

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 3 March 2015 at 2.00 pm.

Present:- Councillors Bryant (Chair), Baxter, Coventry, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie, Russell, Wallace and Young.

Apologies for Absence: - Councillors Beattie, Bennett, Constable, de Vink and Thompson.

1. Declarations of Interest

No declarations of interest were intimated.

2. Minutes

The Minutes of Meeting of 13 January 2015 were submitted and approved as a correct record.

3. Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage

There was submitted report, dated 24 February 2015 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

The Committee, heard from the Planning Manager who, in responding to Members' questions, gave a brief update on progress of the applications for proposed residential developments on land adjacent to Rullion Road, Penicuik and land between Deanburn and Mauricewood Road, Penicuik.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2015; and
- (b) To receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Communities and Economy)

4. Appeal and Local Review Body Decisions

There was submitted report, dated 24 February 2015, by the Head of Communities and Economy, detailing the notices of reviews determined by the Local Review Body (LRB) at its meeting in January 2015 and also detailing the outcome of an appeal determined by Scottish Ministers.

The report advised that the appeal by Mr and Mrs Jamieson was against refusal to issue a high hedge notice (14/00332/HH) concerning a hedge at 15 Cairnbank Road, Penicuik. The Scottish Ministers had dismissed the appeal and upheld the refusal to issue a high hedge notice on the grounds that there was no adverse effect from the high hedge.

Decision

- (a) To note the decisions made by the LRB at its meeting on 20 January 2015; and
- (b) To note the outcome of the appeal determined by Scottish Ministers.

5. Tree Preservation Orders – (a) Trees at Beech Avenue at Rosemay Farm, Leadburn, Penicuik

With reference to paragraph 1 of the addendum of the Minutes of 10 October 2014, there was submitted report, dated 24 February 2015 by the Head of Communities and Economy, concerning the Group Tree Preservation Order made to protect the tree lined avenue at Rosemay Farm, Leadburn, on land stretching from Woodend Cottage in the south-west, to the A701 in the north-east.

The report explained that the TPO which had come into effect on 13 November 2014 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

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.

Decision

To confirm the TPO to protect the double row of mature beech trees at Rosemay Farm, Leadburn, Penicuik.

(Action: Head of Communities and Economy /Legal Manager)

(b) Trees at B6414 on the Former Laidlaw and Fairgrieve Site at Thornybank, Dalkeith

With reference to paragraph 2 of the addendum of the Minutes of 10 October 2014, there was submitted report, dated 24 February 2015 by the Head of Communities and Economy, concerning the Tree Preservation Order made in respect of five mature silver birch trees and one early – mature beech tree, located on the boundary of the former Laidlaw and Fairgrieve site at Thornybank, Dalkeith.

The report explained that the TPO which had come into effect on 13 November 2014 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

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.

Decision

To confirm the TPO to protect the five silver birch trees and an early mature beech tree on land adjacent to the B6414 at Thornybank, Dalkeith.

(Action: Head of Communities and Economy /Legal Manager)

6. Pre Application Consultation - Land at the Former Marshalling Yard at Millerhill - Proposed Energy Recovery Centre and Integrated Waste Recovery Facilities (14/00934/PAC)

There was submitted report, dated 24 February 2015, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed energy recovery centre and integrated waste recovery facilities at land at the former marshalling yard at Millerhill (14/00934/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 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.

Decision

Having heard from the Planning Manager, the Committee:-

- (i) Noted the provisional planning position set out in the report; and
- (ii) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

(Action: Head of Communities and Economy).

7. Application for Planning Permission (14/00518/DPP) by Bett Homes Limited for the Erection of 290 Dwellinghouses, Provision of Land for Business Park, Formation of Associated Access Roads and Sustainable Urban Drainage at Land to the South of Gorton Loan, Rosewell.

With reference to paragraph 6 of the Minutes of 13 January 2015, there was submitted report, dated 24 February 2015, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee considered the various elements that would go towards making up the proposed legal agreement, in particular developer contributions.

In this regards, the issue of education provision was discussed at some length, concerns being raised about the need to augment non-denominational secondary provision capacity, when Members had been assured that the new Lasswade High School had been built with sufficient capacity to accommodate the additional pupils likely to be generated through the development of the existing Midlothian Local Plan sites within the area.

In addition, Members also discussed the growing need to ensure that new developments such as this were adequately equipped to deal with the ever increasing growth in demand for access to digital technology. Whilst it was acknowledged that this was not a material planning consideration, it was considered to be something on which the Council should be taking a proactive stance by encouraging developers to include as part of the essential infrastructure.

Decision

After further discussion, the Committee:-

- (a) Agreed to continue consideration of the application for one cycle to the Planning Committee on 21 April 2015, so that the position in relation to educational provision could be clarified;
- (b) Agreed that in the interim the issue of digital technology provision be taken up with the developer; and
- (c) Noted that Officers would review the position in relation to digital technology provision, seeking the views of Scottish Government and others, and report back to Committee, as necessary, on the potential scope for introducing appropriate Supplementary Planning Guidance.

(Action: Head of Communities and Economy)

The meeting terminated at 2.30 pm.