential development. This presumption in favour of development is not outweighed by any other material considerations.

subject to:

- i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, the A701 Relief Road, community facilities/space and the maintenance of children's play areas/open space.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- ii) the detailed conditions as set out in the report.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the erection of 43 dwellinghouses and 8 flatted dwellings; the formation of associated access road; and a sustainable urban drainage system (SUDS) on land 65m west of Rosslyn Bowling Club, Main Street, Roslin (18/00703/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 22 March 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>The Committee, having heard from the Planning Manager, discussed seeking developer contributions from this and other proposed developments along the A701 corridor towards improved public transport links.</p>		

Decision
<p>The Committee agreed to grant the planning permission for the following reason:</p> <p><i>The proposed development site is allocated in the Midlothian Local Development Plan 2017. 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, subject to securing developer contributions. There would be no significant harm to the amenity of any neighbouring property. The presumption for development is not outweighed by any other material considerations.</i></p> <p>subject to:</p> <ul style="list-style-type: none"> i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, the A701 Relief Road, community facilities/space, the maintenance of children's play areas/open space and public transport. <p>The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.</p> <ul style="list-style-type: none"> ii) the conditions as set out 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 14 May 2019.

The meeting terminated at 1.42 pm